

MINUTES

**Supreme Court's Advisory Committee
on the
Rules of Criminal Procedure**

Administrative Office of the Courts
450 South State Street
Salt Lake City, Utah 84114

November 29, 2011

ATTENDEES

Judge Vernice Trease
Craig Ludwig
Laura Dupaix
Craig Barlow
Jeremy Delicino

EXCUSED

Judge Michele Christiansen
Judge Brendan McCullagh
Professor Amos Guiora
Patrick Corum
Steven Major
Todd Utzinger
Vincent Meister

STAFF

Diane Abegglen
Brent Johnson

GUEST

Yvete Rodier

I. WELCOME / APPROVAL OF MINUTES

Laura Dupaix welcomed the committee members to the meeting. The committee did not have a quorum present and therefore could not approve the minutes or otherwise conduct any official business.

II. MATERIAL WITNESS WARRANTS

Yvete Rodier from the Utah Crime Victims Legal Clinic presented a proposal to address situations in which material witnesses are held in jail for relatively long periods of time. Ms. Rodier stated that everyone has due process rights and there should be a mechanism for these individuals to have a hearing. Ms. Rodier stated that the problems are infrequent and therefore there won't be a burden to the system. Ms. Rodier stated that the Utah Council on Crime Victims and SWAP have approved the proposal.

Jeremy Delicino suggested that the time frame in the proposal be changed to days, rather than hours. Craig Barlow asked whether Ms. Rodier has talked with jail personnel about this. Ms. Rodier stated that she has not. Mr. Barlow suggested that Ms. Rodier speak to the sheriffs so that this is not a surprise to them.

Ms. Dupaix suggested that the rule require language to be in the warrant that will direct law enforcement officers in their activities, rather than directing activities in the rule. Ms. Dupaix stated that these rules cannot require law enforcement officers to act in a particular way. The committee engaged in other discussions but ultimately decided to defer additional discussions until the next meeting when other committee members could be present. Ms. Dupaix suggested that a meeting be held toward the end of January or first part of February.

The meeting adjourned at 6:15 p.m.