VERMONT SUPREME COURT
ADVISORY COMMITTEE ON RULES OF CRIMINAL PROCEDURE
Minutes of Meeting
NOVEMBER 21, 2014

The Criminal Rules Committee meeting commenced at approximately 1:31 p.m. at the Primmer law offices in Montpelier. Present were Judges Suntag, Zonay, and Maley; Laurie Canty, Anna Saxman, David Fenster, John Treadwell and Dan Sedon. Committee Chair Scott McGee and members Bonnie Barnes, Mark Kaplan, Dan Maguire and non-voting member Susan Carr were absent. Also present was committee Reporter Judge Walt Morris.

The meeting was opened with a welcome to new Committee Member Dan Sedon, who replaced member Karen Shingler, whose term had expired. The Committee remains without a Supreme Court liaison justice, in view of the appointment of Justice Geoffrey Crawford to the federal bench.

1. Minutes of the August 8, 2014 meeting were reviewed, and unanimously approved upon motion of Judge Zonay, seconded by Anna Saxman.

2. 2013-02—Proposed Amendment to Rule 17 (to expressly permit document subpoenas and procedures associated with them)

At its August 8th meeting, the Committee was provided with three alternative approaches to rules which would more expressly address the issues presented with "non-proceedings" documents subpoenas issued under Rule 17: Anna Saxman requested guidance as to which approach to a proposed Rule the Committee would prefer. Specifically, Ms. Saxman noted existing Civil Rule 45(b), which has been interpreted as authorizing "non-proceedings" documents subpoenas as another alternative model. Under the Civil Rule, a person who is the subject of a subpoena duces tecum need not appear in person at a proceeding, unless the subpoena specifically commands such attendance. With respect to an equivalent criminal rule, focus may be made upon amending or deleting reference to "person" in favor of "documents", or a similar term, while keeping an amended Criminal Rule 17 that is similar to existing Civil Rule 45. Ms. Saxman also noted that some judges are still requiring that even though the object of a subpoena duces tecum is production of documents, that the subpoena reference a date and time for attendance at a judicial proceeding in court. Judge Suntag repeated his concern that whatever revision is made of Rule 17, notice to the party opponent of the subpoena duces tecum's issuance should be required. In further discussion, it was noted that under the existing federal rule, provision is made for ex parte request for issuance of a subpoena duces tecum by either Defendant or the government for cause shown, and that this is a recognized practice in federal court. Members Fenster and Treadwell agreed that notice of issuance of a subpoena duces tecum should be required. Committee Reporter Morris indicated that notice is typically required, and that some jurisdictions' equivalent rules, including the federal rules, authorize or are interpreted to permit ex parte issuance, for cause shown. Judge

Suntag noted his further concern that since non-compliance with a subpoena duces tecum can result in a motion for sanctions, or contempt, all subpoenas duces tecum should have a specificed date and time for compliance with the request for production. At the conclusion of its discussion, the Committee requested that at the next meeting, referencing proposals previously provided to the Committee, as well as existing Civil Rule 45, Ms. Saxman provide a draft proposal of amendment of Rule 17 to separately authorize "non-proceedings" subpoenas duces tecum. The Committee requested that any draft include provision for notice to party opponent, and authorization for ex parte application and issuance upon showing of good cause by the requesting party. In this reqard, the Committee already has copies of Ms. Saxman's original draft of a proposed rule as reformatted, and with some annotations provided by the Committee Reporter; Maine Rules of Criminal Procedure 17 and 18; and federal Rule 17.[1]

3. 2013-04—Review of Rules 11, 11.1 and 32 in Consequence of Passage of the Uniform Collateral Consequences of Conviction Act, Act. No. 181 (2014 Adj. Sess.) and recent court decisions.

The Committee briefly reviewed the elements of Act No. 181, including the establishment of a public database of collateral consequences by the Attorney General and additional colloquy requirements in criminal proceedings, including at initial appearance, change of plea and sentencing, and post sentencing prior to release of incarcerated defendants. The new and additional colloquy requirements of the statute will not be effective until January 1, 2016. However, they will necessitate amendments of Rule 11 and likely Rule 32. The legislation also authorizes the judiciary to issue orders of limited relief from certain collateral consequences of conviction as well as orders for restoration of rights affected by collateral consequences of conviction. These aspects of the legislation may also require future criminal rules promulgation.

