

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION

UNITED STATES OF AMERICA

v.

CASE NO. 6:17-cr-18-Orl-40KRS

NOOR ZAHI SALMAN

**UNITED STATES' NOTICE TO THE COURT  
REGARDING THE SUPPRESSION HEARING**

The United States of America, by W. Stephen Muldrow, Acting United States Attorney for the Middle District of Florida, through the undersigned attorneys, files this notice in response to the Court's hearing on October 13, 2017, regarding the suppression hearing. Doc. 134. The government opposes the closure of any part of the suppression hearing in this matter.

Based on consultation with defense counsel, the parties are in agreement that the portions of the hearing related to the defendant's interactions with law enforcement (with the exception of the content of her statements) on June 12, 2016, should be open to the public, as should portions of the hearing touching on the defendant's mental health.

With respect to the portions of the hearing about the defendant's statements to law enforcement, the United States' position is that these portions of the hearing should also be open. *See, e.g., U.S. v. Ochoa-Vasquez,*

428 F.3d 1015, 1028-29 (11th Cir. 2005) (recognizing that the public has a qualified right of access to criminal proceedings). The defendant takes the position that this portion of the hearing should be closed. When moving to seal her motion to suppress, the defendant stated that a seal was necessary to prevent impact on possible jurors. Doc. 102 at 3. However, this reasoning is now moot in light of the Court's instructions to each prospective juror that they are not to read, watch, or listen to any news coverage regarding this case.

Further, the content of the defendant's confessions have now been discussed a number of times in unsealed pleadings and open settings, including during the detention argument and resulting pleadings and in the government's response to the defendant's motion for a bill of particulars.<sup>1</sup> *See, e.g.*, Doc. 15 at 11-13, 14-15, 16; Doc. 98 at 11-12. Thus, any risk of impacting the jury pool has been mitigated, and the heavy weight of the public's interest in an open hearing outweighs any potential impact on jurors.

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<sup>1</sup> In any event, even if a potential juror has viewed media coverage about this case, such a potential juror could still be qualified to serve, depending on that juror's responses to voir dire.

For the above reasons, the government opposes the closure of any part of the suppression hearing in this matter.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on October 20, 2017, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system, which will send a notice of electronic filing to the following:

Charles D. Swift, Esquire (counsel for Defendant)

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