

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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UNITED STATES OF AMERICA	:	
	:	
-against-	:	<u>ORDER</u>
	:	
JOSEPH MERMELSTEIN,	:	05-CR-0037 (SJ)
	:	
Defendant.	:	
	:	
-----X		
GOLD, S., U.S.M.J.:		

During a hearing held on October 1, 2007, I directed the United States to produce the transcripts of the grand jury proceedings leading to Indictment S-4 in this case because of the reference in that indictment to serious bodily injury. I had previously recommended that the government be precluded from proving or arguing at trial that defendant's conduct caused his patients to sustain serious bodily injuries, *see* Docket Entry 140, and my recommendation had been adopted. *See* Docket Entry 146. The reference to serious bodily injury in a subsequently returned indictment was the basis for my order directing production of the relevant grand jury minutes. My order further provided that the government could produce portions of the minutes it believed should not be disclosed for *in camera* review.

By letter dated October 9, 2007, filed in camera and under seal, the government produced the grand jury minutes at issue to the defendant and the court. However, certain portions of the minutes were redacted from the copy of the minutes produced to the defendant. By letter of today's date, defendant objects to the redactions made by the government and seeks an order directing disclosure of the entire, unredacted transcript of the proceedings before the grand jury that returned Indictment S-4.

Since the proceeding held before me on October 1, 2007, the grand jury has returned

