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ARIZONA SUPREME COURT

In the Matter of:

Petition to Amend the Superior Court
Rules of Appellate Procedure – Criminal

Supreme Court No. R-26-0022

Joint Comment by the Directors of the
Maricopa County Indigent Defense
Agencies

Pursuant to this Court’s Order, dated January 22, 2026, the Maricopa County indigent representation offices (IR) submits its comment on the pending Petition to Amend

the Arizona Superior Court Rules of Appellate Procedure—Criminal (hereinafter SCRAP¹).

IR collectively handles most cases filed in Maricopa County in which a finding of indigency has been made. The Office of Public Defense Services (OPDS) provides administrative and financial oversight to the staffed offices and the Office of Contract Counsel (OCC). The staffed offices are comprised of the Office of the Public Defender (OPD), the Office of the Legal Advocate (OLA), the Office of the Legal Defender (OLD), and the Office of the Public Advocate (OPA).

IR agrees with Petitioner that the Superior Court Rules of Appellate Procedure—Criminal need restyling. However, what the Petition characterizes as stylistic changes are, in many instances, substantive ones—and even then, the proposed changes leave many of the challenges with the current rules intact. For these reasons, IR proposes its own amendments to SCRAP and recommends that this Court form a committee to study the rules and meaningfully amend SCRAP to more closely align with the Arizona Rules of Criminal Procedure and other appellate practices.

I. SCRAP needs significant amendments to bring it in line with the Arizona Rules of Criminal Procedure and other appellate practices.

A. SCRAP needs to be modernized and simplified.

Maricopa IR agrees with the Petition that SCRAP is overdue for modernization and simplification. Having gone nearly twenty years without revision, SCRAP has not

¹ SCRAP can be used to refer to both the criminal and civil versions of the Superior Court Rules of Appellate Procedure. Here, SCRAP refers only to the criminal rules.

benefited from the restyling that has improved other Arizona rule sets, leaving it inconsistent with the appellate procedures set out in the Rules of Criminal Procedure and ill-equipped to accommodate electronic filing and other modern practices. The practical consequences are significant: under the current rules, lower court appeals are unnecessarily burdensome, requiring appellants to exercise extreme diligence in constructing and tracking the record through a transmission process that is rarely communicated to the parties or reflected in the docket.

B. The structure of the Justice Courts creates a unique problem requiring more structured processing rules and earlier Superior Court involvement.

Maricopa County alone consists of 26 Justice Courts. Each of these justice courts has its own local rule for processing lower court appeals prior to perfection of the record. The courts do not publish how they accept delivery of pleadings. The procedures for accepting notices of appeal and opening briefs vary by court. Some courts will accept an email of a pleading. Some courts will accept an email of the pleading, but only if it is less than five pages. Other courts will only accept the pleading if it is filed at the clerk's counter for that justice court. The local rule of a justice court may change with no notice to the litigant.

Even with a designation of the record filed, some courts have had difficulty recreating the requested record. Often, the litigant must contact the clerk of the court to ensure completion of the record. When the litigant reviews the audio record of the court proceedings, the litigant may discover that the court did not produce the audio record of all

the proceedings as designated by the litigant. This may take weeks or months to complete.

Finally, when the record is perfected, some lower courts fail to transmit the record to the Superior Court in a timely manner. Again, this causes unnecessary delay in the process.

To address these bottlenecks in the processing of lower court appeals, the Superior Court should take a more active role in the appellate process beginning at the filing of the notice of appeal. In addition, adopting uniform rules for record preparation across all lower courts would promote consistency and efficiency. Together, these measures would support the timely transmission of the record, an area where the current rules provide limited guidance on the process for perfecting the record.

