



Utah Supreme Court Rules of Criminal Procedure Committee

Meeting Agenda

Doug Thompspon, Chair

Location: WebEx Meeting: <https://utcourts.webex.com/meet/brysonk>

Date: May 16, 2023

Time: 12:00 p.m. – 2:00 p.m. MST

Action: Welcome and approve March 21, 2023 Minutes	Tab 1	Doug Thompson
Discussion: Update on Rule 21 – Inconsistent Verdicts		William Carlson
Discussion: Update on Rule 8		Doug Thompson
Discussion: Update from Probation Consolidation Sub-committee		Ryan Peters
Discussion: Modifications to URCrP Rules 6, 7, and 9 from Legislative Session		Bryson King
Discussion: Upcoming Rules	N/A	N/A

<https://www.utcourts.gov/rules/urcrp.php>

Meeting Schedule:

July 18, 2023

September 19, 2023

November 21, 2023

Rule Status:

Present	Not Present
Douglas Thompson	Hon. Kelly Schaefer – Bullock
Bryson King	Prof. Matthew Tokson
Meredith Mannebach	
Craig Johnson	
David Ferguson	
Janet Reese	
Hon. Elizabeth Hruby-Mills	
William Carlson	
Hon. Denise Porter	
Ryan Peters	
Ryan Stack	
Lori Seppi	
Amber Stargell	

Action: Welcome and approval of January 17, 2023 meeting minutes. William Carlson moves to admit and approve the minutes. Lori Seppi seconds to admit and approve the minutes.

Rule 21 – Inconsistent Verdicts.

Doug leads a discussion on Rule 21 and emails the members a new draft of rule. Ryan Stack identifies an issue with Rule 21’s language. Ryan’s concern is that the rule does not have a mechanism for the prosecutor to appeal. Will states that we are close to finalizing Rule 21, but we not ready to send a final draft to the Utah Supreme Court. The committee agrees to schedule a subcommittee meeting to address the specific concern regarding appeal.

Update from Probation Consolidation Subcommittee.

Doug agrees to pass this matter until Ryan Peters logs into the meeting. Doug and Ryan Peters give an update on the Probation Consolidation Subcommittee. There is progress on the rule. The committee is currently waiting for additional information from AP&P. The subcommittee will be able to proceed at the next meeting on this matter.

Updates to statutory references in URCrP 6,7, and 9.

Bryson gives updates on the codification from Utah Code 77-20-205 and URCrP 6, 7, and 9. Bryson states the rules are reformatted according to the Utah Supreme Court rules, this includes the sub-section labeling of the rules. William Carlson adds that House Bill 317 “Pretrial Release Modification” and Senate Bill 117 “Domestic Violence” might alter Rules 6, 7, and 9. The Committee agrees to tentatively accept the modifications submitted by Bryson and address the House Bill and Senate Bill at the next subcommittee meeting.

Amendment to URCrP 17k and Wyatt v. State.

A member asks whether the jury should receive testimonial recordings as exhibits? The committee addresses concerns about the release of testimonial evidence to the jury as exhibits. Judge Porter suggests that there should be a clear line regarding testimonial evidence. Lori Seppi states that she would be willing to help on a subcommittee. Doug ask if Lori could draft a proposal and suggested language. Amber Stargell offers to assist where needed.

Amendment to URCrP Rule 29.

Bryson King leads discussion on amendments to URCrP Rule 29. Judge Brian Cannell sent Bryson King an email asking if the committee considered issues regarding a judge's disqualification or recusal at trial due to a conflict. The central issue in Judge Cannell's email is that the presiding judge realized he had a conflict with a main witness after seating a jury on the first day of trial. Doug asks should the committee have a similar rule to 29(a)(1) for reasons such as "a judge has a conflict with a witness." Judge Porter states that the committee may not need to change the rule. Lori Seppi states that there is a difference between a judge being disqualified due to a conflict verses a judge who disabled or sick. Respond to Judge Connell's email with the court's opinion in *Manatau*. No changes to Rule 29.

Public Comments for URCrP 8.

Doug discusses two public comments received regarding URCrP 8. Doug will submit the public comments to the subcommittee via email for further discussion. Doug asks that If there is a need to discuss more substantive matters regarding URCrP 8, please inform him.