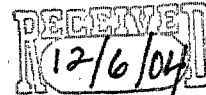


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04-CR-001

*Frank W. Dunham, Jr.
Federal Public Defender*

November 29, 2004

04-EV-004

Secretary of the Committee on Rules
of Practice and Procedure
Administrative Office of the United States Courts
One Columbus Circle, N.E.
Washington, D.C. 20544

RE: Comments on the Preliminary Draft of Proposed Amendments to
Criminal Procedure Rule 5 and Federal Rule of Evidence 408

With regard to proposed changes to Rule 5, Fed.R.Crim.P., Initial
Appearance:

The Rule should make clear that non-certified photocopies are not the
equivalent of "reliable electronic means."

With regard to proposed changes to Rule 408, Fed.R.Evid., Compromise and
Offers of Compromise:

It should be made clear within the context of the Rule itself that
statements made by a representative or agent of a party in an attempt to settle
a claim are never admissible against the party in any context, civil or criminal.

Very truly yours,

A handwritten signature in black ink, appearing to read "Frank W. Dunham, Jr.", written in a cursive style.

Frank W. Dunham, Jr.
Federal Public Defender