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April 9, 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 DC 20544  
[RulesCommittee\\_Secretary@ao.uscourts.gov](mailto:RulesCommittee_Secretary@ao.uscourts.gov)

Dear Ms. Dubay:

This letter supports the proposal to amend Federal Rule of Criminal Procedure 15, which would allow for limited pretrial depositions. I agree with the position of others who have already written in support of this proposed rule.

I have been a criminal defense attorney for 26 years. After serving 13 years in the Tulsa County Public Defender's Office, I joined a civil firm and started practicing in Federal Court on the criminal justice act panel for the Northern and Eastern District of Oklahoma. I was genuinely surprised in working my civil cases, (especially preparing depositions) the access of discovery that was never granted me in any of my previous criminal cases. It is mind boggling that a case focused on money gets broader discovery than a person who is facing the loss of liberty and life.

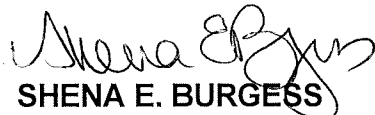
I cannot count how many times that when questioning witnesses in detention hearing, preliminary hearing, suppression hearings and eventually trial that the written discovery did not match what was provided in discovery. Witnesses do not have to talk to me or my

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investigator. They would have to answer to a deposition. This is for fundamental fairness and due process. This is to allow truth and justice to see the light of day.

Constitutional criminal law is so fundamental that it appears in the Bill of Rights, Amendments 4,5,6, and 8<sup>th</sup>. These were placed to ensure individual rights and protection from the overreach of the government. The proposed amendment to Rule 15 will once again bring the rule in compliance with our founding father's principles of individual rights. I have consulted with the Federal Public Defenders for the Northern, Eastern and Western District of Oklahoma and they join this request.

Sincerely,



**SHENA E. BURGESS**

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Northern District of Oklahoma Panel Representative