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IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of: Petition to Modify Rule 15.4(b), Arizona Rules of Criminal Procedure	No. R 2015-0025 **COMMENT IN OPPOSITION**

Pursuant to Rule 28 of the Arizona Rules of Supreme Court, the Maricopa County Public Defender's Office ("MCPD") submits the following comment to the above-referenced petition. The MCPD opposes the Petition to Amend Rule 15.4(b) of the Arizona Rules of Criminal Procedure. MCPD is the largest indigent defense firm in the State of Arizona with over 200 deputy public defenders providing indigent legal services in the Maricopa County Justice and Superior Courts. During the past fiscal year, the MCPD handled almost 36,000 criminal cases.

MCPD is joined in its opposition by the Arizona Attorneys for Criminal Justice. Arizona Attorneys for Criminal Justice is a statewide not-for-profit membership organization of criminal defense lawyers, law students and associated professionals dedicated to protecting the rights of the accused in the courts and in the legislature, promoting excellence in the practice of criminal law through education, training and mutual assistance, and fostering public awareness of citizens' rights, the criminal justice system and the role of the defense lawyer.

MCPD is joined in its opposition by the Arizona Public Defender's Association. The Arizona Public Defenders Association is a non-profit organization comprised of the entire county, city, federal and tribal indigent representation offices and programs in the state of Arizona. Its mission is to safeguard the constitutional rights of indigent individuals, thereby protecting the rights of all members of the community.

MCPD is joined in its opposition by the Pima County Public Defender's Office. The Pima County Public Defender's Office is the second largest indigent defense law firm in Arizona with approximately 75 assistant public defenders providing indigent legal services in the Pima County Superior Court, Pima County Juvenile Court, and appellate courts.

All signators oppose the proposed amendment because there is no need for the change, the proposal undermines the purpose of the Arizona Rules of

Criminal Procedure, the amendment would lead to potential abuse, and the amendment would violate the constitutional rights of defendants.

DISCUSSION

Arizona Rule 15 of Criminal Procedure controls the circumstances under which disclosure is required in a criminal case. Rule 15.1(b)(2) presently requires the State to disclose "All statements of the defendant and of any person who will be tried with the defendant." The proposal would amend Rule 15.4(b) to add to the categories of Material not Subject to Disclosure. Presently, those materials only comprise work product and the identity of an informant (and the informant disclosure is subject to the caveat that the disclosure may withheld only so long as defendant's rights are not infringed). The Petitioner proposes to add a subsection to exempt free talks from disclosure until it is determined that the co-defendant will be a witness, "unless the statement contains information that tends to mitigate the defendant's guilt as to the offense charged or which would tend to reduce the defendant's punishment therefor."

I. The petition has demonstrated no need for the proposed rule change.

A. There is no empirical need for the proposed rule change.

The goal of the proposed modification is to encourage defendants to talk to law enforcement officials about crimes they and others have committed. The Petitioner states that conversations performed pursuant to free talk agreements can

provide much needed evidence to solve crimes or to hold defendants fully accountable for their criminal behavior. The Petitioner asserts that these free talks can present significant risks for the defendant who agrees to cooperate with law enforcement and that disclosure of these free talks can jeopardize ongoing investigations.

However, the Petitioner fails to show any empirical evidence that there has been actual harm to defendants who have participated in a free talk agreement. Furthermore, the Petitioner fails to point out any decrease in defendants' willingness to participate in free talk agreements under the current Arizona Rules of Criminal Procedure. The Petitioner makes assertions that without the protection of this proposed rule criminal prosecution will be hindered in a number of ways, but they fail to show any empirical data to support this position. There is no indication that there has been a reduction in the number of defendants who participate in free talks. If a defendant wants to cooperate with law enforcement in order to obtain a personal benefit, the defendant will come forward. When this happens the prosecution should want to use this information and share it with all parties in order to serve the needs of judicial economy.

The Petitioner argues that the amendments made to Rule 15 in 2003 have changed the Rules of Criminal Procedure in such a way that a further amendment is required. However, the changes made in 2003 did not change the prosecution's

obligation to produce statements of co-defendants, but rather was a simple restructuring of the existing rule. Prior to 2003, Rule 15.1(a)(2) required that all statements of the defendant and of any person who will be tried with him be disclosed no later than 10 days after arraignment in Superior Court. Ariz.R.Crim.P. 15.1(a)(2). This rule went into effect on August 1, 1975, and has remained unchanged since its adoption. The disclosure of statements by a co-defendant have been recognized as being at the heart of a criminal case, since the inception of the Rules of Criminal Procedure. Nothing about the 2003 amendments has changed the substance of the rule in such a way that there is a new unaddressed concern.

