

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

DONALD J. TRUMP,

Defendant.

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CRIMINAL NO.

FILED UNDER SEAL

**MOTION TO SEAL THE INDICTMENT AND RELATED
MATTERS AND TO DELAY ENTRY ON THE PUBLIC DOCKET**

The United States of America, by and through the undersigned attorneys, respectfully moves this Court to place under seal the indictment, summons, and all other pleadings, records, and files in this case, including the instant motion to seal, and to delay their entry on the public docket of the criminal case. In support of this motion, the Government submits as follows:

1. On August 1, 2023, the Grand Jury returned an original indictment charging the defendant with violations of 18 U.S.C. § 371 (Conspiracy to Defraud the United States); 18 U.S.C. § 1512(k) (Conspiracy to Obstruct an Official Proceeding); 18 U.S.C. §§ 1512(c)(2) and 2 (Obstruction of and Attempt to Obstruct an Official Proceeding); and 18 U.S.C. § 241 (Conspiracy Against Rights).

2. As alleged in the indictment, the charges arise from the defendant's criminal efforts to target, with deceit, the federal government function by which the results of the election for President of the United States are collected, counted, and certified; to obstruct the official proceeding by which Congress was to certify the election results on January 6, 2021; and to discount legitimate votes in the 2020 presidential election.

3. The Government informed the defendant on July 16, 2023, of his status as a target of the Grand Jury's investigation.

4. The events leading to the indictment have been the subject of extensive public scrutiny and media reporting. The Government anticipates that public disclosure of the indictment will generate additional public and media interest, which may require steps to maintain public order and security.

5. The Government has requested that the Court issue a judicial summons ordering the defendant to appear on Thursday, August 3, 2023.

6. Immediate public disclosure of the indictment risks public safety. *See, e.g., Washington Post v. Robinson*, 935 F.2d 282, 289 n.10 (D.C. Cir. 1991) (noting that compelling reasons may exist for sealing documents filed with the Court and postponing their entry on the public docket).

7. Accordingly, the public interest favors a brief delay in public disclosure of the indictment and other records to allow the Government to make limited disclosure of the fact that the Grand Jury has returned an indictment and that there will be an initial court appearance on August 3, 2023, as follows:

- a. To attorneys for the defendant to effectuate service of the judicial summons, make arrangements for his court appearance, discuss court procedures and scheduling, and make arrangements for producing discovery;
- b. To local and federal law enforcement and other government agencies for the purposes of ensuring public order, witness security, the integrity of the judicial proceedings, and other government interests, as well as to make logistical preparations for the defendant's court appearance;
- c. To witnesses and their attorneys to protect against harassment and intimidation; and
- d. As necessary to advance the law enforcement and security purposes and equities set forth above.

8. Accordingly, for these reasons and as set forth in the attached proposed order, the Government respectfully requests that the indictment, summons, and all other pleadings, records,

and files in this case, including the instant motion to seal, be sealed and their entry on the public docket be delayed until 5:30 p.m. on Tuesday, August 1, 2023.

Respectfully submitted,

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Special Counsel

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SEALED ORDER

Upon consideration of the Government's Motion to Seal the Indictment and Related Matters and to Delay Entry on the Public Docket, for the reasons set forth therein and in consideration of *Washington Post v. Robinson*, 935 F.2d 282, 289 n.10 (D.C. Cir. 1991), it is:

ORDERED that the indictment, Government's Motion to Seal, this Order, the summons, and all other records be sealed and that their entry on the public docket of the criminal case be delayed until the records are automatically unsealed at 5:30 p.m. on Tuesday, August 1, 2023.

IT IS FURTHER ORDERED that in the interim, the Government is authorized to make limited disclosure of the fact that the Grand Jury has returned an indictment and that there will be an initial court appearance on August 3, 2023, as follows:

1. To attorneys for the defendant to effectuate service of the judicial summons, make arrangements for his court appearance, discuss court procedures and scheduling, and make arrangements for producing discovery;
2. To local and federal law enforcement and other government agencies to ensure public order, witness security, and the integrity of the judicial proceedings, and public order, and to make logistical preparations for the defendant's court appearance;
3. To witnesses and their attorneys to protect against harassment and intimidation; and

4. As otherwise necessary to advance the law enforcement and security purposes and equities set forth above.

HONORABLE MOXILA A. UPADHYAYA
UNITED STATES MAGISTRATE JUDGE