

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

In Re:

DUE PROCESS PROTECTIONS ACT


GENERAL ORDER NO. 389

On October 21, 2020, the President signed into law the Due Process Protections Act, Public Law No. 116-182. On December 22, 2020, the Judicial Council of the Ninth Circuit approved the Ninth Circuit Jury Instruction Committee's proposed model written and oral orders addressing the Due Process Protections Act. Accordingly,

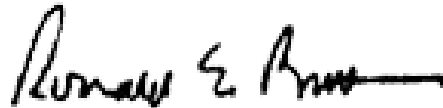
IT IS HEREBY ORDERED that the District of Idaho adopts the model orders proposed by the Judicial Council of the Ninth Circuit.

IT IS FURTHER ORDERED that the attached Due Process Protections Act Order be entered in all criminal matters at the time of initial appearance and that incorporation by reference in docket text will comply with this order.

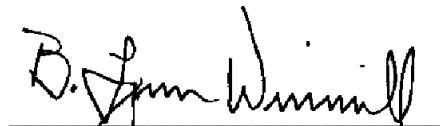
DATED: January 26, 2021



David C. Nye
Chief United States District Judge



Ronald E. Bush
Chief United States Magistrate Judge



B. Lynn Winmill
United States District Judge



Candy Wagahoff Dale
United States Magistrate Judge

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

DUE PROCESS PROTECTIONS ACT ORDER

In order to comply with the Due Process Protections Act, the District Court for the District of Idaho has adopted the following written Order to be issued in all criminal proceedings at the time of initial appearance.

THEREFORE, IT IS HEREBY ORDERED:

Under federal law, including Rule 5(f) of the Federal Rules of Criminal Procedure, *Brady v. Maryland*, 373 U.S. 83 (1963), and all applicable decisions interpreting *Brady*, the government has a continuing obligation to produce all information or evidence known to the government that is relevant to the guilt or punishment of a defendant, including, but not limited to, exculpatory evidence.

Accordingly, the Court Orders the government to produce to the defendant in a timely manner all information or evidence known to the government that is either: (1) relevant to the defendant's guilt or punishment; or (2) favorable to the defendant on the issue of guilt or punishment.

This Order is entered under Rule 5(f) and does not relieve any party in this matter of any other discovery obligation. The consequences for violating either this Order or the government's obligations under *Brady* include, but are not limited to, the following: contempt, sanction, referral to a disciplinary authority, adverse jury instruction, exclusion of evidence, and dismissal of charges.