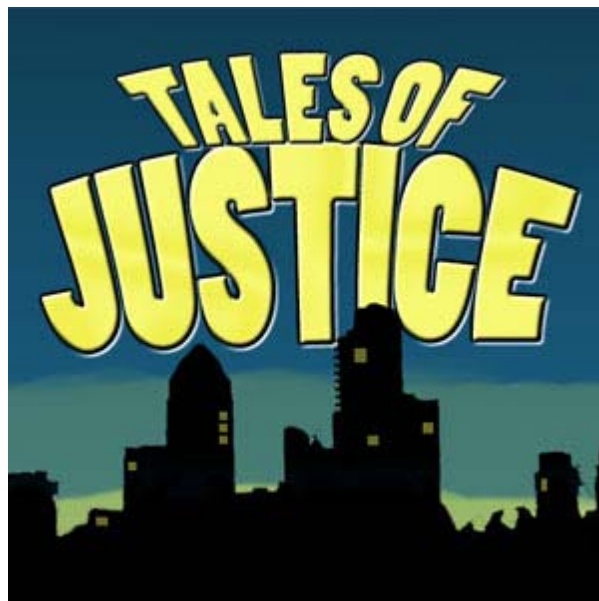


Colorado Bar Association



Criminal Law Section

“Creating Chaos from Order- Since before – well does anyone remember?”

Minutes for the Executive Council Meeting April 7, 2009

Present:

Wadine Gehrke
Tom Hammond
Janet Drake
Ted Tow
Michael Garcia Valdez

Present By Telephone:

Morris Hoffman
Tom Jackson
Tom Moorhead
Amy Bockman
Charles Valdez Garcia

Excused:

Maureen Cain
Lindy Frolich
Michelle Amico
Steve Bernard
Ken Kupfner
Valeria Spencer

Unexcused with Demerits:

Will Hood
Ann England
Norm Mueller
Matt Kirsch
Suzanne Katchmar
Michael Goodbee

1. Call to Order: Wadine Gehrke.

The meeting was called to order at 5:38:41 p.m.

Approval of the Minutes from January , 2009. Janet Drake moved for approval of the Minutes from February 3, 2009. Seconded by Ted Tow. Minutes approved unanimously with a notation to reflect the very special February 17, 2009 meeting pertaining to the Rule 3.8 issue.

2. **Budget/ Treasurer's Report:**

We appear to have a little more money than last month. No motion to approve for the second month in a row, thanks to Charlie F.V. Garcia.

3. **Old Business:**

A. Ideas for Criminal Law Section CLE

Wadine Gehrke met with Priscilla, and they discussed the possibility of ½ time CLE's.

A Fall Technology in the Courtroom CLE was suggested. Someone suggested Ben Hartford from Adams County (I think Goodbee made the suggestion). And Tom Hammond also volunteered in a fit of otherwise unknown lunacy (Ted Tow recommended a blood test for Hammond).

2010 was suggested for a CLE on the updates and the status of the Fourth, Fifth and Sixth Amendments, if they still exist by then.

B. Sentencing Commission? Updates? Legislative Updates?

Charles Garcia announced that he is now on the Community Corrections Task Force and the Probation Task Force. There was no response from the Governor.

Maureen Cain has been helping to create a PowerPoint presentation.

Someone said that everything is being refined right now, but the Legislature is pretty much done, whatever that means. (Ed: There has been a lot of sausage made in the last several days).

Ted Tow said the Justice Commission has had 5 of 6 bills pass. YOS beds will be available for 18 and 19 year olds. The MIP bill has to provide for driver's license revocation, for reasons that were not explained. The earned time bill passed. Juveniles can now move to seal a direct filed case. Senator Morse' bill makes almost all felonies misdemeanors for the first offense according to Ted, who also called it the criminal activity stimulus bill. Apparently juvenile justice will take a back seat to sentencing. We are assuming *arguendo* that Charles Garcia is on the Justice Commission because it's a commission.

C. Final report of the Rule 3.8 Committee

There were no last words or final comments on the status of the Rule changes.

D. Funds for the CCJRC publication

Everyone agreed that we do not have funds to offer support to the CCJRC publication "Getting On While Getting Out - A Re-Entry Guide for Colorado." We will put

out an email to the membership with a link to the CCJRC website for those interested in obtaining a copy of the book.

4. New Business

A. Updating the Criminal Law Section Website.

This was brought to our attention by Mr. Garcia. Requests for volunteers were not embraced by anyone. Therefore Wadine Gehrke is going to look for the time honored technique of pressing students into service. Ted Tow moved for approval of the student impressment idea, which was seconded by Janet Drake and unanimously agreed upon by those present.

5. Legislative Update by Michael Valdez

The long bill was, at 400 pages. It was so long that it arrived a couple days later than usual. The long bill was so long that it went to caucus but was delayed. Several bills to balance the budget were introduced. (Funding for) court security and old offenders were raided. There was a strong attempt not to lay off or furlough judicial employees. The DA's and Public Defenders appear to be weathering the storm.

There was talk about just not hiring the last round of judges, but the issue has been put off and the effective date should be 2010, instead of July 2009 (or not at all).

The LPC authorized the Civil Rights Section of the CBA to speak in opposition to SB 141.

Ted Tow took over at this time to discuss SB 1334 regarding the aggregation of multiple thefts, and the decision in *People v Roberts*. Ted will be asking for support from the Council. Good luck with that, Ted.

6. Adjourn: 6:33:22

Next Meeting: May 5, 2009, 5:30 p.m.