

**In the United States District Court
for the District of Kansas**

United States of America

Plaintiff,

v.

Case No. 19-40091-01-DDC

Jarrett William Smith,

Defendant.

**ORDER FOR DEFENDANT'S CUSTODIAL ACCESS
TO ELECTRONICALLY STORED DATA**

Mr. Smith asks this court to order his custodians, the United States Marshals Service, to arrange for him to have access to a secured laptop computer at CoreCivic, where he is currently housed, in order to allow the confidential review of discovery.¹ This matter is set for a status conference on November 4, 2019. In order to adequately review material, independent and secure access to electronically stored material is necessary. The court notes that similar arrangements have been in place in other federal holding facilities within the district.

This secured laptop has been provided by his attorney from the Federal Public Defender's office and inspected and approved by the U.S. Attorney's office. The FPD is responsible for maintenance and neither the U.S. Marshal nor CoreCivic is responsible for the content or condition of the equipment.

The laptop would meet certain prerequisites agreed upon by the parties: The defense has provided a laptop with only certain programs installed that allow

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review of material but no alteration or additions. A separate note-taking function will allow the defendant to take and store notes to share with counsel, but none of the other data can be altered. The Wi-Fi card is physically removed from the computer. Network and Bluetooth communications will be disabled. Once a review session is completed, the computer automatically refreshes to its previous state, removing any modifications to settings or files.

Certain data, including protected discovery from the United States Attorney's Office, will be loaded onto the laptop hard drive. The computer note-taking file will be accessible only to Mr. Smith and his attorney. The intent of this program is to reduce the possibility that written information will be unsecured within the facility.

The United States Marshal is hereby ordered to make arrangements for Leavenworth CoreCivic to take possession of the laptop and charging cord, with operating instructions from the FPD. It is further ordered that Mr. Smith shall be allowed at least six hours per week to review electronically-stored data in a secure and confidential manner. This review will occur in a room that is occupied solely by the defendant. The United States Marshal and CoreCivic will coordinate with the Federal Public Defender regarding to the transfer of equipment and material.

IT IS SO ORDERED.

Dated this 9th day of October, 2019.

s/ Daniel D. Crabtree
Daniel D. Crabtree
United States District Judge