

**NEW RULE CR49.6.1
COOPERATOR INFORMATION**

When defendants potentially or actually cooperate with the government, such cooperation may be disclosed in a variety of documents and pleadings, including but not limited to: plea agreements, sentencing memoranda, cooperation agreements, motions for downward departure, and motions to reduce sentence. For the protection and safety of defendants who potentially or actually cooperate with the government, any and all pleadings or documents referencing, discussing or reflecting any such potential or actual cooperation ("cooperator information") shall be treated as follows.

The clerk's office will create a Restricted Document Folder in every felony criminal case as soon as practicable after case opening. In multi-defendant cases, a separate Restricted Document Folder will be created for each defendant. The docket entry and any documents the presiding judge orders filed in the Restricted Document Folder will be sealed and not reflected on the public docket sheet, nor will the docket sheet reflect any skipped numbers.

Any and all pleadings or documents containing cooperator information must be submitted by the prosecutor and the defendant to the presiding judge's chambers email account, for judicial review and determination whether placement in the Restricted Document Folder is warranted. The presiding judge will respond to the prosecutor and defendant by email, thus notifying them of the judge's decision to place, or not place the submitted document(s) in the Restricted Document Folder.

If the presiding judge determines the submitted document(s) should be placed in the Restricted Document Folder, the presiding judge shall forward the document(s) to the clerk's office and will direct the clerk's office to file such submitted document(s) in the Restricted Document Folder. If the presiding judge concludes the submitted document(s) should not be placed in the Restricted Document Folder, the document(s) will be returned by email to the prosecutor and defendant.

In the District of Kansas, a Restricted Document Folder is created in every felony criminal case, whether or not the defendant is cooperating with the government. Thus the presence of this Restricted Document Folder does not mean that this defendant has or will cooperate with the government.

Effective 3/17/19