

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA

Cr. Misc. No. 2:12 cm 2522 - WKW

**STANDING ORDER SEALING  
PLEA NEGOTIATION DOCUMENTS**

Having evaluated the issues of the personal safety of cooperating defendants in criminal cases in this district and the public's right to access documents about the business of the Court, it is ORDERED that the policy of this district, effective immediately, is that certain plea negotiation documents shall be automatically placed under seal when filed in this court. The plea agreement shall continue to be filed as a public document, but every plea agreement shall have a separate addendum filed under seal containing cooperation information, terms and agreements, if any. There shall be an addendum filed under seal irrespective of whether there is cooperation in the case. These documents include plea agreement addenda, motions for downward departure and certification of substantial assistance pursuant to U. S. S. G. § 5K.1.1, all sentencing memoranda and responses thereto, motions for reduction in sentence pursuant to Rule 35, Federal Rules of Criminal Procedure, and motions and orders relating to release or transfer of custody of a defendant for the purposes of cooperation with the government.

The Clerk of the Court is DIRECTED to make the necessary arrangements to have these documents sealed during the electronic filing process. These documents shall be filed as sealed documents rather than sealed entries. The docket sheet shall properly identify plea

agreement addenda, sentencing memoranda referencing cooperation in any way, and responses thereto as such, but motions filed pursuant to § 5K1.1 and Rule 35 shall be identified on the docket sheet as sealed documents, with no reference to the type pleading. Senior management of Probation shall have access to sealed sentencing documents in criminal cases. The Chief Probation Officer shall designate the names of senior management who have this access and shall so notify the Clerk of Court.

It is further the policy of this district that judicial officers not reference activities of cooperating persons in a hearing publically, but that all proceedings and references relating to cooperation be conducted *in camera*, at side bar outside the presence and hearing of the public, or after all spectators have been removed from the courtroom. Orders and transcripts, if filed, referring to cooperation shall be filed as sealed documents.

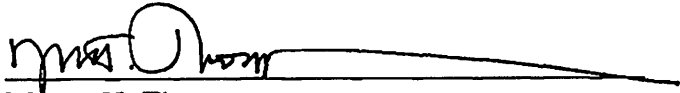
It is ORDERED that no person with access to the documents identified in this Order shall disclose the content of the documents to any other person except counsel of record and associated trial team, employees of the Court and designated employees of the United States Probation Office, except as may be necessary for the proper conduct of proceedings in the case. Nothing herein shall be construed to require government counsel to file a motion to unseal a document in order to disclose the document to opposing counsel.

This order shall remain in effect until further order of the court.

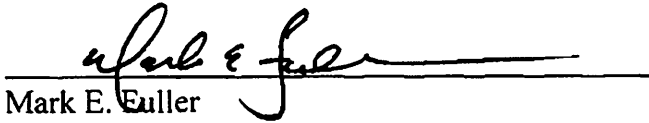
DONE this the 26<sup>TH</sup> day of December, 2012.



W. Keith Watkins  
CHIEF UNITED STATES DISTRICT JUDGE



Myron H. Thompson  
UNITED STATES DISTRICT JUDGE



Mark E. Fuller  
UNITED STATES DISTRICT JUDGE