

# CRIMINAL RULES ADVISORY COMMITTEE

February 6, 2026 Meeting  
9:30 a.m.  
Vermont Supreme Court (via Zoom)

## AGENDA

Meeting Opening and General Announcements, Chair John Treadwell

### AGENDA ITEMS:

1. Approve minutes of November 7, 2025 Committee meeting

### 2. REPORTS:

- Legislative Committee on Judicial Rules, Meeting on December 12, 2025  
*(Treadwell; Heery)*

- Status of Various Rules Amendments:

Promulgated—

- There are no promulgated Criminal Rules amendments before the Court at this time.

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 comments received by States Attorneys following the initial deadline of November 5, 2025; discussion of status of proposed rule) (Treadwell)*

### OLD BUSINESS:

3. **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 suggested stylistic amendments to previously voted upon draft) (Treadwell)*

4. **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 consideration of suggested amendments; 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> (Gray)
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)*
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;** *(Subcommittee consisting of Judge Gray, Ian Sullivan, Jordana Levine, and Jess Burke to consider any suggested amendments for recommendation by Criminal Rules Committee)(Treadwell)*

**NEW BUSINESS:**

7. **2026-01: V.R.Cr.P. 49; Committee Review of Suggested Amendments to the Rule for Service, Filing, and Signing of Papers.** *(Proposed amendments to update language)(Treadwell)*
8. **2026-01: Miscellaneous Updates; Committee Review of Language of Various Criminal Rules** *(Proposed amendments to remove gendered language from various Criminal Rules without substantive changes)(Treadwell)*
9. **Any Other Business.**
10. **Closing; Next Committee Meeting Date Scheduled for May 1, 2026; Adjourn.**

[SH; 2/3/26]

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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.