

IN THE IOWA DISTRICT COURT FOR _____ COUNTY

STATE OF IOWA,
Plaintiff
vs.

Defendant

Criminal No. _____

**ORDER RE: DISCOVERY
and
PROTECTIVE ORDER**

On the ____ day of _____, 200____, this matter came for hearing before the Court on the Defendant’s motion for discretionary discovery pursuant to Rule 2.14(2)(b) of the Iowa Rules of Criminal Procedure. Defendant, _____ was present, along with counsel, _____. The State was represented by _____, Prosecuting Attorney for _____ County, Iowa.

THE COURT having been presented with the motion(s) and the resistance(s) thereto, and having heard the arguments of all parties, hereby enters the following Order regarding the discretionary discovery by the defendant and an ensuing Protective Order. Based upon the record herein, and upon the authority of the Court pursuant to Iowa R. Crim. P. Rule 2.14(6) to regulate discovery and inspection of evidence seized,

IT IS HEREBY ORDERED:

1. The State shall provide Defendant’s counsel with one (1) bit by bit (also known as an image) copy of hard drives from all computers seized in this case, and any other electronically stored data, necessarily including any and all “pornographic work” and/or contraband allegedly contained thereon. Any data provided pursuant to the foregoing paragraph will be personally delivered to Defendant’s counsel.
2. That in connection with the provision of such image copy, Defendant’s counsel will furnish the State with hard drives and/or other necessary computer media onto which the image copy will be replicated so that it functions as readily as the original.
3. That the image copy or copies referenced above (hereinafter the “imaged drive(s)”) shall be maintained by Defendant’s counsel in accordance herewith and shall be used by counsel solely and exclusively in connection with this case (including trial preparation, trial, and appeals or other related legal proceedings) and for no other purposes.
4. That the data contained on the imaged drive(s) may be accessed and viewed only by Defendant’s counsel and, the Defendant, defense expert and defense investigators, in the presence of Defendant’s counsel.

5. That the computer into which the imaged drive(s) may be inserted for access and operation shall not be connected to a network while the imaged drive(s) are installed, or at any time prior to the destruction of all data as specified in paragraph 11.
6. That the computer into which the imaged drive(s) is inserted may be connected to a printer only on the following terms and conditions – that any printer utilized is a local printer, that such printer may be connected only when and as necessary to print non-graphic image files (text files, log files, directory trees, etc.), and that Defendant’s counsel shall be personally present at all times a printer is connected. All printed copies (if any) will be returned to the Office of the _____ County Attorney for destruction at the conclusion of this matter.
7. That in no event shall any graphic image file containing “pornographic work” or which may reasonably be construed as constituting “pornographic work” be copied, duplicated or replicated, in whole or in part, onto any external media including, but not limited to, paper, floppy disk, CD-ROM, DAT tape, Zip disk or other media.
8. That the imaged drive(s) shall be maintained by Defendant’s counsel in a locked area at all times except when being actively utilized as provided for herein.
9. That a copy of this Order shall be kept with the imaged drive(s) at all times.
10. The State shall provide Defendant’s counsel with one copy of each of the _____ “pornographic work” documents that were obtained by the _____ Police Department from _____, as set out in the complaint herein. These documents shall be personally delivered to Defendant’s Counsel. These documents shall be maintained by Defendant’s counsel in accordance herewith and shall be used by counsel solely and exclusively in connection with this case (including trial preparation, trial, and appeal or other related legal proceedings) and for no other purpose. These documents may be viewed only by Defendant’s counsel, and the Defendant, the defense expert and defense investigators, in the presence of Defendant’s counsel. These documents shall not be copied, duplicated or replicated, in whole or in part. These documents shall be maintained by Defendant’s counsel in a locked area at all times except when being actively utilized as provided for herein. A copy of this order shall be kept with these documents at all times.
11. That upon termination of this matter the parties shall meet, agree upon, and execute procedures which will result in the non-recoverable destruction, without damage to the hardware, of all data on the imaged drive, and on all computers, and computer components used to examine such data. The physical hard drive, computers, and computer components, once the data has been removed, shall remain property of Defendant’s counsel. The documents provided to Defendant’s counsel pursuant to paragraph 10 shall be returned to the Office of the _____ County Attorney for destruction at the conclusion of this matter.

12. That any dispute as to appropriate data destruction procedure will be resolved by the Court.
13. That Defendant's counsel shall be permitted reasonable access to Defendant's original computer system for viewing and visual inspection.
14. That failure to strictly comply with any of the above restrictions may result in contempt proceedings being initiated against the violating party, and due to the sensitive nature of the contents of said imaged drive(s) and/or documents, possible criminal charges being brought for violation of applicable state and/or federal statutes.

DATED this ____ day of _____, 200__.

JUDGE, ____ JUDICIAL DISTRICT
STATE OF IOWA