

Joint Comment by the Directors of the Maricopa County Indigent Defense Agencies  
In the matter of: Petition to amend the Superior Court Rules of Appellate Procedure—Criminal  
Supreme Court No. R-26-0022

**Appendix A**

Petition's Proposed Changes	Maricopa County IR Proposed Changes
<p style="text-align: center;"><b>Rule 1. Scope; Definitions</b></p> <p>a. These rules govern appeals in a criminal action taken to the Superior Court from <del>an</del> <u>written</u> order or final judgment <u>signed by</u> <del>of</del> a justice or municipal court pursuant to A.R.S. §§ 22-371, 13-4032, or 13-4033.</p> <p>b. The Arizona Rules of Criminal Procedure governing appeals in criminal actions from the Superior Court to the Court of Appeals and Supreme Court <del>shall</del> govern appeals taken to the Superior Court in situations where no rule is specified herein, and insofar as such Rules are practicable. No appeal <del>shall</del> <u>may</u> be affirmed solely for failure to comply with the procedural requirements of these rules where a fair and just determination of the appeal can be made from the record.</p> <p>c. The justice court or municipal court is referred to as the “trial court” and the Superior Court to which the appeal is taken is the “Superior Court.”</p> <p>d. These rules do not apply to any juvenile court proceeding.</p> <p>e. In computing time limits, the “last day” <u>or “deadline”</u> means that when the last day of any period of time, <u>or the deadline for completing an act prescribed herein</u> falls on a Saturday, Sunday, or day when the court is closed, the “last day” <u>or “deadline” is</u> <del>shall be</del> the next day court is open. <u>Exclude the day of the act or event that begins the period. The day of the act or event from which the designated time period begins is not to be included.</u> Except as stated by these rules or by order of court in a particular case, the filing deadlines for motions, responses, and memoranda, are not enlarged when sent by mail.</p> <p>f. For the purposes of these rules, an “authorized transcriber” has the same meaning as set forth in Supreme Court Rule 30(a)(2).</p>	<p style="text-align: center;"><b>Rule 1. Scope; Definitions</b></p> <p>a. <u>Scope.</u></p> <p>(1) These rules govern appeals in a criminal action taken to the Superior Court from <del>an order or final</del> <u>a</u> judgment of a justice or municipal court pursuant to A.R.S. §§ 22-371, 13-4032, or 13-4033.</p> <p>(2) <u>These rules do not apply to any juvenile court proceeding.</u></p> <p>b. <u>Governing rules.</u> The Arizona Rules of Criminal Procedure governing appeals in criminal actions from the Superior Court to the Court of Appeals and Supreme Court <del>shall</del> govern appeals taken to the Superior Court in situations where no rule is specified herein, and insofar as such Rules are practicable. No appeal <del>shall</del> <u>may</u> be affirmed solely for failure to comply with the procedural requirements of these rules where a fair and just determination of the appeal can be made from the record.</p> <p>c. The justice court or municipal court is referred to as the “trial court” and the Superior Court to which the appeal is taken is the “Superior Court.”</p> <p>d. <u>“Judgment” is an appealable order, whether identified as a “judgment,” an “order,” a “pronouncement of sentence,” or another term.</u></p> <p>e. <u>Computing time.</u> In computing time limits, the “last day” means that when the last day of any period of time prescribed herein falls on a Saturday, Sunday, or day when the court is closed, the “last day” shall be the next day <u>the</u> court is open. The day of the act or event from which the designated time period begins is not to be included. Except as stated by these rules or by order of court in a particular case, the filing deadlines for motions, responses, and <del>memoranda</del> <u>briefs</u>, are not enlarged when sent by mail.</p> <p>f. For the purposes of these rules, an “authorized transcriber” has the same meaning as set forth in Supreme Court Rule 30(a)(2).</p> <p>g. <u>Precedence of Criminal Appeals. Appeals in criminal cases take precedence over all other appeals except for those from juvenile actions or where otherwise provided by law.</u></p>

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<p style="text-align: center;"><b>Rule 2. Record of Proceedings</b></p> <p>a. A record in the trial court <del>shall</del> <u>must</u> be made by a certified reporter or other electronic means approved by the Supreme Court.</p> <p>b. The condition of the record <del>shall be</del> <u>is</u> subject to review by the Superior Court upon application of a party or upon the court's own motion.</p> <p>c. Unless the record is deemed insufficient, the appeal <del>shall</del> <u>is</u> not be a retrial of the facts or a trial de novo and the Superior Court <del>shall</del> <u>must</u> determine the legal issues presented.</p> <p>d. If the Superior Court determines the record insufficient to determine the issues, a trial de novo <del>shall</del> <u>must</u> be held <u>on remand</u> in <del>Superior Court</del> <u>the trial court</u>.</p>	<p style="text-align: center;"><b>Rule 2. Record of Proceedings</b></p> <p>a. A record in the trial court <del>shall</del> <u>must</u> be made by a certified <del>reporter</del> <u>transcriber</u> or other electronic means approved by the Supreme Court.</p> <p>b. The condition of the record <del>shall be</del> <u>is</u> subject to review by the Superior Court upon application of a party or upon the court's own motion.</p> <p>c. Unless the record is deemed insufficient, the appeal <del>shall not be</del> <u>is not</u> a retrial of the facts or a trial de novo and the Superior Court <del>shall</del> <u>must</u> determine the legal issues presented.</p> <p>d. If the Superior Court determines the record insufficient to determine the issues, a trial de novo <del>shall</del> <u>must</u> be held in Superior Court.</p>
<p style="text-align: center;"><b>Rule 3. Notice of Appeal</b></p> <p>a. <del>An appeal shall commence</del> <u>A party begins an appeal</u> by filing a written notice of appeal with the trial court. A notice of appeal filed by mail must be received by the trial court within the <del>allotted time</del> <u>time provided for in Rule 4 of these rules</u>.</p> <p>b. The notice of appeal <del>shall</del> <u>must</u> identify the <u>written</u> order, <u>final</u> judgment <u>signed by the trial court</u>, <u>or</u> sentence <del>or ruling appealed from</del> <u>that is appealed</u>.</p> <p>c. When a party appeals, the trial court <del>shall</del> <u>must</u> send a copy of the notice of appeal to the opposing side and to any authorized transcribers responsible for preparing the transcript, and <del>shall</del> <u>must</u> note such fact in the court records. <u>The notice of appeal must state all parties' or counsels' current mailing address and phone numbers. The courts will use these addresses for all further notices or proceedings unless notified otherwise in writing.</u></p> <p>d. <del>When a defendant appeals, the notice of appeal shall state defendant's current mailing address and phone number. This address may be used for further notices or proceedings unless the trial court is notified otherwise in writing.</del></p>	<p style="text-align: center;"><b>Rule 3. Notice of Appeal</b></p> <p>a. <del>An appeal shall commence</del> <u>A party begins an appeal</u> by filing a written notice of appeal with the trial court. <del>A notice of appeal filed by mail must be received by the trial court within the allotted time.</del></p> <p>b. The notice of appeal <del>shall</del> <u>must</u> identify the order, judgment, sentence, or ruling <u>that is being appealed</u>. <del>appealed from.</del> <u>A notice of appeal of a judgment of conviction includes all appealable rulings made in the case before the imposition of sentence.</u></p> <p>c. <u>Amended notice. If the trial court enters an order granting or denying relief under Arizona Rules of Criminal Procedure Rule 24 after a notice of appeal has been filed, a party seeking review of the order must file an amended notice no later than 20 days after entry of the order.</u></p> <p>d. <u>A notice of appeal also must include:</u></p> <ol style="list-style-type: none"> <li>(1) <u>the defendant's name, phone number, email, and address;</u></li> <li>(2) <u>the name and address of defense counsel, if any;</u></li> <li>(3) <u>whether the defendant was indigent when sentenced or when the appealable order was entered.</u></li> </ol>

