

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

CASE NO.: 6:20-cr-00097-GAP-LRH

JOEL MICAH GREENBERG,

Defendant.

**DEFENDANT'S UNOPPOSED MOTION TO FILE UNOPPOSED MOTION TO
SET THE DATE OF HIS SENTENCING HEARING UNDER SEAL**

The Defendant, Joel Micah Greenberg, moves this Honorable Court, to allow him to file his Unopposed Motion to Set the Date of his Sentencing Hearing Under Seal. The Government does not oppose the Defendant's request. In support thereof, Mr. Greenberg states the following:

Procedural History

1. On May 17, 2021, Mr. Greenberg pled guilty to sex trafficking, identity theft, wire fraud, and conspiracy. *See* Doc. 105-106.
2. Based on his convictions for identity theft and sex trafficking, Mr. Greenberg is facing a significant minimum mandatory penalty of 12 years. *See* 18 U.S.C § 1591 (imposing mandatory penalty of ten years) and 18 U.S.C. § 1028A (imposing consecutive mandatory penalty of two years).
3. Mr. Greenberg's sentencing hearing is in the process of being set.

Grounds Supporting Request to Seal

4. Pursuant to his plea agreement with the Government and to mitigate the significant penalties he faces; Mr. Greenberg has been cooperating with federal prosecutors in active

investigations currently being conducted by the United States Attorney's Office in the Middle District of Florida and the Department of Justice in Washington D.C, as well as in other jurisdictions. The unopposed motion to set the date of the sentencing hearing provides confidential information concerning these investigations, as well as information regarding the nature and extent of Mr. Greenberg's ongoing cooperation.

5. Pursuant to the Local Rules for the Middle District of Florida, the undersigned consulted with the Government, which asserted that it agrees with the sealing of Mr. Greenberg's request.

MEMORANDUM OF LAW

The public possesses a common-law right to inspect and copy judicial records and public documents. *In re Alexander Grant & Co. Litig.*, 820 F.2d 352, 355 (11th Cir.1987). However, the public's right of access to judicial records may be overcome by a showing of good cause. *Federal Trade Comm'n v. Alcoholism Cure Corp.*, No. 3:10-cv-266-J-34TEM, 2010 WL 4840046 at *1, *3 (M.D. Fla. Nov. 23, 2010).

Good cause requires balancing the right of access against the party's interest in keeping the information confidential. Whether good cause exists is determined by the nature and character of the information. Courts consider whether allowing access would impair court functions or harm legitimate privacy interests, the degree of likelihood of injury if the information is made public, the reliability of the information, whether there will be an opportunity to respond to the information, whether the information concerns public officials or public concerns, and the availability of a less onerous alternative. *Id.* (citing *Romero v. Drummond Co.*, 480 F.3d 1234, 1246 (11th Cir.2007)).

As previously noted, Mr. Greenberg's forthcoming motion to set a sentencing date contains sensitive information pertaining to confidential and protected information concerning ongoing

investigations and prosecutions. If this Court sets a hearing on the motion, the proceeding will convey specific information to the Court concerning Mr. Greenberg's cooperation against multiple individuals.

Because these interests outweigh the public's interest, good cause exists for the sealing of Mr. Greenberg's request to set a sentencing date.

WHEREFORE, the Defendant, Joel Micah Greenberg, moves this Honorable Court for permission to file his Unopposed Motion to Set the Date of his Sentencing Hearing Under Seal. If the Court sets a hearing on the motion, Mr. Greenberg requests that the hearing be conducted under seal.

Respectfully submitted:

/s/ Fritz Scheller
Fritz Scheller
Florida Bar No. 0183113

CERTIFICATE OF SERVICE

On July 5, 2022, I electronically filed the foregoing with the clerk of the court by using the CM/ECF system, which will send a notice of electronic filing to all parties of record.

/s/ Fritz Scheller
Fritz Scheller
Florida Bar No. 0183113
Fritz Scheller, P.L.
200 E. Robinson St., Ste. 1150
Orlando, Florida 32801
PH: (407) 792-1285
FAX: (407) 649-1657
Email: fscheller@flusalaw.com