



Arizona Attorney General Mark Brunovich Office of Victim Services

# Victims' Rights Brief

For Arizona's Justice System Administrators, Practitioners, and Advocates



[www.azag.gov](http://www.azag.gov)

Vol. XXV NO. 2  
December 2022

## Post Conviction Notice—Lower Jurisdiction Courts

In the December 2020 Victims' Rights Brief "Revisiting Practices" we touched on the victim opting in for pre-conviction notice. In this edition, we will be reviewing the responsibilities of the prosecuting agencies, lower jurisdiction courts, and the victim as it relates to the Post-Conviction Notification Request (PCNR) form in misdemeanor cases.

### Requirements Related to Post-Conviction in Lower Jurisdiction Courts

#### Prosecuting Agencies

ARS 13-4411. [Notice of post conviction review and appellate proceedings](#)

[View Document \(azleg.gov\)](#)

- ◇ Complete section "A" on the PCNR form prior to providing the form to the victim.
- ◇ For all sentences, provide the victim with a form that allows the victim to request post-conviction notice from the prosecutor, jail, and the courts for unsupervised probation.
- ◇ Advise the victim how the completed request form may be filed with the appropriate agencies.
- ◇ Immediately notify the victim of the proceedings and any decisions that arise out of the proceedings including appeals, set aside requests, and motions to seal records.

Note: Even if the sentence is time served and does not include jail or probation, a form should be provided to the victim with a copy to the prosecutor's office in the event of a set aside request, appeal, and/or a motion to seal records.

#### Inside this issue:

|  |   |
|--|---|
| - Post-Conviction notice—<br>Lower Jurisdiction Courts                             | 1 |
| - Requirements related to Post-<br>Conviction in Lower Jurisdiction<br>Courts      |   |
| - Requirements related to Post<br>Conviction in Lower Jurisdiction<br>Courts Cont. | 2 |
| -Ongoing efforts with PCNR and<br>PANR Forms                                       | 3 |
| - Outreach and Education   |   |
| -Ciao, Adios, Au Revoir, Cheer-<br>io, Goodbye from Colette                        | 4 |

If you have questions, suggestions, or an idea for an article, please contact Ryan Clark at (602) 542-8848 or by email at [Ryan.clark@azag.gov](mailto:Ryan.clark@azag.gov)

## Requirements Related to Post-Conviction in Lower Jurisdiction Courts Cont.



### Victim

ARS 13-4417. [Request for notice; forms; notice system](#)

[View Document \(azleg.gov\)](#)

- ◇ Complete section "B" on the PCNR form.
- ◇ Return a completed copy of the PCNR to the agencies listed on the form.
- ◇ Keep address and telephone number current with each agency.

| POST-CONVICTION NOTIFICATION REQUEST FORM  |                 |                          |  |
|--|-----------------|--------------------------|--|
| DEFENDANT NAME:  | SEX: M F        | DOB:                     |  |
| COUNTY: MARICOPA   | CAUSE #:        | RESENTENCING? Yes No     |  |
| COUNTY(S)/TYPE(S)/DATE(S) OF OFFENSE(S):   | TYPE:           |                          |  |
| SENTENCING DATE:   | PRISON TERM:    | PROBATION TERM:          |  |
| ADDITIONAL INFORMATION (IF NEEDED):  |                 |                          |  |
| VICTIM/LAWFUL REPRESENTATIVE NAME:   |                 |                          |  |
| SECTION B: To be completed by the victim/lawful representative. Please print or type clearly and sign at the bottom.   |                 |                          |  |
| 1. VICTIM NAME:  | SEX:            | DATE OF BIRTH:           |  |
| 2. Read the statements below. If one is true or applicable to you, mark the corresponding box AND complete your name, sex and relationship to the victim in the "Lawful Rep" space below.  |                 |                          |  |
| **If none of the statements below are true, skip to item #3 and complete the rest of the form.   |                 |                          |  |
| <input type="checkbox"/> The victim has designated me as the lawful representative.<br><input type="checkbox"/> The victim is a minor child and I am a parent, an immediate family member, or a legal guardian.<br><input type="checkbox"/> The victim is incapacitated (severely disabled).<br><input type="checkbox"/> The victim is deceased. |                 |                          |  |
| LAWFUL REP.:   | SEX:            | RELATIONSHIP:            |  |
| 3. MAILING ADDRESS:  | Apt./Apt.#/Hr#: |                          |  |
| CITY, STATE AND ZIP CODE: _____ E-mail: _____  |                 |                          |  |
| 4. TELEPHONE (a/area code) Primary Phone: _____ Alternate/Mobile Phone: _____  |                 |                          |  |
| 5. If the defendant is incarcerated in the Arizona Department of Corrections, Rehabilitation, and Reentry you have the right to request that this notice be sent and sent to you, members of your family, or members of the victim's household. Please check any applicable response(s):   |                 |                          |  |
| <input type="checkbox"/> I request not to receive mail from the inmate whose name appears above.<br><input type="checkbox"/> Other members of my family and/or household request not to receive mail from the inmate whose name appears above.   |                 |                          |  |
| NOTE: Please put the correct (and address(es) of the family/household member(s)) on a separate sheet of paper. Attach the information to a completed copy of this form and mail ONLY to the Arizona Department of Corrections, Rehabilitation, and Reentry.  |                 |                          |  |
| • IT IS YOUR RESPONSIBILITY TO KEEP YOUR ADDRESS AND PHONE NUMBER CURRENT WITH EACH AGENCY FROM WHOM YOU REQUEST NOTICE. FAILURE TO DO SO MEANS THAT YOU WAIVE YOUR RIGHT TO NOTICE.<br>• IT IS RECOMMENDED THAT YOU KEEP A COPY OF ALL THREE PAGES FOR YOUR RECORDS.<br>• PLEASE RETURN ONLY TWO PAGES TO THE AGENCIES LISTED ON PAGE 2.        |                 |                          |  |
| SIGNATURE: _____   |                 | DATE (MM/DD/YYYY): _____ |  |

