

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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UNITED STATES OF AMERICA,

Plaintiff,

v.

CHRISTOPHER TEMPLE,

Defendant.

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ORDER

03-CR-126-C

Defendant has written to ask for a copy of the grand jury transcripts in his case for use in a motion for post-conviction relief. Defendant does not explain what aspect of his conviction he wishes to challenge in his post conviction motion or how the transcripts are necessary to decide the issue. "To obtain grand jury material, despite the presumptive secrecy imposed by Fed. R. Crim. P. 6(e), a litigant must show that the information 'is needed to avoid a possible injustice in another judicial proceeding, that the need for disclosure is greater than the need for continued secrecy, and that [the] request is structured to cover only material so needed.'" United States v. Campbell, 324 F.3d 497, 499 (7th Cir. 2003) (quoting Douglas Oil Co. v. Petrol Stops Northwest, 441 U.S. 211, 222 (1979)). Defendant has said only that he needs the transcripts of the grand jury that returned the

indictment against him for use in a motion for post conviction relief. This statement alone is not sufficient to breach the presumption of secrecy of the grand jury. Defendant will have to explain in detail what aspect of his conviction he wishes to challenge in his post conviction motion and how the grand jury transcripts are necessary to decide the issue. The court will then determine if defendant's reasons are adequate to breach the presumption of secrecy of the grand jury.

ORDER

Defendant's request for a copy of the grand jury transcript is DENIED without prejudice.

Entered this 24th day of June, 2005.

BY THE COURT:  
/s/  
BARBARA B. CRABB  
District Judge