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**IN THE SUPREME COURT
STATE OF ARIZONA**

In the Matter of:) Supreme Court No. R-24-0007
)
PETITION TO AMEND RULE) COMMENT REGARDING PETITION
31.2(a)(2)(A) OF THE ARIZONA) TO AMEND RULE 31.2(a)(2)(A) OF
RULES OF CRIMINAL PROCEDURE) THE ARIZONA RULES OF
) **CRIMINAL PROCEDURE**
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An amendment to Arizona Rule of Criminal Procedure 31.2(a)(2)(A) is no longer necessary. Although the Arizona Court of Appeals’ opinion in *State v. Sanchez*, 256 Ariz. 273 (App. 2023), created confusion in the law by misreading the rule, this Court has remedied that confusion by its subsequent decision order in that case. *See State v. Sanchez*, No. CR-23-0270-PR, 2024 WL 938080 (Ariz. March 5, 2024). The Arizona Attorney General’s Office agrees that a separate appeal is

unnecessary for a pre-judgment and pre-sentence denial of a motion for new trial, and argued that point consistently in *Sanchez*. As this Court’s decision clarified, the notice of appeal filed pursuant to Rule 31.2(a)(2)(A) from a judgment of conviction and imposition of sentence “logically endows the court of appeals with jurisdiction to address all pre-judgment rulings or orders necessarily affecting that judgment.” *Sanchez*, 2024 WL 938080, at *1. Accordingly, in light of this Court’s reversal in *Sanchez*, no further clarification appears necessary.

Further, amending Rule 31.2(a)(2)(A) could lead to some additional confusion because it might suggest that additional orders not previously reviewable on direct appeal are now appealable. *See, e.g., State v. Moody*, 208 Ariz. 424, 439-40, ¶ 31 (2004) (“Arizona case law is clear that, with one exception, all challenges to a grand jury’s findings of probable cause must be made by motion followed by special action before trial; they are not reviewable on appeal.”); *State v. Ingram*, 239 Ariz. 228, 230, ¶ 6 (App. 2016) (concluding challenge to court’s ruling on a notice of change of judge “is not reviewable on direct appeal”).

RESPECTFULLY SUBMITTED this 30th day of April, 2024

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By /s/ _____
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