

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS**

<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	<b>CRIMINAL ACTION</b>
<b>v.</b>	)	
	)	<b>No. 05-20043-01-KHV</b>
<b>ADIS STULTS,</b>	)	
	)	
<b>Defendant.</b>	)	
_____	)	

**MEMORANDUM AND ORDER**

This matter is before the Court on defendant’s Motion [For Production Of Grand Jury Testimony] (Doc. #23) filed July 25, 2005. Defendant seeks a copy of the transcript of all grand jury testimony in his case.

The district court has discretion whether to release grand jury transcripts. See Douglas Oil Co. v. Petrol Stops N.W., 441 U.S. 211, 223 (1979); In re Lynde, 922 F.2d 1448, 1451 (10th Cir. 1991). To obtain a grand jury transcript, defendant must make a strong showing of “particularized need” for it that outweighs the public policy of grand jury secrecy. Douglas Oil, 441 U.S. at 222; see United States v. Warren, 747 F.2d 1339, 1347 (10th Cir. 1984). A general claim that the transcript possibly contains exculpatory evidence does not suffice. In re Lynde, 922 F.2d at 1454; see United States v. Kim, 577 F.2d 473, 478 (9th Cir. 1978) (fishing expedition not permitted).

Here, defendant maintains generally that the transcript is “necessary to prepare defendant’s defense.” Defendant has not articulated a “particularized need” for the grand jury transcript to overcome the public policy of grand jury secrecy. The Court therefore overrules his motion. See United States v. Battle, No. 97-40005-SAC, 1997 WL 447814, at \*18 (D. Kan. June 27, 1997) (failure to show

particularized need that outweighed public interest in secrecy); United States v. Gorny, No. 86-CR-589, 1987 WL 6277, at \*4 (N.D. Ill. Jan. 20, 1987) (same), amended in part on other grounds, 1987 WL 8639 (N.D. Ill. Mar. 23, 1987); United States v. Reynolds, No. 85-CR-812, 1986 WL 4089, at \*2 (N.D. Ill. Mar. 19, 1986) (same); United States v. Austin, 99 F.R.D. 292, 296 (W.D. Mich. 1983) (same).

**IT IS THEREFORE ORDERED** that defendant's Motion [For Production Of Grand Jury Testimony] (Doc. #23) filed July 25, 2005 be and hereby is **OVERRULED**.

Dated this 4th day of August, 2005, at Kansas City, Kansas.

s/ Kathryn H. Vratil  
KATHRYN H. VRATIL  
United States District Judge