

1 SHEILA SULLIVAN POLK (007514)
2 ELIZABETH ORTIZ (012838)
3 ARIZONA PROSECUTING ATTORNEYS' ADVISORY COUNCIL
4 1951 W. CAMELBACK RD. SUITE 202
5 PHOENIX, ARIZONA 85015
6 TELEPHONE: (602) 542-7222

7 IN THE SUPREME COURT OF THE STATE OF ARIZONA

8 IN THE MATTER OF

R-14-0006

9 PETITION TO MODIFY RULE
10 12.5, ARIZONA RULES OF
11 CRIMINAL PROCEDURE

12 ARIZONA PROSECUTING ATTORNEYS'
13 ADVISORY COUNCIL'S
14 COMMENTS IN SUPPORT OF PETITION TO
15 MODIFY RULE 12.5, ARIZONA RULES OF
16 CRIMINAL PROCEDURE

17 Pursuant to Arizona Rules of the Supreme Court, Rule 28(C), the Arizona
18 Prosecution Attorneys' Advisory Council ("APAAC") hereby submits its comments
19 in support of R-14-0006, Petition to Modify Rule 12.5, Arizona Rules of Criminal
20 Procedure. The proposal to modify Rule 12.5 is a simple, common sense solution to
21 the logistical problem of presenting incarcerated witnesses to the grand jury. As
22 noted in the petition to modify the rule, the current practice when a witness is
23 incarcerated is to petition the court for permission to allow a law enforcement officer
24 into the grand jury room to secure the inmate witness. This request is necessary in a
25 significant number of cases, because of the seriousness of the cases and to ensure the
26 safety of the grand jurors and others present. The proposed modification would
27 remove the need for judicial approval to have a law enforcement officer in the grand
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1 jury room in this limited situation. The proposed rule adequately ensures the secrecy
2 of the grand jury proceedings by requiring a specific admonishment whenever a law
3 enforcement officer is in the grand jury room pursuant to this rule. In sum, the rule
4 ensures statewide consistency in dealing with this situation while promoting judicial
5 efficiency and ensuring both the safety and secrecy of the grand jurors and their
6 proceedings. APAAC asks that this Court modify the rule as requested in the
7 petition.
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10 Respectfully submitted this day of May, 2014.
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12 ARIZONA PROSECUTING ATTORNEYS' ADVISORY COUNCIL

13 SHEILA SULLIVAN POLK
14 YAVAPAI COUNTY ATTORNEY
15 APAAC Chair

16 ELIZABETH ORTIZ
17 APAAC Executive Director

18 By: _____
19 SHEILA SULLIVAN POLK
20 APAAC Chair

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