

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA	:	
	:	Case No. 21-mj-
v.	:	
	:	<u>UNDER SEAL</u>
YVONNE ST CYR,	:	
	:	
Defendant.	:	
_____	:	

**GOVERNMENT’S MOTION TO SEAL COMPLAINT
AND RELATED DOCUMENTS**

The United States of America, moving by and through its undersigned counsel, respectfully moves the Court for an Order placing the above-captioned Complaint, Arrest Warrant, and the application and affidavit in support thereof, and all attachments thereto and other related materials (collectively herein the “Complaint”) under seal. In support of this motion, the government states:

1. The Court has the inherent power to seal court filings when appropriate, including the Arrest Warrant. *United States v. Hubbard*, 650 F.2d 293, 315-16 (D.C. Cir. 1980) (citing *Nixon v. Warner Communications, Inc.*, 435 U.S. 589, 598 (1978)). More particularly, the Court may seal the Arrest Warrant to prevent serious jeopardy to an ongoing criminal investigation when, as in the present case, such jeopardy creates a compelling governmental interest in preserving the confidentiality of the Arrest Warrant. *See Washington Post v. Robinson*, 935 F.2d 282, 287-89 (D.C. Cir. 1991).

2. On February 12, 2021, the government applied for a Complaint, Arrest Warrant, and Search Warrant in this matter. The affidavit details the facts supporting probable cause to believe that Yvonne St Cyr violated Title 18, United States Code, §§ 1752(a)(1) and (2); and 40 U.S.C. §§ 5104(e)(2)(D) and (G).

3. The government will continue its investigation after the Court signs its criminal complaint and arrest warrant, including taking efforts to locate the defendant and to develop information regarding potential co-conspirators and/or other individuals who took unlawful actions in and around the Capitol on January 6, 2021. Disclosure of the Complaint would jeopardize the investigation by providing the subjects of the investigation an opportunity to destroy evidence or flee and jeopardize the investigation by disclosing the details of facts known to investigators, the identities of witnesses, and the investigative strategy.

4. For the foregoing reasons, the government respectfully requests that the Complaint and Arrest Warrant be sealed until further order of this Court, except that it may be unsealed upon request by any judicial officer in any District before whom the defendant appears pursuant to this Complaint.

Respectfully submitted,

MICHAEL R. SHERWIN
ACTING UNITED STATES ATTORNEY
New York Bar No. 4444188

By: /s/ Erik M. Kenerson
Assistant United States Attorney
OH Bar No. 82960
National Security Section
United States Attorney's Office
555 Fourth Street, N.W.
Washington, D.C. 20530
Telephone: (202) 252-7201
Email: erik.kenerson@usdoj.gov

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA	:	
	:	Case No. 21-mj-
v.	:	
	:	<u>UNDER SEAL</u>
YVONNE ST CYR,	:	
	:	
Defendant.	:	
_____	:	

ORDER

The United States has filed a motion to seal the above-captioned Complaint, Arrest Warrant, and related documents, including the application and affidavit in support thereof and all attachments thereto and other related materials (collectively the “Complaint”).

The Court finds that the United States has established that a compelling governmental interest exists to justify the requested sealing, and that there is reason to believe that disclosure of the Complaint and Arrest Warrant would jeopardize the investigation by providing the subject of the investigation an opportunity to destroy evidence or flee and jeopardize the investigation by disclosing the details of facts known to investigators, the identities of witnesses, and the investigative strategy.

IT IS FURTHER ORDERED that, notwithstanding this Order to Seal, the Government may disclose the Complaint and Arrest Warrant to (1) appropriate U.S. and foreign law enforcement officials and other officials and personnel to the extent that such disclosure is in furtherance of national security or efforts to locate, arrest, detain, transfer, extradite, or expel the defendant, and (2) the court, court officials, and defense counsel in this district or any other appropriate district as necessary to conduct any court proceedings in that district.

It is, therefore, this 12th day of February, 2021,

ORDERED that the motion is hereby GRANTED, and that the Complaint, Arrest Warrant, Affidavit, and related documents, the instant motion to seal, and this Order be SEALED until further order of the Court. It is

FURTHER ORDERED that a judicial officer in any district where the defendant may appear pursuant to this complaint may unseal the Complaint, Arrest Warrant, Affidavit, and Related Documents upon request of an attorney for the government.

ZIA M. FARUQUI
UNITED STATES MAGISTRATE JUDGE