At its August 8, 2014 meeting, the Committee established a Subcommittee, chaired by John Treadwell and including Anna Saxman and David Fenster, to take a comprehensive look at Rules 11, and 11.1, (and 32, as it may be affected) and present initial proposals of amendment for consideration. The Committee acknowledged that review of these proposals may be the subject of several meetings' work. Mr. Treadwell reported that as of November 21st, the Subcommittee had not yet met, but would plan to do so and provide a report at the Committee's next scheduled meeting. Mr. Treadwell stated that Rule 11 had not been subject to comprehensive review in a long time, and that initially at least, reorganization of the rule apart from any further substantive changes should be considered. Further discussion ensued. Judge Maley suggested that amendments of the rule might also require use of a written Rule 11 advisement/waivers document. In fact, as was noted, the legislation expressly permits advisements and waivers in writing as an alternative to record colloquy, or to supplement it. Mr. Sedon questioned the effectiveness of reliance solely upon a written waiver form, given the difficulties that many defendants have, fully understanding all of the information imparted in a colloquy before the court. Judge Suntag noted that adequacy and clarity of Rule 11 colloquy has

[1] See also, Minutes of January 31, 2014, pp. 2-3.

been a matter previously considered by the Criminal Division Oversight Committee, and that in his assessment, written acknowledgments and waivers must supplement, not substitute for, oral colloquy on the record in open court. Mr. Fenster shared the concern that colloquy be as clear and understandable as possible, especially as to the most significant aspects of waiver upon entry of a plea of guilty or no contest. At the conclusion of the discussion, the Committee expressed its expectation that Mr. Treadwell's subcommittee would have the beginnings of a proposal at next meeting.

4. 2014-01: Proposed Amendment to Civil Rule 5(b)(2) (V.R.Cr.P. 49(b) to Provide for Service of Pleadings/Papers by Email in Criminal Cases

As noted by Mr. Fenster at the Committee's August 8th meeting, V.R.Cr.P. 49(b) provides that "service upon the attorney or upon a party shall be made in the manner provided in civil actions." So, service in criminal cases is governed by the provisions of V.R.C.P. 5(b). Mr. Fenster reported that e-mail service of documents, previously available in some units, is no longer available in consequence of the adoption of the Vermont Rules for Electronic Filing in 2010. The Advisory Committee on Rules of Civil Procedure had at one time been considering the proposed amendment to V.R.C.P. 5(b)(2), which would authorize service of documents in criminal cases via e-mail attachment. On August 8th, the Committee unanimously recommended that Chair McGee communicate with the Chair of the Civil Rules Committee to inquire of the status of the proposed amendment, and to request that the Civil Rules Committee consider the amendment for recommendation to the Court. Reporter Morris indicated that he had briefly discussed the status of the amendment with Bill Griffin, Chair of the Civil Rules Committee, but that the status of this amendment on the Civil Rules Agenda remained unclear. Reporter Morris indicated that he, or Chair McGee, or both would follow up with the Civil Rules Chair, to formally request that the amendment of V.R.C.P. 5(b) be restored to that Committee's agenda for consideration and hopefully, adoption.

5. 2014-02: Proposed Amendment to Rule 24(a)(2) (Disclosure/Distribution of Completed Juror Questionnaires to Counsel)

At its August 8th meeting, the Committee unanimously agreed to establish a subcommittee to consider proposed amendments to Rule 24(a)(2) requiring provision of copies of juror questionnaires to counsel and self representing defendants in advance of voir dire, and establishing conditions that might be imposed by the court upon access, use and safeguarding of information that is considered private, and not subject to public disclosure. The subcommittee is chaired by David Fenster, and includes John Treadwell and Anna Saxman. Mr. Fenster reported that as of November 21st, the subcommittee has not been able to meet and thus, was not able to provide recommendations to the committee. The Committee Reporter indicated that he had communicated with Judge Karen Carroll, who chairs the Criminal Division Oversight Committee, about that Committee's work on the issue of access to juror questionnaires. Judge Carroll indicated that the oversight committee had previously considered conditions of access to juror questionnaires, no action had apparently been taken,

and that committee is not presently considering any policies with respect to access to juror questionnaires.

While Rule 24(a)(2) currently provides that information provided in response to written jury questionnaires "shall be open to the parties to the proceeding", the practice of disclosure is highly variable among the units. In some units, Clerks provide copies of the questionnaires for counsel to review away from court premises; in others, Clerks apparently insist that review of any questionnaires, including by counsel, occur in the Clerk's office without provision of copies.

Since distribution of juror questionnaires invokes juror privacy issues, members of the Committee expressed concern that any proposal for distribution of copies of completed juror questionnaires, to counsel and self representing defendants, should be reviewed by the Advisory Committee on Public Access to Court Records (which is chaired by Judge Zonay). Judge Zonay indicated that that Committee will have the issue on the Agenda for its next meeting, in that it has already been considering proposed amendments to Rule 4(c) of the Rules Governing Qualification, List, Selection and Summoning of All Jurors addressed to juror confidentiality, and that he will report the results of that Committee's consideration at the next Criminal Rules Committee meeting. Rule 24(a)(2) does currently provide that written juror responses to questionnaires are open to public inspection after the name and address of the responding juror are redacted, and that responses provided electronically are not open to public inspection. The Committee does not recommend that these latter provisions be amended, in the interests of juror privacy. As to juror privacy, Judge Maley noted that there are existing provisions in Family Division cases for maintenance of separate, closed or limited access files for sensitive information that is not subject to public access, which might be considered. Judge Suntag stated that any proposal for provision of copies of juror questionnaires to counsel must make reasonable provision for similar access by self representing defendants, or preclude provision of copies to all. In brief further discussion, the prospect of impaneling an "anonymous" jury to address juror security issues presented, if any, in a given case was noted, in relation to concerns about access to juror information disclosed in a questionnaire. The Committee Reporter noted that Vermont has no rule authorizing anonymous juries, and that even if the Court had inherent authority to order juror anonymity, such would require case-specific findings of necessity, and not simply imposed for convenience.

Further work of the subcommittee will await Judge Zonay's report of actions if any taken by the Committee on Public Access to Court Records, at the next scheduled Criminal Rules Committee meeting.

6. <u>2014-04: Proposal to Amend Rule 5 (Appearance Before Judicial Officer) to Require Advisement to Defendant of Pre-Trial Screening and Assessment; Court's Authority to Order Over Defendant's Objection; and Disclosure of the Results to Court, Prosecutor and Defense Counsel, Per Pretrial Services Legislation, Act No. 195 (2014 Adj. Sess.)</u>

Mr. Fenster and Judge Morris provided an overview of current implementation efforts for Act No. 195 and its pertinent parts establishing a process of pre-trial risk assessment and needs screening, to update information given to the Committee at its August 8th meeting.

The risk assessments and needs screenings may be engaged in voluntarily by defendants who are cited for court appearance on felony charges, excluding "listed" crimes; those cited for misdemeanor and felony drug offenses, excluding trafficking; persons charged with other crimes who are identified as having a substantial substance abuse or mental health issue; and certain persons who are detained and unable to post bail within 24 hours. The assessments and screenings process will be phased in beginning with the first category of offenses (defendants cited for felonies). The subject categories of defendants may also be ordered by the court to participate in risk assessment and needs screening as a condition of release under 13 V.S.A. §§ 7554c and 7554. In most cases, it is contemplated that a "Pre Trial Monitor" will make contact with defendants before the date of cited court appearance to offer participation in a risk assessment or needs screening. A revised Citation form will provide information to defendants about the process, including notice that participation is voluntary; that the defendant can speak with an attorney before deciding whether to participate, with a list of attorney contact telephone numbers; that the Pre Trial Monitor will not ask the defendant about the charges and that the defendant should not discuss the charges with the monitor.

Judge Morris reported that on November 13th the Supreme Court promulgated an amendment to V.R.P.A.C.R. 6(b)(35) effective January 1, 2015 which adds an exception from public disclosure for "Records containing information obtained from a person during his or her risk assessment or needs screening pursuant to 13 V.S.A. § 7544c." The Criminal Rules Committee also has for consideration the draft proposal amending Rule 5 to require the court to provide an advisement to the defendant at initial appearance of the nature, purposes and consequences of participation in screening or assessment, including use and derivative use immunity for results of screening or assessment, consistent with the statute. At its August 8th meeting, the Committee deferred action on the proposed amendment in that it had just been added to the Committee agenda. The consensus was that a "shorter" version of the draft would be preferable for further consideration. A shorter version of the draft was provided to Committee members in advance of the meeting.

