

United States District Court
Northern District of Texas

Chambers of
Judge John McBryde

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November 7, 2005

05-CR- 005

Secretary
Committee on Rules of Practice & Procedure
Administrative Office of the
United States Courts
Washington, D.C. 20544

Please accept this as my comment on the proposed addition of the language "[t]he court must use the judgment form prescribed by the Judicial Conference of the United States" to Rule 32(k) of the Federal Rules of Criminal Procedure.

The Committee Note says that "[t]he amendment is intended to standardize the collection of data on federal sentences by requiring all courts to enter their judgments, including the statement of reasons, on forms prescribed by the Judicial Conference of the United States." There are few things that would be more demeaning of the members of the federal judiciary than a rule requiring judges to use a standardized form of judgment in connection with any matter so that an agency or administrative body might be more readily able to extract desired information from the document. If such a rule were to be adopted as to judgments signed by judges in criminal cases, similar rules could as logically be adopted in other situations whenever some agency or administrative body concludes that it would gain by having information concerning judicial actions more conveniently available.

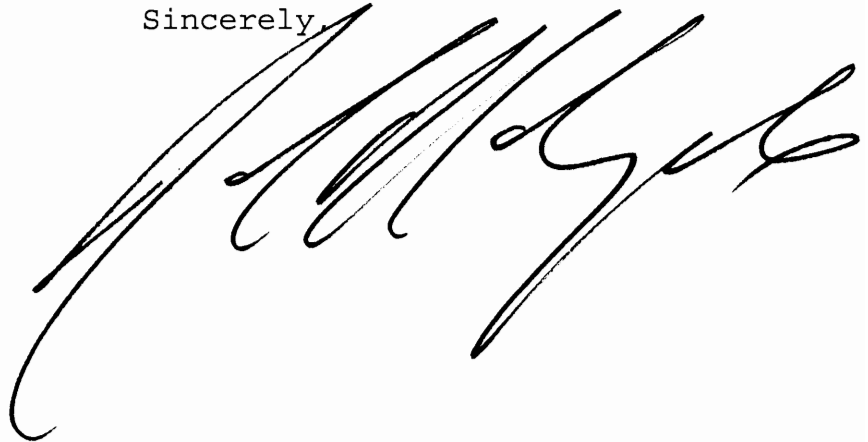
I decided several years ago that I would prefer not to use the multiple choice, somewhat puzzling form for criminal judgments that had been recommended by someone. Instead, I worked with our computer people to create a format that makes sense to me and is consistent with my style of preparing judgments. The form I use has a statement of reasons in an attachment by which I provide the information called for by 18 U.S.C. § 3553(c). Moreover, my understanding is that our Probation Office provides a report to the United States Sentencing Commission as to each criminal judgment I sign, giving the Sentencing Commission the information it has indicated it needs. Presumably, the data to which the Committee Note refers

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can be provided in the future the same way it is now being provided.

Summed up, I strongly oppose the proposed amendment to Rule 32(k), and I urge that it not be adopted. Each judge should be trusted to have good enough sense to prepare an appropriate judgment in a criminal case. We should not be told that we must use particular forms, whether multiple choice, check-the-blanks, or otherwise, for criminal judgments or any other kind of judgment or order we might sign.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to be 'M. J. G.' with a long, sweeping underline.

JM/lr