

IN THE DISTRICT COURT OF THE VIRGIN ISLANDS

CM/ECF SEALED FUNCTIONALITY IN CRIMINAL CASES

The electronic case filing (“ECF”) system allows for the filing of sealed criminal and magistrate complaint cases. ECF also allows attorneys to file sealed documents once they have received leave to file from the Court.

The ECF system is set to automatically allow attorneys to electronically file sealed documents in any unsealed criminal case. Access to view sealed documents must be set by the Court on a per case, per defendant basis.

ACCESS TO VIEW- SEALED DOCUMENTS IN UNSEALED CRIMINAL CASES

When a criminal case is opened, a case administrator will set access to view sealed documents for the Assistant U.S. Attorney listed on the Criminal complaint. Any additional Assistant U.S. Attorney who desires access to view sealed documents in that case must file an Entry of Appearance. Access to view sealed documents will be set for the defendant’s attorney upon the filing of an Entry of Appearance or a CJA 20 Appointment Order.

Once access to view has been set, the Assistant U.S. Attorney will have access to view all sealed documents; an attorney of record for a defendant will have access to view sealed documents ONLY if a document pertains to his/her defendant. It is imperative that the e-filer of a sealed pleading or document select the correct defendant associated with the filing so that the system will only allow that defendant’s attorney access to view the sealed pleading or document.

Please Note:

The ECF system will generate and transmit a Notice of Electronic Filing (“NEF”) when sealed documents are filed in an unsealed case. The parties will not have access to the document on the “NEF”. To view the document authorized parties must login to the courts ECF system using the court’s issued login and password.

The e-filer must accomplish service of the sealed document on all parties in paper form.

If access to view has not been given to an attorney:

- Upon attempting to query a specific case number, the system will display the message:

##-#### is not a valid case. Please enter a valid value.

- Upon attempting to access a link for a sealed document, the system will display the message:

‘This Document is not available.’

- The query program only returns matches for a party by name for those cases the user has been authorized to view. Thus, if a party is involved in cases that are sealed, and access has not been granted, the system will display the message

“No person found.”

Please Note: If you are denied access to sealed information pertaining to your party/case, please contact the Clerk’s Office.

ACCESS TO VIEW- SEALED CRIMINAL CASES

Once an order granting motion to seal a criminal complaint is entered, the case will be opened under seal. All defendants will be sealed, as well as all entries and documents. A case administrator will set access to the assigned Assistant U.S. Attorney (as listed on the indictment) so that he/she can view and e-file documents while the case remains under seal.

Please Note:

The ECF system will generate but will not transmit a Notice of Electronic Filing (“NEF”) when documents are filed in a case that is sealed in its entirety. The NEF is generated for file-stamp purposes only.

The e-filer must accomplish service of documents on all parties in a sealed case in paper form.

When a criminal case is unsealed by the court, all defendants, documents designated to be unsealed, and entries will be unsealed. Upon the

unsealing of a criminal case, a text entry event will be e-filed by the case administrator; an NEF will generate and transmit notification to all authorized users that the case has been unsealed. Once the case is unsealed, the ECF system will set global access to view all unsealed documents. In a sealed case with multiple defendants, each defendant may be unsealed individually after the defendant has been brought before the court for a public hearing and no order to seal has been entered by the court.

FILING A MOTION FOR LEAVE TO FILE MOTION/DOCUMENT UNDER SEAL

To file a motion for leave to file a document under seal select the motion event ***Seal OR Seal Document-(Motion for Leave to File Document Under Seal)*** located under the ***Motions*** category. Attach only the PDF document of your motion to seal. Filers are warned not to attach the PDF document that they are requesting to be sealed, as this event is not a seal event. To file the proposed sealed document select the ***Sealed Document-Proposed*** event located under **Other Filings/Other Documents**. This event is a sealed event viewable only by court users with seal access.

FILING SEALED MOTIONS/DOCUMENTS

After leave of court to file a sealed motion has been granted, the e-filer will file its sealed motion by selecting the ***Sealed Motion*** event under the ***Motions*** category. If leave has been granted to file a document under seal the e-filer will select the ***Sealed Document*** event located under ***Other Filings/Other Documents*** category.

When filing sealed motions/documents in a criminal case, the e-filer must select the defendant that the motion/document refers to. Attach the PDF document. The system will automatically seal the motion/document, and then that document can only be viewed by the attorney who has been granted access to view sealed document in that case for that specific defendant.

Please Note: The e-filer must accomplish service of sealed documents on all parties in paper form.

FILING EX PARTE MOTIONS AND ORDERS

When filing an ex parte motion, the filer must attach the PDF document, which will be automatically sealed by the system. Ex parte events will only appear on Court docket sheets and on the docket sheets of the parties who filed the ex parte event.

To file an ex parte motion in ECF, the e-filer must select the ***1-Ex Parte Document-to be used ONLY in conjunction with other selection*** event, hold down the ctrl key at the same time and select the motion event. Upon completion of the transaction, a NEF is generated for file-stamp purposes ONLY. Print or download and save the NEF at this time for your file.

THE E-FILER MUST E-MAIL THE PROPOSED ORDER TO THE APPROPRIATE JUDICIAL OFFICER AT THE E-MAIL ADDRESS SET FORTH IN THE USER'S MANUAL.

The EX PARTE ORDER will only be distributed to the attorney who e-filed the motion. The NEF will be generated but not transmitted to the applicable party. Distribution must be in paper form to the applicable party.

When accessing the docket sheet, only authorized users will be allowed to view the docket entry and the document.

Note: The document number for the ex parte motion and ex parte order will be displayed on the NEF following the completion of the e-filing transaction.

PROPOSED SEALED ORDERS

Proposed sealed orders must be submitted to the appropriate judicial officer at the e-mail address as set forth in the User's Manual. The proposed order must be submitted in a format compatible with Word or WordPerfect. Proposed sealed orders (except ex parte orders) should also be served on all appropriate attorneys of record. The subject line of all emails must include the case name, number, and corresponding document number.

GENERAL INFORMATION

When an attorney in a criminal case withdraws or is substituted, access to view sealed documents will be immediately terminated.