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The Times-Picayune

TP sues for access to court documents

Case involves judge facing federal trial

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East Jefferson bureau

Court documents filed under seal in the federal corruption case against state Judge Alan Green should be available to the public to protect the constitutional right of access to criminal proceedings, The Times-Picayune argued in court documents Friday.

The newspaper seeks access to a motion to suppress evidence filed secretly last month by attorneys for Green and co-defendant Norman Bowley, who are both accused of participating in a conspiracy to manipulate bonds to enrich former bail bonds mogul Louis Marcotte III.

The defendants' filing was not recorded in the case's public docket and the document has not been made public. But prosecutors alluded to Green and Bowley's motion in government filings that have included attachments that the court also is maintaining under seal.

The newspaper argued that U.S. District Judge Lance Africk erred when he allowed the documents to be filed under seal "without observance of the minimum procedural safeguards," such as holding a hearing to determine whether there is a compelling reason for secrecy. Africk is an appointee of President George W. Bush.

The court case against Green and Bowley, one of several springing from the 6-year-old federal investigation of corruption in the Jefferson Parish Courthouse, is scheduled for trial in June.

Friday's filing marks the third time The Times-Picayune has stepped in to fight secrecy in a court case tied to the federal probe. A federal judge in 2003 unsealed some documents in the criminal case against former state Judge Ronald Bodenheimer and others, after the newspaper requested access to the records.

The same year, The Times-Picayune was among several interested parties that successfully opposed restaurateur Al Copeland's efforts to seal the public record and close the hearings of his child-custody dispute in state court. The federal investigation unveiled a conspiracy between Bodenheimer and others to fix that domestic dispute in Copeland's favor. Copeland, who is a subject of the investigation, has denied wrongdoing and has not been charged with a crime.