

**FILED**

JAN 12 2021

Mark C. McCartt, Clerk  
U.S. DISTRICT COURT

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMA**

In re: )  
COMPLIANCE WITH THE DUE )  
PROCESS PROTECTIONS ACT, )  
WHICH AMENDED FEDERAL RULE )  
OF CRIMINAL PROCEDURE 5 )

**GENERAL ORDER 21-01**

Rule 5 of the Federal Rules of Criminal Procedure was amended pursuant to the Due Process Protections Act, P.L. No. 116-182, 134 Stat. Ann. 894, which was signed into law on October 21, 2020. The amendment added a requirement that, “[i]n all criminal proceedings, on the first scheduled court date when both prosecutor and defense counsel are present, the judge shall issue an oral and written order to prosecution and defense counsel that confirms the disclosure obligation of the prosecutor under *Brady v. Maryland*, 373 U.S. 83 (1963) and its progeny, and the possible consequences of violating such order under applicable law.” Fed. R. Crim. P. 5(f)(1). The rule also indicates that “[e]ach judicial council in which a district court is located shall promulgate a model order for the purpose of paragraph (1) that the court may use as it determines is appropriate.” Fed. R. Crim. P. 5(f)(2).

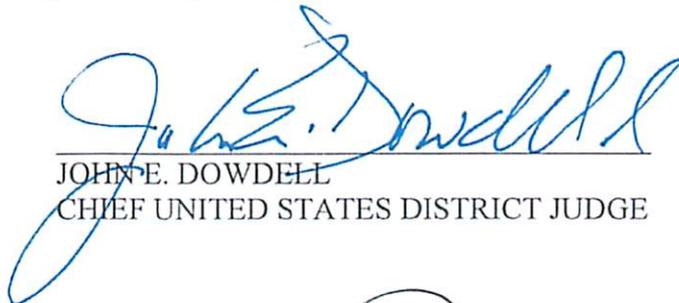
Pending the promulgation of such model order and any adoption of such order for use in this Court, language in substantially the following form shall be entered as a written order in each proceeding in this Court as to which subsection (f)(1) of Rule 5 applies:

As required by Fed. R. Crim. P. 5(f)(1), the Court confirms the disclosure obligation of the prosecutor under *Brady v. Maryland*, 373 U.S. 83 (1963) and its progeny, and orders the United States to comply with that obligation in this case. Failure to timely comply may result in consequences, including but not limited to exclusion of evidence, adverse jury instructions, dismissal of charges, contempt proceedings, or sanctions by the Court.

In this District, except in extraordinary circumstances, the Magistrate Judges conduct all initial appearances. Accordingly, the Magistrate Judges shall enter oral and written orders in

substantially the foregoing form in connection with each proceeding as to which Fed. R. Crim. P. 5(f)(1) applies.

IT IS SO ORDERED this 12th day of January 2021.



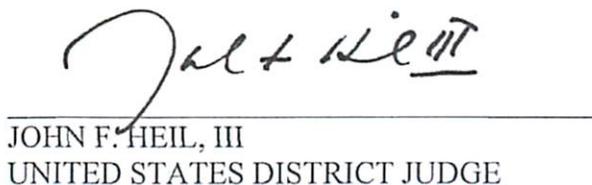
JOHN E. DOWDELL  
CHIEF UNITED STATES DISTRICT JUDGE



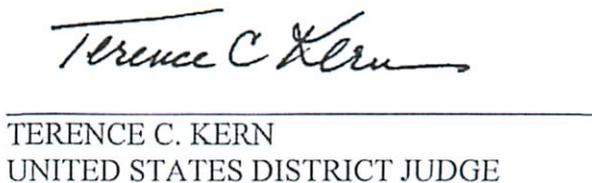
CLAIRE V. EAGAN  
UNITED STATES DISTRICT JUDGE



GREGORY K. FRIZZELL  
UNITED STATES DISTRICT JUDGE



JOHN F. HEIL, III  
UNITED STATES DISTRICT JUDGE



TERENCE C. KERN  
UNITED STATES DISTRICT JUDGE