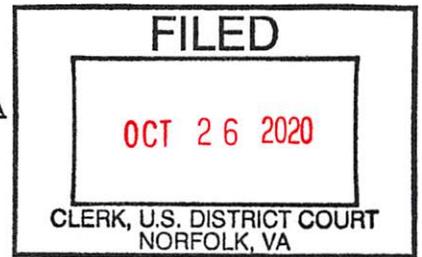


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

In the Matter of Court Operations Pursuant to
Federal Rule of Criminal Procedure 5(f) and the
Due Process Protections Act



STANDING ORDER

Pursuant to Federal Rule of Criminal Procedure 5(f) and the Due Process Protections Act, Pub. L. No. 116-182, 134 Stat. 894 (Oct. 21, 2020), the United States District Court for the Eastern District of Virginia ORDERS the United States to adhere to the disclosure obligations set forth in *Brady v. Maryland*, 373 U.S. 83 (1963) and its progeny. *Brady v. Maryland* instructs that "the suppression by the prosecution of evidence favorable to an accused" violates due process where the evidence is "material either to guilt or to punishment, irrespective of the good faith or bad faith of the prosecution." 373 U.S. at 87. Failure to adhere to this requirement may result in serious consequences, up to and including vacating a conviction or disciplinary action against the prosecution.

The judge presiding over the first scheduled court date when both prosecutor and defense counsel are present shall give oral notice of the provisions in this Standing Order. The presiding judge, pursuant to the Due Process Protections Act, also shall issue a written order in compliance with this Standing Order.

This Order serves as a reminder of prosecutorial obligation and duties in accordance with Rule 5(f).

Let the Clerk send this Standing Order to all registered CM/ECF users in the Eastern District of Virginia.

Entered this 26th day of October, 2020.



Mark S. Davis
Mark S. Davis
Chief Judge