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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	CASE NO. 2:12-cr-0079 MCE
)	
Plaintiff,)	
)	
v.)	STIPULATION AND ORDER
)	CONCERNING DISCOVERY MATERIAL
)	
FELIPE SOLIS,)	
)	
Defendant.)	
)	
)	

The government is preparing to distribute discovery in the above captioned case. The bulk of the discovery, including the complaint affidavit currently under seal¹, contains witness statements, in one form or another, of persons who are in custody. If the discovery material were to be circulated in the institution where those persons are housed, it would put them at risk of being injured, or at least threatened to be injured, by other inmates at those institutions.

¹ The sealing order allows government counsel to give access to the complaint and complaint affidavit to defense counsel as part of the discovery process. The defense has not seen a copy of the affidavit as of the time of this Stipulation.

1 Counsel for the defendant, Jeffrey Staniels, Esq., concurs with this
2 belief. Mr. Staniels and counsel for the government have had
3 discussions about this issue and have agreed that if the discovery
4 containing the statements is provided, the defense will not allow the
5 defendant (who is in pretrial detention) or any other persons,
6 besides investigators of the Federal Defender's Office, to have
7 copies or access to the discovery. Further the investigators shall
8 not allow the material, or copies thereof, to be given to any other
9 person. Finally, this agreement should be put into a protective
10 order so that it would bind not only Mr. Staniels and his
11 investigators, but any other counsel that represents the defendant in
12 the future (whether substituted in the present criminal case, or on
13 appeal, or in collateral attack of any conviction). Therefore, it
14 is requested that the Court enter the attached protective order in
15 this case.

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17 Dated: March 22, 2012

18 BENJAMIN B. WAGNER
19 United States Attorney

20 /s/Richard J. Bender
21 By: RICHARD J. BENDER
22 Asst. U.S. Attorney

23 Dated: March 22, 2012

24 /s/ Jeffrey L. Staniels (by RJB)
25 JEFFREY L. STANIELS
26 Asst. Federal Defender
27 Attorney for Mr. Solis-Sanchez
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UNITED STATES OF AMERICA,)	CASE NO. 2:12-cr-0079 MCE
)	
Plaintiff,)	
)	ORDER CONCERNING DISCOVERY
v.)	MATERIAL
)	
FELIPE SOLIS,)	
)	
Defendant.)	
)	
)	

Upon application of the government and with agreement of counsel for the defense, it is hereby ORDERED that:

1. All discovery provided by the government to the defense in this case, including the complaint affidavit presently under seal, shall be kept confidential by the attorneys for the defense and their investigators. The materials shall not be shown or given to other persons without the written agreement of counsel for the government or further order of court.

2. Notwithstanding the above, the discovery can be shown by defense counsel or their investigators to the defendant for his review in their presence.

1 But the defendant shall not be given the material, or copies of the
2 material, to retain.

3 3. Should defense counsel or defense investigators desire to
4 interview the in-custody witnesses, arrangements to conduct the
5 interviews will be made through government counsel and reasonable
6 steps will be taken to protect the disclosure of the inmates witness
7 status to other inmates at the institution.

8 4. This protective order shall apply to present defense counsel
9 and investigators and to any subsequent defense counsel and
10 investigators. Before any new counsel shall be given the discovery
11 material, new counsel shall be required to sign a copy of this order,
12 acknowledging and agreeing to its provisions.

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14 Dated: March 28, 2012

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17 MORRISON C. ENGLAND, JR.
18 UNITED STATES DISTRICT JUDGE
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