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	<p><del>When a party appeals, the trial court shall send a copy of the notice of appeal to the opposing side and to any authorized transcribers responsible for preparing the transcript, and shall note such fact in the court records.</del></p> <p>e. <u>Distribution of notices by the trial court clerk:</u></p> <p>(1) <u>No later than 10 days after a notice of appeal is filed, the trial court clerk must distribute a copy of the notice to:</u></p> <p>(A) <u>The prosecuting agency that tried the case;</u></p> <p>(B) <u>The defendant;</u></p> <p>(C) <u>Defense counsel of record, if any;</u></p> <p>(D) <u>The appropriate certified reporter or reporters or, if the record was made by electronic or other means, to the court's designated transcript coordinator; and</u></p> <p>(E) <u>The Superior Court Clerk.</u></p> <p>(2) <u>The trial court clerk must enter in the docket the name and address of each party to whom the clerk distributed copies of the notice of appeal, and when each notice was distributed.</u></p> <p>f. <u>Transmission to Superior Court and assignment of appellate case number.</u></p> <p>(1) <u>No later than 10 days after receiving a notice of appeal, the trial court must transmit the notice of appeal to the Superior Court.</u></p> <p>(2) <u>No later than 10 days after receiving a notice of appeal from the trial court, the Superior Court clerk must assign an appellate case number to the appeal.</u></p> <p>(3) <u>The Superior Court clerk must promptly notify each individual identified in Rule 3(e)(1) of the assignment of the appellate case number.</u></p> <p><del>g. When a defendant appeals, the notice of appeal shall state defendant's current mailing address and phone number. This address may be used for further notices or proceedings unless the trial court is notified otherwise in writing.</del></p>

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<p style="text-align: center;"><b>Rule 4. Time for Taking Appeal</b></p> <p>a. The notice of appeal <del>shall</del> <u>must</u> be filed with the trial court within 14 calendar days after the entry of the <u>written</u> order, <del>ruling, final</del> judgment <u>signed by the trial court</u>, or sentence appealed from, except that a notice of delayed appeal <del>shall</del> <u>must</u> be filed within 14 calendar days after entry of an order granting a delayed appeal.</p> <p>b. The date of receipt of the notice of appeal <del>shall</del> <u>must</u> be stamped or marked on its face when received.</p> <p>c. The date of receipt of the notice of appeal by the trial court <del>shall be</del> <u>is</u> the basis for computation of all time periods dependent on filing the notice of appeal.</p>	<p style="text-align: center;"><b>Rule 4. Time for Taking Appeal</b></p> <p>a. The notice of appeal shall be filed with the trial court within <del>14</del> <u>20</u> calendar days <del>after</del> <u>of</u> the entry of the order, ruling, judgment, or sentence appealed from, except that a notice of delayed appeal shall be filed within <del>14</del> <u>20</u> calendar days after entry of an order granting a delayed appeal.</p> <p>b. <u>A notice of appeal filed by mail must be postmarked before the expiration of the 20 days required by Rule 4(a).</u></p> <p>c. The date of receipt of the notice of appeal shall be stamped or marked on its face when received.</p> <p>d. The date of receipt of the notice of appeal by the trial court shall be the basis for computation of all time periods dependent on filing the notice of appeal.</p>
<p style="text-align: center;"><b>Rule 5. Appeals by Indigents</b></p> <p>a. A defendant who had appointed counsel at the determination of guilt or at sentencing may proceed on appeal as an indigent without further authorization, unless the trial court finds that the defendant is no longer indigent. <del>or If</del> <u>If</u> the punishment imposed did not result in a loss of liberty, <u>a defendant may not be entitled to counsel on appeal.</u> Counsel may nevertheless be appointed if the court concludes that the interests of justice so require. Requests for appointment of counsel <del>shall be</del> <u>are</u> governed by Rule 6, Arizona Rules of Criminal Procedure. <u>If counsel is not appointed on appeal, the trial court must determine indigency for purposes of waiver of fees or costs on appeal.</u></p> <p>b. A request for appointment of counsel on appeal <del>shall</del> <u>must</u> be reviewed within <del>three-business</del> <u>5 calendar</u> days of its receipt by the trial court. Written notification of the granting or denying of the request <del>shall</del> <u>must</u> be sent to the defendant within <del>three-business</del> <u>5 calendar</u> days of <del>the trial court's determination</del> <u>that ruling</u>. The trial court <del>shall</del> <u>must</u> provide written notification to any appointed counsel.</p>	<p style="text-align: center;"><b>Rule 5. Appeals by Indigents</b></p> <p>a. A defendant who had appointed counsel at the determination of guilt or at sentencing may proceed on appeal as an indigent without further authorization, unless the trial court finds that the defendant is no longer indigent. <del>or If</del> <u>If</u> the punishment imposed did not result in a loss of liberty, <u>a defendant may not be entitled to counsel on appeal.</u> Counsel may nevertheless be appointed if the court concludes that the interests of justice so require. Requests for appointment of counsel <del>shall be</del> <u>are</u> governed by Rule 6, <u>of the</u> Arizona Rules of Criminal Procedure.</p> <p>b. A request for appointment of counsel on appeal <del>shall</del> <u>must</u> be reviewed within <del>three-business</del> <u>5 calendar</u> days of its receipt by the trial court. Written notification of the granting or denying of the request <del>shall</del> <u>must</u> be sent to the defendant within <del>three-business</del> <u>5 calendar</u> days of <u>that ruling.</u> <del>the trial court's determination.</del></p> <p>c. The trial court <del>shall</del> <u>must</u> provide written notification to any appointed counsel. <u>The trial court clerk must enter in the docket the name and address of appointed counsel to whom the clerk distributed copies of the order appointing counsel and when the notice was distributed.</u></p>

