

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

FILED
June 1 19 78
William J. Stotka
CLERK

BERNARD CROW, et al,
Plaintiffs,

-vs-

DON R. ERICKSON, et al,
Defendants

CIV NO. 72-4101

ORDER

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UPON application of the DEFENDANTS to amend the courts ORDER dated August 24, 1973 as it pertains to the use of "HERESAY" evidence in prison disciplinary proceedings the court concludes that prison officials have the right to use the testimony of informants in prison disciplinary hearings, and it is

ORDERED that the defendants are allowed to use any sworn statement of an informant during the course of a prison disciplinary hearing.

ORDERED that such sworn statement be read in its entirety to the accused.

ORDERED that prison officials may withhold the name of the informant from the accused.

ORDERED that such sworn statement be treated as confidential and be made available only to prison administrators on a "need to know" basis.

ORDERED that the Chief Disciplinary Officer of the South Dakota Penitentiary is solely responsible for the safekeeping of such sworn statements.

ORDERED that the Judge of the UNITED STATES DISTRICT COURT, DISTRICT OF SOUTH DAKOTA, SOUTHERN DIVISION shall, upon his request, be furnished with the original Affidavit.

Dated at Sioux Falls, South Dakota, this 1st day of June, 1978.

BY THE COURT:

Fred J. Nichol

FRED J. NICHOL
Chief Judge

ATTEST:
William J. Stotka