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(STATE BAR NUMBER 011474)

6 IN THE SUPREME COURT OF THE STATE OF ARIZONA

7 IN THE MATTER OF:

R-13-0015

8 PETITION TO AMEND RULE 12.9 OF THE
9 ARIZONA RULES OF CRIMINAL
PROCEDURE

MARICOPA COUNTY ATTORNEY'S
OFFICE COMMENT ON PETITION TO
AMEND RULE 12.9 OF THE ARIZONA
RULES OF CRIMINAL PROCEDURE

10 The Maricopa County Attorney hereby comments to the Petition to Amend Rule 12.9 of the
11 Arizona Rules of Criminal Procedure.

12 Respectfully submitted this 16th day of May, 2013.

13 WILLIAM G. MONTGOMERY
14 MARICOPA COUNTY ATTORNEY

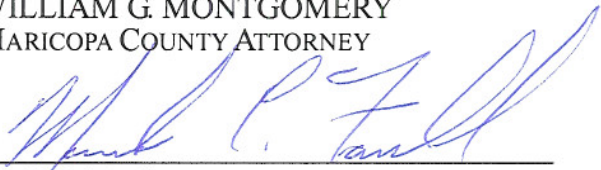
15 BY:


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17 Mark C. Faull
18 Chief Deputy
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1 The proposal in Petition 13-0015 would set a deadline of 15 days after a motion for a new
2 finding of probable cause has been granted, by which the State must proceed with prosecution either
3 by filing a complaint or re-presenting to a grand jury. If this deadline is not met, the matter is
4 dismissed without prejudice. Setting such a deadline is reasonable and adds a safety net to the
5 processing of criminal cases. The Maricopa County Attorney's Office (MCAO) would suggest one
6 other revision to the rule. If a motion for a new finding of probable cause is heard, it is a safe
7 assumption that a defendant's release conditions have already been set. MCAO recommends that
8 the proposed rule change also include a provision that the defendant's release conditions remain in
9 effect during the stated 15 days. There have been incidents where a defendant was inadvertently
10 released immediately upon a motion for a new finding of probable cause being granted, despite a
11 new finding of probable cause occurring within a few days.

12 Respectfully submitted this 16th of May, 2013.

13 WILLIAM G. MONTGOMERY
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