

VIRGINIA:

IN THE
JUVENILE & DOMESTIC RELATIONS
DISTRICT COURT FOR THE CITY OF ALEXANDRIA

COMMONWEALTH OF VIRGINIA

DOCKET NO.

— v. —

,
Defendant.

DISCOVERY PROTECTIVE ORDER

JOINTLY CAME THIS DAY the Commonwealth of Virginia, by her Attorney, and the defendant, by counsel, and moved the Court for entry of a protective order governing the discovery in this matter; and

IT APPEARING THAT the Commonwealth has expressed a willingness to provide open file discovery in this case and for the convenience of defense counsel has offered to provide copies of evidence in this case upon the agreement that certain items will remain in the custody of Counsel for Defendant for review by the defendant without copies being provided to the defendant; and

IT FURTHER APPEARING THAT some of the evidence contains sensitive material and/or dissemination of the evidence may endanger the safety of a person or interfere with the ongoing investigation in this matter; and

IT FURTHER APPEARING THAT Legal Ethics Opinion 1864 of the Virginia State Bar opines that the parties can, consistent with the Rules of Professional Responsibility, enter a protective order with the consent of the defendant that permits defense counsel to share information with the defendant but not give copies during the course of the representation; therefore be it

HEREBY ORDERED that a protective order is entered that covers the following items contained in discovery (if applicable):

- 1) Photos, videos, and any other media which depict a victim's face or any other distinguishing features which would identify a victim;
- 2) Photos, videos, and any other media which depict a juvenile;
- 3) FACT and SANE reports;
- 4) Body-worn camera videos;
- 5) Cooperation agreements; and
- 6) Criminal record information.

IT IS FURTHER ORDERED that the items outlined above, if contained in discovery, are provided upon the following terms:

1) The listed items may be shared with the defendant, but Counsel for Defendant may not provide said material or evidence or copies of such to the defendant; and

2) Counsel for Defendant shall not disclose the listed items to any third-party who is not an agent or employee of the parties or an expert witness, nor in any public forum, including any website or social media platform, and any party to whom a permissible disclosure is made shall be cautioned as to the confidentiality of the information and shall be subject to the terms of this protective order; and

3) All copies of the discovery documents or material (including electronic material) provided in any format shall be used by the parties solely and exclusively in connection with this case (including trial preparation, trial, and any appeals or other related legal proceeding) and for no other purpose.

IT IS FURTHER ORDERED that any items provided in discovery that are not listed above are not subject to this protective order, and in the discretion of Counsel for Defendant, copies of such items may be provided to the defendant.

IT IS FURTHER ORDERED that this protective order shall remain in place for the listed items provided pursuant to this protective order upon certification and indictment of the charges in the Circuit Court, unless and until a discovery and protective order pursuant to Rule 3A:11 is entered. Once a Rule 3A:11 order is entered, any dissemination of the listed items must be in accordance with that order and with strict observance of the “Restricted Dissemination Material” designation. Counsel for Defendant may not disseminate the original file produced under this order prior to the entry of a Rule 3A:11 order without the express permission of the Commonwealth. Once a Rule 3A:11 order is entered, a new discovery file that includes RDM designations will be provided, and any permissible disclosure must come from that file.

ENTERED this _____ day of _____, _____.

JUDGE, Juvenile & Domestic Relations District Court

WE ASK FOR THIS:

Assistant Commonwealth’s Attorney

Counsel for the Defendant