



**Utah Supreme Court
Rules of Criminal Procedure Committee**

**Meeting Minutes
September 19th, 2023**

Committee members	Present	Excused	Guests/Staff Present
Douglas Thompson, Chair	X		Bryson King, Staff
Judge Elizabeth Hruby-Mills	X		Amber Stargell, Rec. Secretary
Judge Kelly Schaeffer-Bullock	X		
Matthew Tokson		X	
William Carlson	X		
David Ferguson	X		
Meredith Mannebach		X	
Ryan Peters	X		
Judge Denise Porter	X		
Janet Reese	X		
Lori Sepi	X		
Karin Fojtik	X		
Judge Kristine Johnson		X	
Adam Crayk	X		

Agenda Item #1 - Approval of Meeting Minutes (July 18, 2023)

Doug Thompson welcomes the Committee members. The meeting minutes from the July meeting are still being drafted and will be circulated to the Committee for approval later.

Agenda Item #2 - Discussion of Rule 21, Legally Impossible Verdict

The discussion then moves to amending Rule 21. William Carlson begins by discussing the Advisory Committee Note in Option #1 of Rule 21. Doug Thompson reviews the recommendations from the Supreme Court in developing language for the impossible verdicts section of the Rule in conjunction with its opinion in *Terry*. Discussion ensues on how to implement the Court's guidance in Option #1 of the Rule. The Committee then turns its attention to Option #2 and the use of plural language in the impossible verdicts section of the Rule. Discussion continues on the Advisory Committee Note of Option #2. After cleaning up language in Option #2, the Committee then votes to recommend both versions of the Rule be sent to the Supreme Court for review.

Agenda Item #3 - Rule 17.5, In-person and Virtual Hearings

David Ferguson leads the subcommittee on Rule 17.5, and requests others to join. Judge Hruby-Mills and Adam Crayk volunteer and David will coordinate with volunteers to set up a meeting.

Agenda Item #4 - Rule 18.5, Objection to Use of a Peremptory Challenge

David Ferguson continues the Committee's discussion on Rule 18.5. David reviews the language of Rule 18.5 and case law supporting that language. David invites members of the Committee to comment on his proposals. Discussion ensues primarily on the demographic and objection subsections of the proposed Rule. The Committee also discusses statutory and constitutional limitations to peremptory strikes based on demographic information. Doug suggests the Committee form a subcommittee to further develop Rule 18.5. David Ferguson will lead the subcommittee. Lori Sepi, Karin Fojtik, and William Carlson volunteer to join the subcommittee.

Agenda Item #5 - Subcommittee on Probation Consolidation Rule

Ryan Peters provides an update to the Committee on the development of the Rule. A proposal will be sent to the full Committee soon for review.

Agenda Item #6 – Justice Court Bench Warrants

Bryson King addresses a request from the Judiciary to amend the rules related to bench warrants. The amend would solve a current issue where a bench warrant is issued by one court, and remains unresolved for several weeks, preventing other courts from releasing defendants on their cases to treatment, specialty courts, employment, or for other causes. The Committee engages in preliminary discussions on how the rule might be crafted. Doug Thompson volunteers to identify which Rule would be amended to address the issue raised by the Judiciary and will prepare to discuss this at the next Committee meeting.

Agenda Item #7 – Utah Code Citation Updates in Rules 6, 7, 7A, and 9

Bryson King explains to the Committee that following the 2023 Legislative Session, the code sections cited in Rules 6, 7, 7A, and 9 need to be updated. David Ferguson offers to review the Rules and the code sections cited in the Rules to determine if there are any substantive changes to statute that need the Committee's in revising the Rules. David will propose any changes to the Committee for consideration by the next meeting. Doug directs Bryson to begin an email to the Committee to review the Rules and the citations cited to determine if any substantive changes in statute need to be reflect in the Rules.

Adjourn

The Committee meeting is adjourned. The next meeting will be November 21st, 2023.