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	<p>d. <u>If the trial court enters an order regarding the request for the appointment of counsel after the notice of appeal has been transmitted to the Superior Court, the trial court must transmit a copy of the order granting or denying the appointment of counsel to the Superior Court.</u></p> <p>e. <u>If counsel is not appointed on appeal, the trial court must determine indigency for purposes of fees or costs on appeal.</u></p>
<p style="text-align: center;"><b>Rule 6. Bond on Appeal</b></p> <p>a. The conditions of release and posting of bond during the pendency of the appeal <del>shall be</del> <u>are</u> governed by Rule 7.2, Arizona Rules of Criminal Procedure, provided that the posting of a bond <del>shall</del> <u>must</u> not be a condition of the right to file an appeal.</p> <p>b. Any defendant in custody during the appeal <del>shall</del> <u>must</u> receive the same benefits and credits in the computation of the sentence as if no appeal had been taken.</p> <p>c. Execution of sentence <del>shall</del> <u>must</u> be stayed pending appeal when defendant posts bond pursuant to Rule 7.2, Arizona Rules of Criminal Procedure, or when the appeal is taken on defendant's own recognizance. "Sentence" <del>shall</del> <u>includes</u> any fine, jail term, or other penalty, including a term of probation, imposed by the court. Notwithstanding the foregoing, <del>a</del> <u>written</u> order requiring the payment of restitution <del>shall</del> <u>may</u> not be stayed, but during the pendency of the appeal restitution payments <del>shall</del> <u>must</u> be paid to, and held by, the clerk of court.</p>	<p style="text-align: center;"><b>Rule 6. Bond on Appeal</b></p> <p>a. The conditions of release and posting of bond during the pendency of the appeal <del>shall be</del> <u>are</u> governed by <u>Rule 7.2(c)(2) of the</u> Arizona Rules of Criminal Procedure, <del>provided that</del>. The posting of a bond <del>shall</del> <u>must</u> not be a condition of the right to file an appeal.</p> <p>b. Any defendant in custody during the appeal <del>shall</del> <u>must</u> receive the same benefits and credits in the computation of the sentence as if no appeal had been taken.</p> <p>c. Execution of sentence <del>shall</del> <u>must</u> be stayed pending appeal when defendant posts bond pursuant to Rule 7.2, <u>of the</u> Arizona Rules of Criminal Procedure, or when the appeal is taken on defendant's own recognizance.</p> <p>d. "Sentence" <del>shall</del> <u>includes</u> any fine, jail term, or other penalty, including a term of probation, imposed by the court.</p> <p>e. Notwithstanding the foregoing, <del>a</del> <u>written</u> order requiring the payment of restitution <del>shall</del> <u>may</u> not be stayed, <del>but</del>. <u>During the pendency of the appeal,</u> restitution payments <del>shall</del> <u>must</u> be paid to, <del>and held by,</del> the clerk of court.</p>
<p style="text-align: center;"><b>Rule 7. Record on Appeal</b></p> <p>a. Within 14 calendar days after the filing of the notice of appeal, when the defendant is the appellant, a defendant who is not proceeding as an indigent on appeal <del>shall make arrangements</del> <u>must arrange</u> with all authorized transcribers to pay any record or transcript preparation fees. <del>Thereupon, each</del> <u>The</u> authorized transcriber <del>shall</del> <u>must</u> promptly prepare the transcript <u>after the defendant arranged payment.</u></p>	<p style="text-align: center;"><b>Rule 7. Record on Appeal</b></p> <p>a. <u>Preparation of transcripts.</u> Within <del>14</del> <u>20</u> calendar days <del>after</del> <u>of</u> the filing of the notice of appeal, when the defendant is the appellant, a defendant who is not proceeding as an indigent on appeal <del>shall make arrangements</del> <u>must arrange</u> with all authorized transcribers to pay any record or transcript preparation fees. Thereupon, each authorized transcriber shall promptly prepare the transcript.</p>

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<p>b. In lieu of the record of proceedings or transcript in the trial court, the parties may submit a joint statement of the record on appeal, prepare and sign an agreed statement as to the record on appeal, setting forth the issues and pertinent facts presented by the appeal. Notice that a joint statement will be used <del>shall</del> <u>must</u> be given to the trial court, <u>and</u> any authorized transcriber.</p> <p>c. The record on appeal <del>shall</del> <u>consists</u> of originals or certified copies of these items:</p> <ol style="list-style-type: none"> <li>(1) The notice of appeal;</li> <li>(2) The docket or list of events;</li> <li>(3) Documentation or record of payment of a fine, restitution, or posting of bond;</li> <li>(4) The charging document and any amendments;</li> <li>(5) Disposition or judgment or sentence; and</li> <li>(6) The <u>written</u> order; <u>or final</u> judgment <u>signed by the trial court</u>; <del>or ruling</del> that is the subject of the appeal.</li> </ol> <p>Unless otherwise designated by a party, the record shall also include:</p> <ol style="list-style-type: none"> <li>(7) Any written motions, responses, and replies;</li> <li>(8) Any exhibits (admitted or not);</li> <li>(9) The recording or certified transcript of the trial, as the Superior Court may require (except that voir dire, opening and closing argument, and jury instructions <del>shall</del> <u>are</u> not be included unless designated by a party <u>as containing a legal issue on appeal</u>);</li> <li>(10) If designated for inclusion by a party, oral argument on motions, voluntariness, or suppression hearings; aggravation or mitigation hearings; probation violation proceedings; and the entry of judgment and sentence;</li> <li>(11) Any other matter designated by a party.</li> </ol> <p>d. Within the time allowed to appeal, the appellant <del>shall</del> <u>must</u> also file an original and copy of a designation of items to be included in the record on appeal. Both documents <del>shall</del> <u>must</u> be date stamped on the face thereof when received by the court. The trial court <del>shall</del> <u>will</u> send the copy to the opposing side. Within 14 calendar days of the date of filing, the opposing party may also file its designation of portions of the record to be included.</p>	<p>b. <u>All parties to the appeal must cooperate with the authorized transcriber by providing information necessary to facilitate transcription.</u></p> <p>c. <u>Joint statement of the record.</u> In lieu of the record of proceedings or transcript in the trial court, the parties may submit a joint statement of the record on appeal; <u>or</u> prepare and sign an agreed statement <del>as to</del> <u>of</u> the record on appeal, setting forth the issues and pertinent facts presented by the appeal. Notice that a joint statement will be used <del>shall</del> <u>must</u> be given to the trial court, <u>and</u> any authorized transcriber.</p> <p>d. <u>The record on appeal.</u> The record on appeal <del>shall</del> <u>consists</u> of <del>originals or certified copies of these items:</del></p> <ol style="list-style-type: none"> <li>(1) The notice of appeal;</li> <li>(2) <del>The docket or list of events</del> <u>A certified index itemizing the documents and events comprising the record on appeal;</u></li> <li>(3) Documentation or record of payment of a fine, restitution, or posting of bond;</li> <li>(4) The charging document and any amendments;</li> <li>(5) Disposition, <del>or</del> judgment, or sentence; and</li> <li>(6) The order, judgment, or ruling that is the subject of the appeal;</li> </ol> <p><del>Unless otherwise designated by a party, the record shall also include:</del></p> <ol style="list-style-type: none"> <li>(7) <del>Any</del> <u>All</u> written motions, responses, and replies;</li> <li>(8) <del>Any</del> <u>All admitted</u> exhibits <del>(admitted or not)</del>;</li> <li>(9) The recording or certified transcript of the trial, <del>as the Superior Court may require (except that including</del> voir dire, opening and closing argument, and jury instructions <del>shall not be included unless designated by a party)</del>;</li> <li>(10) <del>If designated for inclusion by a party,</del> <u>Oral</u> argument on motions, voluntariness, or suppression hearings; aggravation or mitigation hearings; probation violation proceedings; and the entry of judgment and sentence; <u>and</u></li> <li>(11) Any other matter designated by a party.</li> </ol> <p>e. <u>Designation of Record.</u> Within <del>the time allowed to appeal</del> <u>10 days of the filing of the notice of appeal</u>, the appellant <del>shall</del> <u>may</u> also file <u>with the trial court an original and copy of</u> a designation of items to be included in the record on appeal. <del>Both</del> <u>The</u> documents <del>shall</del> <u>must</u> be date stamped <del>on the</del></p>

