

## **RULE CR-15A. DEPOSITION OF WITNESS OTHER THAN MATERIAL WITNESSES**

**(a) Manner Taken.** Except in the case of the deposition of a material witness, an oral deposition ordered by the court under Federal Rule of Criminal Procedure 15, may be recorded stenographically or on videotape if taken in accordance with the "Guidelines for Non-Stenographic Deposition," set forth in Appendix I.

**(b) Stenographic Deposition.** The original of a stenographic deposition must be delivered to the party who sought the deposition after one of the following has occurred:

- (1)** the deponent has signed the original deposition;
- (2)** the deponent and all interested parties have waived on the record the signing by the deponent; or
- (3)** the stenographic reporter has certified that the deponent has failed to sign the deposition after giving reasonable notice of the availability of the transcript to the deponent and the deponent's attorney (if any).

**(c) Videotape Deposition.** The original of a videotape deposition must be delivered to the party who sought the deposition after one of the following has occurred:

- (1)** the deponent has reviewed the videotape and certified its accuracy; or
- (2)** the deponent and all interested parties have waived review and certification in writing; or
- (3)** the reporter has certified that the deponent has failed to sign an acknowledgment of review of the deposition after giving reasonable notice of the availability of the videotape to the deponent and the deponent's attorney (if any).

**(d) Custody.** The party who sought to take a deposition must maintain custody of the original transcript, or the original videotape deposition and certification, or any written waiver of certification. That party must make the deposition available for appropriate use by any party in a hearing or a trial of the case.

**(e) Material Witnesses.** The deposition of a material witness is governed by CR-15B.

### **Committee Note**

The language of Rule CR-15A has been amended as part of the general restyling of the local criminal rules to make them more easily understood and to make style and terminology consistent throughout the rules. The rule has been revised to add procedures for the videotaping of depositions. The rule does not govern the depositions of detained material witnesses, which is addressed by Rule CR-15B.