

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

UNITED STATES OF AMERICA

v.

GUY WESLEY REFFITT,

Defendant.

Case No. 21-cr-32-DLF

MOTION FOR LEAVE TO FILE UNDER SEAL

The United States, by and through its undersigned attorneys, respectfully requests that the Court issue an Order sealing an exhibit the defendant used at the August 1, 2022 sentencing hearing in this case, and permitting the public filing of a redacted version of the exhibit, until further order of this Court.

The government seeks this Order because the document that comprises this exhibit was produced to the defense during discovery in this case as “sensitive” discovery material under the Court’s Protective Order. ECF 16. Under that Order, the parties are prohibited from disclosing “sensitive” materials in any public filing absent prior agreement by the parties or permission from the Court; rather “[s]uch materials shall be submitted under seal.” *Id.* at ¶ 4(d). The Protective Order further provides that “[t]he Clerk shall accept for filing under seal any filings so marked by the parties pursuant to this Order.” *Id.*

The exhibit that the defense used at sentencing was originally provided to the government by the U.S. Capitol Police Department (USCP). The document was marked “sensitive” under the Protective Order because it contains attorney work product. The parties have prepared a redacted version of the exhibit that the parties agree may be publicly filed, which is attached as an exhibit to this Motion. The redacted portions of the document were not relied upon by the defendant during the sentencing hearing.

The government respectfully submits that this redacted version of the exhibit appropriately balances the six factors identified in *United States v. Hubbard*, 650 F.2d 293, 217 (D.C. Cir. 1980). In particular, the redacted version of the exhibit balances USCP's interest in its attorney work product with the need for public access to the document, as the portions of the document that were relied upon by the defendant at the hearing will be publicly filed. The redacted version of the document thus meets the *Hubbard* standard.

Wherefore, the government requests that the Court issue an Order sealing the complete exhibit used by the defense at sentencing until further Order of the Court, and an Order allowing the parties' jointly redacted version to be filed publicly, as part of the defendant's sentencing hearing record.

Respectfully submitted,

MATTHEW M. GRAVES
United States Attorney
DC Bar No. 481052

By: /s/ Risa Berkower

Jeffrey S. Nestler
Assistant United States Attorney
DC Bar No. 978296
Risa Berkower
Assistant United States Attorney
NY Bar No. 4536538
U.S. Attorney's Office for the District of Columbia
601 D Street NW
Washington, D.C. 20530
Phone: 202-252-7277
Email: Jeffrey.Nestler@usdoj.gov

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ORDER ON MOTION FOR LEAVE TO FILE UNDER SEAL

For the reasons given in the government's Motion for Leave to File Under Seal,

IT IS ORDERED that (1) the unredacted version of the defendant's sentencing exhibit be filed under seal; and (2) the redacted version of the exhibit may be publicly filed.

IT IS SO ORDERED THIS _____ DAY OF AUGUST, 2022.

HON. DABNEY L. FREIDRICH
DISTRICT COURT JUDGE