

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE: )  
)  
) Miscellaneous No. 17-447  
PLEA AND SENTENCING PROCEDURES )  
)

ORDER OF COURT

AND NOW, this 31st day of May 2017, the Board of Judges for the United States District Court for the Western District of Pennsylvania, having determined that in balancing the public's right to access to certain limited information in criminal cases with the legitimate privacy and safety interests of criminal defendants, certain sensitive and/or confidential information concerning criminal defendants should be shielded from public view on the docket of the Court, including specifically information concerning or affecting a defendant's safety, cooperation or medical or mental health diagnosis or condition, the following is ORDERED:

1. The United States Attorney's Office has revised all plea agreement letters between the United States and Defendants in criminal cases to include reference to a written supplement.

2. The written supplement to the plea letter (the "plea supplement") will either a) contain all provisions related to the Defendant's cooperation with the government, or b) state that there are no additional provisions.

3. The plea letter will be reviewed in open court by the presiding judge and will be filed as an exhibit on the court docket. The plea supplement will be reviewed at sidebar, whether or not the supplement contains additional cooperation provisions, and filed under seal in each case. The transcript of the sidebar conference will be placed under seal. The length of the sidebar conference shall not be recorded in the transcript.

4. The original plea agreement and plea supplement will be returned to the U.S. Attorney's Office by the Clerk after filing.

5. A sealed sentencing supplement will be docketed with every criminal case. The sealed sentencing supplement may constitute a Section 5K1.1 Motion or otherwise supply information concerning or affecting a defendant's safety, cooperation or medical or mental health diagnosis or condition, whether presented by the government or the defense. The foregoing submissions of the United States and the Defendant shall be combined by the Clerk's Office into one sealed sentencing supplement. No motion to seal shall be necessary in the case of information concerning or affecting a defendant's safety, cooperation, or medical or mental health diagnosis or condition. If no cooperation has been provided, the sealed sentencing supplement will so indicate. Sentencing materials, including sentencing memoranda, that address matters other than cooperation, the safety of the defendant, or the defendant's medical or mental health diagnosis or condition, shall be placed under seal only by motion of a party setting forth the justification for sealing the document. Material that does not need to be sealed shall not be combined in the same document with material to be sealed.

6. A sidebar shall be conducted at every sentencing in which the parties either provide information to the Court concerning the Defendant's cooperation or state that the Defendant has not provided cooperation. The transcript of the sidebar conference will be placed under seal. The length of the sidebar conference shall not be recorded in the transcript.

7. The Clerk of Courts, when responding to requests for a copy of the docket sheet or other documents in criminal cases, shall refer the requester to this Standing Order.

8. This order shall be effective July 1, 2017.

FOR THE COURT:

  
JOY FLOWERS CONTI  
Chief United States District Judge