

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA, NO. CR 13-0210 JSW
Plaintiff,
v. **ORDER** (~~Proposed~~)
JEFFREY DESHON APPLEWHITE,
Defendant.

The hearing set for June 27, 2013 is VACATED, and the parties shall appear on June 20, 2013 as scheduled.

For the reasons stated in the United States' Motion for Protective Order Regarding Discovery, pursuant to Rule 16(d)(1) of the Federal Rules of Criminal Procedure, unauthorized disclosure of discovery material and information contained therein to nonlitigants is prohibited under the following provisions (when the term "Defendant" is used, said term encompasses Defendant's attorney):

A. All materials provided as discovery which were produced by the government in preparation for or in connection with any stage of the proceedings in this case, including, but not limited to, investigators or agency reports, grand jury transcripts, witness statements, memoranda of interview, audio and video tapes, tax returns, correspondence with the Internal Revenue Service, internal books and records of a witness's business, and any documents provided by the government other than trial exhibits (i.e., items actually admitted during the trial and made part of the records), remains the property of the United States. All such materials and all copies made thereof shall be returned to the United States

1 Attorney's Office, Tax Division unless otherwise ordered by the Court or agreed
2 upon by the parties, at the occurrence of the last of the following:

- 3 i. the completion of all appeals, habeas corpus proceedings,
4 clemency or pardon proceedings, or other post-conviction proceedings;
5 ii. the conclusion of the sentencing hearing; or
6 iii. the earlier resolution of charges against the defendant.

7 B. Such materials provided by the United States may be utilized by the
8 Defendant solely in connection with the defense of this case and for no other
9 purpose and in connection with no other proceeding.

10 C. Upon the Defendant's written request to the United States, all
11 specified materials returned pursuant to this order shall be preserved by the
12 United States in connection with any further proceedings related to this case,
13 until such proceedings are concluded.

14 D. Such materials and their contents, and any notes or other record of
15 such materials or their contents, shall not be disclosed either directly or indirectly
16 to any person or entity other than the Defendant, persons employed to assist in
17 the defense or prosecution of this matter, or such other persons as to whom the
18 Court may expressly authorize disclosure upon proper motion.

19 E. Such materials shall not be copied or reproduced except as necessary
20 to provide copies of the material for use by an authorized person as described
21 above to prepare and assist in the defense or prosecution of this matter, and all
22 such copies and reproductions shall be treated in the same manner as the original
23 matter. Certain documents include information private to the government's
24 witnesses and are made available to the Defendant only as a result of the above
25 strict guidelines. These documents include, but are not limited to:

- 26 i. Tax returns and correspondence with the Internal Revenue
27 Service;
28 ii. Grand jury transcripts;

- iii. Records of electronic communications;
- iv. Witness statements contained in agents' reports;
- v. Financial records and summaries of financial records.


G. Before any such disclosure to the Defendant, Defendant's counsel shall personally inform the Defendant of the provisions of this order and direct him not to disclose any information contained in the government's discovery in violation of this order, and shall inform him that any unauthorized disclosure may be punished as contempt of court.

H. The Defendant shall be responsible for controlling and accounting for all such material, copies, notes, and other records described above, and shall be responsible for assuring full compliance by herself and any person assisting in his defense with this order. Written certification of such compliance shall be made to the Court at the time discovery materials are returned to the United States.

I. The provisions above are not meant to limit use of information provided in discovery from being used in pretrial proceedings, investigation, motions and briefs, trial and other proceedings in this litigation, unless the discovery information is protected by another order protecting information received from a financial institution regulatory agency.

IT IS SO ORDERED.

Dated: June 14, 2013


JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE