

Arizona Supreme Court

Rule 28 Petition

R-25-0016

RULE 31.23, RULES OF CRIMINAL PROCEDURE

Appellate Case Information

Case Filed: 10-Jan-2025

Case Closed:

Dept/Composition

Side 1. RULE 31.23, RULES OF CRIMINAL PROCEDURE, Other

(Litigant Group) PETITIONER: JASON D. LEWIS

- Jason D Lewis, Petitioner PRO SE

(Litigant Group) COMMENTOR: STATE BAR OF ARIZONA

- State Bar of Arizona, Commentor

Attorneys for: Commentor

Lisa M Panahi, Esq. (AZ Bar No. 23421)

(Litigant Group) COMMENTORS: ARIZONA CAPITAL REPRESENTATION PROJECT, PHILLIPS BLACK, INC., ARIZONA ATTORNEYS FOR CRIMINAL JUSTICE AND FEDERAL PUBLIC DEFENDER FOR THE DISTRICT OF ARIZONA

- Arizona Capital Representation Project, Commentor
Phillips Black, Inc., Commentor
Arizona Attorneys for Criminal Justice, Commentor
Office of the Federal Public Defender for the District of AZ, Commentor

Attorneys for: Commentors

Amy Armstrong, Esq. (AZ Bar No. 22795)
Sam Kooistra, Esq. (AZ Bar No. 32776)
Amy P Knight, Esq. (AZ Bar No. 31374)
John R Mills, Esq. (AZ Bar No. 33217)
Molly Patricia Brizgys, Esq. (AZ Bar No. 29216)
Jennifer Y Garcia, Esq. (AZ Bar No. 21782)
Jon M Sands, Esq. (AZ Bar No. 10441)

(Litigant Group) COMMENTOR: ARIZONA ATTORNEY GENERAL'S OFFICE

- Arizona Attorney General's Office, Commentor

Attorneys for: Arizona Attorney General's Office

Jason Lewis, Esq. (AZ Bar No. 32461)

(Litigant Group) COMMENTOR: CAPITAL CASE OVERSIGHT COMMITTEE

- Capital Case Oversight Committee, Commentor
Hon Ronald S Reinstein, Capital Case Oversight Committee, Commentor

CASE STATUS

Aug 28, 2025...Continued

Jan 10, 2025....Pending

12 PROCEEDING ENTRIES

1. 10-Jan-2025 FILED: Petition to Amend Rule 31.23, Arizona Rules of Criminal Procedure (Petitioner Jason D. Lewis, Deputy Solicitor General, Section Chief of Capital Litigation, Arizona Attorney General's Office)

2. 21-Jan-2025 Rule petitions have been filed in the above-captioned matters under Rule 28(a), Rules of the Supreme Court of Arizona. Upon consideration,

IT IS ORDERED that these petitions are opened for public comment pursuant to Rule 28(c), Rules of the Supreme Court of Arizona. Comments must be submitted by no later than Thursday, May 1, 2025, and any reply by a petitioner must be submitted no later than Monday, June 2, 2025. Note that R-24-0005 is being reopened for public comment on the petitioner's second amended petition, filed January 3, 2025.

The petitions 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, the Rules of Criminal Procedure can be found by scrolling down the page.

For instructions on how to post comments electronically, follow the steps listed above and click on http://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. John R. Lopez IV)

3. 1-May-2025 FILED: State Bar of Arizona Comment (State Bar of Arizona by Lisa M. Panahi, General Counsel)

