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**IN THE SUPREME COURT
STATE OF ARIZONA**

In the Matter of

PETITION TO AMEND RULE 6.1
ARIZONA RULES OF CRIMINAL
PROCEDURE

Supreme Court No. R-23-0042

REPLY TO COMMENT

Pursuant to Rule 28, Rules of the Supreme Court of Arizona, undersigned files the following reply to the comment of the Senior Lawyer Division Pre-Trial Working Group of the State Bar.

I. Discussion of Comment

A. Rule 4.2 (a) (5)

The comment urges the readoption of Rule 4.2 (a) (5), Ariz. R. Cr. Pr.¹ The Petition neither seeks to repeal nor amend Rule 4.2 (a) (5). Therefore, no change to the rule is contemplated. A “readoption” of the rule is neither necessary nor required.

¹ **Rule 4. Initial Appearance**

(a) Generally. At an initial appearance, a magistrate must:

(5) appoint counsel if the defendant is eligible for appointed counsel under Rule 6;

B. Rule 6.1 (b) (A) and (B)

The Petitioner proposes repealing and replacing the current paragraph (B) with language that is more inclusive and clarifying. The petition in no way is a retrenching from the current rule. The Petitioner does not recommend any changes to the original petition.

C. Recommendations of the Task Force on Form 4 and Pretrial Risk Assessment

Undersigned chaired the Task Force on Form 4 and Pretrial Risk Assessment (Task Force on Form 4). That Task Force is recommending modifications to Form 4² in another rule petition, R-24-0041 pending before this court. The changes to Rule 6.1 proposed by this petition are a result of other discussions, not the Task Force on Form 4.

II. Conclusion

Therefore, Petitioner respectfully requests the Court approve the modifications to Rule 6.1, Az. R. Cr. as proposed in the original petition.

RESPECTFULLY SUBMITTED this ___ day of May, 2024.

By: _____
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² Rule 41, Az. R. Cr. Pr. Form 4