

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

IN RE: CRIMINAL CASES

STANDING ORDER

WHEREAS, on June 30, 2016, the Committee on Court Administration and Case Management of the Judicial Conference of the United States issued a Memorandum entitled, "Interim Guidance for Cooperator Information";

WHEREAS, said Memorandum recommended that each District Court consider issuing a standing order to minimize the use of case documents to identify cooperators;

WHEREAS, the Court understands the goal of such an order is, as much as is reasonably possible, to make the criminal case dockets and the filings in those dockets look the same for defendants, whether they are cooperators or are non-cooperators; and

WHEREAS, the Court has considered the Interim Guidance, and seeks to implement it;

NOW THEREFORE, this 5th day of December 2016, the Court hereby ORDERS that:

(1) In connection with all Rule 11 plea hearings, the Government shall file a sealed attachment to the memorandum of plea agreement. The sealed attachment shall indicate whether or not any plea terms relate to cooperation;

(2) In advance of all sentencing hearings, the Government shall file a sealed attachment to its sentencing memorandum addressing whether or not the Government is moving for a downward departure pursuant to U.S.S.G. § 5K1.1 and/or 18 U.S.C. § 3553;


(3) All plea and sentencing hearings shall have that portion of the proceeding relative to cooperation conducted under seal, unless otherwise agreed to by the parties and approved by the Court;

(4) Any transcript of a plea or sentencing hearing conducted after August 1, 2016, shall reflect that a portion of the proceeding was conducted under seal;

(5) When the court reporter prepares a transcript of a plea or sentencing hearing, the court reporter shall prepare and file the unsealed and sealed portions as two separate transcripts;

(6) Except as described below, absent a Court Order based upon a showing of good cause, the Clerk of Court shall not provide a copy of any sealed document or transcript relating to the presence or absence of cooperation, as set forth above in (1) to (5), to anyone.

Notwithstanding the above, attorneys for the United States, and attorneys of record for the Defendant, upon request, may obtain copies of the sealed documents or transcripts, and may review the sealed documents or transcripts with the Defendant, but shall not allow the Defendant to retain any copies of the sealed documents or transcripts. Further notwithstanding the above, when an inmate Defendant requests copies of the sealed documents or transcripts, the Clerk of Court shall provide the documents only to the warden of the appropriate institution for review by the inmate Defendant in an area designated by the warden, and the documents may neither be retained by the inmate Defendant, nor reviewed in the presence of another inmate, consistent with the institutional policies of the Bureau of Prisons.

  
Leonard P. Stark  
Chief Judge