

**COLORADO SUPREME COURT  
ADVISORY COMMITTEE ON RULES OF CRIMINAL PROCEDURE**

**Minutes of Meeting  
Friday, January 17, 2014**

A quorum being present, the Colorado Supreme Court’s Advisory Committee on Rules of Criminal Procedure was called to order by Judge John Dailey at 12:45 p.m., in the Court of Appeals All Conference Room on the third floor of the Ralph L. Carr Colorado Judicial Center. Members present or excused from the meeting were:

<b>Name</b>	<b>Present</b>	<b>Excused</b>
Judge John Dailey, Chair	X	
Judge Susan Fisch		X
Judge Shelley Gilman	X	
Judge Morris Hoffman		X
Matt Holman	X	
Abe Hutt	X	
Steve Jacobson	X	
Kevin McGreevy	X	
Donna Skinner Reed	X	
Karen Taylor	X	
David Vandenberg	X	
Robin Whitley	X	

**I. Attachments & Handouts**

- A. Agenda
- B. Minutes of the October 18, 2013 Meeting
- C. Criminal E-Filing
- D. Crim. P. 4.1, and Crim. P. 32(g), Failure to Pay Warrants
- E. Crim. P. 35(c), Actual Innocence
- F. Crim. P. 17(e), Electronic Service of Subpoenas
- G. Colo. Rev. Stat. §16-11-102 (2013), SB 13-229

**II. Approval of Minutes**

The committee approved the October 18<sup>th</sup>, 2013 meeting minutes with the following corrections:

On page 2, second paragraph, put an additional parenthesis after “(1983)”; and in the last paragraph, last full line, omit “the”.

On page 3, under “C”, change January “18” to January “17”; under “D”, put a space between “July” and “19”; and, under “E”, omit the word “it” from the end of the first line.

**III. Announcements from the Chair**

Judges Casias and Martinez declined to continue their membership on the committee. Consequently, Judge Dailey is looking for a county court judge and a district court judge

to fill the vacancies on the committee. Any recommendations for these two vacancies should be submitted to Judge Dailey, preferably in the next two weeks.

The supreme court accepted the committee's recommended change to Crim. P. 37(c).

#### **IV. New Business: E-Filing in Criminal Cases**

Brian Medina, Diana Coffey, and Jason Bergbower from the State Court Administrator's Office (SCAO) discussed proposed plans for implementing an e-filing system for criminal cases. SCAO is hoping for helpful input from the committee. A subcommittee, comprised of Donna Skinner Reed, Karen Taylor, Kevin McGreevy, Dave Vandenberg, Judge Gilman, and Judge Fisch, was appointed which, with the aid of Terri Morrison, will study issues related to criminal e-filing and periodically report back to the full committee.

#### **V. Old Business**

##### **A. Failure to Pay Warrants**

Carol Haller, from SCAO, reported that representatives from the SCAO and the American Civil Liberties Union (ACLU) had been working, in conjunction with the "failure to pay warrants" subcommittee, on a revised proposal to amend Crim. P. 4.1 and Crim. P. 32(g). Ms. Haller also reported that the ACLU had put forth 2014-H.B. 1061, to amend Colo. Rev. Stat. § 18-1.3-702 (2013), with respect to the same issue. It was decided that, even with the bill pending in the legislature, the subcommittee would move forward to further refine its proposal in light of several questions posed by the committee during the meeting.

##### **B Crim. P. 35(c), Actual Innocence**

Steve Jacobson authored a memo informing the committee of the subcommittee's discussion. The memo described various scenarios that could be affected by a proposed rule change. After further discussion, members of the subcommittee agreed to meet again and try to draft a proposed rule change for the committee's consideration at the next meeting.

##### **C. Crim. P. 17(e), Electronic Service of Subpoenas**

Due to recent membership changes, the subcommittee no longer had a member that was a judge. The subcommittee needed a judge to work with other committee members to gather information and continue their work. If membership positions could be filled in time, the subcommittee would try to have a memo for the committee for the April 18, 2014 meeting.

##### **D. Colo. Rev. Stat. §16-11-102 (2013), SB 13-229**

Pursuant to the committee's directive, Robin Whitley presented three drafts of proposed amendments to Crim. P. 32 (a)(2). The first draft addressed only the time for producing presentence reports; the second draft added content necessary to conform the rule to other statutory requirements; and, the third draft was a

recapitulation of the second draft but in a different format. After some discussion, Kevin McGreevy offered to draft a counter proposal, which would be presented for the committee's consideration at the next meeting.

**VI. Future Meetings**

July 18, 2014

October 17, 2014

The committee adjourned at 2:45 pm.

*Respectfully submitted,*

*Jenny A. Moore*