

Criminal Practice and Procedure Committee

MEETING AGENDA

State Bar of Arizona
4201 N. 24th Street, Suite 100
Phoenix, Arizona 85016

Wednesday, September 17, 2025
12:00 p.m. - 1:00 p.m.
Zoom Meeting

General inquiries call: Patricia Seguin, 602-340-7236

For any item listed on the agenda, the Committee may vote to go into Executive Session pursuant to the State Bar's Public Meetings Policy.

Meeting Agenda

1. CALL TO ORDER Randal McDonald, Co-Chair
2. Welcome New Members
3. Approval of August 13, 2025, Meeting Minutes (page 2)
4. Informational – letters from Court re Rule Petitions (page 4)
5. Vote to Create Standing Subcommittees on Education and Rule Proposals
6. Update on rule change re instructions at motion deadline
7. Discussion Re Items for Next Agenda
8. CALL TO THE PUBLIC
9. ADJOURN

Next Meeting: TBA

Criminal Practice & Procedure Committee

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Wednesday, September 17, 2025

12:00 p.m. – 1:00 p.m.

Zoom Meeting

Meeting Minutes

MEMBER ATTENDANCE:

P = present via Zoom; T = present telephonically; A= absent.

Randal McDonald, Chair	P	Daniel Strange, Chair	P
Richard Parks, Co-Vice Chair	P	Joshua Smith, Co-Vice Chair	P
W Michael Atkins	A	Amanda Watlington	P
James Baumann II	A	Maxwell Mahoney	P
Scott Boncoskey	P	Tennie Martin	P
Tamara Brooks-Primera	P	Rebecca Montoya	P
Eden Brown	P	Jonathan Mosher	P
Christopher Channell	P	Christine Ortega	P
Adriana Genco	P	Damon Rossi	P
Hon. Jarom Harris	P	Tai Summers	A
Kevin Heade	P	Joshua Tesoriero	P
Samantha Kluger	P	Cody Weagant	A
Eric Knobloch	P	Eric Wootton	P

Proxies:

- Kevin Heade for Cody Weagant
- Daniel Strange for James Baumann II

Guests: None

State Bar Staff: Patricia Seguin

Minutes taken by: Patricia Seguin

1. Call to Order

Called to Order by: Daniel Strange, Co-Chair

Time: 12:00 p.m.

2. Welcome and Introductions

Committee members introduced themselves.

3. Approval of May 14, 2025, Meeting Minutes

Motion to approve by: Joshua Smith

Second: Richard Parks

Motion passed

4. Current Committee Composition

Daniel Strange presented. Patricia Seguin announced recruitment period was extended in order to obtain 3 prosecutors to balance the Committee membership. Patricia gave an overview of the application process. Dan to handle outreach. Dan asked Committee member to notify Patricia of any professional role changes or retirement status to help maintain balance within the committee.

5. Attendance and Proxies

Daniel Strange presented. The State Bar is developing a standardized proxy form for use across all committees to ensure consistency. Patricia will let the Committee know when the Board has approved the form.

6. Recap of Convention Program

Joshua Smith and Kevin Heade presented. Feedback was positive with strong reviews, high attendance, and strong engagement from participants.

7. Discussion Re Another Program at 2026 Convention

The Committee discussed. The consensus was to skip the 2026 Convention in Tucson. The Committee will host a program at the 2027 Convention in Phoenix.

8. Discussion Re Facilitating CLE events

Jonathan Mosher will reach out to APAC. Kevin Heade will reach out to APDA. Tabled for next meeting.

9. Discussion Re Items for Next Agenda

- 1) Update on facilitating CLE events by Committee
- 2) Discussion to create sub committees on education outreach and on rule proposals
- 3) Consideration of a rule-change petition regarding whether instructions are due on motion deadlines.
- 4) Vote on creating a subcommittee to chart proposed petitions

10. Call to the Public

None

11. Meeting adjourned by: Daniel Strange, Co-Chair at 12:47 p.m.

Next Meeting: September 17, 2025, at Noon



Supreme Court

STATE OF ARIZONA

FROM THE CHAMBERS OF
ANN A. SCOTT TIMMER
CHIEF JUSTICE

1501 WEST WASHINGTON STREET
PHOENIX, ARIZONA 85007
(602) 452-3532
atimmer@courts.az.gov

August 28, 2025

SENT VIA EMAIL AND U.S. MAIL

Hon. Ronald Reinstein (Retired)
Chair, Capital Case Oversight Committee
State Courts Building
1501 West Washington St. Suite 344
Phoenix, Arizona 85007

Re: Rule Petition R-25-0010 – Ariz. R. Crim. P. 19.1

Dear Judge Reinstein,

As you know, the Court recently considered Rule Petition R-25-0010, which proposed amendments to Rule 19.1 of the Arizona Rules of Criminal Procedure. The Court does not favor the specific amendments proposed in the Petition but has continued it to the November 2025 Rules Agenda, recognizing that there are practitioners and judges who would welcome workable amendments to the rule.

