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August 28, 2026

Via email: RulesCommittee_Secretary@ao.uscourts.gov

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 Fed. R. Crim. P. 15

Dear Ms. Dubay and Members of the Committee:

I write to express support for the proposed amendment to Rule 15 of the Federal Rules of Criminal Procedure. I am a criminal defense attorney Missoula, Montana, and have practiced in both federal and state courts for more than fifteen years. I currently serve as the CJA Panel Attorney District Representative for the District of Montana. I also practice plaintiff's civil litigation.

An amendment to Rule 15 to allow a limited number of pretrial discovery depositions levels the playing field. The government routinely enjoys unfettered access to witnesses for interviews and has compulsory process available through the grand jury. The defense generally does not have access to witnesses and not compulsory process short of trial. Allowing pretrial depositions helps a citizen determine testimony prior to trial that traditionally has only been available to the government. A rule permitting limited, court-approved depositions would close that gap, allow both sides to make more accurate assessments of the evidence, and potentially lead to more informed resolutions.

Every case is different and not every case would require a pretrial deposition, if available. Some cases, however, would benefit immensely. In 2018, we were involved in a trial where a state detective conducted a search on a vehicle. After photographing and removing the contents of the vehicle, he determined another search would be necessary, put the contents back in the vehicle, took photographs, then removed the contents a second time. Photographs of the first

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search were never disclosed in discovery. This issue came out at trial during testimony, testimony that would have been given in a pretrial deposition. The issue led to resolution prior to jury verdict. This resolution likely would have occurred pretrial if depositions were available.

For these reasons, I respectfully urge the Committee to adopt the proposed amendment to Rule 15. Thank you for your consideration. If I can provide any further information in this regard, please do not hesitate to contact me.

Sincerely

SCHULTE LAW FIRM P.C.

/s/ Dwight J. Schulte

Dwight J. Schulte