

Approved

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

June 12, 2006 - 5:15 p.m.

ATTENDEES

Laura Dupaix
Julie George
Rob Heineman
Judge Bruce Lubeck
Craig Ludwig
Erik Luna
Judge Sheila McCleve
Judge Brendan McCullagh
John O'Connell
Michael Wims

EXCUSED

Steven Major
Vincent Meister

STAFF

Brent Johnson

I. WELCOME AND APPROVAL OF MINUTES

Michael Wims welcomed the committee members to the meeting. The minutes from the previous meeting were approved.

II. RULE 14 SUBCOMMITTEE

Laura Dupaix stated that the subcommittee has not met yet. Ms. Dupaix stated that she will draft a proposal and circulate it to all the committee members within the next month or so.

III. RULE 24

Laura Dupaix distributed a proposed change to Rule 24. The change is to address an issue that was raised after State v. Todd. The change will permit a party to file a motion for a new trial ten days after entry of the sentence, rather than imposition of the sentence. In State v. Todd, the supreme court had stated that imposition means the oral pronouncement of sentence. This will give individuals more time to file such a motion. A vote was taken on the proposal, and the proposed rule change was unanimously approved.

IV. SEARCH WARRANT SUBCOMMITTEE

John O'Connell stated that the subcommittee has not met yet. John O'Connell proposed that the committee just follow the federal rule. Mr. O'Connell will contact Paul Boyden, to see what proposal he has. Mr. Boyden might be invited to the next meeting.

V. RULE 27

Judge McCullagh stated that this issue is at the same place as last time. The rule should come-up in the Nehring committee within the next couple of months. A proposal probably will not be ready until near the end of the year.

VI. OTHER BUSINESS

Judge McCullagh stated that SWAPLAC is looking for a rule change that will keep search warrants sealed that are part of a continuing investigation. Judge McCullagh stated that this will benefit both prosecution and defense, because defendants may not want these public if the warrant does not result in a discovery. Judge McCullagh suggested that the issue be referred to the search warrant subcommittee. The committee members agreed with the suggestion.

VII. ADJOURN

The next meeting was scheduled for September 19, 2006. The committee adjourned at 6:00 p.m.