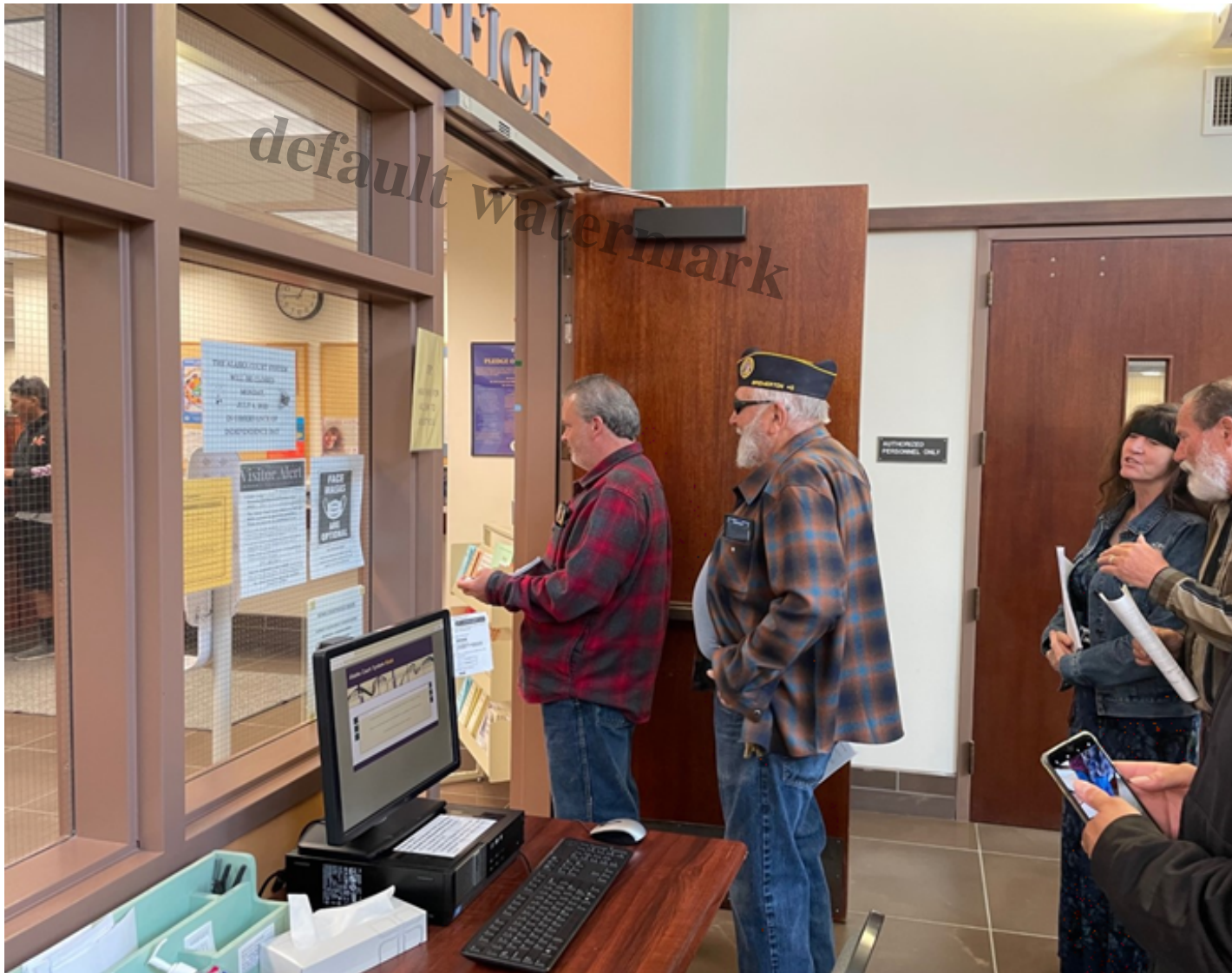


Why AK Prosecutors are Afraid of Grand Juries

Description

*Itâ??s About **Imperial Control**, Babyâ??!*

Notice to International Readers: This site can be read in six languages. Just peck the popup at the bottom of the page to change from English. Ang site na ito ay mababasa sa anim na wika. I-peck lang ang popup sa ibaba ng page para magpalit mula sa



David Haeg presents demand to the Kenai Court for Investigation into **Marla Greenstein**, administrator of the **Alaska Commission on Judicial Conduct** protecting corrupt judges since when the EXXON Valdez tanker caused the Prince William Sound oil spill (1989). Witnesses were **Don Fritz**, **Holly Sheldon Lee**, **Ed Martin** and **Garrett Ennis**.

