

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

**Minutes of Meeting
Friday, July 20, 2012**

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 12:48 p.m., SCAO Conference Room at the Denver News Agency Building. Members present at, excused from, or not excused from, the meeting were:

Name	Present	Excused
Judge Ed Casias	X	
Judge John Dailey, Chair	X	
Dana Easter	X	
Judge Susan Fisch		X
Judge Shelley Gilman	X	
Judge Morris Hoffman	X	
Matt Holman	X	
Abe Hutt		
Steve Jacobson	X	
Judge Gilbert Martinez		X
Kevin McGreevy	X	
Cliff Riedel	X	
Karen Taylor	X	
Robin Whitley	X	

I. Attachments & Handouts

- A. Agenda
- B. "Minutes" of the April 20, 2012 Meeting
- C. Email from R. Whitley re: Update on Time Computation project
- D. Email from T. Morrison re: Crim. P. 37 – Record on appeal
- E. Handed out, at the meeting, were documents relating to Rule 17(h), Rule 32.2, C.R.C.P. 6, 306, Crim. P. 45 and C.A.R. 26

II. Approval of Minutes

The April 20, 2012 minutes were approved as submitted.

III. Announcements from the Chair

The Supreme court had adopted the proposed changes to Crim. P. 17(h) & 32.2(c)(1). He also added that the supreme court had added a comment to Crim. P. 45.

IV. Old Business

A. Time Computation – Robin Whitley

Robin Whitley reiterated the contents of his email, that is, that he had noted two anomalies in the supreme court's adoption of our proposals to amend the time provisions in the rules of criminal procedure. The first anomaly had to do with an enumeration errors in Crim. P. 32.1; and second, the court inserted the word "business" in one spot in Crim. P. 4, which, while not generating an inaccuracy, was redundant and not wholly in accord with the move to "a day-is-a-day" principle. Robin will send the supreme court a letter addressing these matters.

V. New Business

A. Crim. P. 37(c) – Matt Holman

Matt Holman discussed Crim. P. 37 and the timeline for preparing records for appeal of county court decisions. Currently, Crim. P. 37 measures the time within which to prepare the record from the entry of judgment, rather than from the filing of the notice of appeal. A rule change was proposed and discussed. During the discussion, it was learned that measuring the time from entry of judgment was something mandated by the legislature in section 16-2-114, C.R.S. A short debate ensued as to whether the supreme court could amend Crim. P. 37 inconsistent with the legislature's mandate. Ultimately, the committee decided to find out from clerks around the state whether the current rule caused substantial problems for them, and, depending on the response, consider recommending a rule change or a rule change in connection with a statutory change.

Judge Dailey will write SCAO asking it to check around the state to see how much time is realistically needed to prepare the records in appeals from county court to district court. Judge Casias, who volunteered for the Rule 37 subcommittee, will follow up with April Bernard.

B. New Legislation

The committee identified two items it wanted reviewed by subcommittees. In HB 1310, there was a provision authorizing the use of an alternate juror when requested by either party. A subcommittee, consisting of Judge Hoffman, Steve Jacobson, and Dana Easter, was asked to review that provision and make an appropriate recommendation to the full committee.

HB 1271 contained provisions relating to direct file transfer hearings in juvenile cases. A subcommittee, consisting of Judge Gilman, Robin Whitley, and Karen Taylor, was asked to review those provisions and make an appropriate recommendation to the full committee.

VI. Future Meetings Scheduled

A. October 19, 2012

B. Jan. 18, 2013??

The committee adjourned.

Respectfully submitted,

*Wanda Owens,
Judicial Assistant to Judge Dailey*