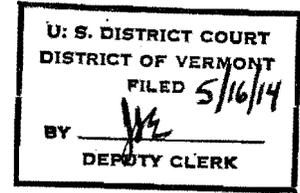


UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF VERMONT



In the Matter of: )  
Sealing Sentencing Transcripts )  
)

**GENERAL ORDER # 71**

The Judicial Conference of the United States has approved a policy of restricting from routine public disclosure the Statement of Reasons attached to the Judgment in a criminal case. The Judgment is a public document, however, information contained in the Statement of Reasons may include information regarding cooperating witnesses, and other references indicating that a defendant has provided substantial assistance to the government. Recognizing that this information may pose a risk to the defendant's safety as well as to the safety of others, the Judicial Conference agreed to place reasonable restrictions on public access to the Statement of Reasons.

The Sentencing Guidelines reflect a similar concern. In determining whether to grant a departure from the Guidelines for substantial assistance to the government, "[t]he sentencing judge must . . . state the reasons for reducing a sentence" on this ground, however, "[t]he court may elect to provide its reasons to the defendant *in camera* and in writing under seal for the safety of the defendant or to avoid disclosure of an ongoing investigation." U.S.S.G. § 5K1.1, commentary.

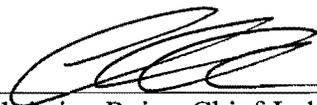
The court has determined that these same concerns are present in that part of a publicly available sentencing transcript that details the nature and extent of a defendant's cooperation with or substantial assistance to the government. To that end, the court has agreed to place certain limitations on public access to this portion of the sentencing transcript. These limitations will not unduly interfere with the right of the public and media to be present at any sentencing and will only pertain to that

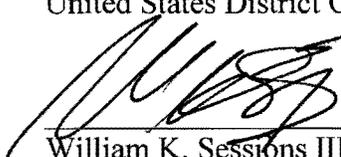
portion of the sentencing transcript that is docketed. Sealing of a portion of the sentencing transcript shall not constitute authorization to exclude the public from the courtroom during any portion of the sentencing, and shall not obviate the need for the judge to state the reasons for reducing a sentence on the grounds of cooperation or substantial assistance on the record.

IT IS HEREBY RESOLVED, that if the presiding judge determines that sealing of a portion of the sentencing transcript is necessary to protect the safety of the defendant or others, or to avoid disclosure of an ongoing investigation, and that this need substantially outweighs the public's interest in obtaining an unsealed copy of the sentencing transcript, the judge shall issue an appropriate sealing order on the record. The sealing order shall be part of the sealed portion of the sentencing transcript. Thereafter, all unsealed portions of the sentencing transcript shall remain available to the public. The sealed portion of the sentencing transcript, however, shall be available only to the United States Probation Office and the United States Sentencing Commission. If an appeal is filed, the sealed portion of the sentencing transcript shall also be made available for review by the Court of Appeals, counsel for the government, and counsel for Defendant. The presiding judge may issue an order unsealing the sealed transcript for good cause shown.

SO ORDERED.

Dated in the District of Vermont, this 7<sup>th</sup> day of May, 2014.

  
Christina Reiss, Chief Judge  
United States District Court

  
William K. Sessions III  
United States District Court Judge

  
J. Garyan Murtha  
United States District Court Judge