

Hon. Alicia M. Skupin
Chair, Committee on Limited Jurisdiction Courts
Presiding Magistrate, Chandler Municipal Court
Chandler Municipal Court
200 East Chicago Street
Chandler, AZ 85225
Telephone: (480) 782-4700

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the matter of:	)	
	)	
PETITION TO AMEND RULES 17.1 AND	)	Supreme Court No. 25-0050
41, FORM 28 OF THE RULES OF THE	)	
RULES OF CRIMINAL PROCEDURE	)	REPLY
	)	
	)	

Pursuant to Rule 28 of the Rules of the Supreme Court of Arizona and this Court's order dated January 22, 2026, Petitioner Hon. Alicia M. Skupin ("Petitioner"), on behalf of the Committee on Limited Jurisdiction Courts ("Committee"), hereby replies to the Comments filed in this matter.

I. Background

At this Court's August 2025 Rules Agenda, this Court considered and acted on Rule Petition R-24-0005, which proposed amendments to Criminal Rule 17.1(f) to adopt a new subpart (3) relating to procedures for limited jurisdiction courts to accept guilty and no contest pleas by interactive audiovisual means.

Shortly thereafter, this Court requested that the Committee review Rule 17.1(f) and reconcile the procedural differences between plea proceedings conducted

by telephone and those conducted using an interactive audiovisual system. Petitioner formed a workgroup for this purpose and to make recommendations to the full Committee. The workgroup's recommendations were presented to the Committee at its November 19, 2025 meeting, and the Committee unanimously supported the rule amendments as set forth in R-25-0050 ("Petition"), filed on November 24, 2025.

The Petition was open for comment until May 1, 2026, with any reply due by June 1, 2026. The Petition received two comments during the comment period, and Petitioner files this Reply to address those comments in turn.

II. Discussion of Comments

A. Arizona Attorneys for Criminal Justice Comment

The first comment was filed by the Arizona Attorneys for Criminal Justice (AACJ) supporting the Petition in part and expressing concerns about the language in proposed Rule 17.1(f)(1)(A): "A limited jurisdiction court retains discretion as to whether to accept a plea of guilty or no contest to any misdemeanor offense through remote means." The Comment proposes alternative language providing that "if the defendant consents and otherwise satisfies the requirements of this rule, the court *must* accept a remote plea and/or sentencing." (Emphasis added)

The Committee reiterates its position stated in the Petition, that the text as proposed in Rule 17.1(f)(1)(A) is important to retain because it makes explicit that the court retains discretion to accept a plea through remote means, as there may be

legitimate reasons why the court would deny such a request (e.g., history of failing to appear, failure to submit the necessary paperwork in advance, etc.). And while defendants may consent to a mode of appearance other than in person, no court rule currently allows the defendant to dictate how he or she will appear. That decision has always rested with the court and should continue to do so.

The Comment expresses concerns that without a mandate, courts may deny requests in circumstances where appearing in person would create a substantial hardship such as out-of-state travel, missing work, or health or disability challenges. And while the Comment does not assert that this is an existing problem, any such denial would occur only after the judge has reviewed the request, considered the circumstances of the case, and rendered a decision based on the same.

The Comment also suggests that judges simply defer to court staff on these requests, which is incorrect. Requests to appear remotely are reviewed and decided by the judge, not court staff, and judges consider the specific circumstances before ruling. There is no reason to suggest that this practice will change.

Lastly, the proposed language would effectively modify Criminal Rule 1.5(c)(3), which intentionally preserves judicial discretion in allowing the defendant to be sentenced remotely, even when the parties stipulate (“at a proceeding not enumerated in (c)(1) and (c)(2), *the [] court has discretion* to permit a defendant to appear by videoconference when two requirements are met: (1) the parties stipulate

to the defendant’s virtual appearance and (2) the court finds that the defendant knowingly, intelligently, and voluntarily agreed to appear virtually.”) *White v. State*, 565 P.3d 1062, 1065 ¶12 (Ariz.App. Div. 1 2025) (emphasis added). Among other reasons, this is problematic because it would create a bifurcated system in which limited jurisdiction courts would be required to grant all requests for remote sentencing (assuming compliance with Rule 1.5(c)(3)), while the judge in a superior court case would continue to exercise discretion. There is no clear justification for establishing such a split, and the Committee does not believe a different standard should apply between the court levels.

Maintaining judicial discretion ensures that proceedings are conducted appropriately based on the circumstances of each case. For the reasons stated above, the Committee recommends that this Court decline to adopt the language proposed in the AACJ’s Comment.

B. State Bar of Arizona Comment

The second comment was filed by the State Bar of Arizona supporting the Petition but recommending additional language be added to Criminal Rule 17.1(v) relating to the opportunity for victims to appear remotely when the defendant is provided that opportunity. Criminal Rule 17.1(v) already provides that “a victim has the same rights under Rule 39 . . . to participation as if the defendant physically appeared in the courtroom,” and Criminal Rule 1.5(v)(1) provides “[a]n interactive

audiovisual system must allow a victim a means to view and participate in the proceeding” These rules clearly provide that a victim may participate remotely. The Comment does not suggest or identify, and the Committee is not aware of, concerns with any court allowing a defendant to appear remotely but not allowing the victim to do so.

As a practical matter, when courts schedule remote hearings, the remote-access link is included in the notice provided to both the defendant and the victim, allowing the victim to decide whether to participate remotely. And while the proposal appears well-intentioned, the Committee’s view is that courts already follow this practice as a matter of course, and further amendment to Rule 17.1(v) is unnecessary.

For these reasons, the Committee recommends that this Court decline to adopt the additional language proposed in the State Bar’s Comment.

III. Request

The Committee appreciates the Comments stakeholders submitted during the comment period and deems it important to file this Reply to address those Comments. Based on the foregoing responses, the Committee respectfully requests that this Court decline to incorporate the suggestions set forth in those Comments and adopt the rule amendments as proposed in the Petition.

Respectfully submitted this 21st day of May, 2026.

By /s/ Alicia Skupin
Alicia M. Skupin, Chair
Committee on Limited Jurisdiction Courts