

Highlights to the 2025–2026 Edition

The 2025–2026 edition of the Arizona Criminal Practice Manual includes the following updates:

- Addition of *State v. Moninger* and *State v. McNulty*, cases that explain that a single conversation containing days worth of text messages constitutes one offense unless circumstances exist showing that the defendant participated in separate conversations (§ 4:4).
- Removal of previously-added description of cases describing procedures for re-prosecution of persons previously found incompetent and not restorable (*Johnson v. Hartsell* and *State ex rel. Mitchell v. LeMaire*) based on the Arizona Supreme Court’s decision order in *Carson v. Gentry*, CR-24-0191-PR (May 27, 2025) (§ 5:11).
- Addition of *State v. Parkinson*, addressing the erroneous preclusion of defense evidence showing motive and bias of the complaining witness (§§ 16:2, 16:7, 22:2, 22:4).

Introduction to the 2025–2026 Edition

The Arizona Criminal Practice Manual is a treatise for prosecutors, defense attorneys, and judges throughout the state of Arizona. This manual comprehensively addresses Arizona criminal law from pretrial release and detention through sentencing and preparing the defendant for appeals and post-conviction proceedings. Topics covered include competence to stand trial, discovery, guilty pleas and plea bargaining, speedy trial, joinder and severance, motions to suppress statements, search and seizure law, eyewitness identifications, the exclusionary rule, motions to preclude/admit evidence, defenses, opinion testimony, privilege against self-incrimination, testimonial privileges, witness's competence to testify, confrontation, compulsory process, jury issues, opening statements and closing argument, trial practice issues, and sentencing and probation.

The goal of this treatise is to provide a handy text that practitioners can carry to the courtroom. No one text could possibly answer every question of constitutional, statutory, or procedural law, and any attempt to do so would not only fail but also result in an unwieldy text. For this reason, the authors purposefully excluded certain topics (for example, death penalty practice), while summarizing and condensing other topics for which other treatises or volumes already exist (for example, search and seizure). In addition to providing quick answers to immediate questions, this treatise highlights areas of law that are unsettled, uncertain, or internally inconsistent, and it offers guidance for resolving such thorny questions.

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