

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

February 7, 2025, Meeting Minutes

A quorum being present, the Colorado Supreme Court’s Advisory Committee on the Rules of Evidence was called to order by Judge Rebecca R. Freyre at 1:30 pm in the Ralph. L. Carr Colorado Judicial Center Fourth Floor Conference Room and via WebEx. Members present or excused from the meeting were:

Name	Present	Absent
Judge Rebecca R. Freyre, Chair	X	
David DeMuro	X	
Judge Stephanie Dunn	X	
Judge Sean Finn	X	
Judge Melina Hernandez		X
Rick Lee	X	
Luke McConnell	X	
Professor Christopher Mueller		X
Norman Mueller	X	
Chief Judge Román	X	
Corelle Spettigue	X	
Professor Karen Steinhauser		X
Judge Juan G. Villaseñor	X	
Lisa Weisz	X	
Judge Shay Whitaker	X	

I. Attachments & Handouts

- February 7, 2025, Agenda
- December 8, 2023, Minutes
- CRE 804 Memo
- Preliminary Draft of Proposed FRE Amendments

II. Minutes

- The December 8, 2023, minutes were adopted as submitted.

III. Announcements from the Chair

- Chair Judge Freyre stated that the Court adopted changes to several Colorado Rules of Evidence since the last meeting. However, this Committee did not propose changes to Rules 107 (new) and 1006 despite those rules having received federal rule changes. After discussion, the Committee decided to reconsider any changes to these rules at the next meeting.

Since the last meeting, Judge Finn removed gendered pronouns from the Rules of Evidence, and the Court approved those proposals.

IV. Old Business

a. CRE 804 Update (Lisa Weisz, Rick Lee, and Judge Villaseñor)

This proposal would broaden what a trial court can consider related to hearsay exceptions. Under current law, the proponent of a statement against interest must establish its trustworthiness through an analysis limited to intrinsic factors. Under the amendment, the proponent must still establish the trustworthiness of the statement, but the analysis may rely on both intrinsic and extrinsic factors.

The Committee voted unanimously to approve the proposal.

Judge Freyre noted that Rule 807 may need corollary changes. Judge Freyre formed a subcommittee to consider possible changes. Luke McConnell and Rick Lee volunteered.

V. New Business

a. 2026 Proposed Amendments to the Federal Rule of Evidence 801 (Judge Freyre)

The proposed language in the federal rule seems to make changes that more closely mirror the Colorado rule, so the Committee will not explore changing the Colorado rule.

On a separate note, Judge Finn noticed some grammatical errors consistently appear in the rules. Often, *which* is used when *that* should be. Judge Finn will tackle this project.

VI. Future Meeting date

The committee adjourned at 1:59 pm.