B. There is no precedent for creating a rule limiting the disclosure of free talk statements by co-defendants.

The Petitioner asserts that there is an ongoing need for the change in the rule. However, there is no precedent for enacting a rule that limits disclosure of free talks in the manner the Petitioner proposes. No other state has any similar rule excluding free talk agreements and statements made by cooperating co-defendants from disclosure.[1] A majority of states, like Arizona, limit undiscoverable material only to work product and the identity of the informant. Even the states that have additional protections for matters not subject to disclosure do not include any protection for the disclosure of free talk agreements.

[1] Attachment A. This attachment is a state-by-state listing of disclosure rules, including relevant exceptions.

However, some states do expand the breadth of undiscoverable material to matters related to national security.[2] The fact that no other state in the country has precluded discussions and transcripts made pursuant to free talk agreements not only demonstrates that the Petitioner's concerns are not legitimate, but also proves that there is no indication that this proposed rule change is necessary.

Furthermore, the Petitioner's proposed change does not find support in common models and standards. For example, the American Bar Association published the STANDARDS FOR CRIMINAL JUSTICE: DISCOVERY AND TRIAL BY JURY (3d ed.) in 1994.[3] The American Bar Association recommends that material should not be subject to disclosure only if: (1) it relates to work product, (2) it involves the identity of an informant; (3) when it involves a substantial risk to national security. STANDARDS FOR CRIMINAL JUSTICE: DISCOVERY AND TRIAL BY

[2] *E.g.* IL R.S.CT. Rule 412(j)(iii) ("*National Security*. Disclosure shall not be required where it involves a substantial risk of grave prejudice to national security and where a failure to disclose will not infringe the constitutional rights of the accused. Disclosure shall not thus be denied hereunder regarding witnesses or material to be produced at a hearing or trial.").

[3] Full text available at: http://www.americanbar.org/content/dam/aba/publications/criminal_justice_standards/discovery_trialbyjury.authcheckdam.pdf. Just the black-letter standards, without evaluation, are available at: http://www.americanbar.org/publications/criminal_justice_section_archive/crimjust_standards_discovery_blk.html#1.1.

JURY (3d ed.) Standard 11-6.1(a)-(c).[4] Consistent with Arizona's scheme, the ABA recommends that trial courts have the authority to condition discovery if the court finds a risk of harm outweighing "any usefulness of the disclosure." *Id.* at 11-6.1(e). Though the ABA standards do not create precedent, they reflect a national consensus on best practices in many areas of criminal practice, including drafting and interpreting rules of discovery. Again, there is not a need for the proposed rule change and Arizona would be the first to carve out this new exception in its discovery system.

C. The current rules already contain a remedy for the concerns raised by the Petitioner.

The Petitioner argues that the rules, as currently constructed, would discourage defendants from offering to provide information regarding their co-defendants conduct, and that requiring disclosure of free talks to consolidated co-defendants will have a significant chilling effect on the ability of law enforcement to gather information through free talks. The petitioner asserts two reasons for the proposed rule change: (1) that disclosure of free talks can present a significant risk to the defendant that agrees to cooperate with law enforcement and (2) that applying Rule 15.1(b)(2) to free talks will waste judicial resources. However, the current rule scheme provides a mechanism to address possible risks and the

[4] The defense is also not required to disclose communications from the defendant or any materials the state would not be required to disclose. STANDARDS FOR

Petitioner's evaluation of judicial economy does not withstand evaluation. The proposed rule change is a solution in search of a problem.

The present Rule structure already contemplates such concerns and provides a mechanism by which a party may ensure the court addresses these public policy concerns. Rule 15.5 of the Arizona Rules of Criminal Procedure indicates:

> Upon motion of any party showing good cause, the court may at any time order that disclosure of the identity of any witness be deferred for any reasonable period of time… or that any other disclosures required by this rule be denied, deferred or regulated when it finds:
>
> 1) that the disclosure would result in a risk or harm outweighing any usefulness of the disclosure to any party; and
>
> 2) that the risk cannot be eliminated by a less substantial restriction of discovery rights.

