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7 IN THE SUPREME COURT OF THE STATE OF ARIZONA

8 IN THE MATTER OF

R-14-0007

9 PETITION TO ADOPT RULE  
10 32.12 ARIZONA RULES OF  
11 CRIMINAL PROCEDURE

12 ARIZONA PROSECUTING ATTORNEYS'  
13 ADVISORY COUNCIL'S  
14 COMMENTS IN SUPPORT OF PETITION TO  
15 ADOPT RULE 32.12, 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-14-0007, Petition to Adopt Rule 32.12, Arizona Rules of Criminal  
20 Procedure. As stated in the petition, the proposed rule will give much needed  
21 guidance on how A.R.S. § 13-4240 should be implemented and, most significantly, it  
22 will establish a clear procedure for courts, prosecutors, defense attorneys, and  
23 convicted defendants to follow. Since the law was adopted in 2000, courts across the  
24 state have had to individually determine the specific procedures that should be  
25 followed to implement the rule. Most importantly, the timing of the State's response  
26 to petitions filed under this statute can vary widely from court to court. The proposed  
27 rule will ensure statewide consistency in the application of A.R.S. § 13-4240 while  
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1 ensuring that the State has a reasonable amount of time to review the case and file a  
2 detailed response to provide guidance to the court in applying the factors listed in  
3 A.R.S. § 13-4240. Therefore, APAAC recommends that this Court adopt the new  
4 rule as requested in the petition.  
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6 Respectfully submitted this day of May, 2014.  
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8 ARIZONA PROSECUTING ATTORNEYS' ADVISORY COUNCIL

9 SHEILA SULLIVAN POLK  
10 YAVAPAI COUNTY ATTORNEY  
11 APAAC Chair

12 ELIZABETH ORTIZ  
13 APAAC Executive Director

14 By: \_\_\_\_\_  
15 SHEILA SULLIVAN POLK  
16 APAAC Chair  
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