

**NOTICE OF THE
RULES COMMITTEE MEETING
OF THE
ARIZONA PROSECUTING ATTORNEYS' ADVISORY COUNCIL**

AGENDA

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the Arizona Prosecuting Attorneys' Advisory Council and to the general public that the Rules Committee will hold a telephonic meeting open to the public on Thursday, March 13 2014, at 2:00 p.m. in the APAAC office located at 1951 W. Camelback Road, Suite 202, in Phoenix, Arizona. The toll-free call-in number to appear telephonically is **1-877-820-7831** and the Participant Passcode is **487550**. Videoconferencing via SCOPIA is also available.

Pursuant to the Americans with Disabilities Act (ADA), the Arizona Prosecuting Attorneys' Advisory Council endeavors to ensure the accessibility of its meetings to all persons with disabilities. If you need an accommodation for a meeting, please contact Elizabeth Iniguez-Reyna at (602) 542-7222 at least 24 hours prior to the meeting so that an accommodation can be arranged.

You may visit the APAAC website at <http://apaac.az.gov> to access this Agenda. Click on the Event Calendar icon on the left and select the meeting date on the Calendar.

Rules Committee members:

George Silva, Chairman (Ortega)
Bill Montgomery (Vick)
Ed Rheinheimer (Johnston)
Tom Horne (Duplissis)
Barbara LaWall (Mayer)

I. Call to Order **George Silva**

II. Roll Call **George Silva**

III. Pending Rules Packages **Kim MacEachern**

A. Tentative Recommendations

1. R-13-0031 – Not Guilty Pleas in Absence of Arraignments; No Comment
2. R-13-0050 – Capital Case Warrants of Execution; No Comment
3. R-14-0012 – Electronic Recordings; No Comment
4. R-14-0002 – Evidence Rules; No Comment; Monitor
5. R-13-0046 – Conflict of Interest; No Comment
6. R-14-0004 – Citation of Unpublished Memorandum Decisions; Oppose w/Comment
7. R-14-0005 – Prosecutor Responsibilities; Support w/Comment
8. R-14-0006 – Grand Jury Witnesses; Support w/Comment
9. R-14-0007 – DNA Testing; Comment; Support w/Change
10. R-14-0008 – Juror Privacy; Support w/Comment
11. R-14-0010 – Capital Case Post-Conviction Proceedings; Support w/Comment

B. For Further Discussion

1. R-13-0004 – Disclosure Prior to Withdrawal of Plea Offer
2. R-13-0060 – Ethical Rules

IV. Proposed Jury Instructions **Kim MacEachern**

- A. 16.02. Criminal Damage – Form of Verdict; No Comment
- B. 1.0519 – Definition of “Firearm”; No Comment
- C. 31.01.07 – Definition of “Prohibited Possessor”; No Comment
- D. 12.03 – Assault; No Comment
- E. 13.04 – Kidnapping; No Comment

V. Call to the Public**George Silva**

At this time, any member of the public is allowed to address the Rules Committee on any issue, whether or not on the Agenda. Pursuant to Arizona Open Meeting Law, at the conclusion of the Call to the Public, individual members of the Rules Committee may respond to criticism made by those who have addressed the Committee; may ask staff to review the matter; or may ask that the matter be placed on a future agenda. However, members of the Rules Committee shall not discuss or take legal action on matters raised during an open call to the public unless the matters appear on this Agenda and are otherwise properly noticed for discussion and legal action. On items specified for a vote on this Agenda, members of the public may comment after the Rules Committee discussion and prior to any vote on the matter.

VI. Adjournment**George Silva**