Ariz.R.Crim.P. 15.5(a)(1)-(2).

From this perspective, the Rules have contemplated the possible risks a witness in a criminal case may face if his identity and statements were disclosed to the defendant. The present structure of the rule expects the courts to use discretion in excluding or limiting discovery.[5] The proposed rule change,

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CRIMINAL JUSTICE: DISCOVERY AND TRIAL BY JURY (3d ed.) Standard 11-6.1(d).

[5] Ariz.R.Crim.P. 15.5(a) cmt. ("The court is given broad discretion to limit discovery required by this rule whenever it is shown a risk of harm of specific disclosure."); *State v. Chavez ex rel. Maricopa (Gill)*, 234 Ariz. 255, ¶ 21, 321 P.3d 420, ¶ 21 (2014) (" Moreover, to the extent that disclosing a victim's birth date may create a risk of harassment or other harm, we reiterate that the existing

however, operates under the presumption that courts are unable to exercise sound discretion in regulating disclosure of discovery. Such a presumption is not warranted. The Petitioner would like to allow the state to make critical decisions involving core discovery in a vacuum, essentially granting the state unbridled power to be the sole arbiter of discovery. The proper course of action would be for the prosecutor to seek an order from the court excluding or limiting discovery, not allowing a party at interest to be the gatekeeper of disclosure.[6]

If the state sees a risk to the co-defendant participating in a free talk, or a concern that investigation will be hindered, the state should present a motion to the court to defer or regulate the disclosure of the statements in the free talk. This is an appropriate remedy for the concerns presented by the Petitioner. The current petition operates under the assumption that defense counsel is unable and unwilling to abide by specific court orders which can be sought by the state to limit discovery. This is an unwarranted assumption. Every defense counsel is an officer of the court, and as an officer of the court is required to keep certain

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rules allow a prosecutor to seek a court order denying or limiting disclosure otherwise required by Rule 15.1").

[6] *See State v. McMurtrey*, 136 Ariz. 93, 97, 664 P.2d 637, 641 (1983) (noting that the "preferred procedure" is for the prosecutor to obtain a court order under Rule 15.5(c) before redacting information, but recognizing trial courts' power to approve redactions subsequently).

information confidential and is restricted from disclosing certain discovery to the defendant.[7]

Second the Petitioner states that applying Rule 15.1(b)(2) to free talks will waste scarce judicial resources and require unnecessary multiple trials and severance of co-defendants to avoid disclosure of free talks. The Petitioner asserts that severance of a co-defendant would lead other defendants to believe that the severed co-defendant cooperated with law enforcement, thus creating a dangerous situation for the talking co-defendant. It would be completely impossible, under any circumstances, to prevent speculation among co-defendants. However, there are a myriad of potential reasons under the law for severance of co-defendants under Rule 13.4, in addition to severances warranted under *Bruton*. It would be nonsensical to deny all proper severances on the speculation that they may result in a suspicion on the part of co-defendants.

II. The proposed rule change undermines the purpose of the Arizona Rules of Criminal Procedure.

The purpose of the Arizona Rules of Criminal Procedure is "[t]o provide for the just, speedy determination of every criminal proceeding." Ariz.R.Crim.P 1.2. The rules of criminal procedure shall be construed to secure the simplicity in procedure, fairness in administration, the elimination of unnecessary delay and

[7] Ariz.R.Crim.P. 15.4(d) ("Any materials furnished to an attorney pursuant to this rule shall not be disclosed to the public but only to others to the extent necessary

expense, and to protect the fundamental rights of the individual while preserving the public welfare." *Id.* The disclosure requirements streamline discovery in criminal prosecutions and help ensure that the parties receive all relevant information. *State ex rel. Montgomery v. Chavez ex rel. County of Maricopa (Gill)*, 234 Ariz. 255, ¶ 4, 321 P.3d 420, ¶ 4 (2014). The Petitioner's proposal would interfere with thorough trial preparations, lead to trial delays, and create an inequitable discovery system.

