

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

**Friday, October 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. October 17, 2025 agenda
- B. July 18, 2025 draft minutes
- C. HB23-1187 memo
- D. Draft Rule 37.1 materials
- E. Rule 16 supplement

**II. Approval of Minutes**

July 18, 2025 minutes were approved as submitted.

**III. Announcements from the Chair**

Chair Judge Harris stated that several members’ terms will be up at the end of the year. Members wishing to remain on the committee should let Judge Harris know.

**IV. Business**

**A. Legislative Subcommittees**

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

The subcommittee proposed amending Rule 35(b) to allow a person to seek reconsideration of their sentence within 126 days of the expiration of a stay granted pursuant to HB23-1187. The subcommittee explained that this would give the court an opportunity to consider whether the sentence is still appropriate in light of the person's status as a pregnant or postpartum defendant. After the term *granted* was substituted for the term *issued* in the proposed language, the committee unanimously approved the proposed language. Judge Vigil will prepare a letter to send to the court.

**B. Crim. P. 37 and 37.1 (Judge Harris and Johanna Coats)**

Judge Harris presented a proposal for the committee's consideration following a request from various clerks to amend Rule 37 to align more closely with C.A.R. 10. Judge Harris's updated draft responds to the committee's feedback, modernizes the language, and considers the clerks' requests. The committee discussed who should pay for transcripts and determined that the group ordering the transcripts should pay. The committee voted to have a 35-page word limit for briefs, with an ability to file a motion for an extension. Judge Harris will add the committee's suggestions and send the proposals out for a vote.

**C. Gendered Language in the Rules**

Judge VanGilder removed gendered language from the rules. Because it was such a large task, the rest of the committee will fully consider the proposal and send in edits, if necessary. The committee will consider this by email prior to the January meeting.

**D. Crim. P. 16 – Attorney Request to Update Language for Modern Forms of Communication (Judge Malone, Magdalena Rosa, and Kevin McReynolds)**

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. This subcommittee also considered a proposal from CDAC. The subcommittee met twice and split 2 (in favor) to 1 (against) on whether an amendment to the rule is necessary to clarify that statements, documents and electronic surveillance in the form of electronic communications, such as text and e-mails are discoverable pursuant to Rule 16. If a change is made, the members are split 2 to 1 on the proposed language of the change. Proponents of the amendment point out that clarification would eliminate confusion which currently exists, as well as standardize practices across the state. Opponents point out that the amendment should not expand the scope of discovery and could be interpreted to require production of the same statement or evidence in multiple forms, rather than focusing on the substance of the disclosures. Regarding the CDAC request, the subcommittee unanimously agreed not to propose a rule change extending discovery deadlines.

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

The subcommittee will provide an update at the next meeting.

The committee adjourned at 3:04 pm.

## **II. Future Meetings**

January 16, April 17, July 17, October 16