

**STATE BAR OF MICHIGAN
CRIMINAL LAW SECTION COUNCIL
MEETING MINUTES OF: April 15, 2008**

MEMBERS PRESENT: Michael J. Brady, Opolla Brown, David Gilbert, Stephen J. Gobbo, Hon. John T. Hammond, Ken Malkin, Charles Marr, Jodi Latuszek, Barbara Levine, Daniel M. Levy, Charles H. Marr, M. Jon Posner, Thomas C. Rombach, Ralph C. Simpson, Mathew Smith, Steve Taratuta, Michael Marutiak, Erika s. Julien

OTHERS PRESENT: Elaine Spiliopoulos, Bruce A. Timmons, Kim Eddie

ABSENT WITH NOTICE: Graham Teall, Jim Shonkwiler

ABSENT WITHOUT NOTICE:

The meeting was called to Order at: 7:00 pm

Legislative Update: Proposal to change expungement to not more than 1 felony nor more than 2 misdemeanors. Must go to the court of conviction for application. Bill to allow unpaid leave time to attend court for victims. New copper wire bills 357, 358, 5335, 5361, 5362.

Spring Conference

St. John's cannot accommodate 2nd week in June. Conference on issues related to cold cases or repeat trials, investigative subpoenas, State grand jury. Charging fee for conference? \$20, \$25 Lunch on your own or provide lunch? Motion for \$5000 budget approved. Expenses for Chair to attend approved.

Custodial Interrogation

Saginaw buzz saw. Problem with the researchers thought they were bias. Eaton Co. receptive problem is the researcher. Storage issues. If mistake with equipment or malfunction what happens? Equipment goes on as soon as you walk through the door. Where do you record? Cameras are to the officer's advantage. Most of the money spent on equipment. Purchased at bare minimum. Budget \$25K \$5000 will cover the rest of the year. SBM gave \$10K or \$15K Criminal Law Section already approved \$5000. Motion carried to distributed additional \$5,000 to Task Force.

91 day trial track

Proposal to have time limit changed to 6 months. Come back with a specific resolution the Section could then propose it at the State Assembly.

Representative Assembly

Steve Gobbo

6.201(b)(6) Preservation of Electronic records. Last line “failure to preserve” would be adverse to the prosecution.

6.425 (b)(c) Providing copy of presentence report to the defendant and defense counsel before 14 days before sentencing.

Motion to support person getting a report in a reasonable time. Support in principle getting a report ahead of time.

Adjournment: 8:50 p.m.

**2007-2008 Calendar
Criminal Law Section Council**

October 16, 2007	Council meeting
November 13, 2007	Council meeting
December 18, 2007	Council meeting
January 15, 2008	Council meeting
*February 12, 2008	Council meeting (tentative)
February 18-20, 2008	Shanty Creek conference
March 18, 2008	Council meeting
April 15, 2008	Council meeting
May 20, 2008	Council meeting
June 17, 2008	Council meeting (canceled)
June 13, 14 2008	Spring Conference
September 19, 2008	Annual meeting at Dearborn Hyatt Regency (SBM Annual Meeting September 17-19)

Section Council meetings begin at 6:30 pm.

They are held in a meeting room in Christie’s Bistro at the Sheraton Hotel on Creyts Road, Lansing.