

**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
CRIMINAL DIVISION – FELONY BRANCH**

THE UNITED STATES OF AMERICA	:	Criminal Nos.	2017 CF2 001149
	:		2017 CF2 001152
v.	:		2017 CF2 001154
	:		2017 CF2 001155
GABRIEL MIELKE, et al.	:		2017 CF2 001156
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Judge Lynn Leibovitz

PROTECTIVE ORDER

The United States has moved for a protective order pursuant to Superior Court Rule of Criminal Procedure 16(d)(1) governing the disclosure of certain cell phone data which the government has gathered during its investigation.

The government has recovered data from many of the defendants' cell phones seized in connection with their arrests in this case. The court is in the process of conducting status hearings to hear the positions of the parties on the scope of disclosure necessary to satisfy the government's *Brady* and discovery obligations, as balanced against the defendants' interests in protecting private material on their phones. Certain defendants have consented to the disclosure of certain data on their cell phones if disclosure is pursuant to protective order limiting production and use of the data. Others are still considering their positions, and still others await status hearings. The court concludes that there is good cause for the entry of a protective order permitting disclosure of data recovered from cell phones where consent for such disclosure has been granted by defendants, and this order will apply to the disclosure of any cell phone data recovered from any defendant's phone until further Order of the court.

Therefore, it is this 2d day of August, 2017, **ORDERED** that the motion hereby is **GRANTED**; it further is

ORDERED that the government shall disclose to all defendants, by means of the discovery portal, such data from any cell phone as has been consented to by any defendant; it further is

ORDERED that counsel for each defendant in this matter may review and copy his or her own client's cell phone data, and share that data with the client; it further is

ORDERED that counsel for each defendant in this matter may review data recovered from any other defendants' phone in this matter and may discuss or show that data to the client; and it further is

ORDERED that counsel for each defendant shall not copy, transfer, or disseminate to the client any data recovered from cell phones of other defendants unless counsel believes that specific data recovered from the cell phone(s) of other defendants may be relevant and material to the preparation of the client's defense, in which case counsel may provide the specific data that may be relevant and material to the client by providing online or digital access to the data or by providing a copy of the data, or may provide the data to others on the client's defense team, but may not provide that data to any other person or entity; and it further is

ORDERED that any defendant who receives data recovered from the cell phone(s) of any other defendant shall not copy, disseminate, transfer, or disclose the data to any other person or entity, other than to defendant's counsel, online, in hard copy, or in any other manner.



Lynn Leibovitz
Associate Judge
(signed in chambers)

cc:

Jennifer Kerkhoff
Assistant United States Attorney

Counsel for all defendants