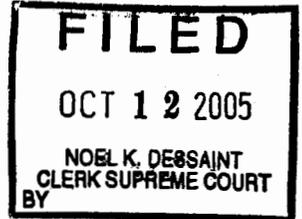


**IN THE SUPREME COURT OF THE STATE OF ARIZONA**

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ORDER AMENDING  
RULE 1, POST CONVICTION FORM NO. 1, AND RULE 59,  
RULES OF THE SUPREME COURT;  
RULE 4, ARIZONA RULES OF CIVIL APPELLATE PROCEDURE;  
AND  
RULES 31.12, 31.19, 31.21, AND 32.9,  
ARIZONA RULES OF CRIMINAL PROCEDURE

IT IS ORDERED that Rule 1, Post Conviction Form No. 1, and Rule 59, Rules of the Supreme Court; Rule 4, Arizona Rules of Civil Appellate Procedure; and Rules 31.12, 31.19, 31.21, and 32.9, Arizona Rules of Criminal Procedure, be amended in accordance with the attachments hereto,\* effective as of the date of signing.

DATED in the City of Phoenix, Arizona at the Arizona Courts Building, this 12<sup>th</sup> day of October, 2005.

For the Court:

  
RUTH V. MCGREGOR  
Chief Justice

\* Changes or additions in text are indicated by underscoring and deletions from text are indicated by ~~strikeouts~~.

**RULES OF THE SUPREME COURT**

**I. APPLICATION FOR ISSUANCE OF WRITS UNDER ORIGINAL JURISDICTION OR FOR CERTIORARI TO INDUSTRIAL COMMISSION**

**Rule 1. Application for Issuance of Writ Under Original Jurisdiction**

**(a) Form; service; filing.**

1. Application for the issuance of writs in the exercise of original jurisdiction shall be typewritten or printed, and accompanied by a memorandum of points and authorities in support of the application. An application shall comply with Rule 6(c), ARCAP. A copy of the application shall be served on the adverse party, and ~~six~~ seven copies shall be filed with the clerk of this court.

2. [No change in text.]

**(b)-(e)** [No change in text.]

**POST CONVICTION FORM NO. 1**

**SUPREME COURT OF ARIZONA**

_____ )	
Full name and prison num- )	
ber (if any) of Petitioner, )	
)	
PETITIONER, )	Case No.: _____
vs. )	(To be supplied
)	by Clerk)
_____ )	
Name of Respondent )	
(Name of person--Sheriff, )	PETITION FOR
Jailor or Warden--who has )	WRIT OF
you in custody.) )	HABEAS CORPUS
)	
RESPONDENT. )	
_____ )	

**INSTRUCTIONS--READ CAREFULLY**

In order for this petition to receive consideration by the Court, it shall be in

writing, (legibly handwritten or typewritten) signed by the Petitioner and verified (notarized), and it shall set forth in concise form the answers of each applicable question. If necessary, Petitioner may finish his answer to a particular question on the reverse side of the page or on an additional blank page. Petitioner shall make it clear to which question any such continued answer refers.

Since every petition for habeas corpus must be sworn to under oath, any false statement of a material fact therein may serve as the basis of prosecution and conviction for perjury. Petitioners should therefore exercise care to assure that all answers are true and correct.

If the petition is taken in forma pauperis, it shall include an affidavit (attached at the back of the form) setting forth information which establishes that Petitioner will be unable to pay an attorney or costs in any subsequent proceeding. When the petition is complete, the original and 5 seven copies (a total of ~~six~~ eight) shall be mailed to the Clerk of the Supreme Court of Arizona, ~~225 Capitol State Courts Building, 1501 West Washington,~~ Phoenix, Arizona, 85007, and one copy to the Attorney General of Arizona, 159 Capitol Building, Phoenix, Arizona, 85007.

[No change in remainder of text.]

\* \* \*

## V. REGULATION OF THE PRACTICE OF LAW

\* \* \*

### Rule 59. Review by the Court

**(a) Petitions for Review.** Within ten (10) days after service of a commission report recommending censure, suspension, disbarment, reinstatement or denial of reinstatement, respondent or the state bar may file with the disciplinary clerk a notice of intent to file a petition for review by the court. The petition for review is due twenty (20) days thereafter. A cross-petition for review may be filed within fifteen (15) days after service of a petition for review. An original and ~~seven (7)~~ eight (8) copies of the petition for review and cross-petition for review shall be filed with the disciplinary clerk.

