

COLORADO SUPREME COURT
ADVISORY COMMITTEE ON THE RULES OF CRIMINAL PROCEDURE
Minutes of Meeting
Friday, July 15, 2016

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

| Name | Present | Excused |
|-------------------------------|---------|---------|
| Judge John Dailey, Chair | | X |
| Judge Susan Fisch | X | |
| Judge Shelley Gilman | X | |
| Judge Deborah Grohs | X | |
| Judge Morris Hoffman | X | |
| Matt Holman | X | |
| Abe Hutt | X | |
| Kevin McGreevy | X | |
| Judge Dana Nichols | X | |
| Donna Skinner Reed | | X |
| Megan Ring | X | |
| Karen Taylor | X | |
| David Vandenberg | X | |
| Robin Whitley | X | |
| Non-Voting Participant | | |
| Terri Morrison | X | |
| Karen Yacuzzo | | X |

I. Attachments & Handouts

- A. July 15, 2016 agenda
- B. April 15, 2016 minutes
- C. 2016 Legislation
 - 1. HB 1104 [SB 13-250 & HB 09-1262] & Memo re section 16-5-206, C.R.S.
 - 2. HB 1027
- D. *People v. Sosa*, 2016COA93

II. Approval of Minutes

The April 15, 2016 minutes were approved as submitted. On the agenda, the April 2017 meeting date will be corrected to read “April 21,” not “April 20.”

III. Announcements from the Chair

Judge Dailey is absent, and Judge Gilman is chairing the meeting.

IV. Old Business

A. HB 1104 [SB 13-250 & HB 09-1262] & Subcommittee memo

Kevin McGreevy stated that the subcommittee had reviewed the 2016 bill, and 2009 and 2013 laws. The subcommittee was considering amending Rules 4 and 9 to conform to the 2009 and 2013 laws, but was unsure about the 2016 bill. The 2016 bill addresses how a defendant is brought in, and the subcommittee is disinclined to tell law enforcement what to do prior to the filing of charges. Most members agreed with the subcommittee regarding the 2016 bill, however, some members were concerned that there are aspects of the process that the statute doesn't address that needs to be resolved in a rule. There was a motion to make no amendment regarding the 2016 bill, and the motion passed with two no votes. There was a second motion to amend Rules 4 and 9 to conform to the 2009 and 2013 laws, and the motion passed unanimously.

B. HB 16-1027

Judge Fisch reported that the subcommittee is still studying the issue. The intent of the amendment is to make depositions easy and fast, because a situation with an at-risk elder can change quickly. The committee agreed that the rule should be amended, but it was unsure if a separate subsection would be adequate or if the whole rule needs to be amended. The subcommittee will continue to meet and draft an amendment for the committee to consider.

V. New Business

A. *People v. Sosa*, 2016COA93

The opinion was brought to the committee's attention by Karen Yacuzzo of the State Court Administrator's Office. The committee was unsure of what, if any action to take, so a subcommittee consisting of Matt Holman, Karen Taylor, and Judge Gilman will study the issue.

B. 2016 Legislation

Robin Whitley reported that he finished going through the 2016 legislation, and no additional bills require the committee's attention.

VI. Future Meetings

October 21, 2016

January 20, 2017

April 21, 2017

The committee adjourned at 1:30 pm.

Respectfully submitted,
Jenny A. Moore