

ARIZONA ATTORNEYS FOR CRIMINAL JUSTICE
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IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:) No. R-23-0031
)
) **COMMENT OF ARIZONA**
Petition to Amend Arizona Rule of) **ATTORNEYS FOR CRIMINAL**
Criminal Procedure 38.2) **JUSTICE (AACJ) IN SUPPORT OF**
) **PETITION TO AMEND ARIZONA**
) **RULE OF CRIMINAL**
_____) **PROCEDURE 38.2**

Pursuant to Rule 28 of the Arizona Rules of the Supreme Court, Arizona Attorneys for Criminal Justice (“AACJ”) hereby submits the following comment on the petition to amend Arizona Rule of Criminal Procedure 38.2.

AACJ, the Arizona state affiliate of the National Association of Criminal Defense Lawyers, was founded in 1986 in order to give a voice to the rights of the criminally accused and to those attorneys who defend the accused. AACJ is a statewide not-for-profit membership organization of criminal defense lawyers, law students, and associated professionals dedicated to protecting the rights of the accused in the courts and in the legislature, promoting excellence in the practice of criminal law through education, training and mutual assistance, and fostering public

awareness of citizens' rights, the criminal justice system, and the role of the defense lawyer.

AACJ supports amending Rule 38.2 for the reasons stated in the Petition. In addition, AACJ proposes additional language be added to Rule 38.1:

Rule 38.1. Application for a Suspension Order

(a) **Generally.** After filing a complaint, indictment, ~~or~~ information, or order resuming prosecution under Rule 38.2, but before adjudication, the State may file a motion requesting that the court suspend further proceedings to allow a defendant to participate in a deferred prosecution program.

(b)– (c) [no change]

This additional language will harmonize and clarify the two subsections of Rule 38.

DATED (electronically filed): May 1, 2023.

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By: /s/ David J. Euchner
David J. Euchner

Comment electronically mailed to:

Hon. Jennifer E. Green
Maricopa County Superior Court