

1 Honorable Jennifer E. Green
2 Presiding Judge, Criminal Department
3 Superior Court of Arizona in Maricopa County
4 175 West Madison Street
5 Phoenix, AZ 85003
6 (602) 506-0438

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

9
10 PETITION TO AMEND RULES 32.4
11 AND 33.4 OF THE RULES OF
12 CRIMINAL PROCEDURE

} Supreme Court No. R-_____

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14 Pursuant to Rule 28 of the Rules of the Supreme Court, the Criminal
15 Department of the Superior Court of Arizona in Maricopa County respectfully
16 petitions the Court to modify Rule 32.4 and Rule 33.4 of the Arizona Rules of
17 Criminal Procedure as proposed below in Attachment "A".

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19 **BACKGROUND**
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21 Rules 32.4 and 33.4 govern the filing of a Notice Requesting Post-
22 Conviction Relief. The notice serves a limited, threshold function: it initiates the
23 post-conviction proceeding, allows the court to assess timeliness and preclusion,
24 and triggers appointment of counsel where appropriate.
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26 Unlike the petition for post-conviction relief (which is itself subject to
27 express page limits in non-capital cases), the rules currently impose no page
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1 limitation on the notice itself. In practice, this has led to notices filed by self-
2 represented defendants that far exceed the scope and purpose of a notice,
3 sometimes surpassing the length of the petition permitted by rule and including
4 extensive argument, evidentiary discussion, or additional motions.
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6 These filings undermine the structure of post-conviction proceedings,
7 complicate early case review, and impose unnecessary burdens on clerks,
8 prosecutors, and the court. The absence of a page limit on notices creates an
9 incentive to front-load argument into a filing that is not intended to function as a
10 merits-based pleading.
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13 IMPACTED RULES AND PROPOSAL

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15 This petition proposes a narrow amendment to Rule 32.4(b)(2) and Rule
16 33.4(b)(2) to impose a reasonable and uniform page limitation on Notices
17 Requesting Post-Conviction Relief. The proposed change would add the following
18 sentence to each rule:
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20 **The Notice shall be no longer than seven pages.**
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22 No other portions of Rules 32.4 or 33.4 would be affected.
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24 NEED FOR RULE CHANGE

25 The proposed amendment is intended to promote clarity, consistency, and
26 orderly administration of post-conviction proceedings. A notice requesting post-
27 conviction relief is not intended to function as a substitute for the petition. In non-
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1 capital cases, the petition itself is subject to a 28-page limit, reflecting a balance
2 between meaningful access to the courts and efficient case management. Allowing
3 notices to exceed that length—or to include extensive legal argument and
4 ancillary motions—defeats that balance and erodes the procedural distinction
5 between the notice and the petition.
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8 Imposing a modest seven-page limit ensures that defendants can adequately
9 identify claims and relevant information while preserving the intended sequencing
10 of post-conviction litigation. The amendment does not restrict substantive claims,
11 alter filing deadlines, or affect the availability of relief. It simply reinforces the
12 limited and preliminary nature of the notice and discourages misuse of the filing
13 process.
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16 This change would provide clear guidance to litigants, reduce unnecessary
17 motion practice, and promote more uniform practices across courts statewide.
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19 RESPECTFULLY SUBMITTED this 8th day of January, 2026.
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21 
22 Hon. Jennifer E. Green
23 Presiding Judge
24 Criminal Department
25 Superior Court in Maricopa County

26 Electronic copy filed with
27 the Clerk of the Arizona Supreme Court
28 this 8th day of January, 2026.

ATTACHMENT “A”
(new language is underlined)

Rules of Criminal Procedure

Rule 32.4. Filing a Notice Requesting Post-Conviction Relief

(a) Generally. A defendant starts a Rule 32 proceeding by filing a Notice Requesting Post-Conviction Relief.

(b) Notice Requesting Post-Conviction Relief.

(1) *Where to File; Forms.* A defendant must file a notice requesting post-conviction relief under Rule 32 in the court where the defendant was sentenced. The court must make “notice” forms available for defendants.

(2) *Content of the Notice.* The notice must contain the caption of the original criminal case or cases to which it pertains, and all information shown in Rule 41, Form 24(b). The Notice shall be no longer than seven pages.

(3) – (5) [No Changes.]

Rule 33.4. Filing a Notice Requesting Post-Conviction Relief

(a) Generally. A defendant starts a Rule 33 proceeding by filing a Notice Requesting Post-Conviction Relief.

(b) Notice Requesting Post-Conviction Relief.

(1) *Where to File; Forms.* A defendant must file a notice requesting post-conviction relief under Rule 33 in the court where the defendant was sentenced. The court must make “notice” forms available for defendants.

1 (2) *Content of the Notice.* The notice must contain the caption of the original
2 criminal case or cases to which it pertains, and all information shown in Rule 41,
3 Form 24(b). The Notice shall be no longer than seven pages.

4 (3) – (5) [No Changes.]
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