

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
AUGUSTA DIVISION

UNITED STATES OF AMERICA

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v.

NO. 1:17-CR-00034

REALITY LEIGH WINNER

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DEFENDANT’S OBJECTION TO THE GOVERNMENT’S SECOND *EX PARTE, IN CAMERA*, UNDER SEAL MOTION FOR A PROTECTIVE ORDER PURSUANT TO CIPA § 4 AND FED. R. CRIM. P. 16(D)(1) AS NOTICED BY GOVERNMENT’S NOTICE OF FILING [DOC. NO. 102]

NOW INTO COURT, through undersigned counsel, comes Defendant Reality Leigh Winner (“Ms. Winner” or “Defendant”), who respectfully files Defendant's Objection to the “Government’s Second *Ex Parte, In Camera*, Under Seal Motion and Memorandum of Law for a Protective Order Pursuant to CIPA § 4 and FED. R. CRIM. P. 16(d)(1)” (the “Second CIPA § 4 Submission”) submitted to the Court through the Classified Information Security Officer (CISO) on September 28, 2017 as articulated by the Government's Notice of Filing [Doc. No. 102] (hereinafter, the “Objection”).

1. On September 22, 2017, after a September 14, 2017 hearing (“Hearing”), the Court entered its Order [Doc. No. 94] (“Order”) on the Government's *Ex Parte, In Camera*, Under Seal Motion and Memorandum of Law for a Protective Order Pursuant to CIPA § 4 and Fed. R. Crim. P. 16(d)(1) [Doc. No. 62] (“Motion”) and Defendant's Objection and Request for Hearing [Doc. No. 82] (“Response”), whereby commencing a 14-day right to appeal through and including October 6, 2017.

2. Contemporaneous with the filing of this Objection, Defendant is respectfully submitting Defendant's Objection to Magistrate Judge's September 22, 2017 Order [Doc. No. 94] and Request for Hearing (the "Appeal"), which incorporates by reference all arguments raised by Defendant in relation to the aforementioned Motion, Response, Hearing, and Order, and requests (for reasons set forth more fully therein) that the Court enter an order that (1) holds that the Court has discretion whether to allow the Government to proceed *ex parte* under CIPA § 4 for each attempted submission; (2) requires the Government to seek leave before proceeding *ex parte*; (3) requires that the Government justify its desire to proceed *ex parte*; and (4) allows the defense to respond to the Government's stated reasons for proceeding *ex parte*.

3. In response to the Government's Second Section CIPA § 4 Submission, the Defendant hereby incorporates by reference all her prior arguments asserted in the Response, Hearing and Appeal as though set forth fully herein.

4. For all of the reasons set forth by Ms. Winner in this Objection, including all arguments raised by Ms. Winner in relation to the aforementioned Motion, Response, Hearing, Order, and Appeal, the Defendant also respectfully requests that this Court withhold any further action on the Second CIPA § 4 Submission (filed *ex parte, in camera*, and under seal) until such time as Judge Hall has had an opportunity to rule on the Appeal.

5. This Objection is not filed for the purpose of delay but to preserve critical rights to which Defendant is entitled under applicable law and to promote the interests of justice.

WHEREFORE, Defendant respectfully requests that this Court withhold any further action on the Second CIPA § 4 Submission until such time as Judge Hall has had an opportunity to rule on the Appeal and grant such other and further relief as the Court deems just and proper.

Respectfully submitted,

BY: /s/ Brett A. Switzer

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CERTIFICATE OF SERVICE

I hereby certify that on October 6, 2017, I electronically filed the foregoing with the Clerk of the Court using the ECF system, which sent notification of such filing to counsel of record for all parties.

/s/ Brett A. Switzer
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