

# CRIMINAL RULES ADVISORY COMMITTEE

November 7, 2025 Meeting  
9:30 a.m.  
Vermont Supreme Court (via Zoom)

## AGENDA

Meeting Opening and General Announcements, Chair John Treadwell;  
Welcome to interim Supreme Court Justice Committee Liaison, Justice Waples

### AGENDA ITEMS:

1. Approve minutes of August 1, 2025 Committee meeting

2. **REPORTS:**

- Status of Various Rules Amendments:

*Promulgated*

- **No recent promulgations.**

*Proposed*

- **2025-08: V.R.Cr.P. 3(k); Court Adding Required Contents for Affidavits/Sworn Statements Submitted per V.R.Cr.P. 5(b) for After-Hours Bail Calls, to Determine Hold without Bail/Bail/Conditions of Release.** (*Amendment transmitted to Court authorizing a mandatory inclusion of a statement of SA's intended charges and a permissive inclusion of SA's Request as to Bail/Conditions; Discussion of any comments received by deadline of November 5, 2025; adoption of proposed rule*) (Treadwell)

### OLD BUSINESS:

3. **2023-04: V.R.Cr.P. 41.1(m)&(n): Non-Testimonial Identification Orders; “Minors”; “Offense”; Application in Delinquency and YO Cases; Revision for Currency of Terms and Consistency with Current Practices and Statutory Expansion of Jurisdiction.** (*Joint Committee of Family Rules Committee Members and Criminal Rules Committee Members met to discuss. Family Rules Committee Chair, Judge McDonald-Cady, Marshall Pahl, Emily Zukauskas, and Judge Amy Davenport from Family Rules; Judge Gray, Jordana Levine, and Domenica Padula from Criminal Rules; Consideration of a revised draft of further amendments to the rule for recommendation by Criminal Rules Committee; Other jurisdiction approaches to the issue; update on subcommittee meeting*);<sup>1</sup> (Heery, Gray)

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<sup>1</sup> See, *Beyond the Davis Dictum: Reforming Nontestimonial Identification Evidence and Rules and Statutes*, 79 U.Colo.L.Rev. 189 (Winter 2008) and Columbia Justice Lab, Emerging Adult Justice Project, *Update on the Implementation of Vermont's “Raise the Age” Law*, Report, January 2024. Note: Since the proposed amendments implicate procedure in delinquency cases, if approved by Criminal Rules Committee they should be sent to Family Rules Committee for comment prior to request for publication.

4. **2025-07: V.R.Cr.P. 32.1; Committee Review and Provision of Comments/Suggested Further Amendments to draft of V.R.Cr.P 32.1 proposed revisions designed to update procedures and process for probation revocation and modifications;** *Committee consideration of updated draft language amended based on prior Committee discussion; (Treadwell)*
5. **2025-05: Update for the Committee on Civil Rules Committee consideration of new rule, V.R.C.P. 80.12, regarding post-conviction proceedings.** *(Treadwell)*

**NEW BUSINESS:**

6. **2025-11: V.R.Cr.P. 17; Committee Review of Language and Contents of V.R.Cr.P. 17, Governing the Use of Subpoenas, in Light of Proposed Amendments to Fed.R.Crim.P. 17;** *(Treadwell)*
7. **Any Other Business.**
8. **Closing; Next Committee Meeting Date Scheduled for February 6, 2026; Adjourn.**

[SH; 11/5/25]