A. The proposal would subvert the purpose of the discovery rules to permit efficient and thorough preparation for trial.

The Committee Comment to the 2003 Amendments to Rule 15.1 states that the changes are designed to redefine the scope and timing of disclosure by the State in criminal cases, in order to bring the disclosure rules more closely into alignment with the realities of modern practices. Ariz.R.Crim.P. 15.1 cmt. 2003. Furthermore, the committee states: "There is a need for the defense attorney to have basic information at early stages in the criminal proceedings in order to meaningfully confer with their client, and to aid in making the appropriate strategic decisions." *Id.* "The new rule 15.1(b) is a codification of the long practice of providing initial disclosure prior to the arraignment phase of the proceedings, and is intended to facilitate effective communication and effective resolution of issues." *Id.*

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for the proper conduct of the case.").

The disclosures required under Rule 15.1(b) are specifically limited to those materials and information in existence at the time of disclosure pursuant to Rule 15.1(c). *Id*. It is not required that all information regarding all aspects of an investigation, such as forensic or laboratory analysis, be completed and disclosed within 30 days after arraignment in Superior Court. Finally the committee noted, "Disclosure of a co-defendant's statements rest on the need to make severance motion under *Bruton v. United States*, [391 U.S. 123 (1968),] at the earliest possible time." Ariz.R.Crim.P. 15.1(a)(2) cmt. 2007.

Additionally, allowing the state to control the timing of disclosure is in direct contention with the existing purpose of eliminating unnecessary delay and securing simplicity in trial. Giving the state the ability to control the timing of disclosure would lead to uncertainty in every case, because defendants and defense counsel would be unable to predict when discovery would be received. This is of particular importance if the disclosure the state makes upon deciding to use the contents of a free talk contains inculpatory information. The rule change would give the state the ability to disclose potential critical witnesses on the eve of trial. This late disclosure prevents defense from adequately and properly preparing for trial, forcing a trial to proceed with unprepared counsel, or to be delayed so that counsel may become prepared. Both results undermine the purpose of the disclosure rules.

B. The proposed rule change would allow the prosecutor to use the rules of discovery to gain a tactical advantage.

The proposed rule change would allow the prosecutor to decide when and if they would disclose any of the information obtained during a free talk. This control gives the prosecutor a tactical advantage in preparing for trial. The purpose of the discovery rules is to ensure that such a tactical advantage is not gained by any party in a criminal proceeding. While the Due Process Clause does not require the states to adopt any discovery provisions, once they are implemented discovery must be implemented fairly, with equal access provided to both parties. *Wardius v. Oregon*, 412 U.S. 470 (1973). "[T]he State's inherent information-gathering strategies suggest that if there is to be any imbalance in discovery rights, it should work in the defendant's favor." *Id*. at fn.9.

The Petitioner has provided one example of a court's evaluation of its duty to disclose free talks. In *State v. Whitmore*, Superior Court CR2013-002730-003, while no sanctions were imposed, the court noted specifically that there is no free talk exception to the rules of disclosure and cautioned regarding the potential for abuse in following the state's interpretation of existing rules.[8]

[8] Petition Attachment A (CR2013-002730-003, ME 10/23/2014) pg. 3 ("As a cautionary note, it is recognized that interpreting the disclosure rules in this manner could be abused by an unscrupulous prosecutor. Such an individual could secure information against one co-defendant from another and then delay finalization of a testimonial agreement, thereby delaying disclosure to the Defendant. Abuses of this nature must be guarded against generally but have no application herein.").

In another case, the Superior Court held that the state committed a violation due to its failure to disclose free talk statements, and that the defendants did suffer as a result.

In *State v. Jackson et al.,* CR2010-007912, eight codefendants were charged with various offenses surrounding the failed "reverse sting" operation conducted by Chandler Police that resulted in the death of three Chandler officers. All codefendants were charged with first-degree felony murder, armed robbery, and drug sales. The state conducted a taped interview of one of the co-defendants on August 30, 2010, and failed to disclose the interview until November 15, 2013.[9] Trial in that case (which was capital as to co-defendant Jackson) was set for January 21, 2014, with a last day of February 3, 2014. The defendants were placed in the position of acceding to a trial continuance in order to prepare to challenge the testimony of the cooperating co-defendant.

