

03-AP-190

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CriminalRule: Yes  
Comments:

I am opposed to proposed FRCP 32.1. Indigent defendants will be particularly prejudiced by citation to unpublished decisions. Pro se litigants and sole practitioners have little or no access to electronic data bases, and will be largely unable to comply with the service requirements of citing unpublished cases. Perhaps worse, unpublished decisions result from the majority of appeals in criminal cases. Analysis of the law is often somewhat brief in these cases, and should not be used thereafter against criminal defendants, particularly indigent ones.

For all these reasons, I oppose proposed FRCP 32.1.

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