

United States District Court
EASTERN DISTRICT OF NEW YORK
225 CADMAN PLAZA EAST
BROOKLYN, NEW YORK 11201

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04-EV-002

JACK B. WEINSTEIN
SENIOR JUDGE

November 3, 2004

Honorable Jerry E. Smith, Chair
Advisory Committee on Evidence Rules
Committee on Rules of Practice and Procedure
of the Judicial Conference of the United States
Washington, D.C. 20544

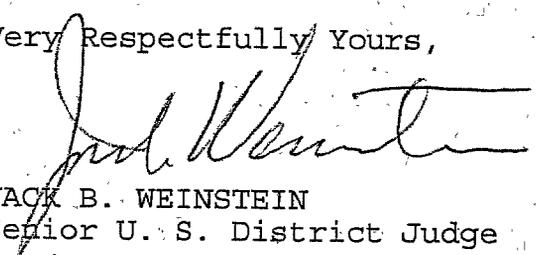
My Dear Chair of the Advisory Committee on Evidence Rules:

I am dubious about allowing any conduct or statement made in compromise negotiations to be used in criminal cases (Rule 408). Often the party will be unsupervised by counsel and may make statements for a variety of reasons that throw doubt on reliability.

I also question the fairness of expanding a "crime" beyond its operative elements (Rule 609). Pleas and convictions are precisely based only upon statutory elements.

Both these proposed changes will seriously disadvantage defendants in some cases. Both seem based on a bad policy and theory.

Very Respectfully Yours,


JACK B. WEINSTEIN
Senior U. S. District Judge

CC: Hon. David F. Levi, Chair
Standing Committee on Rules of
Practice and Procedure
Committee on Rules of Practice and Procedure
of the Judicial Conference of the United States
Washington, D.C. 20544

Peter G. McCabe, Secretary ✓
Committee on Rules of Practice and Procedure
of the Judicial Conference of the United States
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