To be sure, the Court recognizes the concerns about Rule 19.1 expressed by the petitioner and each comment opposing the proposed amendments — including the comment you filed. In the hope that there might be a workable alternative to the proposal in R-25-0010, we would greatly appreciate it if the Capital Case Oversight Committee would evaluate whether the rule currently needs to be amended and potential ways to improve the rule. Specifically, we encourage the Committee to consider:

- Whether Rule 19.1 and the superior court's inherent authority to modify the procedures outlined in Rule 19.1(e) currently provide sufficient guidance for the superior court to fashion procedures to inform a retrial jury with the necessary background about the convictions and aggravating circumstances prior to the presentation of mitigation evidence.
- Whether Rule 19.1 could be improved by adding provisions that provide specific procedures for penalty-phase retrials (i.e., any penalty phase with a different jury than the jury that decided the guilt phase, aggravation phase, or both).
- Whether Rule 19.1 should be amended to avoid potential constitutional issues (i.e., due process and equal protection) that may result from current *ad hoc* procedures individual courts have adopted to handle aggravation phase or penalty phase trials following a remand or a guilty plea.

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STATE COURT OF ARIZONA
LAWYER REGULATION

Hon. Ronald Reinstein (Retired)

August 28, 2025

Page 2 of 2

- Whether aggravation and/or penalty phase retrials would be improved by allowing an initial, separate presentation of evidence, limited to evidence previously admitted before the prior jury, that established the defendant's guilt and/or the existence of aggravating circumstances.
- Any other solutions that the CCOC might find beneficial to address the concerns raised by the petitioner's and commenters' statements on R-25-0010.

We appreciate the CCOC's willingness to study, and if appropriate, work toward improving Rule 19.1 and capital case trials, including sentencing retrials, as well as its diligence and efforts, past and present, to the betterment of Arizona's criminal rules.

Sincerely,

A handwritten signature in black ink, appearing to read "Ann A. Scott Timmer". The signature is fluid and cursive, with the last name "Timmer" being more prominent.

Ann A. Scott Timmer
Chief Justice

cc: State Bar of Arizona
Criminal Practice and Procedure Committee
c/o Lisa M. Panahi



Supreme Court

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Chair, Capital Case Oversight Committee
State Courts Building
1501 West Washington St., Suite 344
Phoenix, Arizona 85007

Re: Rule Petition R-25-0016 – Ariz. R. Crim. P. 31.23

Dear Judge Reinstein,

As you know, the Court recently considered Rule Petition R-25-0016, which proposed amendments to Rule 31.23 of the Arizona Rules of Criminal Procedure. The Court does not favor the specific amendments proposed in the original Petition but has proposed modified amendments, continued the Petition to the November 2025 Rules Agenda, and reopened the Petition for public comment.

The Court recognizes and agrees with many of the concerns about Rule 31.23 expressed by the petitioner and each comment opposing the initial proposed amendments. We would greatly appreciate it if the Capital Case Oversight Committee would evaluate the Court's proposed modified amendments to the rule and provide a formal comment. Specifically, we encourage the Committee to comment on:

- Whether Rule 31.23 should be amended to delineate specific procedures to set a briefing schedule for when the State seeks a warrant of execution.
- Whether Rule 31.23 could be improved to increase predictability and efficiency in the warrant of execution procedures without prejudice to defendants, limiting the Court's discretion, and placing unwarranted burden on the courts.
- Whether the CCOC agrees with the Court's proposed modified amendments, and if not, if it can recommend alternate proposed amendments if the CCOC concludes Rule 31.23 could be improved by adding specific procedures for when the State seeks a warrant of execution.
- Whether the current *ad hoc* procedure (i.e., the motion to set briefing schedule), used since 2022, adequately addresses the procedures in Arizona Department of Corrections,

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LAWYER REGULATION

Hon. Ronald Reinstein (Retired)

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Page 2 of 2

Rehabilitation, and Reentry's ("ADCRR") Departmental Order 710, the logistics of ADCRR using compounded pentobarbital for executions, and the concerns raised by the petitioner and commenters.

- Any other solutions that the CCOC might find beneficial in addressing the concerns raised by the petitioner and commenters' statements in R-25-0010.

We appreciate the CCOC's willingness to review, and if appropriate work toward improving Rule 31.23 and capital cases generally, including sentencing hearings, as well as its diligence and efforts, past and present, to the betterment of Arizona's criminal rules.

Sincerely,

A handwritten signature in black ink, appearing to read "Ann A. Scott Timmer". The signature is fluid and cursive, with the last name "Timmer" being more prominent.

Ann A. Scott Timmer
Chief Justice

cc: State Bar of Arizona
Criminal Practice and Procedure Committee
c/o Lisa M. Panahi