

MEMO ENDORSED

The Honorable Katherine Polk Failla
United States District Judge
Southern District of New York
40 Foley Square
NY, NY 10007

December 29, 2020

**Re: United States v. Efrain Reyes
18-cr-454**

Dear Judge Failla:

I respectfully write as a member of the public and reporter for the New York Daily News covering the case of US v. Reyes, 18-cr-454.

I write in regard to Reyes's change of plea hearing on 8/26/19 and sentencing on 4/13/20.

I'm told the transcripts of both proceedings are under seal. There are also no sentencing submissions from the government or Reyes's attorney posted on the docket.

Reyes died last month at his mother's apartment in the Bronx. He is the subject of public interest because he was the last person to share a cell with Jeffrey Epstein.

As you are aware, there exists a presumption of access to court proceedings and judicial documents under both the common law and our Constitution. This presumption is overcome solely when Your Honor makes a specific finding on the record that a compelling interest in secrecy overrides this interest. Any restrictions of access must be narrowly tailored.

"The public and press have a qualified First Amendment right of access to plea and sentencing proceedings." United States v. Alcantara, 396 F.3d 189, 191-2 (2d Cir. 2005).

The presumption of access is based on the view that secrecy erodes trust in courts and judges, and access enhances trust. To keep these materials sealed would create the appearance that the presumption is designed to avoid -- that the Court is keeping a matter of public concern under wraps.

I respectfully request that your Honor unseal the proceedings mentioned above and order the docketing of sentencing submissions for Reyes. Alternatively, I ask you make a finding on the record explaining why they should remain under wraps.

Thank you for your attention.

Stephen Rex Brown
NY DAILY NEWS
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The Clerk of Court is directed to file this letter to the docket in case number 18-cr-454-12, *United States v. Efrain Reyes*. The parties shall file a response, if any, to this letter seeking to unseal certain filings on or by January 22, 2021.

Dated: December 29, 2020 SO ORDERED.
New York, New York



HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE