



Utah Supreme Court Rules of Criminal Procedure Committee

Meeting Minutes January 21, 2025

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		
Judge Denise Porter	X		
Janet Reese	X		
Lori Seppi	X		
Karin Fojtik	X		
Judge Kristine Johnson		X	
Adam Crayk	X		
Lindsey Wheeler	X		
Matthew Hansen	X		

Agenda Item 1: Introduction and Approval of Minutes

William Carlson stood in for Doug Thompson as acting chair and welcomed the Committee. Mr. Carlson asked for approval of the November 2024 minutes. Judge

Denise Porter moved to approve the minutes. Karin Fojtik seconded. The minutes were unanimously approved.

Agenda Item 2: Amendments to Rules 7 and 7A

Ms. Amy Hernandez reported on the amendments to Rules 7 and 7A. The Committee discussed the amendments. Ms. Karin Fojtik asked if the wording in subsections f(1) and f(2) should add "to who" wording to identify the receiver of the information. Mr. Will Carlson agreed that the Committee could clarify to say, "the court." Mr. Doug Thompson asked for approval to the amendments to Rule 7 and 7A. Ms. Lindsey Wheeler motioned to approve the proposed draft. Ms. Karin Fojtik seconded. The amendments were approved unanimously.

Agenda Item 3: Rule 4 Proposal

Mr. Will Carlson reported on Rule 4. The Committee discussed Rule 4. The Committee discussed the courts' IT system, and its effects on the prosecution's ability to comply with Rule 4. Ms. Meredith Mannebach volunteered to check with the court's IT. Mr. Will Carlson, Judge Denise Porter, Ms. Meredith Mannebach, and Mr. Bryson King will meet to discuss additional amendments to Rule 4.

Agenda Item 4: Rippey and Rule 11

Mr. Doug Thompson presented the discussion on the Supreme Court's decision in *State v. Rippey*. Mr. Thompson stated there were two proposals from Judge Corum and Mr. David Ferguson: 1. Do we need a rule? 2. Is there a need for modification?

The Committee discussed. Mr. Carlson believes that we should defer to the legislative branch to decide the boundaries. Ms. Fojtik asked what is the supreme court asking the committee to do? Mr. Thompson responded that the Court did not give any clarifying orders on what the Committee should do in light of the *Rippey* decision. Mr. Matt Hansen stated that changing the rule, specifically for a motion to withdraw a plea, could have long implications (i.e. the finality of a case, destruction of evidence). Mr. Hansen furthered in a chat comment:

"Respectfully, I think Rule 11(i) pleas should be rare. Judges know very little information before they have to decide whether to accept the pleas. Done correctly, Rule 11 (i) pleas often require a separate hearing to go over the case. It also removes the protections that come from the matrix. I

think we all agree that we need a rule. We should look at the federal rule and other jurisdictions to see how the rule works elsewhere."

Ms. Lori Seppi and Ms. Lindsey Wheeler volunteered to research Rule 11 in other states and jurisdictions. If any members have any additional research/information, please send to Mr. Doug Thompson through email. Doug asked that everyone set aside some time to research this issue further within the next 30 days. Doug requested another meeting in February to discuss Rule 11.

Agenda Item 5: Rule 16 Proposal

Mr. Matt Hansen reported the amendments to Rule 16. The committee discussed the amendments. Ms. Lori Seppi suggested the Committee organize a Rule 16 subcommittee. Ms. Seppi volunteered to be on the subcommittee.

Adjourn

The Committee adjourned at approximately 2:00pm. The Committee will meet again in February to continue its discussion on the *Rippey* matter. It's next regularly-scheduled meeting will be March 18th, 2025 at 12:00p.m.