



GRAND JURY DUTY IN OHIO



THE SUPREME COURT of OHIO

65 South Front Street Columbus, Ohio 43215-3431

A **grand jury** is an essential part of the legal system.

Thank you for your willingness to help your fellow citizens by serving as a grand juror. As a former prosecuting attorney, I can attest that you have been asked to play a vital role in American democracy.

The justice system in America and in Ohio cannot function properly without the dedication and involvement of its citizens. I guarantee that when you come to the end of your time on the grand jury, you will consider this service to have been one of the best experiences of your life.

Our society was founded on the idea of equal justice under law, and the grand jury is a critical part of that system. Thank you again for playing a key role in American justice.

Sincerely,

Hon. Maureen O'Connor
Chief Justice



What Is a Grand Jury?

In Ohio, a grand jury decides whether the state has good enough reason to bring felony charges against a person alleged to have committed a crime. Felonies are serious crimes — ranging from murder, rape, other sexual assaults, and kidnapping to drug offenses, robbery, larceny, financial crimes, arson, and many more.

The grand jury is an accusatory body. It does not determine guilt or innocence. The grand jury's duty is simply to determine whether there is sufficient evidence to make a person face criminal charges. The grand jury is designed to help the state proceed with a fair accusation against a person, while protecting that person from being charged when there is insufficient evidence.

In Ohio, the grand jury is composed of nine people and up to five alternates. All jurors reside in the county and are randomly selected to serve, in the same way that trial — or petit — jurors are selected. The judge chooses a foreperson from the nine jurors.

A grand jury is part of Ohio's common pleas court system, and the state relies on a grand jury to begin all felony cases.

Grand Jury Proceedings

Every criminal case begins with the **prosecutor** reviewing the evidence to determine whether charges should be brought against a person accused of committing a crime, and, if so, what those charges should be. If the prosecutor wants to bring felony charges against the accused, the prosecutor must first present the case to the grand jury in order to move forward.

Although the prosecutor runs the grand jury proceedings, the grand jury is not to act as a rubber stamp to what it might believe the prosecutor wants.

Vow of Secrecy

Each grand juror takes an oath that includes a vow of secrecy — to keep secret all grand jury proceedings. Jurors are not allowed to research cases by reading or watching the news, or searching the Internet. Doing so may interfere with a juror's unbiased opinion, which is absolutely necessary when voting whether to approve charges against the accused.

Grand juries **do not** determine guilt or innocence.



The vow of secrecy also is important because it:

- encourages witnesses to testify who otherwise might be unwilling
- may keep a suspect from fleeing in an attempt to avoid criminal charges
- protects an unindicted person's reputation.

All grand jury proceedings are conducted in private — not in a courtroom or with a judge. Members of the public cannot attend unless they are called as witnesses. It is extremely rare for the accused to appear before a grand jury or to have a chance to present evidence.

Unlike a trial jury, the foreperson and any members of a grand jury may ask proper questions of any witness. After the prosecutor has presented each witness and explained the law to the grand jury, everyone except the nine grand jurors must leave the room.

The foreperson then leads a discussion and conducts a vote on whether to charge the accused. No vote is taken until each juror has an opportunity to be heard.

Reaching a Decision

The votes of seven of the nine grand jurors are required to **indict** the accused. When a grand jury votes to charge the accused, by finding a **true bill** with the required seven of nine votes, it is also known as an indictment. An indictment is the grand jury's formal written statement that a person is alleged to have committed a crime. The criminal charges against a **defendant** must then be proven beyond a reasonable doubt at trial before someone can be convicted.

If there are fewer than the seven votes needed for an indictment, the result is a **no true bill**, and the case is dropped. The prosecutor can bring the case again later to another grand jury if there is new evidence.

Words Grand Jurors May Hear

Indict

To charge. Grand jurors must determine if there is enough evidence to charge, or indict, a person for allegedly committing a crime.

True Bill

A legal term used when a grand jury decides there is enough evidence to indict the accused. If a grand jury votes in favor of the indictment, the grand jury delivers a "true bill" to the court to proceed with a criminal case.

No True Bill

The opposite of a true bill. If a grand jury does not think there is enough evidence for a criminal case to proceed to trial, the grand jury will return a no true bill to the court, and the case will be dropped.

Defendant

The person formally accused of committing a felony.

Prosecutor

The person proposing possible charges against someone accused of a crime. The prosecutor represents the state of Ohio. The prosecutor also will run the grand jury proceeding.

Independence

The grand jury is an independent body. It is not a part of a court, although it is convened by a court. The grand jury members work independently and eventually vote as a team.