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11 **ARIZONA SUPREME COURT**

12 **PETITION TO MODIFY RULE**
13 **17.4, ARIZONA RULES OF**
14 **CRIMINAL PROCEDURE**

R-21-0030

MARICOPA COUNTY ATTORNEY'S
COMMENT IN OPPOSITION

15 While the ultimate goal of the Petition, eliminating the inefficiencies caused for
16 prospective jurors and the courts that result from last minute pleas, is certainly laudable,
17 the proposed solution is not. The Maricopa County Attorney's Office (MCAO) has
18 reviewed and agrees with the comments in opposition filed by the Arizona Prosecuting
19 Attorney's Advisory Council (APAAC) and Arizona Attorneys for Criminal Justice
20 (AACJ). In addition, MCAO asks this Court to reject the Petition because it is an
21 unnecessary and inappropriate delegation of this Court's rulemaking authority.
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24 The Petition seeks to take this Court's constitutional rulemaking authority and
25 give it to the presiding judges of every county as long as they are regulating plea
26 deadlines. The change is completely unnecessary because, as the Petition notes, this
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1 Court has already approved some local rules to address plea deadline issues. [Petition
2 at 5, fn. 2]. This Court has a procedure for the adoption of local rules. The Petition
3 advances a completely new local rulemaking process where each presiding judge will
4 have the power to adopt whatever plea deadline rules they wish, and to change them
5 whenever they wish, without seeking any input from system stakeholders or approval
6 from this Court. There is no reason why each county that wants such a rule cannot
7 follow this Court's current rulemaking process which gives all the stakeholders the
8 opportunity to be heard before a new local rule is adopted. While the local rules on
9 this topic that have been adopted to date have been fairly limited, the Petition will give
10 each presiding judge extensive authority to regulate the use of criminal plea
11 agreements. This Court should not delegate its constitutional rulemaking authority in
12 this manner.
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17 For all the reasons stated in APAAC's and AACJ's comments and because this
18 rule change transfers extensive rulemaking authority from this Court to the presiding
19 judges, MCAO asks this Court to deny the Petition.
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21 Respectfully submitted this 1st day of October 2021.

22 ALLISTER ADEL
23 MARICOPA COUNTY ATTORNEY

24 By /s/ 
25 KENNETH N. VICK
26 CHIEF DEPUTY
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