The court found that the state had committed a discovery violation and requested the wronged parties to brief the nature of the sanction. Ultimately, the court found that the delay did not rise to the level of violation that warranted preclusion, but noted, "The Court recognizes that the net result of its denial of the Defendants' Motion to preclude [the testifying co-defendant] from testifying is that

[9] Attachment B (CR2010-007912 , ME 4/3/2015). Much of the litigation regarding the sanctions in this case are sealed, thus only public materials such as the minute entry are being cited, summarized, and provided for this comment.

there is no significant sanction for the State's late disclosure." (Attachment A, pg. 4-5).

These two cases indicate the devastating and costly impact of the state's tactical decisions of when to disclose evidence of free talks. The proposed rule change would allow the state to fail to disclose material evidence, under the cloak of the proposed rule change, and to permit abuse of such authority in circumstances where there may be no appropriate sanction, and a wrong goes unaddressed.

III. The proposal would substantially infringe the fundamental and constitutional rights of defendants.

A. The proposed rule change is unconstitutional because it forces the defendant to choose between two separate and distinct constitutional rights.

The proposed rule change states: "Disclosure of a free talk agreement and any statement made by a co-defendant cooperating with the prosecution or a law enforcement agency as a result of a free talk agreement shall not be required to be disclosed until such time as it is determined that the cooperating co-defendant will be a witness for the prosecution at trial…" Petition, 9.

This means that the prosecution could possess potentially inculpatory evidence that they do not disclose until the eve of trial. There is no indication of a certain timeframe before trial that this information must be disclosed in the language of the proposed rule. Thus, the prosecution would potentially be able to

disclose this information only a few days before trial. Such late disclosure of the evidence would place a defendant in the position of having to decide to postpone his trial in order to interview the witness, and any other persons that may need to be interviewed to determine the witness' credibility, and going to trial.

The proposed rule change would place the burden on the defendant to choose between his right to a speedy trial and his right to effective assistance of counsel. In *State v. Gretzler* the Court noted:

> The right to speedy trial is guaranteed to a criminal defendant. It is, however, fundamentally distinct from the other rights essential to fair criminal trial, in that there "is a societal interest in providing a speedy trial which exists separate from, and at times in opposition to, the interests of the accused." *Barker v. Wingo,* 407 U.S. 514, 92 S.Ct. 2182 (1972). Society is concerned that criminal defendants be tried expeditiously so that dangerous offenders will be quickly restrained from further depredations. Conviction will be more reliable if based on fresh and accurate evidence, and punishments will be more effective if they closely follow culpable acts.

126 Ariz. 60, 69, 612 P.2d 1023, 1032 (1980).

Meanwhile, the rights to present a defense and effective cross examination are preserved by the federal and state constitutions. U.S. Const. Amends. 5, 14; Ariz. Const. Art. 2, § 4; *State ex rel Romley v. Superior Court*, 172 Ariz. 232, 236, 836 P.2d 445, 449 (App. 1992) (holding that when the defendant's right to due process conflicts with the Victims' Bill of Rights, due process prevails)

(citing *Chambers v. Mississippi*, 410 U.S. 284 (1973); *Davis v. Alaska*, 415 U.S. 308 (1974)).

In *Jimenez v. Chavez*, the defendant filed a motion to preclude DNA evidence due to State's failure to timely disclose the evidence. 234 Ariz. 448, ¶ 1, 323 P.3d 731, ¶ 1 (App. 2014). The appellate court held that when the state delays disclosure of inculpatory evidence in violation of Ariz.R.Crim.P. 15.6, a continuance that delays trial beyond a defendant's last day under Rule 8.2 is an improper sanction under Rule 15.7. *Id.* at ¶ 23. The court reasoned that "Jimenez was prejudiced because he was improperly forced to make a choice between (1) waiving his right to a speedy trial by requesting a continuance for a date beyond his last day, and (2) sacrificing his right to be represented by counsel with sufficient opportunity to prepare for trial." *Id.* at ¶ 22.

Forcing defendants to choose between two equal but substantially different constitutional rights places them in a position where they must make an unreasonable choice between rights. If the current rule change is enacted, a defendant would be unconstitutionally forced to make a choice between his Sixth Amendment right to effective assistance of counsel and his Sixth Amendment right to a speedy trial. The defendant would find himself left on the eve of trial having to choose between waiving his speedy trial rights in order to allow his counsel to investigate the newly disclosed evidence and witness' credibility, or not waiving

his right to a speedy trial and being forced to go forward inadequately prepared to go forward with his defense.

B. The proposed rule change is unconstitutional because it decreases the ability of defense counsel to mount a thorough and effective defense.

