

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 WRONALD BEST, )  
 )  
 Defendant. )

**REDACTED**

Crim. No. 12-16-LPS  
FILED UNDER SEAL

**MEMORANDUM ORDER**

Pending before the Court is Defendant's Sealed Motion to Seal All Pleadings. (D.I. 12) ("Motion") For the reasons stated below, Defendant's Motion is GRANTED IN PART AND DENIED IN PART.

1. On March 8, 2012, the government filed a felony information, charging Defendant with conspiracy to commit copyright infringement, in violation of 17 U.S.C. § 506(a)(1)(A), 18 U.S.C. § 2319(a) & (b)(1), 18 U.S.C. § 371, and 18 U.S.C. § 2. (D.I. 2)

2. Also on March 8, 2012, the government filed a motion to seal the case file "until further notice by the government," which the Court granted. (D.I. 1)

3. On March 30, 2012, Defendant waived indictment and pled guilty to the information, pursuant to a Memorandum of Plea Agreement ("Plea Agreement"). (D.I. 4, 5)

**REDACTED**

4. On August 1, 2012, the government filed a "Motion and Order to Unseal Information and File." (D.I. 9)

**REDACTED**

REDACTED

5. Also on August 1, 2012, the Court granted the government's motion and unsealed the case file.

6. On August 29, 2012, Defendant filed his Motion.

REDACTED

7. The government opposes the Motion. (D.I. 14)

8. There is both a First Amendment and common-law right of public access to judicial proceedings and records. *See United States v. Wecht*, 484 F.3d 194, 207-08 (3d Cir. 2007). The Court should close criminal proceedings to the public only where closure serves a compelling interest, there is a substantial probability that the absence of closure would harm this compelling interest, and there are no alternatives to closure that would adequately protect the compelling interest. *See Press-Enterprise Co. v. Superior Court of Cal., County of Riverside*, 478 U.S. 1, 13-14, 28 (1986). "The burden of justifying the confidentiality of each and every document sought to be covered by a protective order remains on the party seeking the protective order." *Wecht*, 484 F.3d at 211 (internal quotation marks omitted).

9.

REDACTED

portions of the Motion, the government's response, and this Memorandum Order – Defendant has not met his burden.

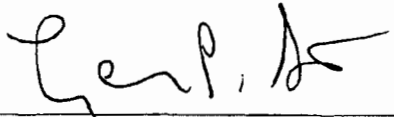
Accordingly, IT IS HEREBY ORDERED THAT:

A. Defendant's Motion (D.I. 12) is GRANTED IN PART AND DENIED IN PART. Paragraphs 11-13 of the Plea Agreement are SEALED.

B. The parties are directed to meet and confer and submit to the Court, no later than September 28, 2012, proposed redacted versions of D.I. 5, 12, 14, and this Memorandum Order. Thereafter, the Court will docket publicly-available versions of these documents.

C. The Clerk of Court is directed to SEAL the Plea Agreement (D.I. 5), in its entirety, until receipt of the submissions ordered by paragraph B above.

September 21, 2012

  
UNITED STATES DISTRICT JUDGE