

Prosecutors oppose limiting Zoom access to Saab's hearings

United States v. Alex Nain Saab Morán · S.D. Fla. No. 1:19-cr-20450 (2019 case)

Judge Robert N. Scola Jr. · Docket entry #65 · Filed 2021-11-08 · Filed by: Government

What happened

According to the docket, Alex Saab's defense had asked the court to limit Zoom access to future hearings to necessary parties, Saab's family and "reputable news organizations," after photos and videos of him were published from his October 18, 2021 initial appearance. The government responded that it objects to any "closure" of the proceedings, citing a Justice Department policy requiring it to oppose closure except in narrow circumstances involving trial fairness or safety, which it says are not present here. The government does agree the court should enforce Rule 53's ban on photographing or recording hearings, and proposes holding future hearings in person, with an overflow room with video or added telephone access.

What it means

The filing pits two approaches against each other: the defense wants to shrink who can watch Saab's hearings over Zoom to stop further images of him from circulating, while the government argues the hearings should stay open to the public and press generally. Prosecutors do not dispute that Rule 53 has been violated, but argue the fix is warnings and, eventually, in-person hearings rather than restricting access.

What happens next

The docket does not state a date for the court to rule on the motion.

Key passages from the filing (verbatim)

"of the vital public interest in open judicial proceedings, the Government has a general overriding affirmative duty to oppose their closure."

Page 2 — Shows the legal basis the government cites for opposing any restriction on hearing access.

"the Government proposes in-person hearings with allowances for public attendance or attendance via a live video feed in an overflow room"

Page 4 — Is the government's concrete proposal for solving the problem without restricting Zoom access.

Docket text (official, in English)

RESPONSE to Motion by USA as to Alex Nain Saab Moran, Alvaro Pulido Vargas re 59 Defendant's MOTION Motion to Enforce Rule 53 and Limit Zoom Access Replies due by 11/15/2021. (Kramer, Alexander) (Entered: 11/08/2021)

Online version: <https://mailmaduro.com/caso.php?d=saab-sdfl-2019-e65>

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