

# Grand jury essay sample



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The grand jury plays an important role in the criminal process, but not one that involves a finding of guilt or punishment of a party. Instead, a prosecutor will work with a grand jury to decide whether to bring criminal charges or an indictment against a potential defendant — usually reserved for serious felonies. Grand jury members may be called for jury duty for months at a time, but need only appear in court for a few days out of every month. Regular court trial juries are usually 6 or 12 people, but in the federal system, a grand jury can be 16 to 23 people. The grand jury is one of the first procedures in a criminal trial.

Courts often use preliminary hearings prior to criminal trials, instead of grand juries, which are adversarial in nature. As with grand juries, preliminary hearings are meant to determine whether there is enough evidence, or probable cause, to indict a criminal suspect. Unlike a grand jury, a preliminary hearing is usually open to the public and involves lawyers and a judge (not so with grand juries, other than the prosecutor). Sometimes, a preliminary hearing proceeds a grand jury. One of the biggest differences between the two is the requirement that a defendant request a preliminary hearing, although the court may decline a request. Grand Jury Proceedings

Grand jury proceedings are much more relaxed than normal court room proceedings. There is no judge present and frequently there are no lawyers except for the prosecutor. The prosecutor will explain the law to the jury and work with them to gather evidence and hear testimony. Under normal courtroom rules of evidence, exhibits and other testimony must adhere to strict rules before admission. However, a grand jury has broad power to see and hear almost anything they would like. However, unlike the vast majority

of trials, grand jury proceedings are kept in strict confidence. This serves two purposes: It encourages witnesses to speak freely and without fear of retaliation. It protects the potential defendant's reputation in case the jury does not decide to indict. Grand juries do not need a unanimous decision from all members to indict, but it does need a supermajority of 2/3 or 3/4 agreement for an indictment (depending on the jurisdiction). Even though a grand jury may not choose to indict, a prosecutor may still bring the defendant to trial if she thinks she has a strong enough case.

However, the grand jury proceedings are often a valuable test run for prosecutors in making the decision to bring the case. If the grand jury chooses to indict, the trial will most likely begin faster. Without a grand jury indictment, the prosecutor has to demonstrate to the trial judge that she has enough evidence to continue with the case. However, with a grand jury indictment, the prosecutor can skip that step and proceed directly to trial. In the movie *Law & Order-Trial by Jury*, the "Menace", Detectives Briscoe and Curtis investigate the death of Karen Marsh who, it seems, jumped off the Brooklyn Bridge. They soon establish that she had been in a fender bender and the driver of the other car forced her out of her car and chased her. She apparently leaped off the bridge to get away from him. Karen had been without a job since the shoe factory she worked in burned down some six months before. She had recently visited her old boss, Harold Dorning and he thought she was just fine.

They eventually trace her attacker, " Crazy" Mike McDugan (accuser) a man with a violent temper and a criminal record for assault. He admits to the road rage incident but insists that she jumped off the bridge on her own. In the

Court Room D. A said that Mike “ Charged with Murder in the Second Degree “ and Assault in the First Degree “ What, they’re saying it’s murder? Let’s get your plea first, Mr. McDugan I’m not guilty. ” Prosecutor putting his client in front of the Grand Jury. The Grand Jury throws it back; don’t get hit in the head. D. A continues In fact, that’s why you pursued Miss Whitney onto the bridge, to beat her up, isn’t that right? Mike said, he would never do anything like that. D. A brings evidence of in 1994 Mike was convicted of assault. Prosecutor said D. A can’t mention that, she out of line. She has no right to bring up his prior acts. Question went to credibility, “ Your Honor. Mr. DiMarco’s client claimed he never assaulted anyone. He said he never assaulted a complete stranger over a traffic accident. There’s nothing in his record that contradicts that. Other than the fact he’s a violent predicate felon.

And you want the Grand Jury to indict him for that reason? No, I want him indicted because he committed the crime he’s charged with. Well, then stick to the facts of that crime, and leave his priors out. You’ll instruct the Grand Jury to disregard your question”. “ Grand Jurors said there was not enough evidence to indict, Mike McDugan as Second degree “ killing with the intent to do harm but not the intent to kill.” Grand Jury made decision to indict Mike as a Third Degree “ Assault or Misdemeanor.” You can’t keep a Grand Jury waiting while you investigate perjury. Grand Jury voted that Mr. McDugan is not directly responsible for Karen death. In the criminal justice system, all defendants are innocent until proven guilty, either by confession, plea bargain, or trial by jury. This is one of those trials, Law and Order “ Pattern of Conduct” Kibre faces an obstacle course when she prosecutes a famous pro

basketball player Kenneth Jackson. D. A trying to find out whether Jackson involved in Lauren Ford death. However, D. A doesn't have direct evidence to arrest Jackson. What is more they don't have probable cause to get a sample from Jackson.

Then D. A tries to find Jackson's DNA in "Public Domain." (The body of intellectual property which is available free of copyright restrictions, usually because copyright has expired.) Jackson's lawyer warns him to not spit, chew gum, or leave behind a locker room towel where D. A can get his DNA. "Isn't he, right now, the target of a Grand Jury probe? We can't know that because Grand Juries operate in secrecy. But, if there is a probe, Mr. Jackson will be happy to testify." We can't reveal Grand Jury witnesses, so people won't know he never showed up. So we've run out of grudge-bearing players. What about the reporter? – Shaky. She's threatening to come down with a case of selective amnesia" And at that time, it's entirely likely that a whole other group of people will get to decide whether or not to indict Kenneth Jackson. In Grand Jury room: Prosecutor tells that Jackson's DNA to semen samples found on Lauren Ford. Medical Examiner said its frequency calculation indicated that one in every 1.5 million would be expected to have the same profile as the donor. And this tells us what, Dr. Spellman? M. E said Kenneth Jackson had intercourse with Ms. Ford shortly before her death. Jurors start asking question if they find, Ken Jackson's DNA on the gun.

The answer was the gun was not offered for DNA evidence. Juror: "So why is this big deal? Ken admitted he had sex with her. Tiffany says in here the woman was stalking him." Prosecutor: "Okay, you've heard forensic evidence that states that the victim was shot from at least five feet away.

You've seen photographs of bruises and vaginal abrasions. I really think it's time for you to consider taking a vote on whether or not to indict Kenneth Jackson. " District Attorney reminds Grand Jury will reach an expiration date. And at that time, it's entirely likely that a whole other group of people will get to decide whether or not to indict Kenneth Jackson. Most people might think grand jury a " power of the people", but from my point of view it is misconception. Here is why some people might think that grand jury " power of the people". Job as a grand jury isn't to decide anyone's guilt or innocence. Their task is to determine whether there was enough evidence to proceed with a trial.

Grand juries often meet just two days a month. The grand jury meets entirely in secret. The grand jury subpoenas people. They hear all the testimony and decide whether a criminal charge can go forward or if there's an indictment, trial or plea would follow. That secrecy is vital. A grand juror talking could tip off a suspect or could mean someone doesn't receive a fair trial. Grand juries can issue a report and make recommendations, even sometimes those even lead to changes in laws. However, District Attorney can manipulate grand juris. District Attorney deliberately pushes grand jury to make a decision. For instance: in the movie " Pattern of Conduct" District Attorney District Attorney reminds Grand Jury will reach an expiration date. This tells us how grand jury is " a tool of the district attorney". Randolph Fuller, John. " Mainstream and Crosscurrents." Criminal Justice. Second ed. 2010. Print.