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ARIZONA SUPREME COURT

In the matter of:	)	
	)	
PETITION TO AMEND RULES OF	)	Supreme Court No. 25-_____
CRIMINAL PROCEDURE 32.16(a)(1),	)	
(a)(2), (c)(1), (f)(1)(A), (f)(2), and (f)(3).	)	
	)	
	)	
_____	)	

Pursuant to Rule 28 of the Rules of the Supreme Court of Arizona, Timothy Geiger, Capital Case Staff Attorney, Staff Attorneys' Office, Arizona Supreme Court, respectfully petitions this Court to amend the Rules of Criminal Procedure ("Criminal Rules") specified above as proposed in the Appendix. The proposed amendments will provide clarity to the form and length requirements and extend the time for filing for a petition for review, cross-petition for review, response to a petition for review, response to a cross-petition for review, and reply in capital post-conviction relief proceedings as more particularly described below.

I. Purpose of the Proposed Rule Amendments.

The proposed technical amendments address current gaps in the form and length requirements for petitions for review, cross-petitions for review, responses to petitions for review, responses to cross-petitions for review, and replies in capital post-conviction relief proceedings before the Arizona Supreme Court and propose extending the initial deadline for a petition for review, cross-petition for review, response, and reply in a capital post-conviction relief proceeding.

A. Criminal Rule 32.16(c)(1)

Currently, Criminal Rule 32.16(c)(1), in pertinent part, provides:

The petition or cross-petition for review must not exceed 6,000 words if typed or 22 pages if handwritten, exclusive of an appendix and copies of the trial court's rulings. However, a petition for review and a response to a petition for review in a capital case must not exceed 12,000 words if typed or 44 pages if handwritten, exclusive of an appendix and copies of the trial court's rulings.

However, subpart (f)(3) of the Rule does not address extended word and page limits for a reply in a capital post-conviction proceeding. The proposed amendments to Rule 32.16(a)(1), (a)(2), (c)(1), (f)(1)(A), (f)(2), and (f)(3) address this gap and provide clarity to the word and page limits for a petition for review, cross-petition for review, response to a petition for review, response to a cross-petition for review, and reply in capital post-conviction relief proceedings.

Additionally, the proposed amendments to Rule 32.16(a)(1), (a)(2), (c)(1), (f)(1)(A), (f)(2), and (f)(3) extend and provide clarity of the initial deadline for filing

a petition for review, cross-petition for review, response to a petition for review, response to a cross-petition for review, and reply in capital post-conviction relief proceedings.

B. Proposed Amendments

Petitioner proposes the following amendments:

- Criminal Rule 32.16(a)(1) by adding an additional sentence to the subpart that states, “However, in a capital case, no later than 60 days after the entry of the trial court’s final decision on a petition for post-conviction relief or a motion for rehearing, or a dismissal of a notice, an aggrieved party may petition the Supreme Court for review of the trial court’s decision.”
- Criminal Rule 32.16(a)(2) by adding an additional sentence that states, “However, in a capital case, the opposing party may file a cross-petition for review no later than 30 days after a petition for review is served.”
- Criminal Rule 32.16(c)(1) to remove the reference to a response and add reference to a cross-petition for review by removing “and a response to a petition for review” from the last sentence of the subpart and add in its place “or cross-petition for review.”
- Criminal Rule 32.16(f)(1)(A) by adding a sentence after the first sentence of the subpart that states, “However, in a capital case, no later than 60

days after a petition or cross-petition is served, a party opposing the petition or cross-petition may file a response in the Supreme Court.”

- Criminal Rule 32.16(f)(2) by adding a sentence after the first sentence of the subpart that states, “However, in a capital case, the response must not exceed 12,000 words if typed and 44 pages if handwritten, exclusive of an appendix, and must comply with the form requirements of subpart (c)(1).”
- Criminal Rule 32.16(f)(3) by adding a sentence after the first sentence of the subpart that states, “However, in a capital case, no later than 30 days after a response is served, a party may file a reply.”
- Criminal Rule 32.16(f)(3) by adding at the end of the subpart, “However, in a capital case, the reply is limited to matters addressed in the response and may not exceed 6,000 words if typed and 22 pages if handwritten. It also must comply with the requirements in subpart (c)(1) and may not include an appendix.”

