

SUPREME COURT OF ARIZONA

In the Matter of	)	Arizona Supreme Court
	)	No. R-25-0045
RULES 2.4, 3.1, 3.2, 4.1, 4.2,	)	
AND 41, RULES OF CRIMINAL	)	
PROCEDURE	)	
	)	
	)	
	)	
	)	FILED:10/02/2025

O R D E R

On August 28, 2025, this Court entered an order amending on an emergency basis Rules 2.4, 3.1, 3.2, 4.1, 4.2 and 41 (Forms 2(a) and 2(b)) of the Rules of Criminal Procedure. In an earlier order entered on July 21, 2025, the Court opened the underlying petition for public comment until October 1, 2025.

On October 1, 2025, Petitioner filed an Amended Petition and Request to Extend Comment and Reply Period. As the Amended Petition acknowledges, the proposed amendments set forth in the Amended Petition differ substantially from those proposed in Petitioner's initial petition. They include not only additional changes to the Rules of Criminal Procedure but also a proposed amendment to the Rule 123 of the Rules of the Supreme Court of Arizona. Because of these changes, the Petitioner requests the Court to extend the comment period until October 14, 2025, with any reply due no later than October 20, 2025.

The Court's July 21, 2025 order contemplated that if the Court adopted the initially proposed amendments on an emergency basis during the August 2025 Rules Agenda, it would consider whether to adopt the amendments on a permanent basis during the November 2025 Rules Agenda. The public, however, has not had a meaningful opportunity to review and comment on the Amended Petition's proposed amendments and a two-week extension of the comment period would not remedy that problem. To address that issue, the Court will not consider adopting the proposed amendments on a permanent basis during its November 2025 Rules Agenda and will instead adopt a different schedule to ensure the public has the full opportunity to comment on the proposed amendments before any of them are adopted permanently.

Accordingly,

IT IS ORDERED extending the comment period from October 1, 2025, to October 23, 2025, with any reply due no later than October 30, 2025.

IT IS FURTHER ORDERED that during its November 2025 Rules Agenda, the Court will consider whether to adopt on an emergency basis the proposed rule amendments set forth in the Amended Petition. If it does, the Court will reopen the public comment period and consider whether to adopt the proposed rule amendments on a permanent basis during its August 2026 Rules

Agenda. If it decides not to adopt the proposed rule amendments on an emergency basis, the Court will reopen the public comment period in January 2026 and decide whether to adopt the proposed rule amendments on a non-emergency basis during its August 2026 Rules Agenda.

The petition and Amended Petition may be viewed by going to: <http://www.azcourts.gov/Rules-Forum>. This opens the "Welcome" page. Petitions are posted under the appropriate body of rules (such as the "Rules of Criminal Procedure"), which can be found by scrolling down the page.

For instructions on how to post comments electronically, click on <https://www.azcourts.gov/rules/Forum-FAQ> at the top of the "Forum FAQ" page and then "How do I file a comment on a Rule 28 petition?"

Alternatively, commenters may submit comments by filing an original and one paper copy of the comment and one electronic copy of the written comments and supporting documents in Microsoft Word format on a CD or other compatible electronic medium with the Clerk of the Supreme Court, 1501 West Washington St., Room 402, Phoenix, AZ 85007 in an envelope marked "Rule Comment."

Any person filing a comment must send a copy of the comment to the Petitioner electronically or by ordinary mail.

DATED this 2nd day of October, 2025.

/s/
ANN A. SCOTT TIMMER
Chief Justice

TO:

Rule 28 Distribution

David K Byers