



UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
402 FEDERAL COURTHOUSE
GRAND RAPIDS, MICHIGAN 49503-2363

RECEIVED
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03-CR-003

October 22, 2003

(616) 456-2021

CHAMBERS OF
ROBERT HOLMES BELL
CHIEF DISTRICT JUDGE

Mr. Peter G. McCabe, Secretary
Committee on Rules of Practice and Procedures
of the Judicial Conference
Thurgood Marshall Federal Judiciary Building
Washington, D.C. 20544

RE: Proposed Amendment to Federal Rule of Criminal Procedure
32(i)(4)(B)

Dear Mr. McCabe:

I write in opposition to the amendment of F.R.Crim.P. 32(i)(4)(B), requiring the court to permit the victim of a crime not involving violence or sexual abuse "to speak or submit any information about the sentence."

Several points need be made here by someone who is in the courtroom daily and confronts the situations where victims must be given an opportunity to speak 'or submit any other information.' The required Presentence Report is required to reflect, in part, the victims perspective on the crime. Therefore, the court learns nothing new from a victim speaking. Furthermore, in some circumstances the demeanor and vindictive malice the victim spews forth in the courtroom demeans the entire process, adding nothing new. The definition of 'victim' is so vague that many, many people demand to be heard, again to frequently articulate venomous statements to the defendant having little to do with the seriousness of the proceeding.

In short, this entire section (B) should be written to give the trial judge the discretion to permit a victim to speak to the court as well as permitting the trial judge the ability to determine what form the speech takes, thereby ensuring the purposes to be achieved by such a process. It is clear a 'right' has been created for victims without the required parameters for exercise of this right.

I thank you for permitting me to comment on the proposed amendment.

Sincerely,

Robert Holmes Bell
Chief United States District Judge

RHB/kb