II. Preliminary Comments.

Petitioner asks that this petition be considered at the August 2025 rules agenda.

This petition has not been sent to the court community for pre-filing comments because of the rather technical nature of the amendments and because it proposes

only to clarify the length of the pleadings and give both petitioning and responding parties additional initial time to present their pleadings.

Respectfully submitted this 10th day of January 2025.

By /s/ Timothy Geiger
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APPENDIX

(deletions shown as ~~strikethrough~~, additions shown as underlined)

Rules of Criminal Procedure

Rule 32.16. Petition and Cross-Petition for Review

(a) [No change]

(1) *Petition*. No later than 30 days after the entry of the trial court's final decision on a petition or a motion for rehearing, or the dismissal of a notice, an aggrieved party may petition the appropriate appellate court for review of the decision. However, in a capital case, no later than 60 days after the entry of the trial court's final decision on a petition for post-conviction relief or a motion for rehearing, or a dismissal of a notice, an aggrieved party may petition the Supreme Court for review of the trial court's decision.

(2) *Cross-Petition*. The opposing party may file a cross-petition for review no later than 15 days after a petition for review is served. However, in a capital case, the opposing party may file a cross-petition for review no later than 30 days after a petition for review is served.

(3) [No change]

(4) [No change]

(A) [No change]

(B) [No change]

(b) [No change]

(c) Form and Contents of a Petition or Cross-Petition for Review.

(1) *Form and Length*. Petitions and cross-petitions for review, along with other documents filed with the appellate clerk, must comply with the formatting requirements of Rule 31.6(b). The petition or cross-petition must contain a caption with the name of the appellate court, the title of the case, a space for the appellate court case number, the trial court case number, and a brief descriptive title. The caption must designate the parties as they appear in the trial court's caption. The petition or cross-petition for review must not exceed 6,000 words if typed or 22 pages if handwritten, exclusive of an appendix and copies of the trial court's rulings. However, a petition for review ~~and a response to a petition for review or cross-petition for review~~ in a capital case must not exceed 12,000 words if typed or 44 pages if handwritten, exclusive of an appendix and copies of the trial court's rulings.

(2) – (4) [No change]

(d) [No change]

(e) [No change]

(f) Response to a Petition or Cross-Petition for Review; Reply.

(1) Time and Place for Filing a Response; Extensions of Time.

(A) No later than 30 days after a petition or cross-petition is served, a party opposing the petition or cross-petition may file a response in the appellate court. However, in a capital case, no later than 60 days after a petition or cross-petition is served, a party opposing the petition or cross-petition may file a response in the Supreme Court. Rule 31.3(d) governs computation of the deadline for filing the response.

(B) A party may file a motion with the appellate court for an extension of the time to file a response or reply in accordance with Rule 31.3(e).

(2) Form and Length of Response. The response must not exceed 6,000 words if typed and 22 pages if handwritten, exclusive of an appendix, and must comply with the form requirements in subpart (c)(1). However, in a capital case, the response must not exceed 12,000 words if typed and 44 pages if handwritten, exclusive of an appendix, and must comply with the form requirements of subpart (c)(1). An appendix to a response must comply with the form and substantive requirements in section (d).

(3) Reply. No later than 10 days after a response is served, a party may file a reply. However, in a capital case, no later than 30 days after a response is served, a party may file a reply. The reply is limited to matters addressed in the response and may not exceed 3,000 words if typed and 11 pages if handwritten. It also must comply with the requirements in subpart (c)(1) and may not include an appendix. However, in a capital case, the reply is limited to matters addressed in the response and may not exceed 6,000 words if typed and 22 pages if handwritten. It also must comply with the requirements in subpart (c)(1) and may not include an appendix.

(g) – (n) [No change]