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**IN THE SUPREME COURT
STATE OF ARIZONA**

In the Matter of:	)	Supreme Court No.
	)	R-24-0005
Petition to Amend Rules 1.5, 17.1, 17.2,	)	
and 17.3 of the Rule of Criminal	)	Request to File Late
Procedure	)	Comment and Comment
	)	
_____	)	

David K. Byers (“Commentor”) hereby submits this Request to File Late Comment and Comment regarding Rule Petition No. R-24-0005 (“petition”) filed by the Honorable Umayok Novell, City Magistrate of the Mesa Municipal Court (“Petitioner”).

I. Request to File Late Comment

Commentor acknowledges that comments on the initial petition were due no later than May 1, 2024 pursuant to this Court’s Order dated January 17, 2024. However, Petitioner filed an amended petition on June 14, 2024 to address comments filed during the initial comment period, and Commentor files this Comment to address the amended petition.

Although Commentor supports the underlying rationale for the proposed amendments, Commentor has concerns with the amendments to Criminal Rule 17 as they are set forth in the amended petition. Commentor believes that further study and vetting is necessary before the Court makes a decision on whether to adopt any amendment to Criminal Rule 17 and therefore respectfully requests that this Court allow the filing of this late Comment.

II. Request to Continue Petition for Further Study and Vetting

The substantive amendments the petition asks this Court to adopt pertain to Criminal Rule 17.1(f) and would establish procedures for a third alternative for limited jurisdiction courts to enter a plea and sentence a defendant, namely through an interactive audiovisual system. Commentor believes that the proposal has merit in light of emerging technology and the judicial branch's support for holding court proceedings remotely where possible. See, for example, Supreme Court Administrative Order (AO) [2022-46](#), *Adoption and Implementation of Plan B Workgroup Recommendations as Presumptive Standards for Remote and In-Person Hearings*, and Eviction Rule 11(a).

Petitioner has indicated that holding remote changes of plea and sentencing will, among other things, enable limited jurisdiction courts “to provide more productive court proceedings by reducing the number of pretrial conferences and provide greater access to justice for defendants who are in detention centers, live farther away, have limited or no access to transportation, or live out of state.” This is a laudable goal, but Commentor has concerns that the amendments as proposed are not workable on a statewide level.

For example, the proposed amendments would require the prosecutor to provide an electronic plea agreement to the defendant in every change of plea that takes place through an interactive audiovisual system. The proposed amendments would also require the court to provide a means by which the defendant can electronically sign the plea agreement and sentence documents. This may not be an option in rural counties, which would prevent limited jurisdiction courts in these counties from otherwise holding a change of plea or sentencing through this method.

Commentor also believes that the amendments in the amended petition need further input, study, and vetting from stakeholders, including the Limited Jurisdiction Court Committee, to ensure that the provisions are workable for all limited jurisdiction courts and do not conflict with other rules, the Arizona Code of Judicial Administration, AO 2022-46, or local policies. Petitioner has communicated this approach with the Petitioner, and she is supportive.

III. Request

For the reasons stated above, Commentor respectfully requests that this Court permit the filing of this late Comment, continue the petition, and allow the Petitioner to file a second amended petition based on input from and after vetting with stakeholders.

Respectfully submitted this 23rd day of July, 2024.

By /s/ David K. Byers
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