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<p>e. Correction or modification of the record on appeal. If anything material to either party is omitted from the record on appeal or is misstated therein, the parties by stipulation, the trial court before the record is transmitted to the Superior Court, or the Superior Court on motion of either party or on its own initiative after the record has been transmitted to the Superior Court, may direct that the omission or misstatement be corrected or that the record be augmented to reflect what took place, and if necessary, that a supplemental record be certified and transmitted to the Superior Court.</p> <p>f. Unless designated by a party or requested by the Superior Court, the record on appeal <del>shall</del> <u>must</u> not include: determinations of release conditions, notices of appearance, discovery disclosures, notices of defenses, subpoenas, notices of pretrial or trial settings. MVD abstracts or other agency advisories, or general correspondence.</p> <p>g. If it appears to the trial court that the record is insufficient for an appeal on the record, the trial court may, on its own motion or on motion of a party, reset the matter for a new trial <u>or hearing in the trial court</u> within 45 days from such determination. <u>Upon such order from the Superior Court, the trial court may modify the schedule for the new trial or hearing in its discretion or upon request of a party.</u> In <del>such</del> <u>the</u> event <u>of a remand for a new trial or hearing</u>, any appeal rights <del>shall</del> begin to run from the entry of a judgment or order following the new trial. <del>In cases where it appears that the record is insufficient, the preference shall be for a new trial at the trial court level. Notwithstanding the foregoing, cases summarily transferred to the superior court for trial de novo or determined by the superior court to have an insufficient record may be remanded to the original trial court for a new trial or hearing in lieu of a trial de novo in the superior court. Unlike the parties in a trial de novo held in the superior court, the</del> <u>The</u> parties in a case remanded pursuant to this rule for a new trial in the original trial court <del>shall</del> have the rights of appeal <del>as provided by statute or rule for all litigants</del> following <del>a</del> <u>the new</u> trial or the entry of an appealable judgment or order.</p>	<p><del>face thereof</del> when received by the court. The trial court shall send <del>the</del> <u>a</u> copy to the opposing side. Within <del>14</del> <u>10</u> calendar days of the date of filing, the opposing party may also file its designation of portions of the record to be included.</p> <p>f. <b>Correction or modification of the record on appeal.</b> If anything material to either party is omitted from the record on appeal or is misstated therein, the parties by stipulation, the trial court before the record is transmitted to the Superior Court, or the Superior Court on motion of either party or on its own initiative after the record has been transmitted to the Superior Court, may direct that the omission or misstatement be corrected or that the record be augmented to reflect what took place, and if necessary, that a supplemental record be certified and transmitted to the Superior Court.</p> <p>g. <b>Items not included in record.</b> Unless designated by a party or requested by the Superior Court, the record on appeal shall not include: determinations of release conditions, notices of appearance, discovery disclosures, <del>notices of defenses</del>, subpoenas, notices of pretrial or trial settings, MVD abstracts or other agency advisories, or general correspondence.</p> <p>h. <b>Insufficient record.</b> If it appears to the trial court that the record is insufficient for an appeal on the record, the trial court may, on its own motion or on motion of a party, reset the matter for a new trial within 45 days from such determination. In such event, any appeal rights shall begin to run from the entry of a judgment or order following the new trial.</p> <ol style="list-style-type: none"> <li>(1) In cases where it appears that the record is insufficient, the preference <del>shall be</del> <u>is</u> for a new trial at the trial court level.</li> <li>(2) Notwithstanding the foregoing, cases summarily transferred to the <del>s</del><u>S</u>uperior <del>e</del><u>C</u>ourt for trial de novo or determined by the <del>s</del><u>S</u>uperior <del>e</del><u>C</u>ourt to have an insufficient record may be remanded to the original trial court for a new trial or hearing in lieu of a trial de novo in the <del>s</del><u>S</u>uperior <del>e</del><u>C</u>ourt.</li> <li>(3) Unlike the parties in a trial de novo held in the <del>s</del><u>S</u>uperior <del>e</del><u>C</u>ourt, the parties in a case remanded pursuant to this rule for a new trial in the original trial court <del>shall</del> have the rights of appeal as provided by</li> </ol>

