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9
10 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
11 **IN AND FOR THE COUNTY OF MARICOPA**

12 STATE OF ARIZONA,

13 Plaintiff,

14 v.

15 **JODI ARIAS**,

16 Defendant.

CR2008-031021-001
**DEFENDANT'S MOTION FOR
EXTENSION OF TIME IN WHICH
TO FILE PETITION FOR POST-
CONVICTION RELIEF**

(Hon. Aryeh Schwartz)

17 Defendant/Arias, through undersigned counsel, asks this court to extend
18 the time in which Defendant must file her Petition for Post-Conviction
19 Relief/"PCR Petition." The current deadline for such filing is September 2,
20 2026. For reasons beyond Defendant's control, all of which constitute
21 extraordinary circumstances, there have been and will continue to be (for a time)
22 significant investigatory delays in this case, almost all stemming from health
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1 issues affecting multiple members of the defense team. As a result of these
2 extraordinary circumstances, Defendant is asking that the deadline for filing the
3 PCR Petition be extended to January 29, 2027.

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5 Defendant through counsel has respectfully requested the State's position
6 on this instant motion. Counsel for the State has expressed that the State will be
7 putting its position in writing.

8 This motion is supported by the below memorandum of points and
9 authorities.

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11 MEMORANDUM OF POINTS AND AUTHORITIES

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13 Rule 32.7(a)(1)(B), Ariz. R. Crim. Pro., provides that upon a showing of
14 extraordinary circumstances, the court has authority to grant a defendant a
15 successive extension of time in which to file a PCR Petition.

16 Extraordinary circumstances include but are not limited to acts or
17 omissions that are unforeseen or unavoidable. See Rule 338 (b)(2)(B), Ariz. R.
18 Juv. Ct. (Dependency Adjudication Hearing); See *Kimberly D.-D. v. Arizona*
19 *Dep't of Econ. Sec.*, 234 Ariz. 207, 208–09, 320 P.3d 823, 824–25 (Ct. App.
20 2013) (internal citations omitted) (expressing that illness can constitute
21 extraordinary circumstances, even when the delays concern the statute of
22 limitations or a motion to set aside a judgment); *People v. W.H.*, 69 Misc. 3d
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1 278, 281–82, 127 N.Y.S.3d 705, 708 (N.Y. Sup. Ct. 2020) (“In the
2 Miriam/Webster dictionary, “extraordinary” is defined as, going beyond what is
3 usual, regular, or customary. “Extraordinary Circumstances”, are defined as,
4 factors beyond a party's control that normal prudence and experience could not
5 foresee, anticipate or provide for. And defined in Black's Law Dictionary as out
6 of the ordinary; exceeding the usual, average, or normal measure or degree.”).

8 Multiple members of the defense team are dealing with health-related
9 issues. A pivotal member of the defense team is taking a surgical medical leave
10 of absence, which shall leave the defense team without that member’s services
11 for three plus months. A second member of the defense team will also be taking
12 a surgical medical leave of absence, such that this team member will be able to
13 work only in a very limited capacity (i.e. no field work), leaving the team
14 without that member’s full services for over two months.

16 Two other members of the defense team are dealing with significant
17 health-related issues, which have greatly diminished their usual pace of work.
18 An additional member of the defense team will likely have to be replaced due to
19 significant health issues, some of which resulted in multiple surgical procedures
20 being performed. Another member of the defense team may have to be replaced
21 due to non-responsiveness, due to either current workload or, possibly, a health-
22 related issue.
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1 All above referenced defense team members are responsible for (and vital
2 to) conducting investigations which will undoubtedly be used to develop
3 multiple PCR claims. Without these respective investigations being completed,
4 Defendant through counsel will be unable to file a petition that both investigates
5 and raises all colorable claims, as is required. (See Rule 32.6(a), Ariz. R. Crim.
6 Pro.).
7

8 Despite the issues described above, undersigned counsel has continued to
9 exercise due diligence, by advancing portions of the investigation which he is
10 able to, in addition to making preparations necessary so that he is eventually able
11 file the PCR Petition. Having said that, undersigned counsel submits that it is
12 unrealistic to have the PCR Petition in this case filed by September 2, 2026.
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14 The simultaneous medical issues, of multiple defense team members,
15 qualifies as extraordinary circumstances; such allows this court to extend the
16 filing deadline for Defendant's PCR Petition. Wherefore, Defendant through
17 undersigned counsel respectfully requests this court provide Defendant with a
18 PCR filing deadline of January 29, 2027.
19

20 **RESPECTFULLY SUBMITTED** this 16th day of June, 2026
21 **THE STAVRIS LAW FIRM, PLLC**

22 By _____
23 /s/ Christopher Stavis
24 Counsel for Defendant
25

1 Original filed this 16th day of
2 June, 2026 with:

3 Maricopa County Superior Court
4 Rule 32 Management Unit
5 175 West Madison Street
6 Phoenix, Arizona 85003

7 Copy of the foregoing mailed/
8 delivered, this 16th day of
9 June, 2026 to:

10 Honorable Aryeh Schwartz
11 Maricopa County Superior Court
12 201 West Jefferson Street-1103
13 Phoenix, Arizona 85003

14 Maricopa County Attorney's Office
15 Rule 32/Appeals Unit-Phillip Garrow, bureau chief
16 225 West Madison Street
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18 By /s/ _____
19 Christopher Stavris
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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MARICOPA

STATE OF ARIZONA,

Plaintiff,

vs.

