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IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:

PETITION TO AMEND 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

} Supreme Court No. R-25-0045

} COMMENT OF THE SUPERIOR
} COURT IN AND FOR MARICOPA
} COUNTY ON THE AMENDED
} PETITION TO AMEND THE RULES
} OF CRIMINAL PROCEDURE

Maricopa County Superior Court appreciates the opportunity to comment on the Amended Petition filed October 1, 2025, by the Administrative Director of the Administrative Office of the Courts (AOC) ("Petitioner"). As mentioned in the petition, administrators from this Court have been a part of the AOC workgroup formed to examine and make recommendations for additional procedures needed to implement Senate Bill 1232 and the new provisions of A.R.S. § 13-3897(A) relating to pre-charge arrest warrants.

Maricopa County Superior Court supports the petition and the proposed amendments to the Rules of Criminal Procedure as a necessary and comprehensive framework for handling pre-charge arrest warrants. However, since the new pre-charge arrest warrant statute took effect on September 26, 2025, the Court has encountered several instances in which defendants arrested pursuant to A.R.S. § 13-3897(A) have been brought before judicial officers and presented as warrantless arrests, without law enforcement providing a copy of the arrest warrant or the supporting affidavit. The absence of these materials prevents judicial officers from

1 confirming the existence of probable cause at the time of presentment and from
2 determining appropriate release conditions. In addition, proceeding without
3 presentation of the warrant obscures whether the initial appearance is being
4 conducted pursuant to A.R.S. § 13-3897(A) or as a true warrantless arrest. This
5 ambiguity may further result in the certificate of execution on the underlying
6 warrant being filed outside the court record in the ensuing criminal case, leaving
7 the defendant without notice of the warrant's existence or its execution. For these
8 reasons, the Court respectfully recommends an additional clarification to Rule
9 4.1(b) to ensure that magistrates have before them the foundational materials
10 supporting the arrest during the initial appearance.

11 Specifically, the Court proposes that Rule 4.1(b) include the following
12 additional sentence (*in bold italics*) after the words "in the county where the
13 offense was committed" in the amended Rule:

14
15 **4.1(b) On Arrest Without a Warrant or an Arrest With a Warrant**
16 **Issued Under A.R.S. § 13-3897(A).** A person arrested without a warrant or
17 arrested with a warrant issued under A.R.S. § 13-3897(A) must be taken
18 before the nearest or most accessible magistrate either in the county of arrest
19 or in the county where the offense was committed. *For arrests made*
20 *pursuant to A.R.S. § 13-3897(A), upon presentment to the magistrate, the*
21 *arresting law enforcement officer must present to the court an executed*
22 *copy of the arrest warrant and a copy of the affidavit in support of the*
23 *warrant.* A complaint, if not already filed, must be promptly prepared and
24 filed. If a complaint is not filed within 48 hours after the initial appearance
25 before the magistrate, the arrested person must be immediately released from
26 custody and any pending preliminary hearing dates must be vacated.

27 This addition ensures that the magistrate conducting the initial appearance
28 has access to the materials upon which the warrant was issued, promotes
transparency in the pre-charge process, and provides a consistent procedural
safeguard across jurisdictions handling arrests under A.R.S. § 13-3897(A).

1 The Superior Court in and for Maricopa County appreciates the Court's
2 consideration of this proposed addition and continues to support the broader
3 objectives of Rule Petition R-25-0045.

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5 RESPECTFULLY SUBMITTED this 23rd day of October, 2025.

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8 Dennis D. Carpenter, Jr.
9 General Counsel
10 Superior Court of Arizona in and for
11 Maricopa County

12 Electronic copy filed with
13 Clerk of the Arizona Supreme Court
14 this 23rd day of October, 2025.
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