

**COLORADO SUPREME COURT
ADVISORY COMMITTEE ON THE RULES OF CRIMINAL PROCEDURE
Minutes of Meeting**

Friday, January 17, 2025

A quorum being present, the Colorado Supreme Court’s Advisory Committee on the Rules of Criminal Procedure was called to order by Judge Elizabeth Harris at 12:45 pm in the Supreme Court Conference Room. Members present at or excused from the meeting were:

| Name | Present | Excused |
|--|---------|---------|
| Judge Elizabeth Harris, Chair | X | |
| Christian Champagne | X | |
| Johanna Coats | X | |
| Judge Kandace Gerdes | X | |
| Abe Hutt | X | |
| Judge Chelsea Malone | X | |
| Kevin McGreevy | | X |
| Kevin McReynolds | X | |
| Judge Dana Nichols | X | |
| John Lee | X | |
| Magdalena Rosa | X | |
| Karen Taylor | X | |
| Judge Lindsay VanGilder | X | |
| Judge Vincente Vigil | X | |
| Karen Yacuzzo (non-voting participant) | X | |

I. Attachments & Handouts

- A. January 17, 2025 agenda
- B. October 18, 2024 minutes

II. Approval of Minutes

October 18, 2024, minutes were approved as submitted.

III. Announcements from the Chair

Chair Judge Harris introduced a new member, Kevin McReynolds, who is taking Sheryl Berry’s place on the committee. Ms. Berry is transitioning to retirement.

IV. Business

A. Legislative Subcommittees

i. HB23-1151 (Judge Gerdes, Kevin McGreevy, and Johanna Coats)

Judge Gerdes is working to gather feedback from the chief judges of the various judicial districts and will report back when there is more information. The chief

judges are in the middle of a transition, which is causing a delay in gathering feedback.

ii. SB23-254 (Abe Hutt, Judge VanGilder, and Christian Champagne)

The subcommittee is working on the proposal and will send out the current draft for feedback.

iii. HB23-1187 (Judge Vigil, Karen Taylor, and Kevin McReynolds)

Kevin McReynolds is taking Sheryl Berry's role on this subcommittee.

B. Crim. P. 35(c) (Judge Gerdes, Johanna Coats, and Karen Taylor)

The subcommittee discussed issues that are on the horizon for this rule. The committee agrees that it needs a great deal.

C. Crim. P. 37 and 37.1 Following Changes to C.A.R. 10 (Judge Harris and Johanna Coats)

Judge Harris met with some district court clerks who handle the appeals from county court to district court. The clerks discussed the need to make the county court rules consistent with C.A.R. 10 to promote clarity. Rule 37 can either be changed slightly or overhauled for a more user-friendly experience. Judge Harris noted that some pro-se litigants use this rule, so the latter might be helpful. Judge Harris will present two options for the committee's consideration.

D. Gendered Language in the Rules

As the committee considers individual rules, gendered language will be removed.

E. Crim. P. 16 – Attorney Request to Update Language for Modern Forms of Communication (Judge Harris)

The committee received a request for an amendment to Crim. P. 16 to expand the definition of "statements" and "documents" to include electronic forms of communication. A subcommittee — Judge Malone, Magdalena Rosa, and Kevin McReynolds — will consider the request and make recommendations. Members noted that amendments could significantly impact the discovery process and might implicate professional conduct rules as well, so the committee should proceed cautiously and elicit input from multiple stakeholders before recommending any changes to the supreme court.

The committee adjourned at 1:36 pm.

II. Future Meetings

April 18, July 18, October 17