

1 ANDREW P. THOMAS  
2 MARICOPA COUNTY ATTORNEY  
(FIRM STATE BAR No. 0003200)  
3  
4 PHILIP J. MACDONNELL  
5 CHIEF DEPUTY COUNTY ATTORNEY  
6 LOUIS F. STALZER  
7 DEPUTY COUNTY ATTORNEY  
8 301 WEST JEFFERSON STREET, SUITE 800  
9 PHOENIX, ARIZONA 85003  
10 TELEPHONE: (602) 506-3800  
11 (STATE BAR NUMBERS 003813 AND 010471)

12 IN THE SUPREME COURT OF THE STATE OF ARIZONA

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13 IN THE MATTER OF:

14 PETITION TO AMEND RULES 16.1(b) AND  
15 16.4(a) OF THE ARIZONA RULES OF  
16 CRIMINAL PROCEDURE.

R-08-0007

MARICOPA COUNTY ATTORNEY'S  
COMMENTS TO PETITION TO AMEND  
RULES 16.1(b) AND 16.4(a) OF THE  
ARIZONA RULES OF CRIMINAL  
PROCEDURE

17 The Maricopa County Attorney hereby comments to, and supports as modified by the State Bar  
18 of Arizona, the Petition to Amend Rules 16.1(b) and 16.4(a) of the Arizona Rules of Criminal  
19 Procedure. The petition was filed by the Arizona Public Defender Association (APDA).

20 Rule 15.1(c) states that within 30 days from arraignment the prosecutor is to disclose to the  
21 defendant the information set forth in Rule 15.1(b). This rule has been in effect since December of  
22 2003. Previously, the rule required the prosecutor to provide disclosure material to the defendant within  
23 10 days from arraignment.

24 The ADPA correctly points out that when Rule 15 was amended, no corresponding amendment  
25 was made to Rule 16.1(b) or 16.4(a). Clearly, amending the rules by extending the time limits by 45  
26 days would create logical consistency between Rules 15.1(c) and 16.1(b). The amendments would  
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1 allow for a meaningful and timely request for an omnibus hearing or mandatory prehearing conference.  
2 The parties could conduct a thorough discussion of potential trial issues, contested issues could be  
3 clearly identified, and the court would be in a better posture to efficiently schedule necessary evidentiary  
4 hearings.  
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6 The Maricopa County Attorney's Office supports the modifications to the petition as reflected in  
7 the State Bar's comment posted on May 6, 2008. Exhibit A, contained in the State Bar's comment,  
8 accurately incorporates the necessary substantive and administrative changes to the rules.

9 The Maricopa County Attorney's Office requests that this Court adopt the petition, as modified  
10 by the State Bar of Arizona, to amend Rules 16.1(b) and 16.4(a) of the Arizona Rules of Criminal  
11 Procedure.  
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13 Respectfully submitted this 19<sup>th</sup> of May, 2008.

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15 ANDREW P. THOMAS  
MARICOPA COUNTY ATTORNEY

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17 By:   
18 PHILIP J. MACDONNELL  
CHIEF DEPUTY

19 LOUIS F. STALZER  
20 DEPUTY COUNTY ATTORNEY  
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1 Copies of the forgoing mailed  
this 19 day of May, 2008 to:

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3 Clerk of the Court  
4 Arizona Supreme Court

5 Dana P. Hlavac  
6 Arizona Public Defender Association  
Mailing Address: PO Box 7000  
Kingman, AZ 86402-7000

7 Robert B. Van Wyck  
8 Chief Bar Counsel  
9 State Bar of Arizona  
4201 N. 24th Street, Suite 200  
Phoenix, AZ 85016-6288

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