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	statute or rule for all litigants following a trial or the entry of an appealable judgment or order.
<p><b>Rule 8. Appellate Memoranda, Motions for More Time, Procedural Motions</b></p> <p>a. <b>Appellate Memoranda Brief and Response.</b></p> <p>(1) A defendant who is not represented by counsel shall <u>must</u> file an original and one copy of any <u>memoranda brief</u> required under this subsection (a). The trial court shall <u>must</u> send the copy of the <u>memoranda brief</u> to the opposing side. In all other cases, only original <u>memoranda shall briefs must</u> be filed with the court, and copies shall <u>must</u> be served pursuant to Rule 1.7, Arizona Rules of Criminal Procedure.</p> <p>(2) The appellant's <u>memorandum shall brief must</u> be filed with the trial court within 60 calendar days from the deadline to file the notice of appeal. The appellee's <u>memorandum shall response must</u> be filed within 30 calendar days of the filing date of the appellant's <u>memorandum brief</u>. No reply <u>memorandum shall may</u> be filed unless authorized by the Superior Court. If no appellee's <u>memorandum response</u> is filed, the matter shall <u>be is</u> deemed submitted on the record and the appellant's <u>memorandum brief</u>. Non-filing of an appellee's <u>memorandum shall response does</u> not constitute confession of error.</p> <p>(3) <u>Memoranda shall</u> <u>The brief and response must</u> include a short statement of the facts with reference to the record, a concise argument setting forth the legal issues presented with citation of authority, and a conclusion stating the precise remedy sought on appeal.</p> <p>(4) Exclusive of any appendices, memoranda shall not exceed 15 pages. Memoranda must comply with the format requirements of Rule 1.6 of the Rules of Criminal Procedure. Memoranda that are not legible may be stricken by the Superior Court.</p> <p>(5) The Superior Court may modify or waive the requirements of this rule to insure a fair and just determination of the appeal.</p> <p>b. <b>Motions for More Time.</b> For good cause, a party may file a motion for more time to file the <u>memorandum brief or response before the time to file</u></p>	<p><b>Rule 8. Appellate <del>Memoranda,</del> Motions For More Time, Procedural Motions <u>Briefs</u></b></p> <p>a. <b>Appellate Memoranda <u>Filing.</u></b> All appellate briefs must be filed with the <u>Superior Court.</u></p> <p>(1) <u>Unrepresented parties.</u> A <u>defendant party who is</u> not represented by counsel shall <u>must</u> file an original and one copy of <u>any memoranda their brief, required under this subsection (a).</u> The <u>trial court Superior Court shall must then send transmit</u> the copy of <u>the memoranda appellant's opening brief</u> to the opposing side. <u>In all other case, only original memoranda shall be filed with the court, and copies shall be served pursuant to Rule 1.7, Arizona Rules of Criminal Procedure.</u></p> <p>(2) <u>The appellant's memorandum shall be filed with the trial court within 60 calendar days from the deadline to file the notice of appeal. The appellee's memorandum shall be filed within 30 calendar days of the filing date of the appellant's memorandum. No reply memorandum shall be filed unless authorized by the Superior Court. If no appellee's memorandum is filed, the matter shall be deemed submitted on the record and the appellant's memorandum. Non-filing of an appellee's memorandum shall not constitute confession of error. Represented parties. When represented by counsel, the party files only the original brief with the Superior Court, and the party is responsible for serving the other side pursuant to Rule 14(b) of these Rules.</u></p> <p>(3) <u>Memoranda shall include a short statement of the facts with reference to the record, a concise argument setting forth the legal issues presented with citation of authority, and a conclusion stating the precise remedy sought on appeal.</u></p> <p>(4) <u>Exclusive of any appendices, memoranda shall not exceed 15 pages. Memoranda must comply with the format requirements of Rule 1.6 of the Rules of Criminal Procedure. Memoranda that are not legible may be stricken by the Superior Court.</u></p> <p>(5) <u>The Superior Court may modify or waive the requirements of this rule to insure a fair and just determination of the appeal.</u></p>

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<p><del>the brief or response has expired. No response shall be filed</del> <u>The non-filing party must not object or respond</u> unless authorized by the trial court. The motion for more time <del>shall be presented to</del> <u>must be filed with</u> the trial court. <del>and shall be ruled upon by a different judge than the judge that presided over the matter on appeal. A motion for more time filed after the deadline for filing the brief or response must be denied.</del></p> <p>c. <b>Procedural Motions.</b></p> <p>(1) Procedural motions are motions that <del>may</del> determine whether the appeal should go forward. Procedural motions include motions to dismiss where there is no right to appeal, appeals from guilty pleas, appeals that are not timely filed, and motions to dismiss or motions to strike. Procedural motions may be made at any time after the filing of the notice of appeal, <u>but may not be filed as part of the response.</u> <del>As set forth herein, procedural</del> <u>Procedural</u> motions <del>shall be presented to</del> <u>must be filed with</u> the trial court and ruled upon by the Superior Court.</p> <p>(2) A defendant who is not represented by counsel <del>shall</del> <u>must</u> file an original and two copies of any procedural motion or response thereto provided for in this subsection (c), which <del>shall</del> <u>must</u> be date stamped upon receipt by the trial court. The trial court <del>shall</del> <u>must</u> send one copy to the opposing side and retain the other copy for later transmittal to the Superior Court. In all other cases, only the original and one copy <del>shall</del> <u>must</u> be filed with the court, and copies <del>shall</del> <u>must</u> be served pursuant to Rule 1.7, Arizona Rules of Criminal Procedure.</p> <p>(3) The caption of such a motion <del>shall</del> <u>must</u> bear the notation "Procedural Motion--Refer to Superior Court." The opposing side <del>shall have</del> <u>has</u> 14 calendar days from the filing date to respond. The caption of the response <del>shall</del> <u>must</u> bear the notation "Procedural Motion Response--Refer to Superior Court." No reply <del>memorandum shall</del> <u>may</u> be filed unless authorized by the Superior Court. No oral argument <del>shall be</del> <u>is</u> allowed unless ordered by the Superior Court. The parties <del>shall</del> <u>must</u> refer specifically to the record as needed and <u>must</u> attach such documents as support the motion or response, <u>including any brief at issue in the motion.</u></p> <p>(4) While a procedural motion is pending: (i) further preparation of any recording or transcript of the trial or hearings <del>shall</del> <u>must</u> be suspended;</p>	<p>b. <del>Motions for More Time</del> <u>Opening Brief.</u> <del>Motions for More Time. For good cause, a party may file a motion for more time to file the memorandum. No response shall be filed unless authorized by the trial court. The motion for more time shall be presented to the trial court and shall be ruled upon by a different judge than the judge that presided over the matter on appeal.</del></p> <p>(1) <u>Due Date.</u> <del>The appellant must file an opening brief no later than 40 days after the clerk mails notice to the parties that the record is complete.</del></p> <p>(2) <u>Content.</u> <del>Opening briefs must include the following:</del></p> <p>(A) <u>A statement of the issue(s) presented for the Superior Court's review;</u></p> <p>(B) A short statement of the facts with reference to the record that supports them.;</p> <p>(C) A concise argument <del>setting forth the legal issues presented on the issue(s) presented</del> with citation <del>of</del> <u>to legal</u> authority; and</p> <p>(D) <del>a</del> <u>A conclusion that</u> <del>states</del> <u>statinges</u> the precise remedy sought on appeal.</p> <p>(3) <u>Length.</u> <del>Exclusive of any appendices, memoranda the opening brief shall not exceed 15 pages 4,500 words. Memoranda must comply with the format requirements of Rule 1.6 of the Rules of Criminal Procedure. Memoranda that are not legible may be stricken by the Superior Court.</del></p> <p>c. <del>Procedural Motions</del> <u>Answering Brief.</u></p> <p>(1) <del>Procedural motions are motions that may determine whether the appeal should go forward. Procedural motions include motions to dismiss where there is no right to appeal, appeals from guilty pleas, appeals that are not timely filed, and motions to dismiss or motions to strike. Procedural motions may be made at any time after the filing of the notice of appeal, As set forth herein. Procedural motions shall be presented to the trial court and ruled upon by the Superior Court.</del> <u>Due</u></p>

