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ARIZONA SUPREME COURT

In the Matter of,

PETITION TO AMEND RULE
31.17(C)(1) ARIZONA RULES OF
CRIMINAL PROCEDURE

SUPREME COURT NO. R-13-0050

**COMMENT IN SUPPORT OF PETITION TO
AMEND RULE 31.17(C)(1), ARIZ. R.
CRIM. P.**

The Arizona Attorney General supports the proposed change to Rule 31.17(c), of the Arizona Rules of Criminal Procedure (R-13-0050). In light of the federal 1-year statute of limitations for habeas proceedings, it is no longer necessary to issue a warrant of execution following the denial of the first post-conviction relief proceeding. *See* 28 U.S.C. § 2244(d). Furthermore, under the proposed Rule 31.17(c), the Supreme Court will issue a warrant of execution upon

motion by the State should a capital defendant not proceed in seeking federal habeas relief.

Respectfully submitted this 20th day of May, 2014.

Thomas C. Horne
Attorney General

/s/ Jeffrey A. Zick
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