

Your Honors,

My concern is two fold. As a criminal defense attorney, i have significant concerns that the presentence report, which contains highly confidential information, would somehow be released to the public. This document is typically contained in the public court file with all other court filings. Sentencing memos submitted by counsel, similarly reference this information and would be at risk of public disclosure. Additionally, numerous sentencing letters written on behalf of a defendant, and sometimes by the defendant himself are contained in the file as well.

My second concern is the personal notes of the judge regarding the case that are sometimes kept in file as well. Notes referencing client cooperation or other confidential information would be subject to potential disclosure also.

While I am unaware as to the details of the new proposal, any revision must have a reliable safeguard in place to protect truly confidential material from getting into the wrong hands. Under present circumstances, unfortunately, the level of confidentiality of these documents is sometimes dependent upon the screening "skills" of the clerk in allowing the public to review the files. If we had a uniform statewide computerized system like the federal pacer system, it would be easier to oversee what records were going to be released to the public on a document by document basis as the records are entered in the system.

Just my thoughts.  
Respectfully,

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