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IN THE SUPREME COURT OF THE STATE OF ARIZONA

IN THE MATTER OF: PETITION TO AMEND THE RULE 15.1(i) OF THE ARIZONA RULES OF CRIMINAL PROCEDURE.	R-07-0019 MARICOPA COUNTY ATTORNEY'S COMMENTS TO PETITION TO AMEND RULE 15.1(i) OF THE ARIZONA RULES OF CRIMINAL PROCEDURE

The Maricopa County Attorney hereby comments to, and supports, the Petition to Amend Rule 15.1(i) of the Arizona Rules of Criminal Procedure.

In February 2007, Chief Justice Ruth McGregor established the Capital Case Task Force (Task Force) to address the number of capital cases awaiting trial in Maricopa County. Chief Justice McGregor directed the Task Force to:

> [E]xamine the issues relevant to ensuring the availability of adequate resources for processing capital cases in Maricopa County and in the appellate courts of Arizona and make recommendations for rule and statutory amendments that would promote efficient resolution of these cases in light of the pending caseload, including consideration of case management practices, and judicial, clerk and defense team staffing levels.

(Arizona Supreme Court Capital Case Task Force Report, at 1.)

Under Rule 15.1(i)(1), the State must file its notice of intent to seek the death penalty no later than 60 days after arraignment. Currently, this 60-day period may only be extended for 30 days upon

stipulation of counsel. In an effort to assist in resolving capital cases efficiently and effectively, the Task Force recommended that the State have the opportunity to file its intent to seek the death penalty beyond sixty days after arraignment via a stipulation filed by the parties and approved by the trial court. A rule petition encompassing the Task Force's recommended change to Rule 15.1(i) was submitted to this Court by the Administrative Office of the Courts. (*See* Petition to Amend Rule 15.1(i), Arizona Rules of Criminal Procedure, Supreme Court No. R-07-0019.)

The Maricopa County Attorney's Office supports the Petition to Amend Rule 15.1(i) of the Arizona Rules of Criminal Procedure. The additional time in which to file the notice of intent to seek the death penalty in the amended Rule 15.1(i) offers defense counsel the opportunity to identify and present mitigation evidence that may prompt the State to forego the filing of its notice of intent to seek the death penalty in appropriate cases.

The Maricopa County Attorney's Office supports the petition to amend Rule 15.1(i) of the Arizona Rules of Criminal Procedure.

Respectfully submitted this 19th of May, 2008.

ANDREW P. THOMAS
MARICOPA COUNTY ATTORNEY

BY: Philip J. MacDonnell
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Copies of the forgoing mailed
this 19 day of May, 2008 to:

Clerk of the Court
Arizona Supreme Court

Jennifer A. Greene
Staff to the Capital Case Task Force
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