C. SCRAP needs to be accessible because of the high rate of pro se appellants.

This Court has drafted rules of procedure for limited-jurisdiction courts to make them easier for pro se litigants to understand. *See* JCRCP 101(d) (“Differences in language between a justice court rule and a Superior Court rule are intended to make the justice court rule simpler and easier to understand.”). This Court should adopt a similar philosophy of simplification for the Superior Court Rules of Appellate Procedure. This is because in many — if not most — criminal appeals from limited jurisdiction courts, an appellant must represent themselves because they faced prosecution for a petty crime, which did not entitle them to court-appointed counsel. Simplifying the Superior Court Rules of Appellate Procedure accords with the philosophy of facilitating, not impeding, access to the justice system.

II. Shortcomings of the proposed changes to SCRAP.

The Petition's proposed amendments to SCRAP contain stylistic and substantive deficiencies that undermine the clarity and functionality of SCRAP. The concerns are addressed below.

Rule 1. Scope; Definitions

The Petition's requirement that the order be written and the judgment be signed unnecessarily limits a criminal defendant's right to appeal. Although the Petition's intention may be to encourage the lower courts to issue written orders and signed judgments, the effect will be that defendants will bear the burden of the lower court's failure to comply with the rule. Some lower courts adopt a more informal approach to proceedings and give oral rulings from the bench. These rulings carry the same force of law as a written order, but under the proposed rule change, they would not be appealable. This change is proposed for multiple rules, including SCRAP 1, 3, and 4.

Additionally, the Petition's use of the word deadline is unnecessary and confusing. Deadline is not used elsewhere in the rules. Although "last day" is a legal term, it is easy enough for a layperson to understand. The Petition's rewrite of the provision excluding the day an event or action occurs is likewise more confusing than the original formulation.

Rule 2. Record of Proceedings

The Petition's amendment of Rule 2(d) runs counter to the express language of A.R.S. § 22-374. Section 22-374 (B) specifies that after a trial de novo, "the superior court may (1) adjudge guilt and impose sentence as it deems proper: or (2) acquit or and

discharge the defendant and exonerate his bail.” The Superior Court may remand the case to the court of origin only after determination of an appeal where there is a recorded transcript. Trial de novo must be held in Superior Court as currently stated in Rule 2(d).

Rule 3. Notice of Appeal

The Petition’s change to the language setting the deadline for filing a notice of appeal by mail does not make the rule easier to understand. Moreover, the deadline provision for mailed notices of appeal makes more sense in Rule 4, which governs the time for taking an appeal.

The Petition’s amendments to Rule 3(b) raise the same concerns regarding limitations on the right to appeal (*see above* Rule 1).

The Petition’s deletion of Rule 3(d) makes the Rule harder to read and, therefore, to follow. Given the important role played by the Notice of Appeal and the prevalence of pro se litigants in this space, the rule governing the contents of the Notice of Appeal should be as clear as possible.

Rule 4. Time for Taking Appeal

The Petition’s amendments to Rule 4(a) raise the same concerns about limiting the right to appeal (*see above* Rule 1).

The suggested changes to Rule 4 do not go far enough to make the Rule clear and easy to follow; however, the Petition’s other proposed changes to Rule 4 do not raise concerns.

Rule 5. Appeals by Indigents

IR has no concerns with the Petition's proposed amendments to Rule 5, but believes more is needed to create a better record regarding the appointment of counsel on appeal.

Rule 6. Bond on Appeal

IR has no concerns with the Petition's proposed amendments to Rule 6.

Rule 7. Record on Appeal

The Petition's amendment to Rule 7(c)(9) bars any party from designating voir dire, opening and closing argument, and jury instructions unless it contains a legal issue on appeal. At the time a party must file a designation of the record, no audio recordings, videos, or transcripts have been produced. Neither party will know whether there is a legal issue until they have reviewed the transcript. The proposed requirement is impractical.

The Petition's amendments to Rule 7(g) that eliminate trial de novo in the Superior Court run counter to the express language of A.R.S. § 22-374, which mandates trial de novo in the Superior Court where the record is insufficient for appellate review. (*see* Rule 2).