JODI ARIAS,

Defendant.

No. CR2008-031021-001

**STATE'S RESPONSE TO
DEFENDANT'S MOTION FOR
EXTENSION OF TIME TO FILE
PETITION FOR POST-
CONVICTION RELIEF**

(The Honorable Aryeh Schwartz)

This Court should deny Jodi Arias's request for an extension of time to file her petition for PCR because the current filing deadline (September 2, 2026, more than five and a half years after she filed her PCR notice, *see* Dkt. 1777 [PCR notice filed February 11, 2021]) is a realistic deadline to expect her to file an initial petition, even if a later amendment becomes necessary.

“For good cause and after considering the rights of the victim to a prompt and final conclusion of the case, the court may grant ... a 30-day extension to file the petition[and] may grant additional 30-day extensions *only* on a showing of extraordinary circumstances.” Ariz. R. Crim. P. 32.7(a)(1)(B) (emphasis added). Arias’s latest motion, far from showing “extraordinary” circumstances, repeats ongoing circumstances that Arias has used to justify extensions for years. The defense team personnel Arias reports are ill or even “non-responsiv[e]” (Motion at 3) are not attorneys, but investigators. Her attorneys have had the necessary materials to determine which PCR claims to pursue for several years.

If later investigative efforts make it necessary for Arias to amend her petition, the State has already made a clear record that it will act reasonably in addressing such prospective amendments; nonetheless, the current deadline is a *firm date* upon which the parties have agreed. Failure to file by the current September 2 deadline should justify dismissal of the PCR notice.

This Court should deny the requested deadline extension.

Submitted June 23, 2026.

RACHEL H. MITCHELL
MARICOPA COUNTY ATTORNEY

BY: /s/Jordan A. Smith

Jordan A. Smith
Deputy County Attorney

The foregoing was e-filed and a copy
Emailed on June 23, 2026, to:

The Honorable Aryeh Schwartz
Maricopa County Superior Court

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BY: /s/
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12 STATE OF ARIZONA,

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14 Plaintiff,

15 v.

16 **JODI ARIAS,**

17 Defendant.

CR2008-031021-001

**DEFENDANT'S REPLY TO THE
STATES' RESPONSE, TO
DEFENDANT'S MOTION FOR
EXTENSION OF TIME IN WHICH
TO FILE PETITION FOR POST-
CONVICTION RELIEF**

(Hon. Aryeh Schwartz)

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19 Defendant Jodi Arias, pursuant to Rule 1.9(b) & (c), submits her reply to
20 the State's response, to Defendant's motion for extension of time in which to file
21 Defendant's PCR Petition.

22 This is, as the State and this Court know, an extraordinary case. It was
23 tried (and re-tried) as a capital case, underwent multiple changes of defense
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1 team, and has since seen the disbarment of both the prosecutor and the lead
2 defense lawyer, both of whom published books about their work on the case. It
3 gave rise to an avalanche of media coverage and includes a series of sealed
4 filings and transcripts that make the record not only voluminous, but unusually
5 complex. This case continues to be the subject of intense media interest. It is in
6 the best interest of the Defendant, the State, and the Court to ensure that this
7 case is reviewed thoroughly, assuring that only a truly fair conviction and
8 sentence is allowed to stand.

10 The State asserts that Defendant has failed to provide the court with
11 extraordinary circumstances that warrant an extension of time. The State
12 provides only its conclusory opinion, unsupported by any factual or legal
13 authority. As Defendant expressed in her motion (see Defendant's Motion for
14 Extension of Time/"DM", Pgs. 2-3), multiple team members are experiencing
15 serious medical issues, and illness constitutes an "extraordinary circumstance";
16 illness is a factor beyond a party's control.

18 The State also misrepresents Defendant's motion by categorizing all ill
19 defense team members as "investigators." (SR, Pg. 2). What Defendant said is
20 that all affected defense team members are responsible for and vital to
21 conducting investigations that shall be used to develop PCR claims. (DM, Pg. 4).
22 This function necessarily includes experts. While one affected team members is
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1 an investigator, the others are all experts in their respective fields who are
2 critical to the development of PCR claims.

3 In any event, where the issue is investigation, the availability of non-
4 attorney team members is just as important as the availability of an attorney.

