

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
No. 1:XXCRXXX-1

UNITED STATES OF AMERICA           :  
  :  
          v.                            :  
  :  
XXXXXXXX X. XXXXXX                 :  
  :

PROTECTIVE ORDER

THIS MATTER coming on to be heard, and being heard, pursuant to the Defendant's Motion for a Protective Order, the Court makes the following FINDINGS OF FACT:

1. The defendant is named in a two count indictment filed on XXXXXXXXXXXX XX, 20XX, by the Grand Jury for the Middle District of North Carolina.

2. The indictment alleges, in essence, that the defendant used a computer to ship and to possess, in interstate commerce, child pornography.

3. On XXXX XX, 20XX, the U.S. Customs Service seized from the Defendant's home, among other things, a Hewlett Packard Pavilion 6553 computer, a Packard Bell Multimedia R501 computer, a ZIP drive, video tapes, and various compact disks and floppy disks (referred to herein and by the Defendant in his motion as "Equipment"). This Equipment was the medium by which the defendant allegedly committed the acts as set forth in the indictment.

4. Counsel for the defendant, with the assistance of his in-house Computer Systems Administrator (CSA), requests to inspect and examine the Equipment in order to determine how best to advise and assist the defendant in this matter.

5. Additionally, counsel for the defendant requests protection from the Court for himself and his CSA since the government has alleged that the data contained on the Equipment is contraband material, and counsel and his CSA would necessarily have to view and possess such contraband in the course of representing the defendant.

BASED UPON THE foregoing findings of fact, the Court makes the following CONCLUSIONS OF LAW:

1. So that defense counsel can effectively represent his client, the government should permit the defendant and his CSA to possess, inspect, and examine the Equipment, or a bit-by-bit copy of any data stored thereon, in order to determine how best to advise the defendant in this matter; and

2. Defense counsel and his CSA should be protected, since the government has alleged that the data on the Equipment contains contraband material, and counsel and his CSA would necessarily have to view and to possess such contraband while they inspect and examine the Equipment in the course of representing the defendant.

IT IS THEREFORE ORDERED that the defendant's Motion is hereby GRANTED and the government must permit the defendant and his CSA to possess, inspect, and examine the Equipment, or a bit-by-bit copy of the data stored thereon, in order to determine how best to advise the defendant with regard to this matter; and

IT IS FURTHER ORDERED that defense counsel and his CSA are hereby protected from prosecution, since the government has alleged that the defendant's Equipment contains contraband material, and counsel and his CSA must necessarily possess such contraband while they view and examine the Equipment in the course of executing their Constitutional duty of representing the defendant; and

FINALLY, IT IS ORDERED that neither defense counsel nor his CSA shall copy or distribute any of the material which comes into their possession as permitted under this Order, and shall return the Equipment, or any copy of the data thereon, to the government upon the conclusion of this matter.

IT IS SO ORDERED, this the \_\_\_\_\_ day of XXXXXXXX, XXXX.

---

United States District Judge

