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ARIZONA SUPREME COURT

In the matter of:

AMEND CRIMINAL RULE 1.5
AND JUVENILE RULE 227 AND
ADOPT CRIMINAL RULE 7.7
AND JUVENILE RULE 228

Supreme Court No. R-22-0038

Joint Comment by the Directors of the
Maricopa County Indigent Defense
Agencies

The Indigent Defense Offices in Maricopa County submitted a joint comment to this rule petition on October 31, 2022. Our comment specified concerns about proposed Juvenile Rule 228 and suggested language to mitigate the prejudice to juvenile defendants

who are subject to re-housing determinations pursuant to A.R.S. § 8-305(E).

This Court subsequently adopted on an emergency basis the proposed Criminal Rule 7.7 and amendments to Criminal Rule 1.5 and Juvenile Rule 227. This Court declined to adopt the proposed Juvenile Rule 228.

The Indigent Defense Agencies have no comment on the permanent adoption of the amendments to Criminal Rule 1.5 and Juvenile Rule 227 and the permanent adoption of Juvenile Rule 227. We remain concerned, for the reasons stated in our comment submitted October 31, 2022, about the implications of A.R.S. § 8-305(E). We reiterate the need for any court procedures implementing this legislation to respect the due process rights of juvenile defendants and ensure that juveniles who are being prosecuted in the adult criminal courts are not prejudiced in obtaining fair resolutions.

Respectfully submitted this 01st day of May, 2023.

By /s/ Rosemarie Pena-Lynch
Rosemarie Pena-Lynch, Director
Mcpa. Cnty. Ofc. of Public Defense Svc.

By /s/ Gary Kula
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By /s/ Steve Koestner
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By /s/ Shannon Burns
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By /s/ Sherri McGuire Lawson
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