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Release of autopsy reports ordered Coroner claimed records exemption

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By Susan Finch
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A Civil District Court judge Friday ordered Orleans Parish Coroner Frank Minyard to make public autopsy reports on nine patients who died at Memorial Medical Center in the desperate days after Hurricane Katrina.

Judge Nadine Ramsey gave Minyard until 5 p.m. Monday to make the reports available to The Times-Picayune, which sued the coroner over his refusal to provide documents that the newspaper contends are public records.

The nine deaths prompted Louisiana Attorney General Charles Foti to launch a criminal investigation against one surgeon and two nurses who stayed to work at the hospital during the hurricane. But the Orleans Parish district attorney's office declined to indict the nurses and a grand jury did not indict the doctor, Anna Pou.

Minyard contends that the autopsy reports are the subject of an ongoing criminal investigation and therefore exempt from the public records law.

But that exemption, Times-Picayune attorney Lori Mince told Ramsey, would apply only if there is "criminal litigation that is pending or reasonably anticipated." Under either test, she said, the reports cannot continue to be kept under wraps because the two prosecutors who handled the matter, Foti and Orleans District Attorney Eddie Jordan, have said the criminal case is over.

Minyard attorney William Bradley said that in spite of public pronouncements by Foti and Jordan that the case will go no further, the lack of any deadline for prosecuting euthanasia creates the possibility "there could be prosecution in the future arising out of these nine deaths."

Ramsey ordered Minyard to pay The Times-Picayune's legal costs.

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