MARICOPA

Page 3 of 3

PCNR Form Form Revised: May 2020

## Lower Jurisdiction Courts

ARS 13-4415. [Notice of probation modification, termination or revocation disposition matters; notice of arrest](#)

[View Document \(azleg.gov\)](#)

*When the sentencing result is Unsupervised Probation and/or Jail*

- ◇ Establish and maintain a system for the receipt of victim requests for notice. [A.R.S. § 13-4417]
- ◇ Notify the victim of the following proceedings: probation revocation disposition proceeding or any proceeding in which the court is asked to terminate probation; any hearing on a proposed modification of the terms of probation.
- ◇ Notify the victim of the following actions: any proposed modification to any term of probation if the modification affects restitution or incarceration status or the defendant's contact with or the safety of the victim.
- ◇ Inform the victim of the right to be heard at a hearing set to consider any modification to any term of probation.
- ◇ Inform the victim that a petition to revoke probation alleging that the defendant absconded from probation has been filed with the court.

The Arizona Attorney General's Office of Victim Services has developed a PCNR template for prosecuting agencies to use designed specifically for misdemeanor cases. Please click the link below to access the form.

[AGO Template Misdemeanor PCNR - 2023 \(azag.gov\)](#)

## Ongoing Efforts with PCNR and PANR Forms

While there is nothing new in the victims' rights statutes with regard to responsibilities concerning Post-Conviction Notification Request (PCNR) and Post-Adjudication Notification Request (PANR), this area continues to be shrouded in confusion, mainly for the victims. Because of this, the Office of Victim Services has made it one of their missions to affect an increased awareness by delving into post-conviction notice in the Outreach and Education's *Basic Victims' Rights* and *Unraveling the Ambiguities of Post-Conviction for Victims of Crime* presentations. Additionally, the Victims' Rights Advisory Committee (VRAC) PCNR workgroup partnered with the AZ Bar Foundation to develop a video explaining the PCNR and PANR process that can be shared with victims. Below are the links to the videos.



(LEFT) PCNR video link: <https://youtu.be/VrIIIJBQm4>

(RIGHT) PANR video link: <https://youtu.be/KKnypjCBdoY>



## Outreach and Education

Registration for FY23 Victims' Rights Basic and Advanced presentations is open. To register visit our website or the link below.

[Victims' Rights Outreach and Education | Arizona Attorney General \(azag.gov\)](https://www.azag.gov/victims-rights-outreach-and-education)

**Input  
Needed**

The OVS will be updating the PCNR/PANR forms in early 2023! Watch for the survey to help us gather necessary edits and updates.

## Ciao, Adios, Au Revoir, Cheerio, Goodbye

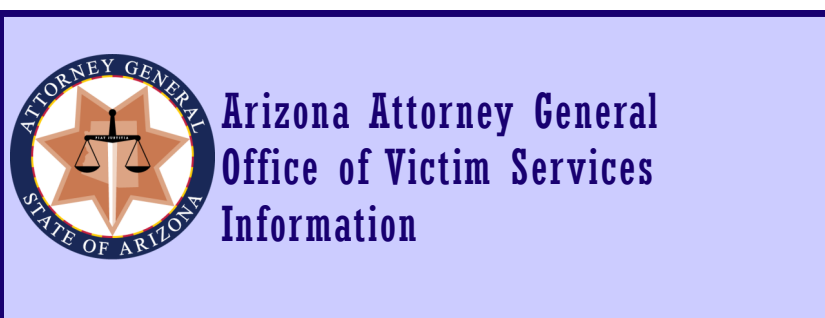
It has been an absolute honor to work as the State Victims' Rights Compliance Administrator at the Arizona Attorney General's Office of Victim Services for the past 11 years. In lieu of writing a book about the strong leadership, wonderful staff, and friends I've made at the AGO/OVS and throughout the state, I have opted to keep my farewell short.

During my tenure, I have been witness to the many dedicated professionals statewide who continue to maintain the integrity and advancement of rights for victims of crime. It's been a privilege to serve with you. My last day at the AGO/OVS is December 30<sup>th</sup>.

For the last month I have had the pleasure of working alongside the newest member of the OVS and the new Compliance Administrator, Ryan Clark. Ryan joins the OVS with a wealth of knowledge and experience and is excited to be carrying on this important work. I am confident the Compliance Program is in good hands and will continue seamlessly.

*Best Regards,*

*Colette Chapman*



### **Phoenix Victim Service's Office:**

Mainline: 602-542-4911

Fax: 602-542-8453

2005 N. Central Avenue, Phoenix, AZ, 85004

### **Tucson Victim Service's Office**

Mainline: 520-628-6459

Fax: 520-628-6566

400 W Congress, S-315, Tucson, AZ, 85701

*The Arizona Attorney General's Office is dedicated to a system of justice that is inclusive of crime victims and will remain vigilant in striving to provide the most efficient and effective service to the people of Arizona. The services provided to crime victims and the technical assistance and support provided to criminal justice agencies and other service providers is the responsibility of the Office of Victim Services.*

For more information and resources about the Arizona Attorney General's Office, please visit: [azag.gov](http://azag.gov)

