

CWE/JLB
F. #2020R00955

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

----- -X

UNITED STATES OF AMERICA

- against -

ANULI OKEKE,

Defendant.

----- -X

STIPULATION AND RULE 16(d)(1)
PROTECTIVE ORDER

No. 22-CR-20 (FB)

IT IS HEREBY STIPULATED AND AGREED by and between the undersigned attorneys and ORDERED by the Court, pursuant to Federal Rule of Criminal Procedure 16(d), that:

1. Any and all discovery material designated by the government as “sensitive discovery material” and produced to the defendant ANULI OKEKE (the “defendant”), by the government in the above-captioned case, and any and all copies, notes, transcripts, documents or other information derived or prepared from the sensitive discovery material, may be used by the defendant and defense counsel for any purpose consistent with this Protective Order in furtherance of the representation of the defendant in connection with the above-captioned indictment;

2. Sensitive discovery material is defined as materials that include images, recordings, statements, internal government materials, medical records, or identifying information of individuals other than the defendant whose personal identifying information is

being produced. Defense counsel may petition the Court at any time to challenge the government's designation of material as "Sensitive Discovery Material";

3. Any and all sensitive discovery material produced to the defendant by the government and any copies, notes, transcripts, documents or other information derived or prepared from the sensitive discovery material shall not be further disseminated by the defendant or defense counsel to any individuals, organizations or other entities, other than members of the legal staff of and expert witnesses and interpreters retained by defense counsel (collectively, the "Defense"), who shall be bound by the entirety of this Protective Order, without further notice to and consent by the government, or order by the Court;

4. Each of the individuals to whom disclosure is authorized in paragraph 3, that is, members of the legal staff of and expert witnesses and interpreters retained by defense counsel, shall be provided a copy of this Protective Order and advised that he or she shall not further disseminate any portion of the sensitive discovery material or any copies, notes, transcripts, documents or other information derived or prepared from the sensitive discovery material except in conformity with this Protective Order;

5. The defendant may review the sensitive discovery material only in the presence of defense counsel or defense counsel's legal staff. The defendant is prohibited from having possession, custody or control of the sensitive discovery material, except to the extent necessary for the defendant to review the sensitive discovery material in the presence of defense counsel or defense counsel's staff. The defendant is further prohibited from disseminating any sensitive discovery material and may not provide information from sensitive discovery material to others who are not signatories to the Protective Order;

6. Inadvertent Failure to Designate. Inadvertent failure to designate Sensitive Discovery Material as such may be corrected by supplemental written notice given as soon as practicable. An inadvertent failure to designate documents or information shall not constitute a waiver of a government's right to so designate such documents or information. As soon as the defendant or Defense becomes aware of the inadvertent production, the documents or information must be treated as though they had been timely designated as Sensitive Discovery Material, under this Stipulation and Order, and the defendant or Defense must endeavor in good faith to obtain all copies of the documents that it distributed or disclosed to persons who are not authorized by paragraph 3. If defendant or Defense is unable to obtain the return of all such documents or information, it shall inform the government of those to whom the Sensitive Discovery Material has been disclosed.

7. Challenges by defendant or Defense. The designation of any information as Sensitive Discovery Material is subject to challenge by the defendant or Defense. The following procedure shall apply to any such challenge:

a. Meet and Confer. The defendant or Defense challenging the designation of Sensitive Discovery Material must do so in good faith and must begin the process by conferring directly with the government.

b. In conferring, the defendant or Defense must explain the basis for its belief that the confidentiality designation was not proper and must give the government an opportunity to review the designated material, to reconsider the

designation, and, if no change in designation is offered, the government must explain the basis for the designation.

8. Judicial Intervention. If the defendant or Defense elects to challenge a confidentiality designation, it may file and serve a motion that identifies the challenged material and sets forth in detail the basis for the challenge. Each such motion must be accompanied by a declaration that affirms that the movant has complied with the meet and confer requirements of this procedure. The burden of persuasion of justifying that there is good cause for the confidentiality designation will remain on the government. Until the Court rules on the challenge, the defendant and Defense shall continue to treat the materials as they were designated under the terms of this Stipulation and Order. The defendant and Defense will not be obligated to challenge the propriety of a Sensitive Discovery Material designation at the time made, and failure to do so will not preclude later challenges;

9. None of the sensitive discovery materials nor any copies, notes, transcripts, documents or other information derived or prepared from the sensitive discovery material shall be disseminated to, or discussed with, the media in any form. Nothing in this Protective Order prohibits the media from obtaining copies of any items that become public exhibits at any conference, hearing, trial or other proceeding. Where the defendant and/or defense counsel wishes to attach any portion of the sensitive discovery material to public filings made with the Court, defense counsel must provide advance notice to the government and make application to the Court for authorization to make such disclosure, and such notice must be given sufficiently in advance of the contemplated application so as to permit briefing and argument on the propriety of such disclosure;

10. Nothing in this Protective Order shall preclude the government from seeking a further protective order pursuant to Rule 16(d) as to particular items of discovery material;

11. If the defendant obtains substitute counsel, the undersigned defense counsel will not transfer any portion of the discovery material or any copies, notes, transcripts, documents or other information derived or prepared from the discovery material unless and until substitute counsel enters into this Protective Order;

12. The defendant and defense counsel will return to the government any sensitive discovery materials and all copies thereof, whether in the possession of defense counsel or members of the legal staff of and expert witnesses and linguists retained by defense counsel who have signed this Protective Order, (a) within seven days of a verdict of acquittal rendered by a jury, (b) within seven days of the date when an appeal of any sentence was required to be filed, if no appeal is filed, (c) at the time defense counsel ceases to represent the defendant, or (d) within seven days of the issuance of an appellate decision rendering a final judgment of any direct appeal; and

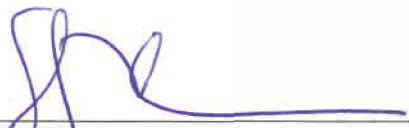
13. Any violation of this Protective Order (a) will require the immediate return to the United States of the discovery material and all copies thereof, and (b) may result in contempt of Court.

Dated: Brooklyn, New York
March 21, 2022

BREON PEACE
United States Attorney
Eastern District of New York

By: Chand Balfour
Chand W. Edwards-Balfour
Assistant U.S. Attorney
(718) 254-6238

Jennifer Lee Bilinkas
Trial Attorney


Sanford Talkin, Esq.
Attorney for ANULI OKEKE

SO ORDERED
this 21 day of March, 2022

/S/ Frederic Block

THE HONORABLE FREDERIC BLOCK
UNITED STATES DISTRICT JUDGE