



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

**Meeting Minutes
January 16, 2024**

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

Agenda Item #1: Introduction and Approval of Minutes

Doug welcomed the Committee members to the meeting and reviewed the last meeting's minutes. Doug and Bryson addressed a request to change the minutes to show that Karin Fojtik, not Lori Seppi, moved to approve Rule 8 from the last meeting. After that change was made, David Ferguson moved to approve the meeting minutes. Adam Crayk seconded the motion. Without a quorum present, the motion will be temporarily suspended until the remaining members needed can approve the motion via email.

Agenda Item #2: Amendments to Rule 17.5

David Ferguson then presented amendments to 17.5. David stated that the new provisions would give judges more discretion in regard to virtual appearances. The group discussed whether the rule should include a waiver of appearance language or should the waiver be sent by the courts to parties. Doug added the Supreme Court asked the committee to come up with a list of constitutional "right-to-appear" in-person hearings. Doug suggested that all hearings are constitutionally required to be held in-person. David researched and provided the group with the statutory definition of "important criminal justice" hearings. Karin suggested that the group considers victim required notifications of certain hearings as a way to help create a list for the court. Doug suggested that the group finalizes changes within the next week or two and to continue the discussion via email due to urgency from the court.

Agenda Item #3: Update on the Probation Consolidation Committee

Meredith presented updates from the probation consolidation committee. Judge Porter, Judge Hruby-Mills, Lex Garcia, and Lex Garcia's deputy met to discuss the probation rule. The probation consolidation rule and suggested changes to the rule will be presented to the Board of District Court Judges on Friday January 19, 2024, at noon.

Agenda Item #4: Bench Warrant Rule 9

Doug presented new proposals from Judge Shaughnessy and Judge Farr regarding Rule 9. Doug began drafting a new rule and is seeking suggestions on the new proposal. The proposal suggests a court shall set a hearing within 14 days of arrest after a bench warrant is issued. The Committee discussed the time frame of 14 days and whether the rule should require a judge to set and/or hold a meeting within 14 days. The Committee discussed adding language that the court set a hearing within 14 days where the defendant was arrested in the district/county where the bench warrant was issued, and within 30 days where the defendant was arrested outside of the district/county where the bench warrant was issued. The Committee makes additional edits to include "judge or magistrate" throughout the rule, instead of just "magistrate." Following the discussion, Adam Crayk moved to submit this rule to the Supreme Court for review. David Ferguson seconded the motion. Without a quorum, the motion is temporarily suspended until the Committee can review the motion by email and finalize a vote.

Adjournment

The meeting was adjourned at 2:08 p.m. The Committee's next meeting will be March 19th, 2024, via Webex.

Email Votes

Following the meeting's adjournment, the Committee accepted email votes for the motion to approve the minutes and the motion to approve Rule 9A for public comment. Sufficient "yea" votes were received, and the motions passed. Rule 9A will be sent to the Supreme Court with a request to publish for public comment.