

No. 21-429

IN THE
Supreme Court of the United States

STATE OF OKLAHOMA,

Petitioner,

v.

VICTOR MANUEL CASTRO-HUERTA,

Respondent.

On Writ of Certiorari
to the Oklahoma Court of Criminal Appeals

**MOTION FOR LEAVE TO FILE APPENDIX
TO *AMICUS* BRIEF UNDER SEAL**

The City of Tulsa, Oklahoma respectfully requests leave from this Court to file under seal an appendix to its brief as *amicus curiae* in support of Oklahoma, filed simultaneously with this motion. The appendix consists of confidential police reports containing details of the crimes referenced in Tulsa’s *amicus* brief.

Under Oklahoma state law, law enforcement agency records are confidential and are not available for release to the public except as provided for in the Oklahoma Open Records Act. *See* 51 Okla. Stat. § 24A.8. Full police reports such as those in this appendix are not subject to public release. Tulsa is concerned that filing these full police reports on the Court’s docket publicly, rather than under seal, may require Tulsa to produce similar full police reports in response to future Open Records Act requests because Tulsa may not rely on the Oklahoma Open Records Act to “deny

access to law enforcement records if such records have been previously made available to the public.” *See id.* at § 24A.8(B).

Because the police reports contained in the appendix will help inform this Court’s consideration of the question presented but may not be publicly released, Tulsa respectfully requests leave to file the appendix to its amicus brief under seal.

Respectfully submitted.

/s/ Blaine H. Evanson

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