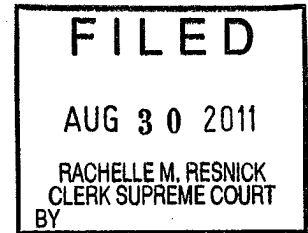


Gerald C. Souch #37346
P.O. Box 3300
Florence, AZ 85132-3300

Petitioner, pro se



ARIZONA SUPREME COURT

Gerald C. Souch)	No. <u>R-11-0027</u>
Petitioner,)	
)	
v.)	PETITION TO AMEND
)	RULES OF CRIMINAL
STATE OF ARIZONA, ex rel)	PROCEDURE
TERRY GODDARD,)	
Attorney General.)	

Petitioner, Gerald C. Souch, acting pro se undersigned, submits this petition to this court to correct an error in the Arizona Book of Forms, Criminal Procedure, 2nd Ed.

The language of the text in several of the forms used is misguided and should be changed as described in the below memorandum of points and authorities.

Submitted this 25 day of August, 2011.

By: Gerald C. Souch
Gerald C. Souch
Petitioner, pro se

MEMORANDUM

In the Arizona Book of forms; Crim. Proc. 2nd Ed. by Crane McClellan, West-Thompson appearing on various pages, for example, page 232, §12.7 - Form 2 "Allegation of Dangerousness of felony", the language used in the text suggests that the pleading amends an indictment, when in fact, it relinquishes the court of its subject matter jurisdiction to proceed.

The word "amends" is misplaced by including an "s" in the word. Amends according to Black's Law Explains: "A satisfaction given by a wrongdoer to the party injured; for a wrong committed."

The word amend by itself would also be misplaced if used, unless the entire language from an indictment is included in the text of the new pleading.

In the current format, the word "amends" should be changed to "Supplements". In keeping the current format, "amends" does not amend since the nature of the offense, elements of the offense and statutory cites are omitted. To amend would be to bring in the corrections; i.e. To change for the better by removing defects or faults. to change, correct, revise.

the language currently used should remain if only "Supplements" is exchanged for "amends" to avoid A Miscarriage of Justice.

For all those whose conviction has been based upon an enhancement on the current language of the current text have been wrongly convicted since the only proceedings in actuality was the trial court only relinquished itself of its subject matter jurisdiction to proceed.

A statutory interpretation is a question to which an independent standard of review should be applied, with the goal of the court being to effectuate the intent of the language in said stated forms used to change an indictment.

Please present this matter to the presiding judge to possibly certify a question of law to correct a miscarriage of justice, if the current language was actually used to amend an indictment past, present and future.

this is an issue of first impression that must be brought to the attention of the court.

Dated this 25th Day of August, 2011.

By: Merold C. Souch
Gerald C. Souch
Petitioner, pro se

Certificate of Mailing:

original & 7 copies of
the foregoing, mailed this
2nd day of August, 2011, to:

clerk, AZ Supreme Court
402 Arizona Courts Bldg.
1501 W. Washington St.
Phx, AZ 85007

A true copy to:

Terry Goddard
Arizona Attorney General
1275 W. Washington St
Phx, AZ 85007
(Respondent)

Submitted by:

Marcel L. Savell
Cora J. C. South
Petitioner, pro se