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**IN THE SUPREME COURT  
IN AND FOR THE STATE OF ARIZONA**

In the matter of:

Petition to Amend [Rule 9.1 of the Arizona Rules of Criminal Procedure](#)

Arizona Supreme Court  
No. R-23-0013

Pinal County Public Defender  
Comment in Support of Petition  
to Amend [Ariz. R. Crim P. 9.1](#)

Pursuant to [Rule 28\(e\) of the Arizona Supreme Court Rules](#), the Pinal County Public Defender respectfully submits this comment supporting the Petition to Amend [Rule 9.1 of the Arizona Rules of Criminal Procedure](#). Arizona's rule permitting a criminal defendant to be tried in absentia is an aberration from the historical requirement that the accused be present for trial. The Petition is modeled after a federal rule that has proven to be workable and fair.

This Court should adopt the proposal outlined in the Petition.

Respectfully submitted this 1<sup>st</sup> day of May, 2023

By: /s/ Kate Milewski  
Kate Milewski  
Pinal County Public Defender