

KRISTIN K. MAYES  
Arizona Attorney General  
(Firm State Bar No. 14000)

Krista Wood  
State Bar No.: 025503  
Assistant Attorney General  
2005 North Central Avenue  
Phoenix, Arizona 85004  
Telephone: 602-542-8427  
crmfraud@azag.gov

**IN THE SUPREME COURT  
STATE OF ARIZONA**

In the Matter of: ) Supreme Court No. R-24-0010  
)  
**PETITION TO AMEND ARIZ. R. ) COMMENT IN OPPOSITION TO**  
**CRIM. P. 10.2(a) ) PETITION TO AMEND RULE 10.2(a)**  
)  
)  
)  
)  
)  
)  
)  

---

Pursuant to Arizona Rule of the Supreme Court 28, the Arizona Attorney General’s Office opposes Petition No. R-24-0010. The petition is premised on speculation concerning the motives of prosecutors in moving to dismiss an ongoing prosecution. The suggested remedy, however, creates an inequity between the parties. It further disregards that prosecutors have special responsibilities as ministers of justice. *See* ER 3.8 & cmt. A prosecutor should already be cautious

when noticing a judge under Rule 10.2. And if a defendant is concerned about a prosecutor's notice of judge, Arizona Rule of Criminal Procedure 16.4 already permits a court to evaluate whether a dismissal was sought for improper tactical reasons, including the scenario envisioned by the Petition. Accordingly, the effect of the Petition will be to impose, not correct, an imbalance between the defense and prosecutors, and should be rejected.

RESPECTFULLY SUBMITTED this 1st day of May, 2024

KRISTIN K. MAYES  
Arizona Attorney General

By /s/ \_\_\_\_\_  
Krista Wood (#025503)  
Assistant Attorney General  
Criminal Division