

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

_____)	
UNITED STATES OF AMERICA,)	
)	
v.)	Case No. 1:21-cr-00225-DLF
)	
TRENISS JEWELL EVANS III,)	
)	
<i>Defendant.</i>)	
_____)	

**MOTION FOR LEAVE TO FILE TO SEAL
SENTENCING MEMORANDUM**

**TO THE HONORABLE DABNEY L. FRIEDRICH,
UNITED STATES DISTRICT JUDGE
FOR THE DISTRICT OF COLUMBIA:**

Now comes Defendant, TRENISS JEWELL EVANS III, by and through his undersigned counsel, and respectfully moves this Honorable Court for an Order granting counsel for Defendant leave to file his Sentencing Memorandum under seal of Court, ECF Doc. 59, and in support thereof the Defendant states:

On September 12, 2022 the Court in its Minute Order directed Defendant to file a motion for leave to file the memorandum under seal no later than 9:00 a.m. on September 13, 2022. The motion should address the factors articulated in United States v. Hubbard, 650 F.2d 293 (D.C. Cir. 1980), and if the motion itself should be kept under seal, it should also address the standard of Washington Post v. Robinson, 935 F.2d 282, 289 (D.C. Cir. 1991). It is further ORDERED that the defendant shall

file a redacted version of the memorandum on the public record by 9:00 a.m. on September 13, 2022. So Ordered by Judge Dabney L. Friedrich on September 12, 2022. In compliance with the Order of the Court Defendant states that:

- (1) The need for public access to the document at issue is minimum and this case does not involve access to the courtroom conduct of a criminal trial. The document at issue is a sentencing memorandum regarding the Defendant's criminal proceeding. A criminal proceeding typically last for a short or specific duration, whereas a separate tip, or investigation involving matters completely outside the scope of the criminal case, "might continue for a much longer time, indeed until the statute of limitations for the underlying offense expires.";
- (2) *Public Use of the Documents and Fact of Objection and Identity of Those Objecting to Disclosure.* In the instant case, public use of the Defendant's sentencing memorandum contains information that unnecessarily invades the privacy of third parties who are not directly related in the criminal proceeding of the Defendant;
- (3) *Strength of the Generalized Property and Privacy Interests Asserted.* In the instant case there is little or no generalized interest in the Sentencing Summary. The information contained therein has absolutely nothing to do with the nature of case, and speaks only to who Mr. Evans is, and other things outside of January 6th that he has done; and
- (4) *Possibility of Prejudice; and the Purposes for Which the Documents Were Introduced.* The public safety of innocent third parties as well as the constitutional "privacy" rights of Mr. Evans weighs in favor of sealing Mr. Evans Sentencing Memo.

Here, there is a reasonable basis for believing a danger to the Defendant or his family might exist when considering whether to seal Defendant's sentencing materials. These filings contain absolutely nothing relating to the conduct of the United States Government, or again, were evidence that the government would have

used in its case against Mr. Evans. For the sake of preemptive measure to secure the safety and security of third parties and that of Mr. Evans, this Court should grant leave to file the Defendant's motion to seal the Sentencing Memorandum of Mr. Evans.

For these reasons, it is respectfully requested that Mr. Evans's Sentencing Memorandum be placed under the secure seal of the Court.

WHEREFORE, Defendant, TRENISS JEWELL EVANS III respectfully requests this Honorable Court to grant leave to file Defendant's Motion To Seal Sentencing Memorandum Docs. 59 and for such other and further relief as this Honorable Court deems just and proper.

Respectfully Submitted,

/s/ Steven Alan Metcalf II

STEVEN A. METCALF II, ESQ.
Metcalf & Metcalf, P.C.
99 Park Avenue, 6th Flr.
New York, NY 10016
(Office) 646.253.0514
(Fax) 646.219.2012

Counsel for Defendant Treniss Jewell Evans III

CERTIFICATE OF SERVICE

I hereby certify that, on September 12, 2022, this motion was filed via the Court's electronic filing system, which constitutes service upon all counsel of record.

/s/ Steven Alan Metcalf II

STEVEN A. METCALF II, ESQ.

Counsel for Defendant Treniss Jewell Evans III