

Arizona Supreme Court

Rule 28 Petition

R-24-0041

RULE 41, RULES OF CRIMINAL PROCEDURE

Appellate Case Information

Case Filed: 18-Jan-2024

Case Closed: 22-Aug-2024

Dept/Composition

Side 1. RULE 41, RULES OF CRIMINAL PROCEDURE, Other

(Litigant Group) PETITIONER: DAVID K. BYERS

• David K Byers, Administrative Office of the Courts, Petitioner

(Litigant Group) COMMENTORS: HON. WENDY MILLION AND RON REINSTEIN

• Wendy A Million, Commentor

AZ Bar No. 9717

[Current Member]

SOLE PRACTITIONER

Admitted 10/20/84

• Ron Reinstein, Commentor

CASE STATUS

Aug 22, 2024....Case Closed

Aug 22, 2024....Decision Rendered

CASE DECISION

22-Aug-2024 ORDER

* A petition having been filed proposing to amend Rule 41, Forms 4(a) and 4(b) of the Rules of Criminal Procedure, and a comment having been received proposing to amend Rule 41, Form 4(c) of the same rules, upon consideration,

Filed: 22-Aug-2024

Mandate:

Decision Disposition

Adopted as Modified

IT IS ORDERED that Rule 4

Ann Timmer

6 PROCEEDING ENTRIES

1. 18-Jan-2024 FILED: Petition to Amend Rule 41, Arizona Rules of Criminal Procedure to Replace form 4(a) and abrogate from 4(b); Appendix A; Appendix B; Appendix C (Petitioner, David K. Byers, Administrative Office of the Courts, Administrative Director)

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RULE 41, RULES OF CRIMINAL PROCEDURE

6 PROCEEDING ENTRIES

2. 23-Jan-2024 ORDER: On January 18, 2024, David K. Byers, Administrative Director of the Administrative Office of the Courts ("AOC"), filed a rule petition on AOC's behalf to amend Rule 41, Rules of Criminal Procedure, to replace Form 4(a) and abrogate Form 4(b). The petition also moves under Rule 28(i), Rules of the Supreme Court of Arizona, to suspend the January 10 filing deadline in Rule 28(a) of the same rules so the Court may consider the petition during its August 2024 Rules Agenda.
- After considering the motion and finding good cause for suspending part of Rule 28(a)(2) under Rule 28(i), Rules of the Supreme Court of Arizona,
- IT IS ORDERED suspending Rule 28(a) of the Rules of the Supreme Court of Arizona to the extent it provides that this Court may consider a petition during the August 2024 Rules Agenda only if it is filed by January 10, 2024.
- IT IS FURTHER ORDERED that the Court will consider this petition during its August 2024 Rules Agenda.
- IT IS FURTHER ORDERED that this petition is opened for public comment under Rule 28(c), Rules of the Supreme Court of Arizona, with all comments due no later than May 1, 2024, and any reply due no later than June 3, 2024.
- The petition may be viewed by going to: <http://www.azcourts.gov/Rules-Forum>. This opens the "Welcome" page. Petitions are posted under the appropriate body of rules, for example, Rules of Criminal Procedure, which is found by scrolling down the page.
- For instructions on how to post comments electronically, click on <https://www.azcourts.gov/rules/Forum-FAQ> at the top of the "Forum FAQ" page and then "How do I file a comment on a Rule 28 petition?"
- Alternatively, commenters may submit comments by filing an original and one paper copy of the comment and one electronic copy of the written comments and supporting documents in Microsoft Word format on a CD or other compatible electronic medium with the Clerk of the Supreme Court, 1501 West Washington St., Room 402, Phoenix, AZ 85007 in an envelope marked "Rule Comment."
- Any person filing a comment must send a copy of the comment to the Petitioner electronically or by ordinary mail. (Hon. Robert Brutinel)
3. 15-May-2024 FILED: Request to File Late Comment and Comment; Appendix A (Hon. Wendy Million, Tucson City Court and Hon. Ron Reinstein)
4. 24-May-2024 FILED: Reply (Petitioner, David K. Byers, Administrative Office of the Courts, Administrative Director)
5. 20-Aug-2024 WOULD AMEND RULE 41, RULES OF CRIMINAL PROCEDURE, TO REPLACE FORM 4(a) AND ABROGATE FORM 4(b)
- ORDERED: Petition to Amend Rule 41, Arizona Rules of Criminal Procedure to Replace Form 4(a) and Abrogate Form 4(b) = ADOPTED as modified with respect to the forms, effective January 1, 2025, and ADOPTED as modified with respect to the amendments to Rule 41, effective April 1, 2025.
6. 22-Aug-2024 A petition having been filed proposing to amend Rule 41, Forms 4(a) and 4(b) of the Rules of Criminal Procedure, and a comment having been received proposing to amend Rule 41, Form 4(c) of the same rules, upon consideration,
- IT IS ORDERED that Rule 41, Form 4(a) of the Rules of Criminal Procedure is abrogated, effective January 1, 2025.
- IT IS FURTHER ORDERED that a new Rule 41, Form 4(a) of the Rules of Criminal Procedure is adopted in accordance with Attachment A to this order, effective January 1, 2025.
- IT IS FURTHER ORDERED that Rule 41, Form 4(b) of the Rules of Criminal Procedure is abrogated, effective January 1, 2025.
- IT IS FURTHER ORDERED that Rule 41, Form 4(b) of the Rules of Criminal Procedure is reserved in accordance with Attachment B to this order, effective January 1, 2025.
- IT IS FURTHER ORDERED that Rule 41, Form 4(c) of the Rules of Criminal Procedure is amended in accordance with Attachment C to this order, effective January 1, 2025.
- IT IS FURTHER ORDERED that Rule 41 of the Rules of Criminal Procedure is amended in accordance with Attachment D to this order, effective April 1, 2025. (Hon. Ann A. Scott Timmer)