

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

PUBLIC NOTICE

**PROPOSED AMENDMENTS TO LOCAL RULE
116.2 DISCLOSURE OF EXCULPATORY EVIDENCE**

The United States District Court for the District of Massachusetts issues for comment the following proposed amendment to Local Rule 116.2.

Redline version -

- (b) Timing of Disclosure by the Government.** Unless the government invokes the declination procedure under L.R. 116.6, the government must produce to the defendant exculpatory information in accordance with the following schedule:
- (1)** within the time period designated in L.R. 116.1(c)(1), or by any alternative date established by the court:
 - (A)** information that would tend directly to negate the defendant's guilt concerning any count in the indictment or information;
 - (B)** information that would cast doubt on the admissibility of evidence that the government anticipates using in its case-in-chief and that could be subject to a motion to suppress or exclude, which would, if allowed, be appealable pursuant to 18 U.S.C. § 3731; ~~and~~
 - (C)** a statement whether any promise, reward, or inducement has been given to any witness whom the government anticipates calling in its case-in-chief, identifying by name each such witness and each promise, reward, or inducement, and a copy of any promise, reward, or inducement reduced to writing;
 - (D)** a copy of any criminal record of any witness whom the government anticipates calling in its case-in-chief, identifying by name each such witness;
 - (E)** a written description of any criminal cases pending against

any witness whom the government anticipates calling in its case-in-chief, identifying by name each such witness;

(F) a written description of the failure of any percipient witness identified by name to make a positive identification of a defendant, if any identification procedure has been held with such a witness with respect to the crime at issue; and

~~(F)~~ (G) notice of any instance in which a grand jury did not concur in an indictment charging the same defendant for conduct arising from the same scheme, transaction or occurrence as any count in the indictment or information.

Proposed version –

(b) Timing of Disclosure by the Government. Unless the government invokes the declination procedure under L.R. 116.6, the government must produce to the defendant exculpatory information in accordance with the following schedule:

(1) within the time period designated in L.R. 116.1(c)(1), or by any alternative date established by the court:

(A) information that would tend directly to negate the defendant's guilt concerning any count in the indictment or information;

(B) information that would cast doubt on the admissibility of evidence that the government anticipates using in its case-in-chief and that could be subject to a motion to suppress or exclude, which would, if allowed, be appealable pursuant to 18 U.S.C. § 3731;

(C) a statement whether any promise, reward, or inducement has been given to any witness whom the government anticipates calling in its case-in-chief, identifying by name each such witness and each promise, reward, or inducement, and a copy of any promise, reward, or inducement reduced to writing;

(D) a copy of any criminal record of any witness whom the government anticipates calling in its case-in-chief, identifying by name each such witness;

- (E) a written description of any criminal cases pending against any witness whom the government anticipates calling in its case-in-chief, identifying by name each such witness;
- (F) a written description of the failure of any percipient witness identified by name to make a positive identification of a defendant, if any identification procedure has been held with such a witness with respect to the crime at issue; and
- (G) notice of any instance in which a grand jury did not concur in an indictment charging the same defendant for conduct arising from the same scheme, transaction or occurrence as any count in the indictment or information.

Those wishing to comment on the proposed amendment to the Local Rules for the District of Massachusetts may do so in writing or by email. All comments must be received on or before August 24, 2026, and should be addressed to:

Robert M. Farrell, Clerk of Court
United States District Court
One Courthouse Way - Suite 2-300
Boston, MA 02210

or by email to: rules@mad.uscourts.gov

This public notice has been posted to the “Announcements” and “Rules” pages of the court’s web site at <https://www.mad.uscourts.gov>.

July 8, 2026

Robert M. Farrell
Clerk of Court