

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

UNITED STATES OF AMERICA

Plaintiff,
v.

CASE NO: 6:18-cr-223-Orl-37TBS

ROSE BETH LITZKY

Defendant.

ORDER

This case comes before the Court without a hearing on the United States' Motion to Seal Exhibits Regarding Pre-Trial Motions (Doc. 78). Defendant Rose Beth Litzky does not oppose the motion (Id., ¶ 16).

Defendant is accused of producing and possessing child pornography (Doc. 1). She has motioned the Court to suppress statements she made to law enforcement on three occasions (Doc. 60). The motion raises issues concerning Defendant's mental abilities and susceptibility to coercion (Id., at 6-7). The motion is supported by three psychological evaluations which the Court has permitted Defendant to file under seal (Docs. 63-64).

The government has filed a Motion to Exclude Defendant's Psychiatric Evidence on Mental Defect and a Response in Opposition to Defendant's Motion to Suppress Statements (Docs. 79-80). Now, it is asking the Court for permission to file the following exhibits under seal:

(1) A letter dated April 11, 2019, which the defense submitted to the government by email, where it disclosed a competency evaluation report of Dr. Valerie McClain and an article about intellectual disabilities.

(2) An audio recording and transcript of Defendant's interview by law enforcement on September 15, 2016. The government represents that these exhibits concern a Child Protective Team interview regarding allegations of sexual abuse against two minors.

(3) An audio recording and transcript of Defendant's interview by law enforcement on September 15, 2016. The government represents that these exhibits concern Defendant's interview by law enforcement where details of the alleged minor victims' background and graphic details of their sexual abuse were discussed.

(4) An audio recording and transcript of Defendant's interview by law enforcement on February 3, 2017. The government represents that these exhibits concern Defendant's interview by law enforcement where details of the alleged minor victims' background and graphic details of their sexual abuse were discussed.

(5) Defendant's mental health evaluation report issued by the U.S. Bureau of Prisons Forensic Unit Psychologist, on January 3, 2019.
(Doc. 4, ¶¶ 6-10).

The Court summarized much of the applicable law in its Order granting Defendant's motion to seal (Doc. 63). In addition to those authorities, the government cites the Crime Victim's Rights Act, 18 U.S.C. § 3771(a)(8) as additional grounds why its exhibits should be sealed (Doc. 78, ¶ 14).

The Court is persuaded that Defendant's privacy interest in her own personal health information outweighs the public's right of access to this judicial proceeding. The Court is also persuaded that the information the government intends to file concerning the alleged victims is of such a personal, private, and sensitive nature that it should be sealed to protect the victims' right to privacy. Accordingly, the motion is **GRANTED**. The Clerk

shall accept the government's exhibits described above for filing **UNDER SEAL**. The Clerk shall maintain these exhibits under seal until further order of the Court.

DONE and **ORDERED** in Orlando, Florida on May 15, 2019.



THOMAS B. SMITH
United States Magistrate Judge

Copies furnished to:

Counsel of Record
Rose Beth Litzky