UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
GREENEVILLE DIVISION

UNITED STATES OF AMERICA,	)	
	)	
v.	)	2:18-CR-25
	)	JUDGE REEVES
LESLIE BETHEA	)	

GOVERNMENT'S MOTION FOR PROTECTIVE ORDER FOR DISCOVERY DISCLOSURE

The United States of America, by and through the United States Attorney for the Eastern District of Tennessee, pursuant to Federal Rule of Criminal Procedure 16(d), applies for a protective order to limit the further disclosure of discovery materials containing confidential information provided to defense counsel in this case. In support of this Motion, the United States would show that:

1. The documents to be provided as discovery and in preparation for trial in this case include electronic copies of documents which contain confidential information protected by court rule, Rule 49.1 of the Federal Rules of Criminal Procedure, including dates of birth, home addresses, social security numbers, financial records, and documents containing other personal identifying information. The documents may also Jencks Act material, and future disclosures of discovery in this case may contain grand jury material and/or Brady/Giglio material. Pursuant to the Court's order in *United States v. Gerald Horner*, Case No. 2:12-CR-105, Document 108, the United States will provide the discovery materials un-redacted.

2. Counsel for the defendant is not willing to sign a discovery disclosure agreement, thus United States seeks an appropriate protective order from the court relating to the discovery containing confidential information protected by Rule 49.1 of the Federal Rules of Criminal

Procedure including dates of birth, home addresses, social security numbers, financial records, and document containing other personal identifying information.

3. The United States requests that a protective order be issued to guard against dissemination of the confidential information and other sensitive personal data contained in materials which will be provided to defense counsel as discovery pursuant to Rule 16 or for use at trial. In particular, the United States requests an order directing that before defense counsel disseminates or otherwise discloses to any person, including the attorney's client, discovery materials or materials provided in preparation for trial which contain confidential information which is referenced in F.R.Crim.P. 49.1, defense counsel shall redact that information from any copies and shall not otherwise disclose that confidential or personal identifying information.

4. The United States further requests that the defendant may not be given copies of any materials which contain "sensitive" information, to include dates of birth, social security numbers, home addresses, or other personal identifying information. The defendant may also not be given copies of Jencks material, to include reports of interviews, Grand Jury Testimony transcripts, and recorded or written statements or reports of statements taken by law enforcement officers of potential witnesses. The defendant may review the materials while in the presence of the defense team, but the defense team must maintain custody and control of the materials.

5. The United States recognizes that the attorney may provide un-redacted copies or otherwise disclose such information to investigators or experts retained by the attorney. The United States would request the Court's order instruct the attorney upon any dissemination of the materials and information containing confidential information to inform the recipient as to the existence of the Protective Order and the requirement to maintain the confidentiality of the information conveyed.

6. The United States further requests that, should the attorney believe it necessary to furnish un-redacted copies of discovery to anyone else or to otherwise disclose confidential information or personal identifying information as described in Rule 49.1 to any other person, the attorney be required to file a motion with the Court requesting permission to do so, only after giving the person to whom that information applies notice of the motion and the date the motion will be presented to the judge.

7. A copy of this Court's Protective Order will be provided as part of the disclosure of the discovery material to the defendant's counsel. The other defendants in this case, by and through counsel, have already signed or will be signing a Discovery Disclosure Agreement as to these and other issues. Therefore, this motion is filed only as to the defendant.

WHEREFORE, the United States respectfully requests that the Court issue the Protective Order submitted herewith.

Respectfully submitted this the 27th day of February, 2018.

J. DOUGLAS OVERBEY
UNITED STATES ATTORNEY

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing pleading was filed electronically on February 27, 2018, and notice of this filing will be sent by operation of the Court's electronic filing system to all parties of record as indicated on the electronic filing receipt. All other interested parties will be served by regular U.S. Mail. Parties may access this filing through the Court's electronic filing system.

By: s/ *Robert M. Reeves*
Assistant U.S. Attorney