In discussion of the revised draft, Ms. Saxman repeated her view that the statute presents immediate concerns as to violation of provisions of federal law (42 C.F.R. § 2.35) which set limits upon disclosure of defendant/patient records to persons within the criminal justice system having a specified need to know, and otherwise strictly preserving confidentiality of matters disclosed in substance abuse and mental health treatment. While acknowledging that judges have sparingly ordered defendants to participate in substance abuse or mental health screenings in the past as a condition of release, Mr. Sedon noted that initial appearance is a point of vulnerability—a "perilous" time for criminal defendants with respect to making statements to others about their case and any compelled disclosure of treatment records, as well as the voluntariness of any consent to disclosure. Judge Zonay stated that the screening and assessment process of Act 195 is very similar to the Pretrial Supervision process long

implemented in federal criminal cases, and that process has apparently not been determined to be unlawful. He further asserted that with few exceptions, related to those cases in which a judge determines for cause to order participation in risk assessment or needs screening as a condition of release, a defendant's participation under Act 195 is voluntary, and a defendant may decline to participate in the process. Judge Suntag pointed out that with respect to concerns about adverse consequences, in his view, data-driven assessments result in more people being "out" (that is, not incarcerated) than "in" (incarcerated) while awaiting trial.

Subject to Ms. Saxman's stated concerns, the Committee consensus was to send the revised and shorter draft proposal to the Supreme Court for the purpose of publication of the proposed rule for notice and public comment, with the expectation that the Committee will have opportunity to consider any comment received and engage in any necessary revisions. The Committee consensus was that it was important to proceed with a proposed procedural rule to provide notice to defendants at initial court appearance about the process and their right to use and derivative use immunity, even though it may be anticipated that issues related to federal confidentiality requirements, patient privilege and other aspects of the pretrial services program will no doubt be the subject of litigation in specific cases.

The Committee Reporter will circulate a final draft of the proposed Rule 5 amendments to Committee members for comment prior to sending them to the Court for publication and public comment. It is not contemplated that the Court would promulgate the proposals as an emergency rule.

7. 2014-05: Proposed Amendment to Rule 41 to clarify whether notice to defendant is required for post-charge search warrant (Issue presented in Suntag, J. decision in *State v. Jodi LaClaire,* Docket No. 462-4-11 Wmcr).

There continues to be division among trial judges as to whether, once a defendant has been charged with an offense, applications for search warrants for evidence in the pending case will be considered without notice to defendant and counsel. This issue has been considered at prior Committee meetings without any action taken. Judge Suntag stated that in his assessment, the issue is primarily one of judicial ethics, apart from any Constitutional considerations. Judge Zonay agreed. The unanimous decision of the Committee was to table any further consideration of the issue pending appellate resolution.

8. 2014-06: Proposed new Civil Rule 80.7a (Civil Animal Forfeiture procedures) per Act 201 (2014 Adj.Sess.), S. 237, effective July 1, 2014.

The legislation substantially revises procedures for civil forfeiture in cases of animal cruelty. The Committee is requested to consider rules for such proceedings, similar to those for civil forfeiture or immobilization of vehicles (V.R.C.P. 80.7) and civil license suspension (V.R.C.P. 80.5). Judge Morris indicated that an analogue for rules lies as well in the existing drug forfeiture statutes, 18 V.S.A. §§ 4241 et.seq., and that while he had not had opportunity to

complete a draft of proposed rules for animal forfeiture, a draft would be completed for consideration at the next committee meeting.

9. 2014-08: Proposal to amend Rule 32 to specify procedures for restitution hearings (*State v. Morse,* 2014 VT 84, 7/25/14).

The Committee discussed at length a proposed rule that would separately address restitution procedures in criminal cases and serve to clarify certain procedures in restitution hearings and determinations. The rules would supplement statutory provisions for restitution at 13 V.S.A. § 7043. Committee members unanimously agreed that there is a need for clarification, especially as to timely restitution discovery disclosures, including the existence of any insurance coverage for a victim's material loss. The proposed amendments establish, or clarify the following procedures:

(a) The court is expressly required to issue findings of fact, as to any matters of factual dispute in the determination of the amount of restitution or the defendant's current ability to pay restitution.

(b) The provisions of Rule 32(c)(4)(A) (Right to Comment and Offer Evidence; procedural due process; process of written objection to facts contained in sentencing/restitution documents; court findings as to hearsay challenged as unreliable) apply in the conduct of restitution hearings.

(c) The prosecutor must provide to defendant a written statement of the amount of restitution claimed, and copies of any documents to be offered in evidence to establish victim's loss, and the claim, at least 10 days prior to the restitution hearing.

(d) The prosecutor must disclose to defendant the existence and terms of any liability insurance held by the victim, or a party other than the defendant, that would serve to compensate the victim for the material loss at least 10 days prior to the restitution hearing.

