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U.S. DISTRICT COURT
SAN JUAN, P.R.

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF PUERTO RICO

IN THE MATTER OF:

JENCKS ACT DISCOVERY MATERIAL

Misc. No. 03-021 HL

STANDING ORDER

Effective **March 15, 2003**, it is hereby ORDERED that, in any criminal prosecution brought by the United States in the District Court of Puerto Rico, where statements made by Government witnesses or prospective Government witnesses before a grand jury were produced to the defendant(s) pursuant to the provisions of the Jencks Act, 18 U.S.C. § 3500, said discovery material shall be returned to the United States upon conclusion of trial.

The general aim of the statute [Jencks Act] is to restrict the use of Jencks statements to impeachment of a government witness by bringing to the attention of the jury during cross-examination of the witness any variances between his testimony and his pretrial statements. Palermo v. United States, 360 U.S. 343, 352 (1959). The Court is specifically concerned with grand jury material which disclosure may cause serious prejudice to parties unrelated to criminal prosecutions and/or ongoing criminal investigations in the District of Puerto Rico. Since the useful purpose of the Jencks statements does not surpass the limits of cross-examination, its availability and use shall be limited to the duration of trial.

Therefore, at the end of trial, attorneys for the defendant(s) shall file with the Court, in the corresponding criminal case, a certification of return to the United States of all copies of grand jury material produced to the defendant(s) under 18 U.S.C. § 3500.

Any violation of this order will be severely sanctioned.

IT IS SO ORDERED.

In San Juan, Puerto Rico, March 4, 2003.

HECTOR M. LAFFITTE
Chief U.S. District Judge