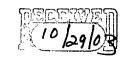


UNITED STATES DISTRICT COURT

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

October 22, 2003



03-CR-003

(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 many. 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.

Robert Holmes Bell

Sincerely

Chief United States District Judge