*Maybe what we need is a grand jury investigation into judge investigator **Marla Greenstein**, said Haeg as he was sitting in the court building waiting for the opportunity to present evidence to the Grand Jury. You know she would never be convicted because 100 judges would be willing to say itâ??s a mistake to even suggest something has ever been amiss in all those years. But as soon as that indictment came out, people would say: â??you know, maybe she shouldnâ??t be our only judge investigating judges; maybe we could scrape the bottom of the barrel and get somebody a little betterâ??perhaps even have more than just one.â?•*

[1] **Kenai Court Judges: â??Never Mind the Alaska Constitutionâ?!**• **DONN LISTON** 07/02/2022

Criminal indictment against Retired Judge **Margaret Murphy** has been dropped on technicalities that deny her prima facie criminal act of perjury found by a Grand Jury. Nobody should be surprised that these lawyers in black robes take care of each other regardless of the law while normalizing Alaskaâ??s top of the nation record crime rate.

When the people who are supposed to enforce Alaskan Laws break those laws with impunity, we can expect more lawlessness. Smart people do not consider moving to Alaska and smart people who live there are leaving.

[2]ALASKA: Crime Capital of USA, **DONN LISTON** 11/24/2023

These are the stated reasons justice was not served for Alaskans who expect criminal behavior to be prosecuted:

- A juror who went missing reduced the number of Grand Jury members below the required 12.
- The indictment was not specific enough.
- The Grand Jury was not given proper instructions.
- The Grand Jury was given inadmissible evidence.

All of these are contrived reasons easily under the control of the court system. They could have empaneled more than 12 grand jurors, the jurors themselves could have asked for more specific information if they felt it was lacking, but they were instructed on their duties by persons obviously incompetent or biased, and those same people allowed inadmissible evidence. Apparently, AK Courts canâ??t hire people capable enough to assure the basic rules of civil procedure are followed, OR they consciously and maliciously jury-rigged the process to allow criminal behavior of a court official before the bar and bench.

This is Third-World Nation stuff.

In an open letter to Prosecutor **Clinton Campion**, Haeg asked that Judge Murphy be re-charged. Alaskans who care about justice under the law are urged to join the chorus of concerned citizens asking Independent Prosecutor Campion to do the right thing.

EMAIL: campion@alaskalaw.pro

[3] Letter to Clinton Campion from David Haeg, March 2, 2024

Circumstances of Lawlessness in Alaska

The many Alaska court officials on their ***Alaska Adventures***, knowing the caliber of Alaska schools, can be assured a majority of Alaskans are ignorant of the letter of law constitutional mandate for Independent Grand Juries. This writer was driven out of Alaska for fear for his life by professional scammers. From exile I aspire to inform readers of their rights and obligations to hold public officials accountable even as most are sequestered in Juneau for session to serve special interests over the will of the district majorities who elected them.