The proposed rule change would place a heavy burden on defense counsel to address the potentially late disclosure of crucial evidence that either inculpates or exculpates a defendant, and jeopardizes the effective assistance of defense counsel. "A criminal defendant has a Sixth Amendment right to representation by competent counsel." *State v. Moody*, 192 Ariz. 505, 505 ¶ 11, 968 P.2d 578, ¶ 11 (1998); *see also* Ariz Const. Art. 2, § 24; A.R.S. § 13-114(2); Ariz.R.Crim.P. 6.1. The standard for determining whether counsel was effective is one of reasonableness under prevailing professional norms. *State v. Nash*, 143 Ariz. 392, 397, 694 P.2d 222, 227 (1985). The standard adopted by the Arizona Supreme Court is an objective one, allowing courts to consult various sources to decide whether counsel's actions were reasonable considering the circumstances and the prevailing professional norms in the community. *Id.* This allows attorneys to remain independent and make tactical decisions regarding the litigation of their cases. *Id* at 398. The proposed ruled change would prevent defense counsel from effectively conducting pretrial investigation and effectively advising the defendant at all critical stages of the process. "Except in the most unusual circumstances, it offends basic notions of minimal competence of representation for defense counsel

to fail to interview any state witnesses prior to a major felony trial." *State v. Radjenovich*, 138 Ariz. 270, 274, 674 P.2d 333, 337 (App. 1983). In *Radjenovich*, the Arizona Court of Appeals found that defense counsel's failure to interview the State's witnesses placed the defendant at a disadvantage at trial. *Id* at 275. Furthermore, the United States Supreme Court has held that state laws providing for nondisclosure of information to criminal defendants must in some situations, yield to the constitutional confrontation rights of the accused.[10] The proposed rule change disregards these rights.

The proposed rule change would also prevent defense counsel from adequately and effectively advising the defendant during all critical stages of the process. "The constitutional guarantee [to the effective assistance of competent counsel] applies to pretrial critical stages . . . in which defendants cannot be presumed to make critical decisions without counsel's advice." *Lafler v. Cooper*, __ U.S. __, 132 S.Ct. 1376, 1385 (2012); *see also Rivera-Longoria v. Slayton*, 228 Ariz. 156, 159, ¶ 13, 264 P.3d 866, 869 (2011). At all stages of representation, a defense attorney must be as informed as possible to develop trust and to advise the defendant on choices that may impact the direction of the case. This includes plea

[10] *E.g. Michigan v. Lucas*, 500 U.S. 145 (1991) (state rape shield law; Court remanded for determination of confrontation clause violation); *Davis*, 415 U.S. 308 (statute requiring confidentiality of juvenile records must yield to cross-examination rights); *Pennsylvania v. Ritchie*, 480 U.S. 39 (1987) (compulsory process and due process required disclosure of otherwise confidential records.)

negotiations, where a defendant may accept, reject, or choose to seek or not to seek resolution of a case without the full knowledge of evidence that may be used against him.

CONCLUSION

As illustrated, not only are the concerns presented by the Petitioner unsupported by empirical data, but the concerns advanced by the Petitioner are already sufficiently addressed in the current Arizona Rules of Criminal Procedure. Moreover, the proposed rule change is not in conformity with the national consensus regarding disclosure, as reflected by the ABA guidelines and applicable rules from every other state in the nation.

If the amendment did work consistently with its stated goals, the amendment would deprive defendants of their constitutionally protected rights to due process, a speedy trial, and effective assistance of counsel. The proposed rule change has the potential to drastically increase the amount of time an accused spends incarcerated prior to trial, and this is a denial of the liberty interest guaranteed and enforced by the Fifth and Fourteenth Amendments of the United States Constitution and Article 2, Section 4 of the Arizona Constitution.

Furthermore, lack of access to potentially crucial information would force attorneys to make uncertain decisions regarding which actions to take in their

cases, causing unnecessary delays. These delays would further burden an already burdened criminal justice system.

Because the proposed rule change does not accomplish the stated goals, denies defendants fundamental rights, has the potential to delay trials, and forces defense counsel to be ineffective, the MCPD, AACJ, APDA, and PCPD respectfully requests that this rule petition be denied.

RESPECTFULLY SUBMITTED this 20th day of May, 2015.

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