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<p>(ii) the deadline to file appellate <del>memoranda shall</del> <u>brief or response must</u> be suspended; (iii) and perfection of the appeal <del>shall</del> <u>must</u> follow the procedures of subsection (c)(5) of this rule.</p> <p>(5) Upon the filing of a procedural motion, and after the time to file any response has expired, the trial court <del>shall</del> <u>must</u> send the motion and response to the Superior Court along with the notice of appeal. <u>If the notice of appeal is untimely, the trial court must dismiss the appeal pursuant to Rule 9 of these rules rather than transmit the procedural motion for ruling.</u> Upon disposition of the motion, the Superior Court <del>shall</del> <u>must</u> enter appropriate orders and instruct the trial court and the parties as to the disposition of the motion, transmittal of the record on appeal, and when any appellate <del>memoranda are</del> <u>brief or response is</u> due., <del>if the Superior Court ruling allows the appeal to proceed, any necessary appellate memoranda, and any subsequent papers, shall be filed in the Superior Court. The trial court may modify these dates in its discretion once the case is remanded to the trial court. After ruling, the Superior Court must remand the case to the trial court to complete the requirements of perfection and transmit once compliant or dismiss the case if not perfected pursuant to these rules.</del></p>	<p><u>Date. The appellee's brief must be filed within 30 calendar days after the appellant's brief is served.</u></p> <p>(2) <del>A defendant who is not represented by counsel shall file an original and two copies of any procedural motion or response thereto provided for in this subsection (c), which shall be date stamped upon receipt by the trial court. The trial court shall send one copy to the opposing side and retain the other copy for later transmittal to the Superior Court. In all other cases, only the original and one copy shall be filed with the court, and copies shall be served pursuant to Rule 1.7, Arizona Rules of Criminal Procedure. Content. Answering briefs must include the following:</del></p> <p>(A) <u>A statement of the issue(s) presented for the Superior Court's review;</u></p> <p>(B) <u>A short statement of the facts with reference to the record that supports them;</u></p> <p>(C) <u>A concise argument on the issue(s) presented with citation to legal authority;</u></p> <p>(D) <u>A conclusion that states why the court should affirm the trial court.</u></p> <p>(3) <del>The caption of such a motion shall bear the notation "Procedural Motion—Refer to Superior Court." The opposing side shall have 14 calendar days from the filing date to respond. The caption of the response shall bear the notation "Procedural Motion Response—Refer to Superior Court." No reply memorandum shall be filed unless authorized by the Superior Court. No oral argument shall be allowed unless ordered by the Superior Court. The parties shall refer specifically to the record as needed and attach such documents as support the motion or response Length. Exclusive of any appendices, the answering brief must not exceed 4,500 words.</del></p> <p>(4) <del>While a procedural motion is pending: (i) further preparation of any recording or transcript of the trial or hearings shall be suspended; (ii) the deadline to file appellate memoranda shall be suspended; (iii) and perfection of the appeal shall follow the procedures of subsection (c)(5) of this rule. If no answering brief is filed, the matter is deemed</del></p>

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	<p><u>submitted on the record and the appellant's opening brief. Non-filing of an answering brief is not a concession of error by the appellee.</u></p> <p>(5) <del>Upon the filing of a procedural motion, and after the time to file any response has expired, the trial court shall send the motion and response to the Superior Court along with the notice of appeal. Upon disposition of the motion, the Superior Court shall enter appropriate orders and instruct the trial court and the parties as to the disposition of the motion, transmittal of the record on appeal, and when any appellate memoranda are due, if the Superior Court ruling allows the appeal to proceed, any necessary appellate memoranda, and any subsequent papers, shall be filed in the Superior Court.</del></p> <p>d. <u>Reply Briefs.</u> <u>In general, no reply brief is permitted. Appellants wishing to file one must file a motion with the Superior Court and demonstrate good cause. Absent such a showing, no reply will be permitted. If the Superior Court grants a motion to file a reply, it must set a deadline. The reply must not exceed 2,250 words.</u></p> <p>e. <u>References to the Record.</u></p> <p>(1) <u>In general.</u> <u>References to evidence or other parts of the record must include a citation to the index prepared by the clerk, any exhibit, or page of a certified transcript.</u></p> <p>(2) <u>Audio or video recordings.</u> <u>If a party refers to a video or audio recording that was part of the record or an admitted exhibit, it must provide specific time-coded references to the relevant portions of the recording.</u></p> <p>f. <u>Waiver of Requirements.</u> <u>The Superior Court may modify or waive the requirements of this rule to <del>insure</del> ensure a fair and just determination of the appeal.</u></p>
<p><b>Rule 9. Perfection of Appeal, Dismissal for Noncompliance</b></p> <p>a. <u>Perfection of Appeal.</u> <u>Perfection of the appeal <del>shall be</del> is a precondition of transmitting the record to Superior Court. Perfection <del>shall</del> includes the timely filing of a notice of appeal and the filing of the appellant's <del>memorandum</del> <u>brief</u>.</u></p>	<p><b><del>Rule 9. Perfection of the Appeal, Dismissal for Noncompliance</del></b></p> <p><u>[Deleted]</u></p>

