
From: Dean Pregerson
Sent: Wednesday, January 21, 2026 3:23 PM
To: RulesCommittee Secretary
Subject: Proposal To Amend Federal Rules of Criminal Procedure 15

VIA EMAIL

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

Re: Proposal To Amend Federal Rule of Criminal Procedure 15

Dear Ms. Dubay:

I had the honor of serving as a United States District Court Judge for the Central District of California for 28 years. I retired on June 1, 2025. My Chambers were in Los Angeles. It is a very busy district. During my tenure, I estimate that I presided over about 1000 federal felony criminal cases. My cases included complex conspiracy cases, some involving over 30 co-defendants. I tried many criminal cases to verdict. I, likewise, handled many pre-trial motions involving a defense request for access to material witnesses. I cannot recall the precise number, but many motions involved defense counsel stating that, although hypothetically it was understood by the government and by defense counsel that such witnesses were "free to speak with anyone", the reality was that the witnesses often would not agree to a defense interview. I am not, in anyway, implying impropriety by the government from the fact that some witnesses were reluctant to interviewed by the defense.

The witnesses may have had understandable concerns about exposing themselves to liability or worries about their safety. I do not minimize those concerns in anyway. During my career on the bench, I have seen a lot.

I have reviewed some of the submissions in support of the proposal. The reasons are well-stated and come from thoughtful individuals.

My reasoning centers around Brady. Brady is a cornerstone of a fair process. The problem often is that a prosecutor, in analyzing its Brady obligation, does not always have a clear picture of the defense position. The defense, for obvious reasons, is likewise often reluctant to show its hand. So, you find that prosecutors are placed in the difficult position of making decisions about what qualifies as Brady material without often knowing the materiality of what a witness might say. This same concern could arise when the prosecution is interviewing potential witnesses. The interviewer may have failed to ask, from the defense perspective, key questions. There is also the situation in which the government may have decided to forego interviewing a witness and that witness, for ma reasons, refuses to be interviewed by the defense.

I have mulled over the proposed amendment. Ultimately, I asked myself this question: Does the proposal promote the integrity of the criminal justice system? If implemented with the appropriate safeguards, I believe that that the answer is “yes.”

Sincerely,
Dean D. Pregerson