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7 IN THE SUPREME COURT OF THE STATE OF ARIZONA

8 **IN THE MATTER OF**

R-14-0007

9 **PETITION TO ADOPT**
10 **RULE 32.12 ARIZONA**
11 **RULES OF CRIMINAL**
12 **PROCEDURE**

ARIZONA PROSECUTING ATTORNEYS'
ADVISORY COUNCIL'S
COMMENTS IN SUPPORT OF PETITION
TO ADOPT RULE 32.12, ARIZONA RULES
OF CRIMINAL PROCEDURE

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14 Pursuant to Arizona Rules of the Supreme Court, Rule 28(C), the Arizona
15 Prosecuting Attorneys' Advisory Council ("APAAC") hereby submits its comments
16 in support of R-14-0007, Petition to Adopt Rule 32.12, Arizona Rules of Criminal
17 Procedure.
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20 APAAC recommends that this Court adopt the new rule as requested in the
21 Petition. The proposed rule will give much needed guidance and establish a clear
22 procedure for the implementation of A.R.S. § 13-4240, which gives convicted felons
23 a mechanism to petition the court for deoxyribonucleic acid (DNA) testing of
24 evidence. The rule will ensure statewide consistency in the application of A.R.S. §
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1 13-4240 while allowing the State a reasonable amount of time to review the case and
2 file a response to provide guidance to the court in applying the listed factors.
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4 Respectfully submitted this 19th day of May, 2014.

5 ARIZONA PROSECUTING ATTORNEYS' ADVISORY COUNCIL

6 SHEILA SULLIVAN POLK
7 YAVAPAI COUNTY ATTORNEY
8 APAAC Chair

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10 By: Elizabeth Ortiz
11 ELIZABETH ORTIZ
12 APAAC Executive Director
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