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**IN THE SUPREME COURT  
STATE OF ARIZONA**

In the Matter of

Supreme Court No. R

PETITION TO AMEND  
RULES 4.2(a)(5) and 6.1(b)(A) and (B)  
RULES OF CRIMINAL PROCEDURE

**COMMENT TO PETITION TO AMEND**

Pursuant to Rule 28(D), Rules of the Supreme Court, Mary Helen Maley Maynard and David P. Stoller respectfully submit this Comment for the Court's consideration.

## **Reasons Proposed Rule Amendments Should Be Adopted**

The Pretrial Justice Working Group of the Senior Lawyer Division (SLD) of the State Bar, consisting of Mary Helen Maley Maynard and David Stoller, respectfully requests the readoption and extension of Rule 4.2(a)(5) and Rule 6.1(b)(A) and (B) of the Criminal Rules of Procedure which state that an indigent defendant is entitled to a court-appointed attorney in any criminal proceeding that may result in punishment involving a loss of liberty, or while incarcerated because of a bond imposed at the initial appearance.

The readoption of these rule changes will promote implementation of the Supreme Court of Arizona's Task Force on Form IV and Pretrial Risk Assessment's Recommendation One which urges:

While there are costs involved, it is recommended that counties require a public defender or Licensed Legal Paraprofessional at felony initial appearances. Where appropriate, such as in rural counties, it is recommended to explore the feasibility of regional representation via virtual attendance.

The Pretrial Justice Working Group has obtained the support of the Supreme Court's Pretrial Justice Committee to work toward the fulfillment of Recommendation One. Senior lawyers and criminal defense attorneys have expressed interest in working with the SLD Pretrial Justice Working Group in order to reach this goal of Recommendation One.

We plan to organize volunteer lawyers and other interested parties in each county to overcome any obstacles to implementation of Recommendation One and the requirements of Criminal Rules of Procedure 4.2 and 6.1. Our goal is to work toward ensuring that those arrested for felonies, those whose criminal proceeding may result in a loss of liberty, or those who are incarcerated because of a bond imposed at the initial appearance, have legal representation.

Since our volunteers know the decisionmakers in each county, they will be uniquely placed to persuade those decisionmakers of the critical need for legal representation at these initial contacts with the criminal justice system.

The readoption of Rules 4.2(a)(5) and 6.1 (b)(A) and (B) will be a crucial piece of the persuasion tools we need to accomplish our goal. We realize this will be a multi-year project with many challenges. We Seniors have the benefit of time and patience that will help us achieve success with this project. Again, we respectfully request the Supreme Court readopt Rule 4.2 and Rule 6.1 on a permanent basis. Thank you for your consideration.

RESPECTFULLY SUBMITTED this 26 day of April, 2024.

By Mary Helen Maley Maynard David P. Stoller  
Information listed above