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<p>b. <u>Abandonment of Appeal; Dismissal.</u> In the event an appeal is not fully perfected, it must be deemed abandoned and must be dismissed by order of the trial court with notice to the appellant. The trial court may not extend the deadlines to file a notice of appeal or cross-appeal and may only extend the deadlines to file a brief or response upon timely request to the trial court made prior to the deadline to file the brief or response.</p> <p>c. <u>Effect of Dismissal.</u> <del>A party that fails to perfect the appeal shall be deemed to have abandoned the appeal, and</del> In the event an appeal is dismissed, the disposition appealed from <del>shall</del> stands as if no appeal had been taken. If the defendant is the appellant, the trial court may enter an order declaring the appeal abandoned and requiring the defendant to reappear in court on at least 14 calendar days' written notice. At such a proceeding, the trial court may apply any available bond to fines or restitution, and otherwise complete the execution of the sentence. The hearing may proceed in absentia if the defendant fails to appear or an arrest warrant may be issued.</p>	
<p><b>Rule 10. Transmission of the Record; Notice of Summary Transfer</b></p> <p>a. When the appeal has been perfected and the time for filing the appellee's memorandum has expired, the trial court <del>shall</del> <u>must</u> send the record on appeal and <del>memoranda</del> <u>brief and response, if any,</u> to the Superior Court within 30 calendar days.</p> <p>b. If a sufficient record of the hearing or trial on which the appeal is based cannot be made available, the trial court <del>shall</del> <u>must</u> notify the parties and <del>summarily transfer the entire file to the Superior Court</del> <u>must set the matter for a trial de novo in the trial court, without transmittal to the Superior Court.</u> <del>Where the entire case is transferred under this subparagraph, no appellate memoranda shall be required. Upon receipt of the file, the Superior Court shall notify the parties with instructions as to further proceedings.</del></p>	<p><b>Rule 10. Transmission of the Record <u>to the Superior Court</u>; <del>Notice of Summary Transfer</del></b></p> <p><del>a.—When the appeal has been perfected and the time for filing the appellee's memorandum has expired, the trial court shall send the record on appeal and memoranda to the Superior Court within 30 calendar days.</del></p> <p>a. <u>No later than 30 days after a notice of appeal is filed, the trial court must electronically transmit the record on appeal and any other items requested by the Superior Court to the Superior Court clerk and make the items available to all parties.</u></p> <p>b. <u>Extension and Reduction of Time.</u> For good cause and after considering the rights of the victim, the Superior Court may grant a 20-day extension to transmit the record on appeal. The Superior Court also may order the trial court to transmit the electronic record, or a portion of the record, at an earlier time, or it may order physical transmission of the entire record or portions of the record under (d). <u>The Superior Court clerk must distribute a copy of any order entered under this rule to the parties, the trial court, and the authorized transcriber who made the request.</u></p>

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	<p>c. <u>Supplementation.</u> At any time during the appeal, the Superior Court may direct the trial court by an order or written request to transmit portions of the record that were not included in previous transmissions.</p> <p>d. <u>Physical Transmission by the Trial Court.</u> The trial court clerk must notify the Superior Court clerk and the parties to the appeal of any items in the trial court's record of a size, bulk, or condition that makes their electronic transmission impractical. If any of those items are necessary for a determination of issues raised on appeal, the Superior Court, on motion or on its own, may order that the Superior Court clerk transmit to the Superior Court any or all of these items in physical form. Alternatively, the parties may stipulate to the method of transmitting the item.</p> <p>e. <u>Notice that the Record Was Received.</u> When the Superior Court clerk receives all of the record on appeal, the Superior Court clerk must promptly give all parties notice of that fact and the date on which the clerk received the complete record.</p> <p>f. <u>Insufficient record.</u> If a sufficient record of the hearing or trial on which the appeal is based cannot be made available, the trial court <del>shall</del> <u>must</u> notify the parties and summarily transfer the entire file to the Superior Court for a trial de novo. Where the entire case is transferred under this subparagraph, no appellate <del>memoranda</del> <u>brief shall be</u> <del>is</del> required. Upon receipt of the file, the Superior Court <del>shall</del> <u>must</u> notify the parties with instructions as to further proceedings.</p>
<p style="text-align: center;"><b>Rule 11. Oral Argument; Precedence of Criminal Appeals</b></p> <p>a. At any time the Superior Court may order oral argument upon its own initiative and <del>shall</del> <u>must</u> do so upon the request of a party. If a party wishes oral argument, the request must be made in the caption of the appellate <del>memorandum</del> <u>brief or response</u> at the time <del>the memorandum</del> <u>it</u> is filed. The Superior Court may limit the time for oral argument.</p> <p>b. <b>Precedence of Criminal Appeals.</b> Appeals in criminal cases <del>shall have</del> <u>take</u> precedence over all other appeals except for those from juvenile actions or where otherwise provided by law.</p>	<p style="text-align: center;"><b>Rule 11. Oral Argument; Precedence of Criminal Appeals</b></p> <p>a. At any time, the Superior Court may order oral argument upon its own initiative and must do so upon the request of a party. <del>If a party wishes oral argument, the request must be made in the caption of the appellate memorandum at the time the memorandum is filed. The Superior Court may limit the time for oral argument. Precedence of Criminal Appeals. Appeals in criminal cases shall have precedence over all other appeals except for those from juvenile actions or where otherwise provided by law.</del></p> <p>b. <u>If a party wishes to have an oral argument, a party must file a separate request for oral argument no later than 5 days after the due date for the response brief.</u></p>

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	<p>c. <u>When the Superior Court orders oral argument, the Superior Court will notify the parties of the time and place for oral argument and the allocation of time for each side. The Superior Court will provide the notice at least 10 days before the date set for oral argument.</u></p>
<p style="text-align: center;"><b>Rule 12. Disposition of Appeals</b></p> <p>a. <b>Ancillary Orders.</b> The Superior Court may issue such orders in aid of the proceedings as it deems necessary.</p> <p>b. <b>Disposition in General.</b> After determination of an appeal pursuant to these rules, the Superior Court may:</p> <ol style="list-style-type: none"> <li>(1) Reverse the trial court and remand the case to the trial court and direct a new trial.</li> <li>(2) Reverse the trial court and direct a verdict of acquittal, discharge the defendant and exonerate any bond.</li> <li>(3) Affirm the trial court and remand the case to the trial court for appropriate action.</li> <li>(4) Affirm the judgment of conviction, but modify the sentence and remand the case to the trial court for action consistent with the modification.</li> </ol> <p>c. The Superior Court ruling and the trial court record <del>shall</del> <u>must</u> be transmitted by the Clerk of the Superior Court to the trial court within 30 calendar days after the Superior Court enters its order finally disposing of the case <del>unless a notice of appeal is filed, or within 30 calendar days of receipt of an order dismissing appeal or mandate if a notice of appeal of the Superior Court's ruling is filed.</del></p>	<p style="text-align: center;"><b>Rule 12. Disposition of Appeals</b></p> <p>a. <b>Ancillary Orders.</b> The Superior Court may issue such orders in aid of the proceedings as it deems necessary.</p> <p>b. <b>Disposition in General.</b> After determination of an appeal pursuant to these rules, the Superior Court may:</p> <ol style="list-style-type: none"> <li>(1) Reverse the trial court and remand the case to the trial court and direct a new trial.</li> <li>(2) Reverse the trial court and direct a verdict of acquittal, discharge the defendant and exonerate any bond.</li> <li>(3) Affirm the trial court and remand the case to the trial court for appropriate action.</li> <li>(4) Affirm the judgment of conviction, but modify the sentence and remand the case to the trial court for action consistent with the modification.</li> </ol> <p>c. The Superior Court ruling <del>and the trial court record shall</del> <u>must</u> be transmitted by <del>the Clerk of</del> the Superior Court <u>clerk</u> to the trial court within 30 calendar days <del>after of</del> <u>after</u> of the Superior Court's final order disposing of the case. <del>enters its order finally disposing of the case, unless a notice of appeal is filed.</del></p> <p>d. <u>If review is taken by special action from the Superior Court's ruling, the Superior Court's final order disposing of the case must be transmitted by the Superior Court Clerk to the trial court within 30 days of the issuance of the Court of Appeals decision on the petition for special action.</u></p> <p>e. <u>Within 10 days of receiving the Superior Court's final order disposing of the case, the trial court must issue an order declaring the appeal complete. The filing of this order will be used to determine the filing deadlines for a</u></p>

