

**UTAH SUPREME COURT ADVISORY COMMITTEE
ON THE RULES OF EVIDENCE**

**MEETING MINUTES
February 21st, 2023
5:15 p.m.-7:00 p.m.
Via Webex**

<u>MEMBERS PRESENT</u>	<u>MEMBERS EXCUSED</u>	<u>GUESTS</u>	<u>STAFF</u>
Chris Hogle Sarah Carlquist Ed Havas Tony Graf Dallas Young Hon. Michael Leavitt Hon. Vernice Trease Teneille Brown Jennifer Parrish Ryan McBride Melinda Bowen Matthew Hansen Nicole Salazar-Hall Hon. David Williams	Hon. Richard McKelvie Hon. Linda Jones Jacqueline Carlton Adam Alba Deborah Bulkeley		Bryson King Angelica Juarez

1. WELCOME AND APPROVAL OF MINUTES

Chris Hogle welcomed everyone to the meeting. After making one change to the January minutes, Dallas Young moved to approve the minutes. Sarah Carlquist seconded. The motion carried.

2. CONTINUED DISCUSSION OF RULE 506

Ryan McBride discussed a suggested change in Rule 506 d(2)(d) replacing the language: “is necessary to protect a criminal defendant’s constitutional rights” with “is exculpatory”

Mr. McBride stated the exculpatory language is narrower and more specific. Nicole Salazar-Hall supported the change and added that this exculpatory language would address the Court’s concern that the language was too broad.

Ms. Carlquist stated her preference is for the original constitutional language, but that because the new exculpatory language addresses the Court’s concern, she is fine with change.

After some discussion, Mr. Hogle asked for a vote from the group on which version to send to the Supreme Court.

There were 6 votes for Ms. Carlquist's version (constitutional language) and 5 votes for Mr. McBride's version (exculpatory language). Ms. Carlquist version will go out for public comment, as the Court had already preauthorized this version for public comment.

3. CONTINUED DISCUSSION OF JUVENILE COURT-RELATED AMENDMENTS TO RULES 101, 1101, 412, AND 615

Judge Leavitt prepared a memo on the above referenced amendments. Judge Williams moved to approve the motion to send to the Court. Ms. Carlquist seconded the motion.

This committee invited Judge Leavitt to present the memo to the Supreme Court.

ADJOURN:

Ms. Salazar-Hall moved to adjourn. Ms. Carlquist seconded.

With no further items to discuss, Mr. Hogle adjourned the meeting. The next meeting will be April 11th, at 5:15 pm, via Webex video conferencing.