

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA

FILED

MAR 04 2008


CLERK

PLEA AGREEMENTS,)	
PLEA AGREEMENT SUPPLEMENTS,)	
AND MOTIONS TO REDUCE)	STANDING ORDER
SENTENCE FOR COOPERATION)	

To balance the safety of criminal defendants, law enforcement officers, and court personnel with the public's right to access court documents, the Court implements a procedure to uniformly treat Plea Agreements and motions and orders that reduce a defendant's sentence because that defendant has cooperated with the United States. The purpose of this procedure is to ensure that the public cannot identify cooperating defendants simply from the method in which a Plea Agreement, motion, or order is filed or displayed on the Court's docket.

Plea Agreements filed with the Court must no longer identify whether or not a defendant has agreed to cooperate with the United States. Plea Agreements will not be filed under seal except on motion and order of the presiding judge. The Plea Agreement and relevant docket entry will be available to the public at public access terminals and through PACER. The Plea Agreement may be filed electronically and will be served on case participants by CM/ECF. Every Plea Agreement shall contain clear language stating that a "Plea Agreement Supplement" is filed in every case whether or not the criminal defendant has agreed to cooperate with the government.

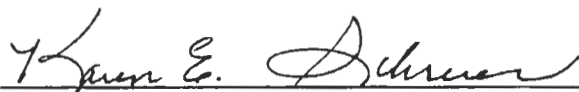
A document entitled "Plea Agreement Supplement" must be filed in conjunction with every Plea Agreement. If a criminal defendant has agreed to cooperate, the Plea Agreement Supplement must contain the cooperation agreement. If the criminal defendant and the United States have not entered into a cooperation agreement, the Plea Agreement Supplement will indicate that no such agreement exists. Every Plea Agreement Supplement will be filed under seal. Because sealed documents are not served by CM/ECF on case participants, it is the responsibility of the government to provide a copy of the Plea Agreement Supplement to counsel representing the criminal defendant who is the subject of the agreement. The Plea Agreement Supplement will not be available to case participants through the public access terminal in each Clerk's Office or through PACER. All Plea Agreements and Plea Agreement

Supplements must be presented to the Clerk's Office for filing or filed electronically prior to the change of plea hearing.

Motions to reduce sentence under Rule 35 or U.S.S.G. 5K1.1 and orders granting or denying those motions will be filed under seal. The motion for reduction of sentence and the order granting the motion will not be served on case participants by CM/ECF and will not be available to the public or case participants at the public access terminals or through PACER. The public docket will not contain any docket entry referring specifically to the motion or order to reduce sentence.

Dated March 3, 2008.

BY THE COURT:

A handwritten signature in cursive script, reading "Karen E. Schreier", is written over a horizontal line.

KAREN E. SCHREIER
CHIEF JUDGE