5 While attorneys alone may be able to determine what claims to raise on a direct
6 appeal and can be said to have all the materials they need based on the record,
7 PCR is a different matter. PCR claims are fact-intensive and are based on extra-
8 record investigation, requiring collaboration among attorneys, investigators, and
9 experts. The State seems to lack an understanding of the distinction between
10 appeal and PCR.
11

12 The State's assertions that Defendant's "attorneys have had the necessary
13 materials to determine which PCR claims to pursue for several years" (SR, Pg.
14 2) is unfounded and contradicts the current posture of this case. The State is well
15 aware that Defendant is still seeking discovery and conducting investigations in
16 furtherance of developing PCR Claims. That, in and of itself, refutes the State's
17 assertion; if the defense team already possessed all that was "necessary" to file
18 the petition, there would be no need for these ongoing efforts.
19

20 Furthermore, Defendant is still awaiting the State and/or the Mesa Police
21 Department to provide her with a status update regarding an item of evidence,
22 first inquired about almost one year ago. Although Defendant and the
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1 State/Mesa PD have communicated about this item of evidence, Defendant is
2 still unaware of its status; Defendant's last status request, made almost three
3 weeks ago, has yet to be responded to.

4 Also, Defendant is still awaiting a public records request, made through
5 the Maricopa County Attorney's Office/"MCAO", to be fulfilled; this request
6 was made in 2021. Although MCAO has partially fulfilled this request, records
7 remain outstanding. To expedite the process, Defendant submitted a much
8 narrower request for records in February of this year. MCAO has advised they
9 are still processing Defendant's request.
10

11 The defense has continued to work diligently and has made steady
12 progress, which is not in dispute. In any event, the State has no basis to form any
13 opinion on the Defendant's readiness to file her PCR Petition, as the State is not
14 privy to Defendant's investigations, strategies, or information learned from
15 confidential communications.
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17 Finally, the State's assertion that "if later investigative efforts make it
18 necessary for Arias to amend her petition, the State has already made a clear
19 record that it will act reasonably in addressing such prospective amendments"
20 (SR, Pg. 2) solves nothing. The State has *not* asserted that it will not oppose
21 future amendments; only that it will be "reasonable," whatever that means to
22 whoever is representing the State at that time. Based upon its position to
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1 Defendant's present motion, it is obvious that the State's and Defendant's
2 interpretations, as to what constitutes reasonable, are not aligned. Furthermore,
3 the State fails to take into account that this court is not bound by what either the
4 Defendant or the State determine to be "reasonable" amendments. (See Rule
5 32.9(d), Ariz. R. Crim. Pro.; courts are not required to allow amendments to an
6 already filed PCR Petition).
7

8 Even if the ability to amend were guaranteed, it would not be a substitute
9 for sufficient time to prepare the petition in the first instance. As the Supreme
10 Court's ineffective assistance of counsel jurisprudence makes clear, attorneys
11 cannot make reasonable strategic decisions until completing a reasonable
12 investigation. *See Strickland v. Washington*, 466 U.S. 668, 690-91 (1986);
13 *Wiggins v. Smith*, 539 U.S. 510, 527 (2003). Deciding what information to
14 divulge and what to maintain confidential, what claims to assert, how to frame
15 them, and what evidence to present are strategic decisions that must be made
16 after thorough investigation. Many of those decisions, if forced prematurely,
17 may not be easily undone even if future discoveries counsel a different
18 approach.
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21 As such, Defendant again asks this court to grant her an extension of time
22 in which to file her PCR Petition. In the event the court may require additional
23 information or explanation, Defendant respectfully asks that this court set a
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1 hearing as soon as practically possible. If the Court requires further information
2 about the status of the investigation, Defendant would be glad to provide that
3 information in a sealed, *ex parte*, hearing.

4 **RESPECTFULLY SUBMITTED** this 25th day of June, 2026
5 **THE STAVRIS LAW FIRM, PLLC**

6 By _____
7 /s/ Christopher Stavris
Counsel for Defendant

8 Original filed this 25th day of
9 June, 2026 with:

10 Maricopa County Superior Court
11 Rule 32 Management Unit
12 175 West Madison Street
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13 Copy of the foregoing mailed/
14 delivered, this 25th day of
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16 Honorable Aryeh Schwartz
201 West Jefferson Street, CCB-1103
17 Phoenix, Arizona 85003

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IN AND FOR THE COUNTY OF MARICOPA

STATE OF ARIZONA,

Plaintiff,

vs.

JODI ARIAS,

Defendant.

No. CR2008-031021-001

**STATE'S REQUEST FOR ORAL
ARGUMENT REGARDING
DEFENDANT'S MOTION FOR
EXTENSION OF TIME TO FILE
PETITION FOR POST-
CONVICTION RELIEF**

(The Honorable Aryeh Schwartz)

The State requests oral argument regarding Jodi Arias's motion for a time extension of time to file her petition for postconviction relief.

The State will need time to coordinate with any next of kin who may wish to speak regarding their right to a "prompt and final conclusion of the case," Ariz. R. Crim. P. 32.7(a)(1)(B); Ariz. Const. Art. II, § 2.1(A)(10) (same); additionally, the attorney assigned to represent the State in this matter (Philip Garrow) will be on a

preplanned vacation during July, returning to work on July 23. Therefore, the State requests that any argument be set July 23, 2026, or later.

Submitted June 26, 2026.

RACHEL H. MITCHELL
MARICOPA COUNTY ATTORNEY

BY: /s/Jordan A. Smith

Jordan A. Smith
Deputy County Attorney

The foregoing was e-filed and a copy
Emailed on June 26,2026, to:

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