

SUPREME COURT OF ARIZONA

In the Matter of	)	Arizona Supreme Court
	)	No. R-25-0035
RULE 39 (b) (12), RULES OF	)	
CRIMINAL PROCEDURE	)	
	)	
	)	
	)	
	)	FILED:03/31/2026

**NOTICE OF
PUBLICATION ERROR**

This notice is being distributed to alert courts and practitioners that the Court recently discovered that Thomsen Reuters (West) inadvertently omitted a Rule of Criminal Procedure in the 2026 Rules of Court and its companion publications.

In August 2025, this Court amended Rule 39(b)(12) of the Rules of Criminal Procedure. Rules 39(b)(12)(A) and (B) were extensively amended, but the Court's order said that there was "[n]o change" to Rule 12(b)(12)(C). That rule provides that "if there is any comment or evidence at trial regarding a victim's refusal to be interviewed, the court must instruct the jury that a victim has the right under the Arizona Constitution to refuse an interview."

Unfortunately, Thomsen Reuters omitted Rule 39(b)(12)(C) in the 2026 Rules of Court and its companion publications. It also

did not appear on Westlaw. Upon discovering the omission, West was notified and restored the provision in Westlaw. It also will be included in the June 2026 supplement to the Rules of Court.

DATED this 31st day of March, 2026.

/s/
ANN A. SCOTT TIMMER
Chief Justice

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