

APPENDIX

TABLE OF CONTENTS

| | <u>Page</u> |
|--|--------------------|
| Order for Disclosure of The United States District Court for the Western District of Virginia entered May 16, 2018..... | 1a |

[ENTERED MAY 16, 2018]

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

IN RE:

VOLUNTARY DISCLOSURES IN FIFTY-FIVE
CLOSED CASES

ORDER

Pursuant to Federal Rules of Criminal Procedure 6(e), 16, and 26.2, 26 U.S.C. §§ 6103(h)(4)(D) and (i)(4)(A), and the authority of this Court to administer its proceedings, and on motion of the United States, it is **ORDERED** that:

1. By Order dated May 3, 2018, the Federal Public Defender was appointed to represent each of the defendants in the attached list of cases.
2. The United States is permitted to disclose to counsel for the defense ¹ as part of voluntary discovery, the information in its possession concerning the former federal task force officer described in its Motion, grand jury materials, tax return information,

¹ In the case of Edward Jaimaal Price, Case Number 4:16cr00006, disclosure should be made also to Joseph Sanzone, Esq., counsel of record on appeal.

criminal histories, medical records, witness interview reports, materials covered by the Privacy Act, and other materials;

3. Any material provided by the United States Attorney's Office to defense counsel shall be covered by this Order and shall be defined as "original material" for purposes of this order;
4. The United States and defense counsel may use this material to evaluate whether collateral review should be, and can be, sought in each of the listed cases; and, if further litigation is initiated in the case, the United States and defense counsel, respectively, may then use this material for the litigation of the matter, and make such further disclosures as may be necessary for, and for the sole purpose of, litigating the matter;
5. Counsel for the defense may use this material solely for the litigation pertaining to the defendants on the attached list, and may not copy any of the material except as needed for review and litigation of the case (any copy is governed by this Order as if it were the original) and may not remove or allow the removal of any of this material from the office of defense counsel unless kept

in the personal possession of defense counsel at all times;

6. Notwithstanding the restrictions set forth in the preceding paragraph, defense counsel may make a copy of any materials provided to counsel for the defendant by the Government to be given to the appropriate person to be placed on file at the facility holding the defendant in a secure location (i.e., warden's office or counselor's office), for the defendant's review. These materials may not be given directly to the defendant and may not be removed from the secure location by the defendant. The defendant is advised that violation of this Order may result, in addition to other potential penalties, in the defendant being required to show cause why the defendant should not be held in contempt of court. Defense counsel must retrieve these materials at the conclusion of the case and either destroy the materials or return them to the U.S. Attorney's Office.
7. Before a defendant views any of the material, defense counsel shall provide the defendant with a copy of this Order;
8. Other than as described in Paragraph 6, the defendant may not be in possession of any of the material unless in the presence of defense counsel;

9. Defense counsel shall diligently protect from unnecessary dissemination any of the following information included in the materials: social security account numbers, dates of birth, financial account numbers, and home addresses. While defense counsel may disclose such information, if necessary for the defense, defense counsel shall not provide to and shall not allow the defendant to possess any documentation of such information.
10. If defense counsel does not wish to receive the above described materials, defense counsel:
 - a. Shall so advise, in writing, the Court and the United States Attorney's upon receipt of this Order;
 - b. Shall not view, nor allow anyone else to view, any of the materials; and
 - c. Forthwith, shall return all materials to the United States Attorney's Office and shall destroy all copies (electronic or otherwise) of the materials;

11. If defense counsel is removed from the case, defense counsel, forthwith, shall return all original material to the United States Attorney's Office;
12. Defense counsel is directed to notify the United States Attorney's Office if he or she becomes aware of any other case in which the former federal task force officer was a potential witness;
13. This order and its provisions continue beyond the conclusion of this case and continue to apply to any defense counsel who is removed from the case; and
14. Notwithstanding interpretations of Virginia Rule of Professional Conduct 1.16(e) or any other provision of law or ethical rule, defense counsel may not provide the materials to a defendant or a representative of the defendant without permission of the Court.

Unauthorized disclosure of grand jury information and tax returns is a violation of federal law. Unauthorized disclosure of any of the material could endanger witnesses, subject them to intimidation, chill their candor, violate their privacy, impede future investigations and have other negative consequences. Witness intimidation, threatening, and tampering are criminal acts and are subject to punishment accordingly. Violation of this Order also may be deemed a contempt of court pursuant to 18 U.S.C. § 401.

6a

ENTERED this 16th day of May, 2018.

/s/ Michael F. Urbanski
CHIEF UNITED STATES
DISTRICT JUDGE