



Comments on Proposed SDTX Rules Changes  
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Good Morning,

I went directly to the proposed criminal rules changes and came across some interesting language:

At the time of this amendment, many questions remain unresolved by the courts concerning Article 36, including whether it creates individual rights that may be invoked in a judicial proceeding and what, if any, remedy may exist for a violation of Article 36. *Sanchez-Llamas v. Oregon*, 548 U.S. 331 (2006). This amendment does not address those questions. More particularly, it does not create any such rights or remedies.

Is it my understanding that the proposed rule change is as valuable as the ink with which it was written? I see no value added to anyone's life or liberty without an enforcement mechanism. The committee seems to bend over backwards for enforcement of civil rules. Why not do so for criminal rules?

Why did the proposed rule change not include a defined time within which law enforcement (LE) must make consular notification?

Why bother making a rule if the nebulous term "without delay" allows law enforcement to notify the detainees' consulates as and when they see fit?

If LE fails to notify the consulate, what's the remedy? Why has no right to redress this failure to notify

consular officials been included in the rule change?

Also, has the committee considered any rule change regarding a procedural mechanism by which defendants may seek pretrial redress for an Asst. U.S. Attorneys' failure to disclose Brady material? If the committee were intellectual honest, it would have realized long ago that three card monte is not just a game played by hustlers on the streets of big cities. I invite you to read some of my trial transcripts. Therein you will find "three card monte", "hide and seek", "oops I forgot to give that too you", as well as other games played by prosecutors.

Thank you for your time and attention in this matter.

Regards,  
George C. Lobb, Esq.