**(b)-(k)** [No change in text.]

# ARIZONA RULES OF CIVIL APPELLATE PROCEDURE

\* \* \*

## Rule 4. Filing and Service

**(a) Filings; Number of Copies.** All papers required or permitted to be filed in an appellate court shall be filed with the clerk and shall contain the state bar number of the counsel representing the party on whose behalf the paper is filed and the firm state bar number, if any. All filings in the Court of Appeals, except for appellate briefs, petitions for review and appendices thereto, and special action petitions, responses and replies, and those filings provided by Rule 11, shall consist of an original and four copies. An original and six copies of briefs, petitions for review, and special action petitions, responses and replies shall be filed in the Court of Appeals. All filings in or for the Supreme Court, including petitions for review and petitions for transfer to the Supreme Court, shall consist of an original and ~~six~~ seven copies, except that, if appendices are bound separately from a petition for review or a response to a petition for review, an original plus two copies of the appendices shall be filed. Filing may be accomplished by mail addressed to the clerk, but filing shall not be timely unless the papers are received by the clerk within time fixed for filing, except in the case of briefs and appendices, which shall be governed by Rule 15(a) of these Rules. No papers received by the clerk within the time fixed for filing which if untimely filed would render the case, appeal or petition subject to dismissal by the appellate court for jurisdictional reasons, shall be refused by the clerk solely for the reason that they were not tendered for filing in the proper court or division. Rather, such papers shall be transmitted by the clerk to the proper court or division and shall be deemed timely filed. If a motion requests relief which may be granted by a single justice or judge, the justice or judge may permit the motion to be filed with that justice or judge, and shall note thereon the date of filing and thereafter transmit it to the clerk.

**(b)-(d)** [No change in text.]

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# ARIZONA RULES OF CRIMINAL PROCEDURE

\* \* \*

## Rule 31.12. Form of motions

All papers relating to motions may be produced by any process that results in a clear black image on white paper, including typing, printing, or photocopying. The paper must be white, opaque and unglazed, and only one side of the paper may be used. Motion papers shall be on paper 8 1/2 by 11 inches and shall contain a caption setting forth the name of the court, the title of the case, the case number, and a brief descriptive title. Text shall be double-spaced; headings, quotations and footnotes may be indented and single-spaced. Either a proportionately spaced typeface of 14 points or more, or a monospaced typeface of no more than 10 1/2 characters per inch, shall be used for text, quotations, and footnotes. A proportionately spaced typeface has characters with different widths (e.g., an acceptable proportionately spaced typeface is Times New Roman, 14 point). A monospaced typeface has characters with the same advanced width (e.g., an acceptable monospaced typeface is Courier New, 12 point). All margins must be at least 1 inch. Page numbers shall be placed in the bottom margin, but no text or footnotes may appear there. Text shall be in roman, non-script text, although italics, underline, or bold may be used for emphasis. Case names and signals shall be underlined or in italics. Headings shall be underlined, in italics, or in bold. All parties must file the original and four copies of all motions filed in the Court of Appeals and the original and ~~six~~ seven copies of all motions filed in the Supreme Court.

\* \* \*

## Rule 31.19. Petition for Review

**a.-b.** [No change in text.]

**c. Form and Contents.** The petition and cross-petition for review shall be bound or fastened and shall comply with Rule 31.12. An original and ~~six~~ seven copies of the petition or cross-petition and an original and two copies of any separately bound or fastened appendices shall be filed. The parties shall be designated as in the Court of Appeals. A copy of the Court of Appeals' decision shall be attached to the petition. Where the Court of Appeals' decision is simply

an order declining to accept jurisdiction of a special action, a copy of the Superior Court's decision from which the petition for special action was taken shall also be attached to the petition. The petition shall not exceed 12 pages whether done in proportionately spaced or monospaced typeface, exclusive of the appendix and attached decisions, and shall contain concise statements of the following:

1. The issues which were decided by the Court of Appeals and that the petitioner wishes to present to the Supreme Court for review. The petition shall also list, separately and without argument, those additional issues which were presented to, but not decided by, the Court of Appeals and which may need to be decided if review is granted.

2. The facts material to a consideration of the issues presented to the Supreme Court for review with appropriate references to the record on appeal. No evidentiary matter shall be included unless material to a proper consideration of the issues presented, in which instance a reference shall be made to the record or page of the transcript where such evidence appears.