Rule 8. Appellate Memoranda, Motions for More Time, Procedural Motions

Current Rule 8 attempts to address multiple distinct subjects within a single rule, including briefing requirements, extensions of time, and procedural motions. While functional, this structure lacks internal coherence. It combines conceptually different topics — briefing and motion practice — into a single rule, making it more difficult for

litigants to locate and understand the governing procedures. This fragmentation is compounded by the fact that Rule 14 addresses filing and service, requiring users to consult multiple rules to understand basic appellate mechanics.

The current rule has several strengths worth preserving. It reflects SCRAP's core purpose of simplicity and accessibility, particularly for self-represented litigants. It provides straightforward deadlines, limits briefing length, and allows the Superior Court discretion to ensure a fair and just determination of the appeal. It also appropriately limits reply briefs, promoting efficiency.

At the same time, the current rule has notable deficiencies. It relies on outdated formatting concepts such as page limits rather than word counts. It does not expressly require a statement of issues presented, which is a standard and useful feature of modern appellate briefing. It provides limited guidance on citing the record, particularly for audio or video evidence. And most significantly, it embeds motion practice — both extensions of time and procedural motions — within a rule ostensibly devoted to briefing, resulting in a lack of structural clarity.

The Petition makes only partial improvements to Rule 8 and leaves several of its core problems unaddressed. First, the Petition largely retains the existing structure of Rule 8 without resolving its lack of clarity regarding what a brief must contain. It misses the opportunity to meaningfully separate briefing from motion practice by keeping them under the same rule. As a result, the same structural problem remains; litigants must navigate a rule that mixes briefing requirements with procedural mechanisms for seeking other sorts of rulings or orders from the court.

Second, although the Petition updates some language, it does not materially improve the organization or clarity of briefing content. It retains the same general components of a brief without adding clarity-enhancing elements such as requiring a statement of the issues presented. Thus, while it modernizes the wording in some places, it does not significantly improve the rule's usability.

Third — and most concerning — the Petition introduces a rigid restriction on motions for extensions of time because it **requires** denial of such a late-filed motion, instead of providing a meaningful safety valve for such filings if based upon excusable delay. This represents a significant departure from the more flexible approaches that are reflected in Arizona's other appellate procedure rules. It may also lead to increased litigation over timeliness issues rather than the resolution of appeals on their merits. This rigidity is inconsistent with the overarching principle that appellate rules should facilitate, not impede, review on the merits. *See* Rule 1(b), Superior Court Rules of Appellate Procedure (“No appeal shall 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.”); *see Hill City v. City of Phoenix*, 193 Ariz. 570, 574 (1999) (“[A]bsent a showing of prejudice to an adverse party” an appellant should not “lose his right a judicial review on the merits” because “society’s interests in adjudicating appeals should govern.”). In a system that often requires indigent defendants to nevertheless represent themselves for limited jurisdiction criminal appeals, introducing such rigidity into SCRAP produces unjust outcomes because it forecloses relief where a short delay is reasonable and does not prejudice the other side.

In this respect, the Petition does not improve the current rule and creates impediments to review on the merits by reducing the appellate judge's flexibility and discretion.

Rule 9. Perfection of the Appeal, Dismissal for Noncompliance

SCRAP Rule 9 defines and requires "perfection" as a precondition for transmission of the record and briefs to the Superior Court. The purpose of perfection is no longer clear. The current version of SCRAP has the parties create the record, the Superior Court rule on motions, and the Justice Court serve as the go-between. This two-tier system is unwieldy and a common source of problems and confusion. The Petition does not address the issues caused by perfection.

The Petition's proposed rule for abandonment is not necessary. The mechanism for dismissing an abandoned appeal is clear and common sense. The Petition's strict rule for not allowing a late Notice of Appeal is inconsistent with Rule 31.2(f) and unfairly restrictive in a space dominated by pro se appellants. Additionally, strictly limiting extensions of time to file briefs to requests filed exclusively before the brief deadline is likewise unnecessarily restrictive. In both instances of a late-filed Notice of Appeal or a late-filed request for an extension, granting the motion is predicated on the movant sufficiently proving a good cause for delay. The Petitions proposals are overly restrictive and do not accomplish an end not already achieved by the rules.

