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FILED
JUN 04 2012
JANET JOHNSON
CLERK SUPREME COURT
BY:

IN THE SUPREME COURT
STATE OF ARIZONA

Eric M. Sutherland,) Supreme Court No. R-11-0016
Petitioner,)

- VS -

STATE OF ARIZONA'S,)
Court Rule(s) Rulemakers.)
Respondents.)

Reply to Comments Filed IN
Regard to Petition to Adopt
Amend, modify OR REPEAL
Rule 32.2 (A) AND (B) RULES
OF CRIMINAL PROCEDURE

Pursuant to Rule 28 (D) Rules of the Supreme Court petitioner hereby submit's his reply to comments recieved and reviewed by him from: The ARIZONA STATE BAR, AND ARIZONA ATTORNEYS FOR CRIMINAL JUSTICE.

Both organizations agree with petitioner in regard to Rule 32.2 being modified, specifically to include Rule 32.1 (b). Both also suggest the rule modification should be limited to "subject matter jurisdiction".

Petitioner respectfully disagrees for the following REASON(S):

1. It appears that there is an exception to the (20) day rule this court held / decided in State v. Marks, 186 Ariz. 139, 920 P.2d 19 (Ct. App. 1996).

2. See lines 19-23 P. 2 state Bar's comment which states, "However, criminal defendants who fail to raise a claim of lack of personal jurisdiction at the trial court level forfeit the right to seek relief on the claim for

all but "Fundamental, prejudicial error." State v. Henderson, 210 Ariz. 561, 19-20, 115 P.3d 601, 607 (2005); State v. Marks, 186 Ariz. 139, 141, 920 P.2d 19, 21 (App. 1996).

3. If "Fundamental, Prejudicial Error" can be demonstrated or proven then clearly personal jurisdiction as well as subject matter jurisdiction must both apply...

4. Additionally this rule change must be retroactive...
Petitioner has not been able to read and analyze the (2) aforementioned cases prior to filing this reply. I requested the State Bar send copies to me in order to do so but to date have not received them.

Additionally petitioner hereby notifies this court that I am willing to participate in any hearing it holds under subsection (E) Rule 28 Rules of the Supreme Court at which time I'll do my best to explain how and why I filed the petition to adopt, amend or repeal the rules. It is also highly likely this will affect at least (2) other parts of (2) more Rules of Criminal Procedure under Rule 16 and Rule 24 Arizona Rules of Criminal Procedure.

Petitioner shall also request reasonable attorney fees pursuant to rules and laws of the state of Arizona, and/or any proffered settlement appropriate.

Respectfully Submitted this 31st day of May, 2012

By: Eric Sutterland
E.

Certificate of Service

I, Brian Sutherland, hereby affirm that
copies of the foregoing were mailed this 31st
day of May, 2012; TO:

Clerk, Arizona Supreme Court
1501 West Washington St.
Phoenix, Az. 85007-3231