

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

IN RE:
INMATE/DEFENDANT TRANSCRIPT
REQUESTS

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MISC. NO. 00-308

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STANDING ORDER 2019-06

In February 2013, the Court issued Standing Order 2013-03, which in part restricted who may receive a transcript of a guilty plea hearing or sentencing hearing in order to protect the safety of federal inmates who may be coerced by other inmates into providing these transcripts in order to demonstrate they were not cooperating with the government's investigation or in the prosecution of other defendants. Recently, the Court has received reports indicating that further restriction is necessary in order to protect the safety of all federal inmates regardless of their cooperation with the government, as well as the integrity of any ongoing investigations or related prosecutions. Therefore, it is hereby

ORDERED by the United States District Court for the District of Maryland that Standing Order 2013-03 is rescinded; and it is further

ORDERED that, regardless of whether a presiding judge explicitly seals the portion of the hearing discussing the plea supplement or whether the defendant is cooperating, should a transcript be prepared by either (1) a current or former court reporter of this Court or (2) an employee of a commercial transcription service contracted by this Court to prepare an official transcript, the court reporter or transcriber shall prepare two versions of the transcript, the full official transcript and a second that will note the following redaction in place of a transcription of the portion of the hearing discussing the plea supplement or whether the defendant is cooperating:

Conference at the bench.

(It is the policy of this court that every guilty plea and sentencing proceeding include a bench conference concerning whether the defendant is or is not cooperating.)

Unless otherwise directed by the presiding judge, this notation will appear in every transcript, regardless of whether the defendant is cooperating, immediately before the judge accepts the defendant's guilty plea or imposes sentence; the full official transcript shall be filed under seal, while the redacted version shall be accessible to the public; and it is further

ORDERED that, regardless of whether a presiding judge explicitly seals the portion of the hearing discussing the plea supplement or whether the defendant is cooperating, should an official audio recording be prepared by any deputy clerk of this Court, the deputy clerk shall redact from any copy of that recording the portion discussing either the plea supplement or whether the defendant is cooperating; and it is further

ORDERED that the Clerk's Office and court reporters shall only send transcripts of a guilty plea hearing or sentencing hearing requested by counsel of record for an incarcerated defendant to that counsel of record, or requested by counsel of record for a co-defendant to that counsel of record, provided the requesting attorney is a member of the Bar of this Court or of the U.S. Court of Appeals for the Fourth Circuit. The requesting attorney shall not provide the received transcript to any person other than staff of the attorney's office in connection with the representation. All transcripts requested by a federal Bureau of Prisons inmate or an agent of the federal inmate shall only be sent to the Warden of the requesting inmate's correctional institution. The Warden shall then provide the inmate reasonable access to review and to inspect the requested transcript. These restrictions shall apply unless otherwise ordered by the presiding judge in the inmate's case; and it is further

ORDERED that, unless otherwise ordered by the presiding judge, detained or incarcerated persons whether or not housed in the Bureau of Prisons may not possess but may view transcripts from either a guilty plea hearing or a sentencing hearing only in the immediate presence of a judge, prosecuting counsel, defense counsel, a U.S. Probation Officer, and/or the Warden or other custodian (or their designated employee) of a detention or correctional facility in which the person is then housed; and it is further

ORDERED that this Order is effective immediately.

July 24, 2019
Date

James K. Bredar
James K. Bredar, Chief Judge
United States District Court