

**STATE OF LOUISIANA**  
**COURT OF APPEAL, FIRST CIRCUIT**

STATE OF LOUISIANA

NO. 2015 KW 0626

VERSUS

BRUCE GREENSTEIN

AUG 06 2015

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In Re: Bruce Greenstein, applying for supervisory writs, 19th  
Judicial District Court, Parish of East Baton Rouge,  
No. 09-14-0773.

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**BEFORE: GUIDRY, McCLENDON AND HIGGINBOTHAM, JJ.**

**WRIT DENIED.** Noting pursuant to La. Code Crim. P. art. 716(A), that the defense is entitled to a copy of defendant's grand jury testimony, the State presented to the trial court for signature a "Motion to Disclose Grand Jury Testimony." The order, which was prepared by the State, and signed by the trial court, provided: "A copy of the transcript shall be filed into the record." Our de novo review of this matter reveals that the trial court should have exercised caution to ensure that the secrecy of the grand jury proceedings was maintained by refusing to sign the order as presented, or by revising the order to read: "A copy of the transcript shall be filed into the record under seal" or "A copy of the transcript shall be provided to the defense."

Thus, as prepared, presented, and signed, the order and the subsequent filing of the grand jury testimony into the record constituted a violation of Louisiana's grand jury secrecy laws. While the trial court may have legally erred in finding that the disclosure was not a violation, the trial court did not err by ruling that quashing counts 5-9 of the indictment was not the appropriate remedy under the particular facts of this case.

TMH  
PMC

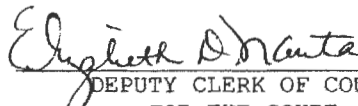
**Guidry, J.,** dissents and would grant the writ. While it is true that grand jury testimony may be disclosed pursuant to the statutory exception to show that a witness committed perjury in his grand jury testimony, the State's decision to file the transcript of relator's grand jury testimony into the record, thereby making it available to the public, is a violation of Louisiana's grand jury secrecy laws. See La. Code Crim. P. arts. 434(A) & 434.1(A). Moreover, the Louisiana Public Records Act contains a specific exemption for records pertaining to reasonably anticipated criminal litigation. See La. R.S. 44:3(A)(1); **Does v. Foti**, 2011-0014 (La. App. 1st Cir. 12/8/11), 81 So.3d 101, writ denied, 2012-0057 (La. 3/2/12), 84 So.3d 537. Therefore, the trial court erred where it ruled that if the State did in fact violate the grand jury secrecy laws, that quashing counts 5-9 of the indictment was not

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the appropriate remedy in this case. See *State v. Gutweiler*,  
2006-2596 (La. 4/8/08), 979 So.2d 469; *In re Grand Jury*, 98-2277  
(La. 4/13/99), 737 So.2d 1.

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DEPUTY CLERK OF COURT  
FOR THE COURT