

Welcome to service on the grand jury. A grand jury consists of nine members, including the foreperson, plus not more than five alternates, 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. A prosecutor will explain the relevant law to you, and then it will be your job to consider whether criminal charges should be filed in a court.

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 for at least six months. Lesser offenses, called misdemeanors, can be filed in court by a prosecutor's office without having been reviewed first by a grand jury.

Although you will hear testimony, you will not be trying the case. Trials are heard by 'petit' juries. On the grand jury, you will decide whether the evidence presented justifies the defendant being formally charged with a crime.

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 hears the same information.

Most of the grand jury's work concerns hearing witnesses and evaluating the sufficiency of evidence. The prosecuting attorney will explain the possible criminal charges to you. 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. If the defendant wants to testify, the grand jury has the option to permit it.

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 then any indictments are filed with the court and released to the public. The names of grand jurors who voted for or against an indictment, however, are not released to the public or to those persons who are charged with crimes.

PROCEDURE

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 trial. An indictment is merely a charge; it must be proven at trial beyond a reasonable doubt before a defendant can be convicted.

A stenographer or audio-transcription operator may record any testimony presented by witnesses before the grand jury. The prosecuting attorney, the stenographer or operator, perhaps a foreign-language interpreter, and the grand jurors are present in the grand-jury room when each witness testifies. Neither a judge nor anyone else will be in the room, and members of the public are not permitted to attend.

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.

While serving on a grand jury, you should not use the internet or any electronic devices to learn about or to communicate about a case or about any of the people who appear before the grand jury or who are suspected of committing crimes.

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's 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.
- A reckless grand jury is as harmful as a weak one.
- Your regular and timely attendance is important at each meeting of the grand jury.

THANK YOU for your participation
in our justice system.

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

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GRAND JURY SERVICE

A CITIZENS GUIDE

