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IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of

PETITION TO AMEND RULE 39(b)(12)
OF THE RULES OF CRIMINAL
PROCEDURE

In Re: R-25-0035

**ARIZONA PROSECUTING
ATTORNEYS' ADVISORY
COUNCIL COMMENT IN
OPPOSITION**

The Arizona Prosecuting Attorneys' Advisory Council ("APAAC") respectfully submits the following comment opposing Petition R-25-0035, which proposes to amend Rule 39(b)(12) pertaining to the victim interview process. As aptly summed up by the Petition's minority position, "the proposed rule changes advanced in this petition appears to create confusion and will have an unintended negative impact on a victim's right to confer with prosecutor about all aspects of a case, including the right to refuse interview requests." (Petition at 14)

The proposed Petition to an on-the-record process for victim interviews is an unnecessary change that needlessly complicates the process of requesting a defense

1 interview. The Petition asserts that the change will “advance transparency,
2 accountability, and timeliness by helping to ensure the request is not forgotten or
3 overlooked . . .” (Petition at 8) In actuality, the Petition would result in prolonging
4 the request process by precluding efficient communication modes between the
5 defense, prosecution and victim, and forcing requests into formal court pleadings
6 and proceedings. Furthermore, the Petition fails to produce evidence that there are
7 issues with the current system for the defense to request an interview of the victim.
8 In other words, the Petition presents as a solution in search of a problem. Currently,
9 if the defense experiences difficulty regarding an interview request it may seek relief
10 from the court. Unlike the Petition proposal, courts currently only intervene if issues
11 arise, as opposed to being pulled into every victim case in which an interview is
12 requested.

13 In addition to its inefficiency, the proposed Petition would place an undue
14 burden on prosecution offices and courts. A review of filings from several Arizona
15 prosecution offices illustrates the high volume of cases which, under the Petition,
16 could impose additional filing requirements and unnecessary review on both
17 prosecutors and the courts. For example, in 2023, the Maricopa County Attorney’s
18 Office (“MCAO”) reported 19,540 victims served. (MCAO 2023 Year in Review).
19 That same year the Arizona Attorney General’s (“AZAG”) office reported serving
20 7,372 victims. (Attorney General Annual Report, Fiscal Year 2023). Furthermore,

1 in 2024, the Pima County Attorney's Office ("PCAO") reported 1,997 persons
2 received assistance from victim services. (Pima County Attorney Laura Conover &
3 The People's Office, Year 4 Review, 2024). Although not all victim cases will result
4 in a defense interview request, based on the historical filing numbers, under the
5 Petition there would likely be a heavy burden placed on both prosecution offices and
6 courts. That burden will potentially be even higher in cases with multiple victims.

7 Accordingly, for the reasons stated herein, APAAC respectfully requests that
8 the Petition be denied in its entirety.

9 Respectfully submitted this 16th day of April, 2025.

10
11 /s/ Elizabeth Burton Ortiz
Elizabeth Burton Ortiz