

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

GENERAL ORDER 21-12

Effective August 14, 2021

PLAN FOR IMPLEMENTING THE DUE PROCESS PROTECTIONS ACT

The Due Process Protections Act, Pub. L. No. 116-182, 134 Stat. 894 (effective Oct. 21, 2020), an amendment to Rule 5 of the Federal Rules of Criminal Procedure (Initial Appearance), requires trial judges in all criminal proceedings to: (1) issue an oral and written order confirming the prosecution's obligation under *Brady v. Maryland*, 373 U.S. 83 (1963) and its progeny, to disclose timely all exculpatory evidence to the defendant, and (2) notify the prosecution of the possible consequences of violating the order, during the first scheduled court date with prosecution and defense counsel. The notice below will be issued at the initial pretrial conference and on the court docket.

Pursuant to the Due Process Protections Act, Pub. L. No. 116-182, 134 Stat. 894 (Oct. 21, 2020) and Rule 5(f) of the Federal Rules of Criminal Procedure, the United States is reminded of its obligation to disclose in a timely manner all exculpatory evidence to the defendant[s], that is, all evidence that is favorable to the defendant[s] or tends to cast doubt on the United States' case, as required by *Brady v. Maryland*, 373 U.S. 83 (1963) and its progeny. Failure to comply with this order may result in consequences, including, but not limited to, the reversal of any conviction, the exclusion of evidence, adverse jury instructions, dismissal of charges, contempt proceedings, disciplinary action, and/or sanctions by the Court.