(e) If a defendant claims that a victim's losses are not uninsured by reason of defendant's own, or a third party's liability insurance covering the loss, defendant must disclose to the prosecutor the existence and terms of such coverage at least 10 days prior to the restitution hearing.

The Committee discussion draft had required the court to make written findings of fact as to restitution and a defendant's ability to pay. The Committee did not feel that written findings were necessary, as long as there was some clear record indication of the court's determination of disputed facts. Redraft will specify that findings must be made, but can either be in writing or orally on the record. Discussion then focused upon whether incorporation of the standards of Rule 32(c)(4)(A) was a correct "fit" for restitution procedures. Since similar evidentiary standards are applicable in both sentencing and restitution hearings, and since prosecutors would be expressly required to make timely disclosure of any restitution documents sought to be entered into evidence, it was agreed that the due process procedures of subdivision (c)(4)(A), including a requirement of written objections and redaction determination by the court, are properly included by reference in a restitution rule, consistent

with the opinions in *State v. Morse,* 2014 VT 84 (7/25/2014). Concern was raised as to the requirement that the defendant disclose to the prosecutor the existence and terms of his own, or a third party's insurance coverage that would serve to compensate the victim, and whether such disclosure would unfairly shift a burden of proof from the prosecution to the defendant. Further concern was raised as to the circumstance in which the defendant had only partial information as to such insurance's existence, but no information as to its terms, as would be the case of third party insurance, and thus be able to fully comply with a disclosure requirement. Committee members noted that there should be no reason why a defendant could not secure and provide information as to his or her own insurance coverage, and agreed that in the case of third party insurance, the intent of the rule would be to at least trigger inquiry as to coverage upon provision of even partial information as to third party insureds. As to burden of proof, the consensus of the Committee was that the existence and terms of a defendant's own insurance were matters uniquely and fairly within a defendant's ready knowledge and access, and that a disclosure requirement, in avoidance of a greater restitution judgment, would be fairly placed upon defendant while the prosecutor retains the ultimate burdens of proof as to material, uninsured loss and a defendant's ability to pay. The Committee recommended two other changes to the text of the draft, changing the phrase "…policy of liability insurance" to "policy of insurance for the losses in issue" where it appears on line 13 of the draft, and "… third party's, liability insurance coverage" to "third party's insurance coverage for the losses in issue" where it appears on line 18 of the draft.

With these changes, the Committee unanimously approved of the proposed amendments which would add a subsection (g) to Rule 32, to specify and clarify procedures at restitution hearings. The Committee Reporter will provide a redraft of the proposed amendments for consideration and formal adoption at the next Committee meeting.

10. 2014-09: Proposal to amend Rule 32 to specify procedures for objection to sentencing information including PSI sentencing recommendations, and general and special conditions of probation, if recommended in PSI (*State v. Cornell, 2014 VT 82,8/1/14); State v. Bostwick, 2014 VT 97 (8/1/14)).*

This proposal, considered by the Committee consistent with direction in the opinions in the referenced cases, would broaden the scope of required written objections to the contents of PSI reports, extending beyond factual assertions in the PSI, to other sentencing information such as conditions of probation or other supervision, risk assessments, and sentencing programming. Existing Rule 32(c)(4)(A) requires state or defendant to file written objections *"…to facts contained in the presentence investigation report"* at least three days prior to the sentencing hearing, unless good cause is shown for later objection" (emphasis added). The proposed amendment would adopt the existing federal standard, which requires advance written objection not only to facts contained in the PSI, but "…to other material information

contained therein,…" broadly defined to documents and references that would not be considered "sentencing facts" in an evidentiary sense.[2]

The underlying concerns driving the request for revision of the rule go in part to a perception of lack of specificity in expression of requested sentencing conditions in the PSI, especially proposed probation conditions, and lack of specific record objection to such on the part of defendants prior to sentencing. As to these concerns, Judge Morris informed the Committee that the Court has requested the Criminal Division Oversight Committee to engage in a comprehensive review of the language and content of all standard probation conditions for clarity and enforceability.

