

**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 meeting open to the public on Thursday, March 8, 2012 at 3:30 p.m., at the APAAC Office, which is located at 1951 W. Camelback, Suite 202, in Phoenix. The toll free call in number to appear telephonically is **1-877-820-7831** and the participant passcode is **487550**.

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.

A copy of the Agenda for the meeting will be available at the Council Offices at least twenty-four (24) hours in advance of the meeting. You can also access the Agenda with attachments by visiting <http://apaac.az.gov>. Click on the Event Calendar icon on the left and select the meeting date on the Calendar for a link to the documents.

Rules Committee members:

George Silva, Chairman (Ortega)
Bill Montgomery (Marshall)
Ed Rheinheimer (Johnston)
Tom Horne (Duplissis)
Jim Walsh (Ahler)
Barbara LaWall (Mayer)

- I. **Roll Call**

- II. **R-11-0033; Petition to Amend ER 3.8, Rule 42, Ariz.R.S.Ct.** [Attachments] (Would incorporate the ABA's amendment to Model Rule 3.8, which provides ethical guidance to prosecutors in situations in which an innocent person may have been convicted.) [Continued discussion.] Link to Petition:
<http://azdnn.dnnmax.com/AZSupremeCourtMain/AZCourtRulesMain/CourtRulesForumMain/CourtRulesForum/tabid/91/view/topic/forumid/7/postid/1530/Default.aspx>

- III. **R-11-0039; Petition to Amend Arizona Rules of Evidence**
(Would amend the Prefatory Comment to 2012 Amendment, and Rules 608, 609, 803, 804.) Link to Petition:
<http://azdnn.dnnmax.com/AZSupremeCourtMain/AZCourtRulesMain/CourtRulesForumMain/CourtRulesForum/tabid/91/view/topic/postid/1605/forumid/4/Default.aspx#1605>
- IV. **R-11-0040; Petition to Amend Rule 18.3, Ariz.R.Crim.P.**
(Would amend Rule 18.3 by deleting the third paragraph of the Comment of the rule.) Link to Petition:
<http://azdnn.dnnmax.com/AZSupremeCourtMain/AZCourtRulesMain/CourtRulesForumMain/CourtRulesForum/tabid/91/forumid/3/postid/1609/view/topic/Default.aspx>
- V. **R-11-0045; Petition to Amend Rule 31.19(h), Ariz.R.Crim.P., and Rules 4(a), 15(a), 23(h), Ariz.R.Civ.P.**
(Would correct oversights in previous amendments relating to electronic filing)
Link to Petition:
<http://azdnn.dnnmax.com/AZSupremeCourtMain/AZCourtRulesMain/CourtRulesForumMain/CourtRulesForum/tabid/91/forumid/3/postid/1615/view/topic/Default.aspx>
- VI. **R-12-0015; Petition to Amend Rule 12.9(b), Ariz.R.Crim.P.**
(Would add a deadline for filing a motion for a new finding of probable cause following an appellate remand of a case for a new trial.) Link to Petition:
<http://azdnn.dnnmax.com/AZSupremeCourtMain/AZCourtRulesMain/CourtRulesForumMain/CourtRulesForum/tabid/91/view/topic/forumid/3/postid/1631/Default.aspx>
- VII. **R-12-0016; Petition to Amend Rules 38.1 and 38.2, Ariz.R.Crim.P.**
(Would amend the rules and comments thereto to eliminate unnecessary superior court involvement in deferred prosecutions in justice court.) Link to Petition:
<http://azdnn.dnnmax.com/AZSupremeCourtMain/AZCourtRulesMain/CourtRulesForumMain/CourtRulesForum/tabid/91/view/topic/forumid/3/postid/1633/Default.aspx>
- VIII. Proposed Instruction Approved by the CRJI Committee on October 31, 2011: **Instruction 23.16.A.7 – Computer Tampering** [See Attachment-ITEM VIII]
- IX. Proposed Instruction Approved by the CRJI Committee on December 16, 2011: **Instruction 23.10 – Fraudulent Schemes and Artifices** – [See Attachment-ITEM IX]

X. Call to the Public

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.

XI. Adjournment