

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO
PROBATION and PRETRIAL OFFICE**

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October 29, 2007

Administrative Office of the United States Courts
Court Administration Policy Staff
Attn: Privacy Comments, Suite 4-560
One Columbus Circle, N.E.,
Washington, D.C. 20544

Re: Electronic Public Access to Plea Agreements

Dear Honorable John R. Tunheim:

The District of New Mexico appreciates the opportunity to weigh in on this very important issue of electronic public access to plea agreements.

The District of New Mexico agrees with the Department of Justice proposal, and would respectfully request that electronic access of plea agreements for cooperating defendants by non-related case parties be restricted, since it relates directly to the safety of officers. This restriction should include any documents in the Court file which identifies cooperation with law enforcement by any defendant. Officers in New Mexico supervise over 1700 offenders; and like officers across this country, they are responsible for the ensuring the safety of the communities where these offenders reside. Some of these very offenders have provided information to the Government as part of their cooperation in criminal cases to gain a favorable outcome on their case. This cooperation is oftentimes outlined in plea agreements which the public may have access to via the Internet, unless sealed by the Court.

Should this sensitive information be broadcasted on websites such as www.whosarat.com, gives me grave concern for not only the well being of my officers in New Mexico, but for officers serving the Federal Judiciary across this country. Anyone wishing to retaliate against cooperating defendants could place an officer's life in harm's way during a routine home visit. The safety of these officers, as well as the cooperating defendants they supervise, should be of paramount importance.

RE: Electronic Public Access to Plea Agreements Response
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The other safety-related concern I have is that these files would still be available to the public at the clerk's office. Should the changes to the Federal Rules as proposed in Fed. R. Crim. P. 49.1(e), take effect on December 1, 2007, without changes by Congress, the protective order issued by the Court, on a case-by-case basis, could address the safety concerns by having information redacted for public access purposes. In this way, when the file is viewed by a third party, it still protects the cooperating offender, as well as the probation officer.

Thank you again for the opportunity to provide input on this very important issue. Should you need additional information, please feel free to contact me at (505) 348-2618.

Sincerely,

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United States Probation Officer

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