

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA

v.

SALVATORE MANCUSO GOMEZ

Criminal Case No.: 02-388 (2) (ESH)

**MOTION TO FILE OUT OF TIME AND REQUEST FOR MAINTAINING DOCUMENT
UNDER SEAL**

Defendant Salvatore Mancuso, by and through the undersigned with the consent of the defendant, moves the District Court to accept this late filed request to maintain, under seal, a previously filed document.

On April 14, 2015, in In Re: The Reporters Committee for Freedom of the Press et al, Misc., No. 15-0410 (ESH), the District Court directed the parties in United States v. Salvatore Mancuso (DDC, 02-388, ESH) to review all docket entries under seal and, on or before April 30, 2015, to show cause why any of those documents should remain under seal. On April 27, 2015, the government and defense counsel in the Mancuso case reviewed all docket entries that remained under seal. Counsel concluded after reviewing the sealed documents that all documents but one should be unsealed.

On or about March 31 2015, Defendant filed its Memorandum in Aid of Sentencing and Motion Pursuant to U.S.S.G. Section 5K1.1 (Document numbers 123). Government counsel and defense counsel in Mancuso agree that this document should remain sealed.

Though the law presumes that records should be open, that presumption may be overcome “by an overriding interest based on findings that closure is essential to preserve higher values and is narrowly tailored to serve that interest.” *Press Enterprise Co. v. Superior Court of Cal.*, 464 U.S. 501, 510 (1984). The release of this information may threaten an ongoing criminal investigation, and may threaten the safety of other cooperators identified in that portion of the document, as well as the families of those other cooperators. See, e.g., *Washington v. Robinson*, 935 F.2d 282, 291 (D.C. Cir. 1991).

Accordingly, Defendant Mancuso moves to unseal all docket entries that remain under seal, except as set out above.

Respectfully submitted,

/s/ Joaquin Perez

JOAQUIN PEREZ
Florida Bar No. 335339
6780 Coral Way
Miami, Florida 33155
Telephone: (305) 261-4000
Facsimile: (305) 662-8715
jplaw1@bellsouth.net

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was filed under seal this 5 day of May, 2015 and an electronic copy was sent to AUSA Paul Laymon, US Department of Justice.

/s/ Joaquin Perez