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7 IN THE SUPREME COURT OF THE STATE OF ARIZONA

8 IN THE MATTER OF

R-14-0005

9 PETITION TO MODIFY RULE
10 24.2, ARIZONA RULES OF
11 CRIMINAL PROCEDURE

ARIZONA PROSECUTING ATTORNEYS'
ADVISORY COUNCIL'S
COMMENTS IN SUPPORT OF PETITION TO
MODIFY RULE 24.2, ARIZONA RULES OF
CRIMINAL PROCEDURE

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13 Pursuant to Arizona Rules of the Supreme Court, Rule 28(C), the Arizona
14 Prosecuting Attorneys' Advisory Council ("APAAC") hereby submits its comments
15 in support of R-14-0005, Petition to Modify Rule 24.2, Arizona Rules of Criminal
16 Procedure.
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19 This Court's adoption of Ethical Rule 3.8(h) specifically requires prosecutors
20 to "take appropriate steps . . . to set aside the conviction" under certain specified
21 circumstances. However, the Rules of Criminal Procedure do not currently provide
22 any procedural mechanism for the State to move to set aside a conviction after the
23 expiration of sixty days. Rule 32, for example, only applies to the person convicted
24 of the offense; a motion to vacate judgment pursuant to Rule 24.2 must be made no
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1 later than 60 days after the entry of judgment and sentence but before the defendant's
2 appeal, if any, is perfected.
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4 The proposed modification to Rule 24.2 of the Arizona Rules of Criminal
5 Procedure sets forth an appropriate process for prosecutors to uphold our duty and
6 responsibility as ministers of justice. As such, APAAC supports this Petition.
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8 Respectfully submitted this 19th day of May, 2014.

9 ARIZONA PROSECUTING ATTORNEYS' ADVISORY COUNCIL

10 SHEILA SULLIVAN POLK
11 YAVAPAI COUNTY ATTORNEY
12 Chair

13 By: Elizabeth Ortiz
14 ELIZABETH ORTIZ
15 Executive Director
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