

Chambers of
Jane Magnus-Stinson
Senior District Judge

United States District Court
Southern District of Indiana
Room 255, U.S. Courthouse
46 East Ohio Street
Indianapolis, IN 46204

(317) 229-3670

March 18, 2026

Carolyn A. Dubay, Secretary
Committee on Rules of Practice and Procedure
Administrative Office of the United States Courts
One Columbus Circle, NE, Room 7-300
Washington, D.C. 20544

RE: Proposed Amendment to Rule 15

Dear Ms. Dubay:

I recently learned of the proposal to amend Criminal Rule 15 to permit limited depositions. I support the proposal as a matter of fundamental fairness, and I am aware that the Rules Committee has heard from others who share this view. I served for 12 years as a state court judge with major felony jurisdiction, and the use of sworn recorded statements (as opposed to formal depositions) was routine, non-controversial, and supported the search for the truth. As the Committee has been advised, this practice facilitated case resolution considerably.

The second reason I support the proposal is that in some circumstances, there is a serious dispute about the accuracy of the "302" reports prepared by government agents. In one case in particular, I conducted days-long hearings to determine the contents of a defendant's three-hour proffer, as the government had asked to permit its use for impeachment. The accuracy of the 302 of the proffer was vigorously contested. I concluded that the 302 was not wholly accurate, and allowed the deposition of the agent. On the day the deposition was to occur, the case was dismissed. It was a dramatic outcome for a multi-year prosecution. Of course, the entire issue could have been avoided had the defendant's proffer been recorded, but that is a topic for another day.

Judges have the experience and ability to manage the criminal discovery process, including the use of protective orders when warranted. Please contact me if you need any additional information.

Sincerely,


Jane Magnus-Stinson