Rule 10. Transmission of the Record; Notice of Summary Transfer

The Petition's amendments to Rule 10(b), eliminating trial de novo in the Superior court, run counter to the express language of A.R.S. § 22-374 (*see* Rule 2).

Rule 11. Oral Argument; Precedence of Criminal Appeals

IR has no concerns with the Petition's proposed amendments to Rule 11 but believes that additional amendments are needed.

Rule 12. Disposition of Appeals

It appears that the Petition attempts to address a gap in SCRAP: there are no directions for the Superior Court or the Justice Court when a party Petitions the Court of Appeals for special action or the Arizona Supreme Court for review. However, the Petition's proposed amendments to Rule 12(c) do not fully address those concerns.

The Petition amends Rule 12(c) based on the incorrect premise that a party files a notice of appeal if it intends to appeal the Superior Court's ruling. This is incorrect because, in a criminal case, an appeal from the Superior Court's ruling must be made by a petition for special action, as there is no right to appeal to the Court of Appeals in lower-court cases. A.R.S. §§ 22-375(B), 12-120.21(A)(1); Ariz. Sup. Ct. R. App. P. Crim. 13(b). Moreover, when a special action or a petition for review is denied, it is not accompanied by a "dismissal" of the appeal or a mandate. Therefore, the delayed trigger for sending the ruling and record back to the Justice Court will not occur under the proposed rule, leaving the problem unresolved.

Rule 13. Motion for Reconsideration

IR has no concerns with the Petition's proposed amendments to Rule 13.

Rule 14. Manner of Filing and Service; Copies

Current Rule 14 is extremely limited in scope. It establishes a same-day service requirement tied to Rule 1.7 of the Arizona Rules of Criminal Procedure but does little else. At the same time, the broader system governing motion practice is not contained within Rule 14 at all but instead appears in Rule 8. As a result, SCRAP currently divides core procedural mechanics across multiple rules in a way that is not intuitive. A litigant seeking to understand how to file, serve, or seek relief must read Rule 14 in conjunction with portions of Rule 8, creating unnecessary fragmentation.

The Petition does not meaningfully address this problem. Its proposed revision to Rule 14 is essentially limited to modernizing the wording rather than to substantive or structural improvements. Thus, although Rule 14 is one of the most underdeveloped rules in SCRAP, the Petition leaves it largely unchanged. As a result, the same fragmentation that exists under the current rules persists: filing and service are addressed in one rule, while significant aspects of motion practice remain embedded in Rule 8.

This is a missed opportunity. If the goal is to modernize SCRAP and bring it into better structural alignment with our other rules of appellate procedure, Rule 14 should be expanded to serve as the central procedural rule governing filing, service, and motions. The Petition does not do that. Instead, it continues to leave litigants to piece together basic procedural requirements from separate provisions, thereby preserving a system that is

unnecessarily difficult to navigate.

Rule 15. Title

No changes were proposed for Rule 15.

Rule 16. Forms

The Petition seeks to remove the form titled “Notice of Summary Transfer to Superior Court for Trial de Novo (Criminal).” This form serves an important record function when a trial de novo is ordered and should not be deleted.

III. Explanation of Maricopa County IR proposed changes to SCRAP.

IR agrees that significant changes are needed for SCRAP to be more accessible and efficient, and offers the following explanations for the changes proposed to SCRAP as outlined in Appendices A and B.

Rule 1. Scope; Definitions

To provide clarity and specificity, IR proposes adopting the definition of “judgment” from Rule 31.1(c)(7) in SCRAP Rule 1(d). It adds more guidance than the current SCRAP rule, but does not restrict the defendant’s right to appeal. IR also proposes stylistic changes that make Rule 1 easier to read.

Rule 2. Record of Proceedings

IR proposes changing certified reporter to authorized transcriber. The limited jurisdiction courts do not have court reporters, and Rule 7 uses authorized transcriber.

