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5 (STATE BAR NUMBER 011474)

6 IN THE SUPREME COURT OF THE STATE OF ARIZONA

7 IN THE MATTER OF:

R-13-0012

8 PETITION TO AMEND SUPREME COURT
RULE 122

MARICOPA COUNTY ATTORNEY'S
RESPONSE TO PETITION TO AMEND
SUPREME COURT RULE 122

9
10 The Maricopa County Attorney hereby responds to the Petition to Amend Supreme Court
11 Rule 122 and asks this Court to specifically add prosecutors and law enforcement officers to the list
12 of individuals who may be protected by coverage limitation under proposed Rule 122(d)(2),
"Limitation of coverage."

13 Under the language of the current proposal, in a criminal proceeding, a judge may order that
14 no one photograph, record or broadcast the defendant or the victim in the courtroom. [Amended
15 Petition to Amend, Appendix "Clean Version" at 3, proposed Rule 122(d)(2)(A)]. The proposed
16 rule also permits a judge to order that coverage obscure the face and identity of a "party, victim, or
17 witness . . ." *Id.* (proposed Rule 122(d)(2)(B)).

18 Both of these proposals give the court a reasonable ability to protect victims, witnesses, and
19 parties when the media is allowed to cover a case in Superior Court. However, prosecutors and law
20 enforcement officers need the same type of protection. The considerations for limiting the media's
21 coverage that are listed in the Petition include the privacy, safety, and well-being of the individuals

1 involved in the case. See proposed Rule 122(d)(1). All of these justifications also apply to the
2 prosecutor handling the case and the law enforcement officers involved in the case. In many
3 instances, law enforcement officers will be covered by the “witness” provisions of proposed Rule
4 122(d)(2)(B), but in some cases the State’s case agent may be a law enforcement officer who
5 investigated the case, is in trial every day, but is not called to testify at trial. The court should have
6 the ability to protect this type of non-testifying officer under the proposed rule. Also, the proposed
7 rule for criminal cases specifically permits the defendant or a victim to make a limiting request, but
8 does not specifically give the State the same ability. Therefore, to adequately protect prosecutors
9 and all law enforcement officers who may serve as non-testifying case agents, the Maricopa County
10 Attorney asks that if the rule is adopted that this Court modify the proposed language to specifically
11 permit the State to file a limitation request and to add prosecutors and law enforcement officers to
12 the list of individuals the trial court can protect from media coverage.

11 The proposed change to the language of the Amended Petition is as follows:

12 Proposed Rule 122(d)(2)(A)

13 (A) In a criminal proceeding, a judge on his or her own motion or upon the request of a
14 defendant, THE STATE, or a victim may order that no one may photograph, record, or
15 broadcast THE PROSECUTOR, A DESIGNATED LAW ENFORCEMENT OFFICER, the
16 defendant, or the victim in the courtroom.

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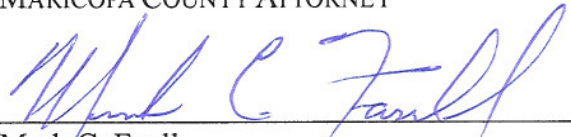
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Proposed Rule 122(d)(2)(B)

(B) A judge on his or her own motion or upon the request of a party, victim, or witness, may order that video coverage must effectively obscure the face and identity of that party, victim, or witness or that there be only audio coverage of the testimony of a party, VICTIM, or witness.¹

Respectfully submitted this 5th day of June, 2013.

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BY: 
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¹ This suggestion corrects an apparent oversight in the amended proposal because “victim” is specifically listed with “party” and “witness” in the other parts of this rule, but is omitted from the audio coverage portion of the rule. Certainly a testifying victim would be a witness and thus should fall under the rule, but the omission of “victim” from that portion of the rule may be construed to create a distinction that omits victims. For clarity and consistency, “victim” should be added to this last sentence.