



in the crimes charged - is publicly revealed each day during voir dire. That information has been reported by the media to the general public and reports cite the juror number announced by the clerk. Thus, the memorandum did no more than what the Court does each day in its voir dire of potential jurors: publicly air the issues that are crucial to selecting an impartial jury, while maintaining the confidentiality and privacy of the jurors.

The Court order's allegation of impropriety seems to focus on the fact that the memorandum included quotes from jurors who had not yet been interviewed in the public voir dire proceedings. This suggests that it is the *timing* of the release of quotes that is the issue. There does not appear to be a reasoned distinction between anonymous information that is made public prior to the individual voir dire of a prospective juror and that which is revealed a day or so later when the juror is publically interviewed. Again, no identifying information was included, and potential jurors have been instructed in the clearest and sternest terms not to read, watch, or listen to any media reports about this case.

Jurors are presumed to follow these instructions and the potential jurors questioned to date have assured the Court they have done so. Thus, the suggestion that defendant's use of the quotes from prospective jurors not yet questioned was improper, or has damaged the proceedings, is unfounded.

While undersigned counsel believe it was proper to file the venue memorandum in the public record, we do not question the Court's authority to direct that pleadings be redacted or filed under seal. *Kravetz*, 706 F.3d at 60. As a result, counsel will submit a redacted version of the memorandum under seal for review. But the Court's description of the defense's initial filing of the document publicly as "improper" and the conclusion that it compromised confidentiality

or threatened the integrity of the proceedings is unwarranted. Defendant therefore requests that the Court amend its electronic order to delete this finding.

Respectfully submitted,

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/s/ Miriam Conrad