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4. 1-May-2025 FILED: Comment of the Arizona Capital Representation Project, Phillips Black, Inc., Arizona Attorneys for Criminal Justice, and the Federal Public Defender for the District of Arizona Regarding Petition to Amend Arizona Rule of Criminal Procedure 31.23; Exhibit A (Arizona Capital Representation Project by Amy Armstrong, Sam Kooistra; Phillips Black, Inc. by Amy Knight, John Mills; Arizona Attorneys for Criminal Justice by Molly P. Brizgys; Federal Public Defender- District of Arizona by Jon M. Sands, Jennifer Y. Garcia)
5. 3-Jun-2025 FILED: Petitioner's Reply to Response to Petition to Amend Arizona Rule of Criminal Procedure 31.23 (Jason D. Lewis, Deputy Solicitor General, Section Chief of Capital Litigation)
6. 28-Aug-2025 WOULD AMEND RULE 31.23 OF THE RULES OF CRIMINAL PROCEDURE TO ESTABLISH A BRIEFING SCHEDULE REGARDING THE STATE'S REQUEST FOR A WARRANT OF EXECUTION IN A CAPITAL CASE
- ORDERED: Petition to Amend Rule 31.23, Arizona Rules of Criminal Procedure = CONTINUED until the November 2025 Rules Agenda.
- FURTHER ORDERED: The proposed amendments as revised are opened for public comment, with all comments due no later than October 1, 2025 and any reply due no later than October 15, 2025.
- FURTHER ORDERED: The rule petition's proposed amendments as revised will be referred to the Capital Case Oversight Committee for further review and for a recommendation to this Court.
7. 28-Aug-2025 On January 10, 2025, Petitioner Deputy Solicitor General/ Section Chief of Capital Litigation Jason D. Lewis filed a petition proposing to amend Rule 31.23 of the Rules of Criminal Procedure.
- Having considered the petition, comments and reply,
- IT IS ORDERED continuing this petition until the November 2025 Rules Agenda.
- IT IS FURTHER ORDERED that this matter is reopened for public comment as to whether the proposed amendments to Rule 31.23 of the Rules of Criminal Procedure, as modified in accordance with the amendments shown on the attachment to this order, should be adopted, with all comments due by no later than October 1, 2025. The Court will consider this issue at its November 2025 Rules Agenda.
- Rule petitions, including this one, 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, the Rules of Criminal Procedure can be found by scrolling down the page.
- For instructions on how to post comments electronically, follow the steps listed above and click on "FAQ" at the top of the "Welcome" page and then find "How do I file a comment on a Rule 28 petition?"
- Alternatively, commenters may submit a comment by filing an original and one paper copy of the comment and one electronic copy of the written comment and any 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, Arizona 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. (Ann A. Scott Timmer)
8. 1-Oct-2025 FILED: Comment to Modified Amendment to Rule 31.23 of the Rules of Criminal Procedure (Arizona Attorney General's Office by Jason D. Lewis, Deputy Solicitor General/Section Chief of Capital Litigation)
9. 1-Oct-2025 FILED: Comment of the Arizona Capital Representation Project, Arizona Attorneys for Criminal Justice, and the Federal Public Defender for the District of Arizona regarding Amended Proposal to Amend Arizona Rule of Criminal Procedure 31.25; Exhibit A (Arizona Capital Representation by Amy Armstrong and Sam Kooistra; Arizona Attorneys for Criminal Justice by Molly P. Brizgys and Federal Public Defender- District of Arizona by Jon M. Sands)
10. 26-Nov-2025 WOULD AMEND RULE 31.23 OF THE RULES OF CRIMINAL PROCEDURE TO ESTABLISH A BRIEFING SCHEDULE REGARDING THE STATE'S REQUEST FOR A WARRANT OF EXECUTION IN A CAPITAL CASE
- ORDERED: Petition to Amend Rule 31.23, Arizona Rules of Criminal Procedure = CONTINUED until the August 2026 Rules Agenda.
- FURTHER ORDERED: This matter is reopened for public comment, with all comments due no later than May 1, 2026.

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11. 26-Nov-2025 On January 10, 2025, Petitioner Deputy Solicitor General/ Section Chief of Capital Litigation Jason D. Lewis filed a petition proposing to amend Rule 31.23 of the Rules of Criminal Procedure.
- On August 28, 2025, the Court continued the petition until the November 2025 Rules Agenda, reopened it for public comment as to whether the proposed amendments to Rule 31.23 of the Rules of Criminal Procedure, as modified in accordance with the amendments shown on the attachment to that order, should be adopted. Having considered the petition, comments, and reply, and the modified amendment and comments,
- IT IS ORDERED continuing this petition until the August 2026 Rules Agenda.
- IT IS FURTHER ORDERED that this matter is reopened for public comment as to whether the proposed amendments to Rule 31.23 of the Rules of Criminal Procedure, as amended in accordance with the modified amendments shown on the attachment to the Court's August 28, 2025 order, with any comments due by no later than May 1, 2026. The Court will consider this matter again during its August 2026 Rules Agenda.
- Rule petitions, including this one, 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, the Rules of Criminal Procedure can be found by scrolling down the page.
- For instructions on how to post comments electronically, follow the steps listed above and click on "FAQ" at the top of the "Welcome" page and then find "How do I file a comment on a Rule 28 petition?" Alternatively, commenters may submit a comment by filing an original and one paper copy of the comment and one electronic copy of the written comment and any 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, Arizona 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. Ann A. Scott Timmer)
12. 30-Apr-2026 FILED: Comment from the Capital Case Oversight Committee (Capital Case Oversight Committee by Hon. Ronald Reinstein, Ret., Chair)