

michaels, kathryn

From: dailey, john
Sent: Friday, October 4, 2019 8:41 AM
To: michaels, kathryn
Cc: hoffman, morris
Subject: FW: Proposed changes to Rule 44(e)

Please add Crim. P. 44 to the old business part of the agenda, and forward this, as well as the next email I send you, on to the committee members. .

From: samour, carlos <carlos.samour@judicial.state.co.us>
Sent: Thursday, October 3, 2019 1:47 PM
To: dailey, john <john.dailey@judicial.state.co.us>
Subject: Proposed changes to Rule 44(e)

My colleagues and I discussed the recommended changes to Rule 44(e). We are grateful for the subcommittee's and committee' work on this.

There was a question raised pertaining to the penultimate line of paragraph (1), which reads: Trial court proceedings "have concluded" when restitution is finally determined and at the point in time: . . . [four subparagraphs follow]. The question arose because a couple of the situations listed in the subparagraphs that follow do not implicate restitution. For example, when a case is dismissed or when there is an agreement for pretrial diversion. In those situations, the court will not have "finally determined" restitution. Is this something that the committee would be willing to consider and discuss?

Thank you in advance!

Carlos

michaels, kathryn

From: dailey, john
Sent: Friday, October 4, 2019 8:42 AM
To: michaels, kathryn
Subject: FW: Follow-up

(Part II)

-----Original Message-----

From: samour, carlos <carlos.samour@judicial.state.co.us>
Sent: Thursday, October 3, 2019 10:25 PM
To: dailey, john <john.dailey@judicial.state.co.us>
Subject: Follow-up

I should mention that a suggestion was made during our meeting to simply add “, if applicable,” after “restitution” in the sentence I quoted. But we didn’t vote on it because we felt that it was best to have the benefit of the advisory committee’s wisdom first. Please let me know if you’d like to chat or if I can help in any way.

Sent from my iPhone