

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
903 SAN JACINTO BLVD., SUITE 440
AUSTIN, TEXAS 78701

05-CR- 003

HARRY LEE HUDSPETH
Senior Judge

November 2, 2005

Mr. Peter G. MaCabe, Secretary
Committee on Rules of Practice and Procedure
Thurgood Marshall Federal Judiciary Building
Washington, D.C. 20544

Re: Proposed amendment to Rule 32(k), Fed. R. Crim. P.

Dear Peter:

I appreciate the opportunity to comment on the Preliminary Draft of Proposed Amendments to the Criminal Rules. My comment is directed to the proposed amendment to Rule 32(k), Federal Rules of Criminal Procedure, which purports to require us to use a specific form of judgment in all criminal cases. This is a bad idea.


As you know, all of our border Districts are inundated with criminal cases (mostly drug related), and our judges generate a huge volume of criminal judgments. All of us have designed ways to make our judgment process more streamlined and more efficient. The overly long and complicated judgment form promulgated by the Judicial Conference / Administrative Office is not designed to meet our needs. To put it another way, a form which might be reasonable and appropriate for use in Vermont or New Hampshire may not be reasonable or appropriate in Texas, New Mexico, Arizona, or California. Therefore, I object to any rule which would require all of us to use a "one size fits all" form.

I do give the Rules Committee credit for admitting the real reason behind this proposed amendment, to-wit: to make it easier for the Sentencing Commission to compile statistics. However, in addition to disagreeing with the proposition that our judgment forms make life too difficult for the employees of the Sentencing

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Commission, I would point out that the courts do not work for the Sentencing Commission. The Committee should reject the proposed amendment to Rule 32(k) because its positive aspects, if any, are outweighed by the negative aspects.

Yours very truly,



Harry Lee Hudspeth

HLH:jw

cc: Chief Judge Walter S. Smith, Jr.

William G. Putnicki, Clerk of Court