

Arizona Supreme Court

Rule 28 Petition

R-26-0028

RULE 13.5, RULES OF CRIMINAL PROCEDURE

Appellate Case Information

Case Filed: 10-Apr-2026

Case Closed:

Dept/Composition

Side 1. RULE 13.5, RULES OF CRIMINAL PROCEDURE, Other

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

• Arizona Attorney General's Office, Petitioner

Attorneys for: Petitioner

Nicholas Klingerman, Esq. (AZ Bar No. 28231)

CASE STATUS

Feb 17, 2026....Pending

2 PROCEEDING ENTRIES

- 10-Apr-2026 FILED: Petition to Amend Arizona Rule of Criminal Procedure 13.5; Attachment B (Expedited Consideration Requested) (Petitioner Arizona Attorney General's Office by Nicholas Klingerman, Criminal Division Chief)
- 13-Apr-2026 On April 10, 2026, Nicholas Klingerman, Criminal Division Chief, Arizona Attorney General's Office, filed a rule petition on behalf of the Arizona Attorney General's Office to amend Rule 13.5(a) of the Rules of Criminal Procedure. Petitioner proposes to amend the rule to distinguish between capital and non-capital sentencing allegations.

Petitioner further requests that the petition be given expedited consideration under Rule 28(h)(1), Rules of the Supreme Court of Arizona, so it may be considered during the August 2026 Rules Agenda.
Upon consideration,

IT IS ORDERED granting the request to consider this petition on an expedited basis.

IT IS FURTHER ORDERED that the Court will consider the petition during its August 2026 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 June 15, 2026, and any reply due no later than July 1, 2026.

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, the Rules of Criminal Procedure can be found by scrolling down on the "Welcome" 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 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. Ann A. Scott Timmer)