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3 (FIRM STATE BAR NO. 00032000)

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ARIZONA SUPREME COURT

10 IN RE:

R-18-0035

11 PETITION TO AMEND RULE
12 15.3(a), ARIZONA RULES OF THE
13 OF CRIMINAL PROCEDURE
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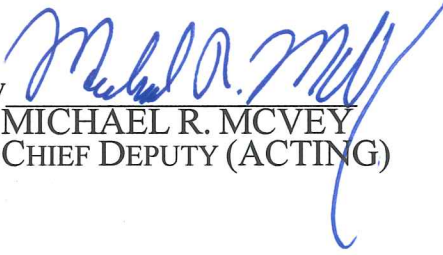
MARICOPA COUNTY ATTORNEY'S
RESPONSE TO PETITION TO AMEND RULE
15.3(A), ARIZONA RULES OF CRIMINAL
PROCEDURE

15 The Maricopa County Attorney hereby responds to the Petition to Amend Rule
16 15.3(a) of the Rules of Criminal Procedure and asks this Court to grant the Petition.
17 As fully explained in the Petition, the modification to Rule 15.3(a) during the recent
18 restyling efforts has created a completely unintended consequence. As the Petition
19 clearly explains, there are times when prosecutors must be able to depose a crime
20 victim to properly preserve that person's testimony for trial. The restyling task force
21 discussed all intended substantive changes in its multiple Petitions to give all
22 stakeholders the opportunity to submit comments to those changes to the task force and
23 ultimately to this Court. The changes to Rule 15.3(a) were highlighted as stylistic but
24 they inadvertently made a significant substantive change that was not discussed by the
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1 task force or any stakeholders. That change is now being used by courts to prohibit the
2 State from preserving a victim's testimony for trial when necessary. As discussed in
3 the Petition, this was not the case before Rule 15.3 was restyled. For all the reasons
4 discussed in the Petition, the Maricopa County Attorney asks this Court to grant the
5 Petition to make clear that the State may depose a crime victim in an appropriate case.
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8 Respectfully submitted this 1st day of May 2019.
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10 WILLIAM G. MONTGOMERY
11 MARICOPA COUNTY ATTORNEY

12 By 

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