

SUPREME COURT OF ARIZONA

In the Matter of ) Arizona Supreme Court  
 ) No. R-21-0030  
PETITION TO AMEND RULE )  
17.4, RULES OF CRIMINAL )  
PROCEDURE )  
 )  
 )  
\_\_\_\_\_ ) **FILED 06/08/2021**

**O R D E R**

On June 4, 2021, Dave Byers, Administrative Director of the Administrative Office of the Courts, filed a rule petition seeking to amend Rule 17.4 of the Arizona Rules of Criminal Procedure. The amendment would authorize the presiding judge for the superior court in a county to approve a county-wide policy requiring parties to notify a trial court of a plea agreement sufficiently in advance of trial to avoid assembling a jury panel unnecessarily. The Petitioner further requests that the petition be given expedited consideration under Rule 28(h)(1), Rules of the Supreme Court of Arizona, and that the rule amendment be adopted on an emergency basis under Rule 28(h)(2) of the same rules. The Petitioner contends that expedited relief is warranted because of the jury trial backlog that has developed during the COVID-19 pandemic.

Upon consideration,

**IT IS ORDERED** granting the request to consider this petition on an expedited basis.

**IT IS FURTHER ORDERED** that during its Motions Agenda conference on July 2, 2021, the Court will consider whether to adopt on an

emergency basis the proposed amendment to Arizona Rule of Criminal Procedure 17.4. If it does, the Court will consider whether to adopt the proposed amendment on a permanent basis during its December 2021 Rules Agenda. If it decides not to adopt the proposed amendment on an emergency basis, the Court will still consider whether to adopt the proposed amendment during its December 2021 Rules Agenda.

**IT IS FURTHER ORDERED** that this petition is opened for public comment under Rule 28(c), Rules of the Supreme Court of Arizona, with all comments due no later than October 1, 2021, and any reply due no later than October 15, 2021.

The petition may be viewed by going to: <http://www.azcourts.gov/Rules-Forum>. This opens the "Welcome" page. Petitions are posted under the appropriate body of rules, for example, Rules of Criminal Procedure, which is found by scrolling down the page.

For instructions on how to post comments electronically, click on <https://www.azcourts.gov/rules/Forum-FAQ> at the top of the "Forum FAQ" page and then "How do I file a comment on a Rule 28 petition?"

Alternatively, commenters may submit comments by filing an original and one paper copy of the comment and one electronic copy of the written comments and supporting documents in Microsoft Word format on a CD or other compatible electronic medium with the Clerk of the Supreme Court, 1501 West Washington

St., Room 402, Phoenix, AZ 85007 in an envelope marked "Rule Comment."

Any person filing a comment must send a copy of the comment to the Petitioner electronically or by ordinary mail.

DATED this 8<sup>th</sup> day of June, 2021.

\_\_\_\_\_/s/\_\_\_\_\_  
ROBERT BRUTINEL  
Chief Justice

TO:

Rule 28 Distribution List  
David K Byers