

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

UNITED STATES OF AMERICA

VS.

CASE NO: 2:20-cr-114-JES-MRM

CASEY DAVID CROWTHER

ORDER

This matter comes before the Court on defendant's Motion for Leave to File Under Seal Pursuant to Local Rule 3.01 Motion Regarding Trial Proceedings (Doc. #80) filed on March 12, 2021. The motion seeks leave to file a sealed motion requesting a bench trial, or alternatively, to seal certain proceedings or bifurcate the upcoming trial. Id. p. 1. For the reasons that follow, while defendant may file such a motion, the request to file it under seal is denied.

As recognized by the motion, "[t]he public has a qualified First Amendment right of access to criminal trial proceedings," and this right "establishes a presumption of openness that precludes the sealing of criminal proceedings." United States v. Cooper, 679 F. App'x 738, 742 (11th Cir. 2017) (citations omitted). To overcome this presumption, "a party must show an overriding interest based on findings that closure is essential to preserve higher values and is narrowly tailored to serve that interest." Id. (marks and citations omitted). Defendant has failed to make

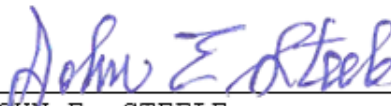
such a showing, and the Court cannot glean any sufficient reason from the title of the proposed motion. A request for a bench trial requires a written waiver of a jury trial by defendant and the consent of the government. Fed. R. Crim. P. 23(a)(1)-(2). If the government does not consent, the issue is a non-starter. Bifurcation will occur as to the forfeiture proceedings, and it is not apparent what other matters would be subject to bifurcation.

Accordingly, it is hereby

ORDERED:

Defendant's Motion for Leave to File Under Seal Pursuant to Local Rule 3.01 Motion Regarding Trial Proceedings (Doc. #80) is **DENIED.**

DONE and ORDERED at Fort Myers, Florida, this 17th day of March, 2021.



JOHN E. STEELE
SENIOR UNITED STATES DISTRICT JUDGE

Copies:
Counsel of Record