

Hear it From the Judge

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What is the Grand Jury?

We hear and read much about the jury in court proceedings and our honor and obligation to serve as jurors. However, we hear and read less about the grand jury. What is the grand jury and what does it do? What is the history of the grand jury? When are grand jurors used?

The grand jury is part of the judicial branch – separate from the legislative and executive branches of government. Its purpose is to serve as part of the criminal process. This purpose is carried out in two ways. First, the grand jury indicts those who are properly charged with a crime. Second, the grand jury refuses to indict those citizens who face unfounded accusations of a crime. Thus, the grand jury is both a sword and a shield of justice.

The grand jury serves as a county prosecutor does. The grand jury determines whether the accused should be charged with the crime and should appear for trial. The grand jury does not determine guilt or innocence, that is for the petit – or trial – jury.

This limited role explains why usually only the prosecutor is present during the proceedings. The person accused is usually not present. Grand jury proceedings are private matters and the names of witnesses and grand jurors is kept confidential. Only if a grand jury returns an indictment does the fact a grand jury met and deliberated become public.

Grand jurors are selected at random from citizens from within each county. Among the few qualifications to serve as grand juror are that the person be at least age 18, has lived in Minnesota at least 30 days prior to service, is a U.S. citizen, and can be impartial and able to act without prejudice. All members of the grand jury serve for no longer than 12 months.

Our grand jury system stems from pre-colonial England. Private prosecutors of crime, acting in the name of the King, often presented criminal accusations before the grand jury. It was the responsibility of the grand jury to determine whether the accusation was credible and that it was not brought with malice or personal ill will. For this reason, the grand jury has traditionally acted as an objective evaluator between the government and its accused.

If the crime alleged by the prosecutor includes a life sentence, the matter must be brought before the grand jury. Other matters may also be presented to a grand jury at the discretion of the prosecutor. Often, cases which involve public officials are considered by the grand jury. This is

done to avoid perception that a prosecutor might be improperly affected by the notoriety of the accused.

Just like the trial jury, the grand jury is a critical part of our justice system. Just like the trial jury, we citizens are part of the grand jury process – what a great country we live in!