

1 Lisa M. Panahi, Bar No. 023421
2 General Counsel
3 State Bar of Arizona
4 4201 N. 24th Street, Suite 100
5 Phoenix, AZ 85016-6288
6 (602) 340-7236

7 **IN THE SUPREME COURT**
8 **STATE OF ARIZONA**

9 In the Matter of:

Supreme Court No. R-24-0010

10 **PETITION TO AMEND RULE**
11 **10.2(a) OF THE ARIZONA RULES**
12 **OF CRIMINAL PROCEDURE**

COMMENT OF
13 **THE STATE BAR OF ARIZONA**

14 Pursuant to Rule 28(e) of the Arizona Rules of Supreme Court, the State Bar
15 of Arizona (the “State Bar”) hereby submits the following as its comment to the
16 above-captioned Petition.

17 After review by the State Bar’s Criminal Practice and Procedure Committee,
18 the State Bar does not support the Petition as written. The stated purpose of the
19 Petition was to correct “an imbalance between prosecutors and defendants.” But
20 instead of correcting an imbalance, the Petition recreates the imbalance, now in favor
21 of a defendant, by removing only the state’s access to relief under Arizona Rule of
22 Criminal Procedure 10.2. Additionally, the Petition’s use of the undefined phrase
23 “a prosecution involving the same subject matter” will lead to unneeded litigation as
24 courts are forced to grapple with the meaning behind the amorphous new phrase.
25

1 **CONCLUSION**

2 The State Bar of Arizona respectfully requests that the Court not grant the
3 Petition.
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5 RESPECTFULLY SUBMITTED this 1st day of May 2024.

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8 Lisa M. Panahi
9 General Counsel

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11 Electronic copy filed with the
12 Clerk of the Supreme Court of Arizona
13 this 1st day of May 2024.

14 by: PSequin