

In the Matter of) Arizona Supreme Court
) No. R-25-0014
RULES 32.16 (a) (1), (a) (2), (c) (1),)
(f) (1) (A), (f) (2) AND (f) (3),)
RULES OF CRIMINAL PROCEDURE) **FILED 08/28/2025**
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A petition having been filed proposing to amend Rule 32.16 of the Rules of Criminal Procedure, and three comments having been received, upon consideration,

DATED this 26th day of August 2025.

/s/
ANN A. SCOTT TIMMER
Chief Justice

TO:

Rule 28 Distribution

Timothy R Geiger

Jason Lewis

Lisa M Panahi

David J Euchner

ATTACHMENT¹

RULES OF CRIMINAL PROCEDURE

Rule 32.16. Petition and Cross-Petition for Review

(a) [No change]

(1) *Petition.* No later than 30 days after the entry of the trial court's final decision on a petition or a motion for rehearing, or the dismissal of a notice, an aggrieved party may petition the appropriate appellate court for review of the decision. However, in a capital case, no later than 60 days after the entry of the trial court's final decision on a petition for post-conviction relief or a motion for rehearing, or a dismissal of a notice, an aggrieved party may petition the Supreme Court for review of the trial court's decision.

(2) *Cross-Petition.* The opposing party may file a cross-petition for review no later than 15 days after a petition for review is served. However, in a capital case, the opposing party may file a cross-petition for review no later than 30 days after a petition for review is served.

(3) [No change]

(4) [No change]

(A) [No change]

(B) [No change]

(b) [No change]

(c) Form and Contents of a Petition or Cross-Petition for Review.

(1) *Form and Length.* Petitions and cross-petitions for review, along with other documents filed with the appellate clerk, must comply with the formatting requirements of Rule 31.6(b). The petition or cross-petition must contain a caption with the name of the appellate court, the title of the case, a space for the appellate court case number, the trial court case number, and a brief descriptive title. The caption must designate the parties as they appear in the trial court's caption. The petition or cross-petition for review must not exceed 6,000 words if typed or 22 pages if handwritten, exclusive of an appendix and copies of the trial court's rulings. However, a petition for review ~~and a response to a petition for review~~ or cross-petition for review in a capital case must not exceed 12,000 words if typed or 44 pages if handwritten, exclusive of an appendix and copies of the trial court's rulings.

(2) – (4) [No change]

(d) [No change]

¹ Additions to the text of a rule are shown by underscoring and deletions are shown by ~~strikethrough~~.

(e) [No change]

(f) Response to a Petition or Cross-Petition for Review; Reply.

(1) Time and Place for Filing a Response; Extensions of Time.

(A) No later than 30 days after a petition or cross-petition is served, a party opposing the petition or cross-petition may file a response in the appellate court. However, in a capital case, no later than 60 days after a petition or cross-petition is served, a party opposing the petition or cross-petition may file a response in the Supreme Court. Rule 31.3(d) governs computation of the deadline for filing the response.

(B) A party may file a motion with the appellate court for an extension of the time to file a response or reply in accordance with Rule 31.3(e).

(2) Form and Length of Response. The response must not exceed 6,000 words if typed and 22 pages if handwritten, exclusive of an appendix, and must comply with the form requirements in subpart (c)(1). However, in a capital case, the response must not exceed 12,000 words if typed and 44 pages if handwritten, exclusive of an appendix, and must comply with the form requirements of subpart (c)(1). An appendix to a response must comply with the form and substantive requirements in section (d).

(3) Reply. No later than 10 days after a response is served, a party may file a reply. However, in a capital case, no later than 30 days after a response is served, a party may file a reply. The reply is limited to matters addressed in the response and may not exceed 3,000 words if typed and 11 pages if handwritten. It also must comply with the requirements in subpart (c)(1) and may not include an appendix. However, in a capital case, the reply is limited to matters addressed in the response and may not exceed 6,000 words if typed and 22 pages if handwritten. It also must comply with the requirements in subpart (c)(1) and may not include an appendix.

(g) – (n) [No change]