

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA :

v. : **Case No. 21-cr-332-PLF-1**

PAUL RUSSELL JOHNSON, et al., :

Defendants. :

**CONSENT MOTION TO UNSEAL
SEARCH WARRANT AND RELATED DOCUMENTS**

Paul Russell Johnson, through counsel, moves this Court to unseal the Exhibit attached to this Motion.¹ The Exhibit consists of: 1) a redacted copy of the Search Warrant and Receipt of Property, 2) a redacted Affidavit in support of the Search Warrant with Attachments A and B, and 3) a redacted Federal Bureau of Investigation (“FBI”) Form FD-302 regarding the search of Mr. Johnson’s home,² attached as Ex. 1. On April 12, 2021, federal magistrate Judge Elizabeth W. Hanes in the U.S. District Court for the Eastern District of Virginia sealed the Search Warrant and the Affidavit in Support of the Search Warrant with Attachments A and B. *See* Order to Seal, Ex. 2.

The law regarding the unsealing of documents is clear. In 1791, Congress ratified the Sixth Amendment’s guarantee that the “the accused shall enjoy the right to a speedy and public trial.” U.S. Const. amend. VI. In 1978, the Supreme Court recognized the right to public court

¹ Although the Exhibit is attached to this Motion, it remains attached in a sealed fashion until the Court rules on the Motion.

² Although search warrants are exempt from the redaction requirements under Federal Rule of Criminal Procedure 49.1(b)(8), the home address of Mr. Johnson and related information is redacted in the Exhibit in compliance with subsection (a) of the Rule. Also, the name(s)—including photos—of any uncharged person(s) is/are redacted.

proceedings and public access to court documents. *Nixon v. Warner Communications*, 435 U.S. 589, 597 (1978). In 1991, the D.C. Circuit recognized the First Amendment’s guarantee to public trials; the D.C. Circuit held that the “first amendment guarantees the press and the public a general right of access to court proceedings and court documents unless there are compelling reasons demonstrating why it cannot be observed.” *Washington Post v. Robinson*, 935 F.2d 282, 287 (D.C. Cir. 1991). In *EEOC v. Nat’l Children’s Ctr.*, the D.C. Circuit explained that “[t]he courts are public institutions that best serve the public when they do their business openly and in full view.” 98 F.3d 1406, 1408 (D.C. Cir. 1996). Accordingly, Mr. Johnson and the government ask this Court to unseal the Exhibit.

Dated: November 19, 2021

Respectfully submitted,

/s/

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of this pleading was served on all counsel of record via the Court's electronic filing service.

Date: November 19, 2021

/s/ Kobie Flowers
Kobie Flowers