

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

<b>UNITED STATES OF AMERICA</b>	)	
	)	
v.	)	<b>Crim. No. 21CR569-TNM</b>
	)	
<b>JESSE R. BENTON,</b>	)	
<b>ROY DOUGLAS “DOUG” WEAD</b>	)	
	)	
<b>Defendants.</b>	)	

**UNITED STATES’ UNOPPOSED MOTION FOR A PROTECTIVE ORDER**

The United States of America (the “Government”), through its undersigned attorneys, moves this Court, pursuant to Rule 16(d)(1) of the Federal Rules of Criminal Procedure, to issue the attached proposed protective order governing discovery in this matter.

The Government plans to imminently provide to the defendants discovery that meets and exceeds its obligations pursuant to Rule 16 of the Federal Rules of Criminal Procedure, 18 U.S.C. § 3500, *Giglio v. United States*, 405 U.S. 150 (1972), *Brady v. Maryland*, 373 U.S. 83 (1963), and this Court’s Order for Discovery and Inspection. For example, the Government intends to provide the defendants with law enforcement agency interview reports that may contain personal identifying information or other confidential information. Much of the material the Government intends to produce—including the material that exceeds the Government’s discovery obligations—consists of sensitive information regarding witnesses, such as personal identifiers, addresses, and phone numbers; private financial information; and confidential and sensitive information developed through investigations of law enforcement and the use of the grand jury. *See, e.g.*,

*Douglas Oil v. Petrol Stops Nw.*, 441 U.S. 211, 218, 219-22 (1979) (discussing the policies underlying grand jury secrecy requirements and noting that they remain in effect after the grand jury's proceedings conclude).

A trial court “can and should, where appropriate, place a defendant and his counsel under enforceable orders against unwarranted disclosure of the material which they may be entitled to inspect.” *Alderman v. United States*, 394 U.S. 165, 185 (1969). Federal Rule of Criminal Procedure 16(d)(1) permits a court to deny, restrict, or defer pre-trial discovery where appropriate. *See Fed R. Crim. P. 16(d)(1)*. The government does not seek to delay, deny, or restrict the disclosure of information to the defense. The government seeks only to facilitate discovery, while protecting against the improper disclosure or use of a certain sensitive information.

Accordingly, the Government respectfully requests that a protective order be entered governing the use that can be made of all discovery material that the Government provides to the defendants in this case.

Such material will be handled pursuant to the procedures outlined in the proposed order submitted contemporaneously to the Court, and that material may only be disclosed or disseminated in accordance with the proposed order, unless and until that order is modified by the Court. Counsel for the defendants have indicated that they have no objections to the proposed protective order.

Respectfully submitted,

COREY R. AMUNDSON  
Chief, Public Integrity Section  
Criminal Division  
U.S. Department of Justice

By:           /s/ Rebecca G. Ross          

Rebecca G. Ross  
Michelle K. Parikh  
Trial Attorneys  
Public Integrity Section

Michelle L. Wasserman  
Special Assistant United States Attorney  
United States Attorney's Office for the  
District of Columbia

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this date, I electronically filed the foregoing pleading with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the attorneys of record for the defendants.

Dated: September 27, 2021

/s/ Rebecca G. Ross  
Rebecca G. Ross  
Trial Attorney  
Public Integrity Section  
Criminal Division  
U.S. Department of Justice

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Defendants.	)	

**PROTECTIVE ORDER**

THIS MATTER HAS COME BEFORE THIS COURT on the United States’ Unopposed Motion for a Protective Order concerning the disclosure of discovery material to defendant (Dkt. No. \_\_\_\_). In light of the confidential and law-enforcement-sensitive information that may be disclosed to the defendants pursuant to the Government’s discovery obligations, the United States’ unopposed motion is GRANTED.

IT IS HEREBY ORDERED:

1. Any and all discovery material the United States produces to the defendants in discovery shall be reviewed by only (i) the defendants; (ii) the defendants’ attorneys of record in this case; (iii) employees or agents of those attorneys; (iv) a photocopying or data processing service to whom it is necessary to provide the materials for the purposes of preparation, trial, direct appeal (if any); and collateral attack (if any) of this case; (v) witnesses or potential witnesses; and (vi) experts or investigators assisting in the preparation, trial, direct appeal (if any), and collateral attack (if any) of this case. No discovery material or copies of any discovery material shall be provided to any individual or entity except as provided herein, as agreed to by the parties, or as further ordered by the Court. Nor shall the contents of any discovery material be disclosed, in any

other manner, to any individual or entity except as provided in this Order, as has been agreed by the parties, or as further ordered by the Court. This Order shall not restrict the defendants' use of information already in their possession or independently discoverable by them.

2. The defendants shall use discovery material and its contents solely for the preparation, trial, direct appeal (if any), and collateral attack (if any) of this case and for no other purpose whatsoever. No additional copies of any discovery material shall be made except as necessary for those purposes. Before first disclosing discovery material or its contents to any of the individuals or entities listed above, the defendants or their attorneys of record must give to the individual or entity a copy of this Order and maintain a copy signed and dated by the individual or a representative of the entity until such time as all appeals in this matter (if any) are concluded.

3. The parties shall comply with Federal Rule of Criminal Procedure 49.1 with respect to the public filing or use of any discovery material containing personally identifiable or sensitive information, including: (1) Social Security numbers, (2) names of minor children, (3) dates of birth, and (4) financial account numbers. *See Fed. R. Crim. P. 49.1.* The parties shall also apply the requirements of Rule 49.1 when showing any discovery material containing personally identifiable or sensitive information to any third-party.

4. Should the defendants, their attorneys of record, or any of the other individuals or entities listed above find any material inadvertently produced by the United States that is marked as classified, they shall immediately double-seal the material and all copies of the material, inform the United States of such inadvertent disclosure, and make arrangements for the secure return of such material to the United States.

5. At the request of the government, the defendant shall return all copies of material that was inadvertently produced in discovery.

6. Within 60 days following the conclusion of these proceedings, or any direct appeal (if any) from or collateral attack (if any) upon these proceedings, the discovery material disclosed by the United States and any duplicates made for the preparation, trial, direct appeal (if any), or collateral attack (if any) of this case shall be returned to the United States or destroyed by the defendants, unless the Court (or Government) gives specific written permission for an exception to this requirement.

7. This Order also applies to any and all individuals to whom the defendants, pursuant to this Order, show or disclose the contents or substance of any material produced to them by the United States. By signing and dating a copy of this Order, any person or entity that receives copies of any material produced, or to whom the contents of such material is otherwise disclosed, submits himself, herself, or itself to the jurisdiction of this Court for all purposes, including sanctions or contempt for violation of this Order.

IT IS SO ORDERED.

\_\_\_\_\_  
United States District Judge

Dated: \_\_\_\_\_

ACKNOWLEDGEMENT

I have reviewed the foregoing protective order and I agree to be bound by its terms.

DATED: \_\_\_\_\_ SIGNED: \_\_\_\_\_

DATED: \_\_\_\_\_ SIGNED: \_\_\_\_\_

DATED: \_\_\_\_\_ SIGNED: \_\_\_\_\_