3. The reasons the petition should be granted, which may include, among others, the fact that no Arizona decision controls the point of law in question, that a decision of the Supreme Court should be overruled or qualified, that conflicting decisions have been rendered by the Court of Appeals, or that important issues of law have been incorrectly decided.

If there are documents in the record on appeal that are necessary for a determination of the issues raised by the petition or cross-petition, the petitioner and cross-petitioner shall file, simultaneously with a copy of the petition and cross-petition, an appendix consisting only of such documents. If the appendices exceed 15 pages in length such appendices shall be bound or fastened together separately from the petition and the copy of the Appeals Court's decision or the cross-petition.

Any petition for review presented for filing that does not substantially comply with this rule may, in the discretion of the clerk of the appellate court, be returned to the petitioner by the clerk with written instructions to the petitioner to file a proper petition within 30 days from the date on which the written instructions are mailed to the petitioner.

**d.-k.** [No change in text.]

\* \* \*

### **Rule 31.21. Manner of Filing and Service; Copies**

**a. Filing; Number of Copies.** All papers required or permitted to be filed in an appellate court shall be filed with the clerk and shall contain the state bar number of the counsel representing the party on whose behalf the paper is filed and the firm state bar number, if any. In the Court of Appeals, the parties shall file an original and four copies of any document, except briefs, petitions for review and appendices thereto, and special action papers. An original and six copies of briefs, petitions for review, and special action papers shall be filed in the Court of Appeals. All filings in or for the Supreme Court, including petitions for review and petitions for transfer to the Supreme Court, shall consist of an original and ~~six~~ seven copies, except that, if appendices are bound separately from a petition for review, an original plus two copies of the appendices shall be filed. Filing may be accomplished by mail addressed to the clerk, but filing shall not be timely unless the papers are received by the clerk within the time fixed for filing, except in the case of briefs and appendices which shall be governed by Rule 31.13(a) of these Rules. The party filing such documents shall on the same day serve a copy of any item filed on all other parties, except that two copies of each brief shall be served on opposing counsel.

**b.** [No change in text.]

\* \* \*

### **Rule 32.9. Review**

**a.-b.** [No change in text.]

**c. Petition for Review.** Within thirty days after the final decision of the trial court on the petition for post-conviction relief or the motion for rehearing, any party aggrieved may petition the appropriate appellate court for review of the actions of the trial court. A cross-petition for review may be filed within 15 days after service of a petition for review. The petition for review, cross-petition and all responsive pleadings filed pursuant to this rule shall be filed in the appellate court. Within 3 days after filing a petition or cross-petition for review, the petitioner and cross-petitioner, if any, shall file a notice of such filing with the trial court. The notice of filing may include a designation of record adding to the record defined in Rule 32.9(e) any additional transcripts of trial court proceedings that were prepared pursuant to Rule 32.4(d) or that were otherwise available to the

trial court and the parties and that are material to the issues raised in the petition for review. Motions for extensions of time to file petitions or cross-petitions shall be filed in and ruled upon by the trial court. All other motions shall be filed in the court in which the petition is to be filed.

1. *Form and contents.* The petition or cross-petition for review shall comply with the form requirements of Rule 31.12 of the rules of criminal appellate procedure and contain a caption setting forth the name of the appellate court, the title of the case, a space for the appellate court case number, the trial court case number and a brief descriptive title. An original and ~~6~~ seven copies of the petition and an original and one copy of the appendix, if any, shall be filed if review is being sought in the Supreme Court. An original and 4 four copies of the petition and an original and one copy of the appendix, if any, shall be filed if review is being sought in the Court of Appeals. An original and one copy shall be filed if review is being sought in the superior court. The parties shall be designated as in the trial court proceedings. The petition or cross-petition shall not exceed 20 pages, exclusive of the appendix, shall not have a cover or be bound, but shall be fastened with a single staple in the upper left corner, and shall contain the following:

(i)-(iv) [No change in text.]

In Rule 32 of-right and non-capital cases, an appendix is not required, but the petition for review shall contain specific references to the record.

The filing of a motion for rehearing pursuant to paragraph (a) of this rule does not limit the issues that may be raised in the petition or the cross-petition for review. Failure to raise any issue that could be raised in the petition or the cross-petition for review shall constitute waiver of appellate review of that issue.

2. *Service; Response; Reply.* [No change in text.]