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8 **IN THE SUPREME COURT**
9 **STATE OF ARIZONA**

10 In the Matter of:

Supreme Court No. R-14-0006

11 **PETITION TO AMEND RULE 12.5,**
12 **ARIZONA RULES OF CRIMINAL**
13 **PROCEDURE**

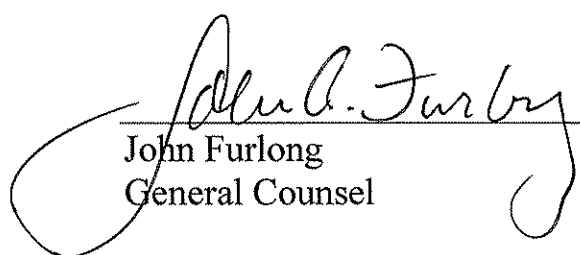
COMMENT OF
THE STATE BAR OF ARIZONA

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16 The Maricopa County Attorney's Office proposes amending Rule 12.5, Ariz.
17 R. Crim. P., to allow law-enforcement or detention officers to be present when
18 an in-custody witness testifies before the grand jury. The rule currently allows only
19 prosecutors, judges, court reporters and witnesses to be in the grand-jury room.


20 If the Court is inclined to allow law-enforcement or detention officers to be in
21 the grand-jury room, the State Bar of Arizona requests that the Court allow this to
22 occur only upon request of the prosecutor, subject to the trial court's discretion, and
23 with notice to the defense. Defense counsel advise that in-custody witnesses are
24 seldom if ever called to testify before the grand jurors. If they are, the presence of
25 law-enforcement officers telegraphs to the grand jurors that the witness is believed

1 to be dangerous—an implication clearly prejudicial to the process.

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3 RESPECTFULLY SUBMITTED this 6th day of May, 2014.

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6 
7 John Furlong
8 General Counsel

9 Electronic copy filed with the
10 Clerk of the Arizona Supreme Court
11 this 6th day of May, 2014.

12 by: 
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