

under seal. You can always -- I would rather be abundantly cautious, and if either party perceives that something is filed under seal incorrectly, we can always go back and unseal. You just can't reverse the other way quite as easily.

Doc. 51 at p. 34, ln. 20.

3. The suppression motion contains and relies on the following: 1) Police Reports; 2) 302 Reports drafted by the F.B.I.; 3) the Defendant's Declaration; and 4) a Report concerning the Defendant's mental condition.¹

4. Because the Defendant's alleged admissions have not been admitted and considering that the motion to suppress will contain and rely on information of a sensitive nature, the Defendant respectfully requests that said motion and supporting exhibits be filed under seal.

5. The undersigned has consulted with the Government and it does not oppose Ms. Salman's request.

MEMORANDUM OF LAW

The public possesses a common-law right to inspect and copy judicial records and public documents. *In re Alexander Grant & Co. Litig.*, 820 F.2d 352, 355 (11th Cir.1987). However, the public's right of access to judicial records may be overcome by a showing of good cause. *Federal Trade Comm'n v. Alcoholism Cure Corp.*, No. 3:10-cv-266-J-34TEM, 2010 WL 4840046 (M.D. Fla. Nov. 23, 2010).

Good cause requires balancing the right of access against the party's interest in keeping the information confidential. Whether good cause exists is determined by the nature and character of the information. Courts consider whether allowing access would impair court

¹ Although counsel Charles Swift initially believed and represented in good-faith that the motion to suppress would not rely on any psychological reports, the undersigned, who has taken a more active role in this case pursuant to the Court's direction, believes that Ms. Salman's mental condition is relevant to certain issues raised under the Fifth Amendment in Ms. Salmon's Motion to Suppress. *See, e.g., Colorado v. Connelly*, 479 U.S. 157 (1986).

functions or harm legitimate privacy interests, the degree of likelihood of injury if the information is made public, the reliability of the information, whether there will be an opportunity to respond to the information, whether the information concerns public officials or public concerns, and the availability of a less onerous alternative. *Federal Trade Comm'n, supra*, at *3 (citing *Romero v. Drummond Co.*, 480 F.3d 1234, 1246 (11th Cir. 2007)).

There is a high degree of likelihood of injury if the information is made public at this point in the case. There is the very real possibility of tainting the potential jury venire in this trial, making the selection of jurors more difficult. Jurors are to make up their minds based on facts and evidence presented to them at trial, and information which may not ultimately be admitted at trial has no business being before the jury in advance to consciously or subconsciously be used in the ultimate decision of guilt or innocence. At this point, statements allegedly made by the defendant have not been admitted, and to put that before the public may have irreparable effects on the jury selection process, and impair court function or the picking of a neutral and impartial jury. Moreover, because the motion to suppress discusses and relies on information of a sensitive nature, the undersigned respectfully submits that good cause exists for the sealing of the suppression motion and its exhibits.

Based on the foregoing, the undersigned requests that the filing of the suppression motion and its supporting exhibits be filed under seal.

Respectfully submitted this 30th day of August, 2017.

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CERTIFICATE OF SERVICE

I hereby certify that on August 30, 2017, the foregoing was filed with the clerk of the court using the ECF system which provide notice to all parties of record.

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