

Lee A. Christofferson
District Judge

Lori Schlieve
Electronic Court Recorder

State of North Dakota
District Court
Northeast Judicial District
524 4th Avenue NE Unit 10
Devils Lake ND 58301-2490

Phone: (701) 662-1300



Fax: (701) 662-8539

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IN THE OFFICE OF THE
CLERK OF SUPREME COURT
JUNE 22, 2016
STATE OF NORTH DAKOTA

Via e-mail only:

Penny Miller
Clerk of ND Supreme Court
North Dakota State Capitol
Judicial Wing, First Floor
600 E. Boulevard Avenue
Bismarck ND 58505-0530

Re: Proposed change to N.D.R.Crim.P 10

Dear Ms. Miller:

I write to offer comment to the proposed change to Rule 10 (Arraignment) of the North Dakota Rules of Criminal Procedure permitting a defendant to waive presence at the arraignment.

While the Rule already allows for waiver of a defendant's presence at the preliminary hearing, I am opposed to any waiver of presence at the arraignment. The use of waivers without having the defendant present in court seems to trivialize the seriousness of a felony charge. In addition, by having the defendant and counsel present, the scheduling for a motion deadline, pretrial hearing, plea agreement deadline, and trial date can be considered when everyone is present to coordinate common available time.

I urge the Supreme Court to reject the proposal.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read 'Lee A. Christofferson', written over a printed name.

Lee A. Christofferson

LAC/lis