Rule 3. Notice of Appeal

IR proposes that Rule 3(b) track the language of Rule 31.2(c)(1) of the Arizona Rules of Criminal Procedure, clarifying that an appeal of a judgment of conviction includes all appealable rulings made in the case before the imposition of sentence. This brings SCRAP into compliance with Criminal Procedure Rule 31 and reduces potential confusion for self-represented litigants.

IR also proposes adding Rule 3(c) to clarify the requirements for an amended notice of appeal after the trial court rules on a motion under Rule 24 of the Rules of Criminal Procedure (new trial, vacate judgment, modify sentence, or correct a clerical error). SCRAP Rule 4 sets the deadline for a notice of appeal after such an order, but Rule 4 does not clarify that an amended notice of appeal is required. IR proposes that the requirement mirror Criminal Procedure Rule 31.2(c)(3) so practitioners can use uniform notices of appeals for all cases.

One of the biggest problems in lower-court appeals is the bifurcated filing process: the Superior Court has jurisdiction, but the trial court is responsible for receiving and transmitting motions, memoranda, and other filings. The lower-court appeals process should be changed to mirror the Court of Appeals' appeals process. In IR's proposed change, the notice of appeal is filed with the trial court. The trial court then transmits the notice of appeal to the Superior Court. The Superior Court Clerk will open a Superior Court case. All subsequent filings from the parties will be filed with the Superior Court. This will make the Superior Court e-filing system available for lower court appeals, resolving the issue of multiple courts with different filing procedures, many of which do not allow

electronic filings. This will alleviate the burden on the lower courts but will not impose a significant burden on the Superior Court, given that it has the preexisting infrastructure.

A problem with lower-court appeals is the lack of a uniform filing process. Some courts allow filing by email, but it is not a reliable system and does not generate receipts. With paper and email filings alike, motions and other filings get shuffled and lost. Additionally, some Justices of the Peace are not present at the court five days a week, and motions sit without a decision longer than is feasible. This is made worse if it is a procedural motion that must be referred to the Superior Court for a decision. Litigants are often left with no way to confirm whether the motion has been referred and, if so, to which judicial officer it has been assigned. This results in phone calls and emails that take time and complicate the process. Allowing the parties to file using the Superior Court e-filing system will fix these issues, centralizing the process while creating a clear appellate record.

Rule 4. Time for Taking Appeal

IR proposes extending the deadline for filing a notice of appeal in lower court appeals to 20 days. This brings lower court appeals into accordance with Rule 31.2(2) of the Rules of Criminal Procedure, reducing the potential for confusion. IR also recommends amending Rule 4(b) to adopt a mailbox rule, requiring only that the notice of appeal be postmarked before the expiration of the 20-day period. Adopting a mailbox rule for filing the Notice of Appeal ensures that appellants can rely on an objective act within their control (sending the notice) rather than on the uncertainties of mail transit time.

Rule 5. Appeals by Indigents

IR proposes adding Rule 5(c) and 5(d) to ensure that the record of the appointment of appellate counsel is clear. Proposed Rule 5(c) would tell the appellant the name and contact information for their appointed counsel, but would also guarantee that counsel was made aware of their appointment. Rule 5(d) would make sure that information was made a part of the record on appeal.

IR also recommends creating a fee waiver form to help indigent self-represented litigants cover filing fees and transcript costs.

Rule 6. Bond on Appeal

For most, if not all, defendants, the time for a lower court appeal to reach a final disposition is longer than any imposed sentence of imprisonment. However, a successful appeal will result in the defendant not needing to serve that sentence. It is logical that in lower court appeals, a defendant does not have to serve a sentence of imprisonment until their appeal has concluded. Amending Rule 6(a) to follow Rule 7.2(c)(2) of the Rules of Criminal Procedure, explicitly, should accomplish this goal.

IR recommends breaking up SCRAP Rule 6(c) into Rule 6(c)–(e) for ease of application.

Rule 7. Record on Appeal

IR recommends 20 calendar days rather than 14 for arranging authorized transcribers, as the court needs time to create an index of all events in the case.

