

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
UNITED STATES,

v.

16 Cr. 832 (KMK)

NICHOLAS TARTAGLIONE,

Defendant.

-----X

Kenneth M. Karas, District Judge:

WHEREAS, the Bureau of Prisons ("BOP") has certain procedures in place to protect the workings of its institutions;

WHEREAS, the defendant, by and through counsel, has raised the concern that certain of the BOP's procedures have the potential to result in defense strategy and attorney work product being revealed to the Government in circumvention of the Federal Rules of Criminal Procedure and the Criminal Justice Act;

IT IS HEREBY ORDERED:

1. The BOP shall be prohibited from providing to Federal prosecutors the originals and/or copies of any written communication designated "attorney work-product" sent by members of the defense team to BOP staff at the MCC, MDC, or any other facility in which Nicholas Tartaglione (#78514-054) might be held prior to trial in this case. To facilitate the secure implementation of this prohibition, the BOP shall not place such materials in Mr. Tartaglione's

“central inmate file.”

2. The BOP shall be prohibited from providing to Federal prosecutors the originals and/or copies of visitation logs related to “attorney visits” and/or “legal visits” of Nicholas Tartaglione (#78514-054); this includes visits to Mr. Tartaglione by defense counsel or other members of the defense team such as investigators, mitigation specialists, experts, consultants, and mitigation witnesses. (This proscription does not include “social visits,” which are memorialized in a separate visitation log.)


3. To the extent the United States Attorney’s Office is already in the possession of the type of communications and visitation logs addressed above, then the Government should immediately disclose all such material to Mr. Tartaglione so that the defense may then ascertain whether to seek relief under Rule 12 of the Federal Rules of Criminal Procedure.

4. Should Mr. Tartaglione be transferred to a non-BOP facility such as the Westchester County Correctional Facility in Valhalla, New York, this Order should be interpreted to maintain the same effect.

Dated: White Plains, New York
April 16, 2019

*Granted on government's
consent.*

So Ordered:



The Honorable Kenneth M. Karas
United States District Court Judge