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

10 In the Matter of:

11 **PETITION TO AMEND RULE**
12 **31.10 OF THE ARIZONA RULES**
13 **OF CRIMINAL PROCEDURE and**
14 **RULE 13 OF THE ARIZONA**
RULES OF CIVIL APPELLATE
PROCEDURE

Supreme Court No. R-25-0013

STATE BAR OF ARIZONA
COMMENT

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

19 After review by the State Bar’s Criminal Practice and Procedure Committee,
20 the State Bar supports the proposed rule change to explicitly permit parties to include
21 photographs, charts, graphs, and other visual aids in appellate briefs. However, the
22 Criminal Practice and Procedure Committee expressed concern with how the
23 proposed rule could be applied in practice.
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1 Specifically, the Criminal Practice and Procedure Committee is concerned
2 about photographs containing sensitive information, such as a crime victim's
3 address, or photographs of crime victims being included in appellate briefs. *See*
4 A.R.S. § 13-4434(B) (generally requiring a victim's "identifying and locating
5 information that is obtained, compiled or reported by a law enforcement agency or
6 prosecution agency [to be] redacted"); Ariz. R. Crim. P. 39(b)(11) (granting victims
7 "the right to require the prosecutor to withhold, during discovery and other
8 proceedings, the victims' identifying and locating information"). The Criminal
9 Practice and Procedure Committee also expressed concern that the proposed rule
10 could potentially be used to include items not included in the record on appeal in a
11 party's appellate brief.
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15 Considering these concerns, the State Bar requests that this Court adopt the
16 proposed rule and include a comment to the Criminal Rule reminding parties to be
17 cognizant of victims' rights—specifically, their right to privacy. The State Bar
18 would also ask this Court to include a comment to both rules reflecting that parties
19 may not include items from outside the record on appeal unless those items
20 constitute or relate to a fact that a court could take judicial notice of. *See* Ariz. R.
21 Evid. 201(d) ("The court may take judicial notice at any stage of the proceeding.").
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1 **CONCLUSION**

2 The State Bar of Arizona respectfully requests that this Court adopt the
3 proposed rule with the inclusion of cautionary comments.
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5 RESPECTFULLY SUBMITTED this 1st day of May 2025.

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8 Lisa M. Panahi
9 FOR THE STATE BAR OF ARIZONA

10 Electronic copy filed with the
11 Clerk of the Supreme Court of Arizona
12 this 1st day of May 2025.

13 by: PSequin
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