

**SUPREME COURT OF ARIZONA
No. R-06-0012**

**SUA SPONTE PETITION PURSUANT TO
RULE 28, RULES OF THE SUPREME COURT**

EMERGENCY ADOPTION REQUIRED

Requested by:

Supreme Court of Arizona
Staff Attorneys' Office

Date:

August 8, 2006

Rule Numbers:

Rules 31.27 and 32.10, Arizona Rules of Criminal Procedure

Subject:

The proposal, as set forth in Attachment A, would amend Rules 31.27 and 32.10, Arizona Rules of Criminal Procedure, to prescribe the manner of notifying a victim in a capital case when a party requests an extension of time to file a brief in appellate and post-conviction relief proceedings, as required by A.R.S. §§ 13-4042 and 13-4234.01.

ATTACHMENT A

ARIZONA RULES OF CRIMINAL PROCEDURE

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Rule 31.27. Extensions of time; notification of victims

In any capital case, if the victim has filed a notice of appearance as specified in A.R.S. § 13-4042, a party seeking an extension of time to file a brief must give the victim notice of the request. Notice shall be provided through the prosecutor's office handling the appellate proceeding, so as to permit the victim to exercise the statutory right to respond within ten days of the filing of the request. In ruling on any request for an extension of a time limit set in this rule, the court shall consider the rights of the defendant and any victim to prompt and final resolution of the case.

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Rule 32.10. Extensions of time; notification of victims

In any capital case, if the victim has filed a notice of appearance as specified in A.R.S. § 13-4234.01, a party seeking an extension of time to file a brief must give the victim notice of the request. Notice shall be provided through the prosecutor's office handling the post-conviction proceeding, so as to permit the victim to exercise the statutory right to respond within ten days of the filing of the request. In ruling on any request for an extension of a time limit set in this rule, the court shall consider the rights of the defendant and any victim to prompt and final resolution of the case.