



5501 Eagle Rock Ave. Suite C2
Albuquerque, NM 87113
505.639.5709
505.433.5812 fax
www.rjvlawfirm.com

Attorneys at Law

Ryan J. Villa
ryan@rjvlawfirm.com

Katherine Loewe
kate@rjvlawfirm.com

Richelle Anderson
richelle@rjvlawfirm.com

Kelly K. Waterfall
kelly@rjvlawfirm.com

Daniel C. Chadborn
daniel@rjvlawfirm.com

Jacqueline L. Hoswell
jacqueline@rjvlawfirm.com

August 24, 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:

I am writing to you to provide insight into my support for the proposed amendment to Rule 15 of the Federal Rules of Criminal procedure. I am a criminal defense attorney practicing in the District of New Mexico for over 20 years and the district's CJA Counsel Panel Representative. I have been on the New Mexico CJA panel since 2010, the Tenth Circuit panel since 2017, and I have been the panel representative for New Mexico since 2020. I also practice in the areas of civil rights and personal injury. I have reviewed the proposal to Rule 15 and believe the amendment should be passed. My support for allowing a limited number of pretrial depositions in federal criminal cases stems from my experience defending numerous clients, both at the trial and appellate levels and my experience litigation civil matters which involve extensive deposition practice.

The primary reason to pass the amendment is fairness. At the pretrial stage, the prosecution often has unfettered access to witnesses who readily cooperate and provide all information requested. These witnesses frequently choose not to cooperate with the defense pretrial investigation. The prosecution can also use compulsory process before trial through the grand jury by issuing subpoenas to witnesses who may not want to cooperate. The defense does not have access to the grand jury testimony until trial or right before trial. Allowing depositions for critical witnesses would enable the defense to have access to the same information as the prosecution. Not only does this create a level playing field, but it will assist the defense in evaluating their case pretrial and could lead to more pretrial resolutions. One of the largest hurdles to a pretrial resolution is not knowing what a witness might say at trial. My clients often have a different belief than the government about what a witness's testimony could be. A deposition helps solidify that testimony. This helps both parties evaluate the case and improves the quality of representation for all involved. Thus, the proposed amendment not only promotes fairness, but efficiency, as it can help ease the congestion of court dockets caused by unnecessary trials.

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By Rules Committee Staff at 7:44 am, Sep 09, 2026

Thank you for your consideration in this matter. If I can provide any additional information, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'RJ Villa', with a stylized, cursive script.

RYAN J. VILLA
CJA Counsel Representative DNM