Unlike Rule 31.8(c)(3) of the Arizona Rules of Criminal Procedure, under the

current SCRAP rules, the parties cannot be compelled to cooperate with the authorized transcriber by providing information that is necessary to facilitate transcription. Both the defendant and the plaintiff must provide the correct spelling of unique words or names of witnesses. The proposed Rule 7(b) provides a tool for the transcriber to complete the transcription and is consistent with Rule 31.1(c)(3) of the Rules of Criminal Procedure.

The lower courts often do not provide a list of documents or events for the appellant to use for recreating the record on appeal. The local rules of Gila County (Rule 31(D)) and Graham County (Rule 1.19(B)), provide for “a certified index itemizing the documents and events comprising the record on appeal.” All lower courts should be required to provide a certified index, so the parties know what is in the record on appeal, rather than spending time searching the trial court file to recreate it.

Rule 8. Appellate Memoranda, Motions for More Time, Procedural Motions

IR proposes a revision to Rule 8 that addresses both the structural and substantive deficiencies with the current rule while also avoiding the shortcomings of the Petition.

Structurally, the IR proposal removes motion practice from Rule 8 entirely and relocates it to Rule 14. This creates a clean and logical division: Rule 8 governs briefing, and Rule 14 governs procedural mechanics. This reorganization makes the rules easier to navigate and aligns SCRAP more closely with the structure set forth in Rule 31.6 of the Arizona Rules of Criminal Procedure, while still maintaining SCRAP’s need for simplicity.

Substantively, the IR proposal modernizes briefing requirements in targeted ways. It adopts word-count limits in place of page limits, adds a requirement for a statement of

issues presented, and clarifies expectations for record citations, including specific guidance for audio and video evidence. These changes improve clarity without adding unnecessary complexity.

At the same time, the IR proposal preserves what works in the current rule. It retains the streamlined nature of SCRAP briefing, including limitations on reply briefs and the principle that non-filing of an answering brief does not constitute a confession of error. It also preserves the Superior Court’s discretion to ensure a fair and just determination of the appeal.

Importantly, by moving extensions of time to Rule 14, the proposed framework allows those requests to be addressed within a broader, more flexible motion practice structure, rather than imposing rigid and potentially unjust constraints within the briefing rule itself. Our proposed revisions to Rule 8 provide a meaningful improvement over both the current rule and those contained in the Petition. They resolve the structural confusion created by combining briefing and motion practice, modernize key aspects of briefing in a measured and practical way, and avoid the unnecessary rigidity introduced by the Petition’s approach to extensions of time.

When paired with our proposed revisions of Rule 14 — which consolidate motion practice into a single, coherent framework — the result is a clearer, more balanced, and more accessible appellate system that better serves both courts and litigants.

Rule 9. Perfection of the Appeal, Dismissal for Noncompliance

Rule 9 should be stricken in its entirety. *See* Rule 3.

Rule 10. Transmission of the Record; Notice of Summary Transfer

IR proposes amending SCRAP Rule 10 to align with Rule 31.9(c)-(e) of the Rules of Criminal Procedure. The proposal sets the deadline for transmission by the Justice Court to the Superior Court at 30 days. *See also* A.R.S. § 22-373 (requiring the lower court to transmit the record on appeal to the Superior Court). Adoption of the provisions in Rule 31.9(c)-(e) gives the Courts more flexibility in dealing with the record, creates clear guidance and expectations, and develops a record of the transmission.

Rule 11. Oral Argument; Precedence of Criminal Appeals

IR recommends striking the requirement that a request for oral argument be made in the caption of the brief. For appellants, the benefit of oral argument may not be apparent until the response brief is filed. The IR amendment makes the lower court appeals process similar to the process set out in Criminal Procedure Rule 31.17. Additionally, an order from the Superior Court that includes the date, time, location, and time allocations eliminates the need for parties to follow up with the Judicial officer's staff to confirm the details.

Rule 12. Disposition of Appeals

Because the Superior Court does not issue mandates, nor does the Court of Appeals in special action cases, the deadline for a notice of post-conviction relief in lower-court cases is unclear under the current rules. IR recommends amending Rule 12 to directly address the procedure following a denial or grant of relief by the Court of Appeals. Additionally, the addition of Rule 12(e) creates a mechanism to trigger Rule 32 of the Rules

of Criminal Procedure.

