

COMMITTEE ON RULES OF PRACTICE AND PROCEDURE  
OF THE  
JUDICIAL CONFERENCE OF THE UNITED STATES  
WASHINGTON, D.C. 20544

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EVIDENCE RULES

**TO:** Hon. Alicemarie H. Stotler, Chair  
Standing Committee on Rules of Practice  
and Procedure

**FROM:** Hon. D. Lowell Jensen, Chair  
Advisory Committee on Federal Rules of Criminal  
Procedure

**SUBJECT** Report on Proposed and Pending Rules of Criminal  
Procedure

**DATE:** November 29, 1994

**I. INTRODUCTION.**

At its meeting October 6-7, 1994, the Advisory Committee on the Rules of Criminal Procedure considered proposed or pending amendments to several Rules of Criminal Procedure. This report addresses those proposals. The minutes of that meeting are attached.

There are no items affecting the Rules of Criminal Procedure which require action by the Standing Committee at its January 1995 meeting.

**II. RULES OF CRIMINAL PROCEDURE PUBLISHED FOR PUBLIC COMMENT.**

There are currently two proposed amendments to the Rules of Criminal Procedure which are pending public comment. The first, is an amendment to Rule 16 which would affect pretrial discovery of expert testimony and the names and addresses of government witnesses. Originally two dates were set aside for hearings on the proposals. Due to a lack of interest, the hearing scheduled for New York city on December 12, 1994 has been canceled. It appears that several witnesses will appear at the scheduled hearing in Los

Angeles on January 27, 1995. To date, five written comments have been received on the proposed amendments.

### **III. RULES PENDING BEFORE THE ADVISORY COMMITTEE**

The Committee has considered proposed amendments to Rule 5 (disposition of defendants not in custody), Rule 10 (entry of guilty plea at arraignment), Rule 16 (which would require the parties to confer on discovery), Rule 24( attorney conducted voir dire), Rule 35(c) (correction of sentence), Rule 40(a)(commitment to another district) and Rule 46 (release from custody).

Although the Criminal Rules Committee has no proposed amendments to present to the Standing Committee at this time, the Committee decided to consider amendments to Rules 10, 24, and 35(c) at its April 1995 meeting.

### **IV. EVIDENCE RULES CONSIDERED BY THE ADVISORY COMMITTEE.**

At its meeting in Santa Fe, New Mexico, the Committee carefully studied the rules of evidence adopted by Congress as part of the Crime Control Act. Rather than offer specific objections or language to the Evidence Advisory Committee, the Committee focused on a number of general policy considerations and passed its views along to the Evidence Committee. The attached minutes reflect the positions suggested by the Criminal Rules Committee.

Attachment: Minutes of Committee Meeting