In ensuing discussion, David Fenster indicated that he had no objections to the proposed amendment, and that it could prove helpful in eliminating unnecessary later disputes in violation proceedings or on appeal. Judge Suntag stated that in his view, the proposed amendment would serve to unnecessarily and perhaps unjustly restrict the province and discretion of the sentencing judge to oversee fair and reasonable production of sentencing evidence and factors bearing upon sentence. He also felt that the proposal had the capacity to generate more disputes at sentencing and of outcomes thereof, than less, and that if conditions of sentence, including probation conditions, were unclear, or ambiguous and thus subject to post-conviction challenge, that was an issue best addressed in judicial education. Ms. Saxman stated that regardless of any rule, as a matter of basic Due Process, a defendant must have the right to object and oppose any sentencing recommendation, including specific recommended conditions of probation or incarcerative programming without any advance notice whatsoever, production of evidence and argument in opposition to any state sentencing recommendations and a right of fair allocution being of the essence of just sentencing process. It was her view that the Court in the *Cornell* case had provided clear indication that a defendant has such a right to "unnoticed" opposition.[3]

Ultimately, after extensive discussion, it was the unanimous recommendation of the Committee that the Criminal Division Oversight Committee first have opportunity to address the issues that would be a focus of the proposed amendment, in its review of all standard probation conditions for specificity and clarity, before any further consideration on the part of the Criminal Rules Committee. Communication with Judge Carroll, via the Chair or designee, about next steps on the part of Oversight, with report back to this committee, is the next expected event as to Agenda Item # 2014-09.

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[2] The F.R.Cr.P. 32(f) requires parties to file written objections to PSI contents, "…including objections to material information, sentencing guideline ranges, and policy statements contained in or omitted from the (PSI) report." (parenthetical reference added).

[3] The majority opinion in *Cornell* notes in a footnote that "…although Vermont Rule of Criminal Procedure 32 provides defendants and the State 'an opportunity to comment upon any and all information submitted to the court for sentencing', the rule requires written objections only to facts contained within the PSI, not to sentencing recommendations." *Cornell, supra,* slip.op. at 6, fn. 4..

11. Status of Annual Report, and Proposed Amendments that were approved at August 8, 2014 Committee meeting, to be sent to the Court for Circulation for Public Comment:

Committee Chair Scott McGee has reported to Committee Members that he is in the process of completing the Annual Report to the Court, and will circulate the draft for Committee Comment prior to submitting it. The following Proposed Amendments, approved at the August 8, 2014 Committee meeting, will be sent to the Court with the Annual Report for publication and comment:

2013-03--Proposed amendment to Rule 30 (objections to jury instructions)
2013-05--Proposed amendments to Rule 45(a) and related Rules (12.1; 29; 33 and 47)(Computation of Time)
2013-06--Proposed amendment to Rule 16 (Adding 16(d)-disclosure of victim's residential address or place of employment-eliminating conflict between Rule 16 discovery obligations and statute protecting against disclosure of certain victim information)
2013-10--Proposed amendment to Rule 28 (Interpreters)
2013-11--Proposed amendment to Rule 41(e)(3), (5) and (6)(Search Warrant Returns by reliable electronic means)

12. Status of Rules Proposals Previously Approved by Committee, Reviewed by Legislative Committee on Judicial Rules, Forwarded to Court with proposed final Promulgation Orders:

Judge Morris reported that this "package" of rules, which has been considered by the Court for promulgation, will be taken up again at the Court's next administrative meeting. Concerns raised as to the wording of proposed V.R.Cr.P. 6(b)(1) (challenges to Grand Jury composition and qualifications of individual jurors) have now been resolved with addition of a clarifying Reporter's Note. There were no other concerns or objections raised. It is anticipated that this group of rules will be approved promulgated by the Court at its next administrative meeting. These include the following:

2010-05-- "Omnibus" Amendments to Conform Rules to the Judicial Restructuring Act and Adopt Gender-Neutral Language; Amendments to Rules 6 (Grand Jury); 18a (Venue for Offenses Charged in Multiple Units that are Subject to Joinder)
2011-06--Proposed Amendments to Rule 12 (Pre-Trial Process and Motions Before Trial; Status Conference)
2012-02--Proposed Amendment to Rule 41 (Add 41(f)—Motion for Return of Property)
2012-05--Proposed Amendment to Rule 6 (Grand Jury Procedures)
2013-01--Proposed Amendment to Rule 18(a)(Venue; Trial of Multiple Charges in Single Adjacent Unit)

13. Adjournment

The next Committee meeting will be scheduled for a date in February, 2015. On motion of Judge Zonay, seconded by Mr. Treadwell, the meeting was adjourned at approximately 3:52 p.m.

Respectfully submitted,

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Walter M. Morris, Jr.
Committee Reporter