Rule 13. Motion for Reconsideration

IR does not propose changes beyond those recommended in the Petition.

Rule 14. Manner of Filing and Service; Copies

IR's proposed revision to Rule 14 is grounded in a straightforward structural principle: all procedural mechanics—filing, service, and motions—should be located in a single rule, as in Rule 31.6 of the Arizona Rules of Criminal Procedure. Under the current framework, Rule 8 mixes briefing requirements with motion practice, including extensions of time and procedural motions that may determine whether an appeal proceeds at all. This combination is conceptually mismatched. Briefing rules should govern the content, timing, and structure of appellate memoranda; motion practice is a separate procedural function.

By relocating motion practice to Rule 14, the revised structure restores coherence. Rule 8 becomes a true “briefing rule,” while Rule 14 becomes the central procedural rule governing how parties seek relief from the court. This mirrors the organizational logic of Rule 31 of the Arizona Rules of Criminal Procedure, while adapting that structure to the simplified needs of SCRAP.

The proposed IR amendment establishes baseline requirements for motions, responses, and replies, including timing, form, and evidentiary support, while avoiding unnecessary procedural complexity.

It also incorporates a clearly defined category of “motions for procedural orders.” Rather than keeping SCRAP's current expansive and categorical definition—which

includes dispositive motions such as motions to dismiss—the proposal adopts a functional definition consistent with broader Arizona appellate practice: a procedural motion is one that “**does not** substantially affect the rights of the parties or the ultimate disposition of the appeal.” Arizona Rule of Civil Appellate Procedure 6(b) (emphasis added); *See also* Ariz. R. Crim. P. 31.6(e) (which cross-references the reader to this definition of a procedural motion in section b of the Arizona Rules of Civil Appellate Procedure).

This change is significant. It narrows procedural motions to their proper function—routine, non-merits requests such as extensions of time or similar administrative relief—and provides a streamlined process for resolving such motions efficiently. At the same time, the IR proposal preserves fairness by allowing later review of any procedural order within a defined time period, just as other appellate procedural rules do.

Regarding references to Rule 1.7 of the Arizona Rules of Criminal Procedure, the IR proposal retains that reference but does so in a more deliberate, narrower, and more specific manner. The references direct the reader to particular subsections of Rule 1.7, such as when a document is deemed filed or how service must be accomplished.

This approach differs materially from broader or open-ended cross-referencing seen in the current rule and which the Petition preserves. Making the references more specific alleviates the need for litigants to constantly cross-reference and consult an entire external rule to determine what SCRAP requires. Instead, it remains substantively self-contained, using cross-references only where they provide clarity without imposing additional interpretive burden. In this way, the rule improves precision without sacrificing accessibility.

The IR proposed revisions resolve both the structural and functional deficiencies of the current rule. It consolidates all procedural mechanics into a single, coherent framework, clarifies motion practice, and adopts a properly limited definition of procedural motions. At the same time, it avoids the unnecessary complexity introduced by the Petition by remaining largely self-contained and using only targeted cross-references where appropriate.

When considered alongside our proposed revision of Rule 8 the result is a more organized, modern, and accessible system. Together, these revisions create a clear division of responsibilities between rules and significantly improve the usability of SCRAP for both courts and litigants.

Rule 15. Title

Rule 15 refers only to the title of SCRAP and does not need to change.

Rule 16. Forms

IR does not address the forms in this comment. If SCRAP—Criminal is amended, the forms should be updated in accordance with the new rules.

IV. Conclusion

For the foregoing reasons, we support the petitioner's underlying goal to modernize the Superior Court Rules of Appellate Procedure – Criminal. However, we recommend a collaborative stakeholder review and amendment process to achieve closer alignment with the Arizona Rules of Criminal Procedure and other appellate practices.

Respectfully submitted this day of April 30, 2026.

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