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Recommended Citation

Roger Williams University School of Law, "Newsroom: Kuckes on Grand Jury Secrecy 8/30/2016" (2016). *Life of the Law School (1993-)*. 566.
https://docs.rwu.edu/law_archives_life/566

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Newsroom

August 30, 2016

Kuckes on Grand Jury Secrecy

Professor Niki Kuckes explains why grand jury materials are rarely made public to ensure the integrity of an investigation such as that involving 38 Studios.

From WPRI 12's Newsmakers: "[38 Studios document debate](#)" by Tim White

PROVIDENCE, August 26, 2016 – State officials have begun a formal review of whether to release any of the materials generated during the 38 Studios criminal investigation under the state's open-records law.

[...]



Roger Williams University School of Law Professor Niki Kuckes noted grand jury materials are rarely made public to ensure the integrity of the process.

"The attorney general is taking is a very legitimate prosecutorial position that I think is implementing his feeling about how he should do his job and fulfill his duties, which is to appropriately enforce the law,"

Kuckes said during a taping of WPRI 12's *Newsmakers*. "The process in which grand jury documents are released — there are very, very narrow exceptions."

Kuckes said it isn't Kilmartin that could authorize the release, but the courts, though the attorney general would be asked if he thinks the material can be unsealed. She said one of the reasons the law keeps grand jury matters secret is to ensure witnesses will be willing to come forward.

"Grand jury secrecy is broader than is generally understood," **Kuckes said**. "It is taken very seriously by the courts and people bound by grand jury secrecy can actually be prosecuted."

Another option, **Kuckes said**, would be for state lawmakers to pass a bill authorizing release of the grand-jury materials. [...]