

In the Supreme Court of the United States

JOHN Q. HAMM,
COMMISSIONER, ALABAMA DEPARTMENT OF CORRECTIONS,
Petitioner,

v.
JOSEPH CLIFTON SMITH,
Respondent.

ON WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

JOINT MOTION REGARDING SEALED EXHIBITS

The parties respectfully seek leave to file Volume III of the Joint Appendix without seal but with redactions. *See* Sup. Ct. R. 21 & 34.7. Volume III of the Joint Appendix contains redacted copies of Joseph Clifton Smith’s *Atkins* hearing exhibits 8, 10, and 12, which were sealed rather than redacted in district court.

Smith’s hearing exhibits 8, 10, and 12 are expert reports regarding his intellectual functioning. The reports were admitted under seal at Smith’s federal *Atkins* hearing because the reports contain “personal and sensitive information.” *See* DE110 & DE110-1 (motion to file under seal and proposed order); DE112 (text order adopting proposed order). Though the exhibits remain under seal in district court, the parties agree that they need not remain sealed in this Court. Instead, redactions are sufficient to “maintain the confidentiality” of the sensitive information. Rule 34.7(b); *cf.*

Rule 34.7(g). The sensitive information includes health information that is not material to the question before the Court and dates of birth subject to redaction under Federal Rule of Civil Procedure 5.2. Thus, redactions should be permitted.

Accordingly, the parties seek leave to file Volume III of the Joint Appendix with Smith's hearing exhibits 8, 10, and 12 unsealed but redacted.

Respectfully submitted,

/s/ Kacey L. Keeton

Kacey L. Keeton

Counsel of Record

Federal Defenders for the

Middle District of Ala.

817 S. Court St.

Montgomery, AL 36106

(334) 834-2099

Kacey_Keeton@fd.org

/s/ Edmund G. LaCour Jr.

Edmund G. LaCour Jr.

Counsel of Record

OFFICE OF THE ATTORNEY GENERAL

STATE OF ALABAMA

501 Washington Avenue

P.O. Box 300152

Montgomery, AL 36130-0152

(334) 242-7300

Edmund.LaCour@AlabamaAG.gov

AUGUST 4, 2025