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	<p><u>notice of post-conviction relief under Rule 32 of the Rules of Criminal Procedure.</u></p>
<p style="text-align: center;"><b>Rule 13. Motion for <del>Rehearing</del> <u>Reconsideration</u></b></p> <p>a. Any party desiring <del>rehearing</del> <u>reconsideration</u> of a decision or order of the Superior Court which finally disposes of the case, except for an order denying <del>rehearing reconsideration</del>, may file a motion for <del>rehearing reconsideration</del> within 14 calendar days after service of the decision or order. Accompanying the motion <del>shall must</del> be a <del>memorandum brief</del> with the points of law or fact which the <del>movant contends party believes</del> the court has decided wrongly. Within 14 calendar days thereafter <del>a the</del> <u>opposing</u> party may file a response to such motion. On a motion for <del>rehearing reconsideration</del> there <del>shall be is</del> no oral argument unless requested by the court.</p> <p>b. No further appeal may be taken from a final decision or order under these rules, except as provided by A.R.S. §§ 22-375, pursuant to Rule 31, Arizona Rules of Criminal Procedure.</p>	<p style="text-align: center;"><b>Rule 13. Motion for <del>Rehearing</del> <u>Reconsideration</u></b></p> <p>a. Any party desiring <del>rehearing</del> <u>reconsideration</u> of a decision or order of the Superior Court which finally disposes of the case, except for an order denying <del>rehearing reconsideration</del>, may file a motion for <del>rehearing reconsideration</del> within 14 calendar days after service of the decision or order. Accompanying the motion <del>shall must</del> be a <del>memorandum brief</del> with the points of law or fact which the <del>movant contends party believes</del> the court has decided wrongly. Within 14 calendar days thereafter <del>a the</del> <u>opposing</u> party may file a response to such motion. On a motion for <del>rehearing reconsideration</del> there <del>shall be is</del> no oral argument unless requested by the court.</p> <p>b. No further appeal may be taken from a final decision or order under these rules, except as provided by A.R.S. §§ 22-375, pursuant to Rule 31, <u>of the</u> Arizona Rules of Criminal Procedure.</p>
<p style="text-align: center;"><b>Rule 14. Manner of Filing and Service; Copies</b></p> <p>Except as otherwise stated in these rules, a copy of each document <del>shall must</del> be served upon all other parties on the same day that the document is filed in the manner provided for in Rule 1.7, Arizona Rules of Criminal Procedure.</p>	<p style="text-align: center;"><b>Rule 14. <del>Manner of Filing, and Service; Copies,</del> <u>Motion Practice</u></b></p> <p>a. <u>Filing.</u> <del>Except as otherwise stated in these rules, a copy of each All documents shall must be served upon all other parties on the same day that the document is</del> filed in <u>compliance with the manner provided for in</u> Rule 1.7 (a) and (b), <u>of the</u> Arizona Rules of Criminal Procedure.</p> <p>b. <u>Service.</u> <u>Unless otherwise provided, a party filing a document must serve a copy on all other parties on the same day as filing, as provided in Rule 1.7(c) of the Arizona Rules of Criminal Procedure.</u></p> <p>c. <u>Motions.</u> <u>A party may apply for an order or other relief by filing a motion.</u></p> <p>(1) <u>Content.</u> <u>A motion must:</u></p> <p style="margin-left: 40px;">(A) <u>State the relief requested;</u></p> <p style="margin-left: 40px;">(B) <u>State with particularity the grounds for the motion;</u></p> <p style="margin-left: 40px;">(C) <u>Include any necessary references to the record.</u></p>

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	<p>(2) <u>Response and Reply.</u> Unless otherwise ordered by the Superior Court, a party may file a response within 10 days after service of the motion. The moving party may file a reply within 5 days after service of the response.</p> <p>(3) <u>Supporting materials.</u> A party may attach, if needed, relevant portions of the record or other supporting materials to their motion, response, or reply.</p> <p>(4) <u>Disposition.</u> The Superior Court may decide the motion without oral argument unless otherwise ordered.</p> <p><b><u>d. Motions for Procedural Orders.</u></b></p> <p>(1) <u>Availability and Content.</u> A motion for a procedural order is a motion that does not substantially affect the rights of the parties or the ultimate disposition of the appeal.</p> <p>(A) <u>Timing.</u> While the Superior Court may require a response before ruling, it is not required to do so. The Superior Court may rule on a motion for a procedural order, including a motion for an extension of time, at any time, without awaiting a response from another party.</p> <p>(B) <u>Statement.</u> A motion for a procedural order should state whether the other parties consent to, or object to, the requested relief, or explain why the moving party was unable to determine the other parties' position.</p> <p>(C) <u>Form.</u> The caption should identify it as a "Motion for Procedural Order." The motion must state the relief requested and the reasons supporting it.</p> <p>(2) <u>Review.</u> Within 15 days after entry of a procedural order, a party adversely affected may file a request to vacate or modify the order. The Superior Court, on its own, may also reconsider the granting of a procedural order.</p>
<p style="text-align: center;"><b>Rule 15. Title</b></p> <p>These Rules may be known and cited as Superior Court Rules of Appellate Procedure—Criminal.</p>	<p style="text-align: center;"><b>Rule 15. Title</b></p> <p>These Rules may be known and cited as Superior Court Rules of Appellate Procedure—Criminal.</p>

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<p style="text-align: center;"><b>Rule 16. Forms</b></p> <p>The following forms are approved for use and may be amended as needed by administrative order:</p> <ul style="list-style-type: none"> <li>(1) Defendant's Notice of Right to Appeal (Criminal)</li> <li>(2) Defendant's Notice of Appeal (Criminal)</li> <li><del>(3) Notice of Summary Transfer to Superior Court for Trial de Novo (Criminal)</del></li> <li>(4) Notice to Superior Court of Transmittal of Record (Criminal)</li> </ul>	<p style="text-align: center;"><b>Rule 16. Forms</b></p> <p>The following forms are approved for use and may be amended as needed by administrative order:</p> <ul style="list-style-type: none"> <li>(1) Defendant's Notice of Right to Appeal (Criminal)</li> <li>(2) Defendant's Notice of Appeal (Criminal)</li> <li>(3) Notice of Summary Transfer to Superior Court for Trial de Novo (Criminal)</li> <li>(4) Notice to Superior Court of Transmittal of Record (Criminal)</li> </ul>