

Welcome to service on the grand jury. Your life experience is needed to help our justice system work. The grand jury is a group of nine men and women who will decide whether fellow citizens will be placed on trial for criminal offenses.

As a grand juror, you are a public official, obligated to protect the public by enforcing the law. While the law may sometimes appear harsh, it is nevertheless the law. As a citizen, you have the right to try to change the law through the legislature, but as a grand juror, you have the duty to enforce the law as it exists.

WHAT IS A GRAND JURY?

The grand jury listens to evidence presented by the prosecution and decides whether the accused should be tried for a serious crime. In Ohio, an accused person (the defendant) may give up the right to a grand jury hearing. Unless the defendant waives this right, a grand jury made up of private citizens decides whether or not prosecution will go forward.

Grand juries consider felonies, which are crimes punishable by imprisonment. Lesser offenses, called misdemeanors, are considered solely by the prosecutor's office.

Although you will hear testimony, you will not be trying the case. You decide whether the evidence presented justifies the defendant being formally charged with a crime. The judge and prosecutor will advise you on the legal principles that apply. Questions may arise about "proper" evidence. Evidence law is technical. The judge or prosecutor will advise you on these matters.

As a grand juror, you have two responsibilities: 1) to protect innocent persons from false accusations; and 2) to be fair and impartial in your evaluation of the evidence.

As a grand juror, you are protected by law from individuals who may try to influence or pressure you. Inform the prosecutor if anyone privately offers you information; it is important that the entire grand jury hear the same information.

Service on the grand jury is important; attend all sessions. If you have a schedule conflict, inform the court as far ahead of time as possible. When this is impossible, call or write the court, giving the necessary information. If you find that an emergency interferes with your attendance, tell the judge or designated court personnel promptly so an alternate can be seated.

A grand jury consists of nine members, including the foreperson, all of whom must be present to transact business. If fewer than this quorum exists, proceedings must stop. Alternate members also may be named.

In Ohio, votes of seven of the nine grand jurors are required to indict. An indictment, or "true bill," is the grand jury's determination that the evidence is sufficient to justify a criminal charge. An indictment is merely a charge; it must be proven at trial beyond a reasonable doubt before a defendant can be convicted.

In the charge to the grand jury, a court of common pleas judge explains the duties and responsibilities noted in the oath. The prosecutor is available to make suggestions, but the judge has the final authority as to the powers, functions, and duties of the jurors.

OATH

When a grand jury is impaneled, the court of common pleas appoints one of the members of the grand jury as foreperson, and administers an oath in the following words to which the jurors shall respond, "I do solemnly swear" or "I do solemnly affirm":

Do you solemnly swear or affirm that you will diligently inquire into and carefully deliberate all matters that shall come to your attention concerning this service; and do you solemnly swear or affirm that you will keep secret all proceedings of the grand jury unless you are required in a court of justice to make disclosure; and do you solemnly swear or affirm that you will indict no person through malice, hatred, or ill will; and do you solemnly swear or affirm that you will not leave unindicted any person through fear, favor, or affection, or for any reward or hope thereof; and do you solemnly swear or affirm that in all your deliberations you will present the truth, the whole truth, and nothing but the truth, according to the best of your skill and understanding, as you shall answer unto God or under the penalties of perjury?

R.C. § 2939.06

PROCEDURE

Most of the grand jury's work concerns hearing witnesses and evaluating the sufficiency of evidence. The prosecuting attorney states and explains the charge to you and advises which witnesses will be presented. Witnesses appear voluntarily at the request of the prosecuting attorney or the grand jury, or upon subpoena from the grand jury or the court. The prosecuting attorney ordinarily is the first to question the witness. Then the foreperson and members of the grand jury may ask proper questions of any witness.

The defendant is not required to testify, nor are witnesses called to offer testimony for the defendant. If the defendant wants to testify, the grand jury has the option to permit it.

A stenographer or audio-transcription operator may record the proceedings. Except for the prosecuting attorney, the stenographer or operator, interpreter, the witness, and grand jurors are present. There is no judge present.

After all necessary or available witnesses have been heard, everyone except jury members must leave the grand jury room. Any alternate jurors are excused. The foreperson leads a discussion and conducts a vote on finding a true bill or an indictment. No vote is taken until each member has been heard. The foreperson, or another juror chosen by the foreperson, records the number of jurors agreeing in the finding of every indictment and files the record with the clerk of court.

If, after examining the testimony, the grand jury is convinced that the accused (the defendant) is probably guilty of a crime in addition to or other than the one charged, an indictment may be returned on the new charge. This may be an included offense or an entirely new offense. If this question arises, ask the prosecutor or judge.

SECRECY

As a grand juror you will make a pledge of secrecy. This pledge is of the utmost importance and it is permanent. If an indictment is voted, it should be kept secret until released by the judge. Your vow of secrecy applies to all aspects of the grand jury proceedings, even the questions considered or the names of witnesses. You should not divulge anything, even if pressured to do so by your family, friends or fellow workers. Sometimes, after a full hearing, the judge orders a disclosure to promote justice. But this decision is not up to an individual juror.

PRACTICAL SUGGESTIONS

- ➔ Try to understand what is being said; someone's freedom may depend upon it.
- ➔ Hold any questions until the prosecutor has completed a witness' testimony. The question may have been answered by then.
- ➔ Listen to opinions of fellow jurors, but form your own conclusions.
- ➔ Be completely fair. The secrecy of the proceedings will ensure that no one second-guesses your determination.
- ➔ Express your views. You may have an idea no one else will suggest.
- ➔ Convince without being dictatorial.

**Grand jury membership is a high honor.
Only a few citizens are chosen.**

THANK YOU for your participation in
our justice system.

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GRAND JURY SERVICE

A CITIZENS GUIDE