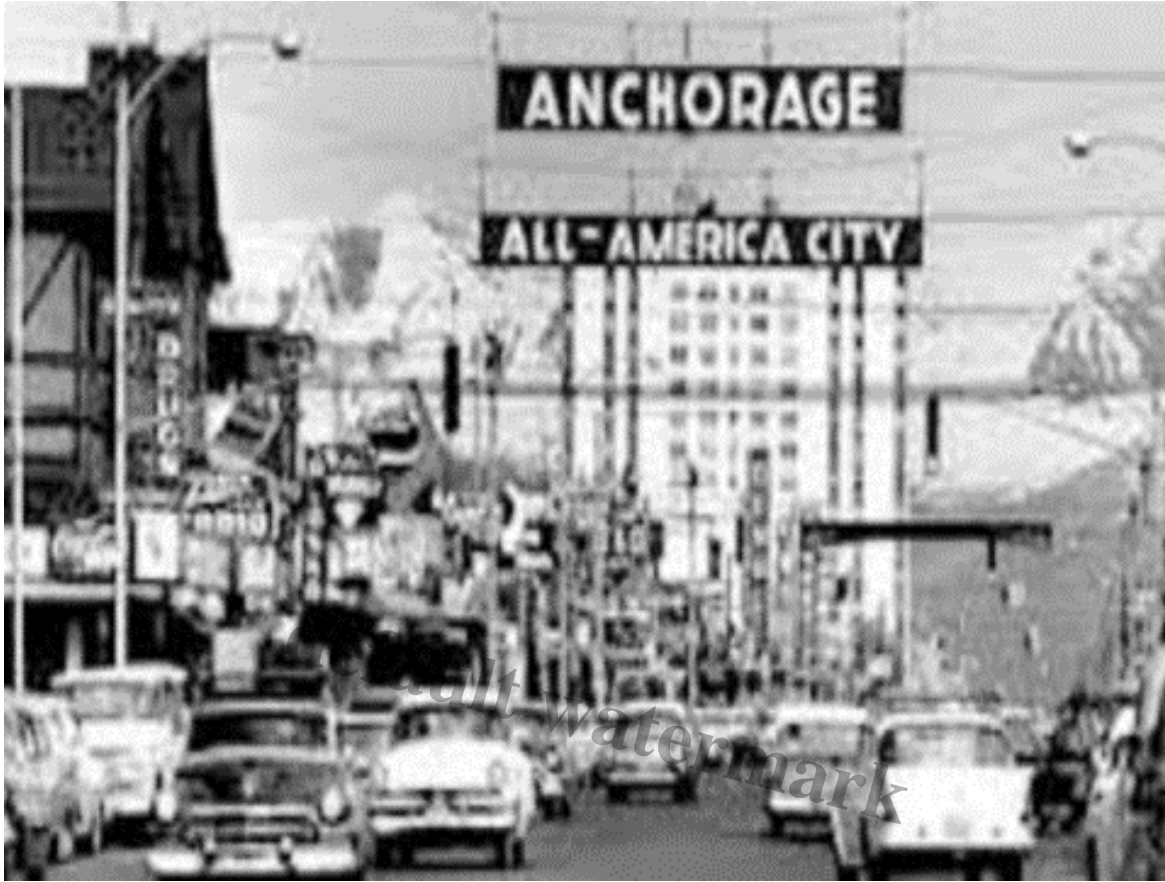
[4]**The Alaska Government School Hustle** DONN LISTON 05/23/2023
<https://donnliston.net/2023/05/the-alaska-government-school-hustle/>

Eagle River/Chugiak Sen. Kelly Merrick is only one example of the caliber of many AK Elected officials.

[5] Who Owns Kelly Merick?



Over 60 winters this writer has witnessed how Alaska has declined with oil development paying up to 80 percent for state government and assuring the devolved current state of lawlessness and corruption. 20 of those years I lived in Juneau.



This is the Anchorage DONN LISTON knew as a child.

If you Accept it Expect More of the Same

What has happened to LISTON at the hands of Outside Scammers could happen to any Alaskan in a system where a judge indicted by a Grand Jury for perjury causes the system to close ranks to protect its own. Most of these attorneys in black robesâ??like many teachers in our bottom-of-the-nation public education systemâ??came from Outside and will return where they came from after their Alaska Adventures, LEAVING LITTLE OR NOTHING OF VALUE.

[6] How Alaskans are Rolled by the Alaska Court System DONN LISTON 01/29/2024

Usually all those judges gotta do is make it to retirement. Judge Murphy is one of the few who stayed in Alaska after retirement and got caught in her own duplicity.

[7] Retired Homer judge charged with perjury, KDLL, Riley Board 05/03/2023

[8] Former judge arraigned on perjury charges, KDLL, Riley Board 06/24/2023

Haeg met with Campion and in his follow-up letter asks for reconsideration: *We humbly ask that you seek a new indictment of Judge Murphy. In addition, we humbly ask that before his March 8, 2024 deadline to do so, you inform Judge Matthews that you will seek a new indictment.*

Judge Matthewsâ?? Political Play

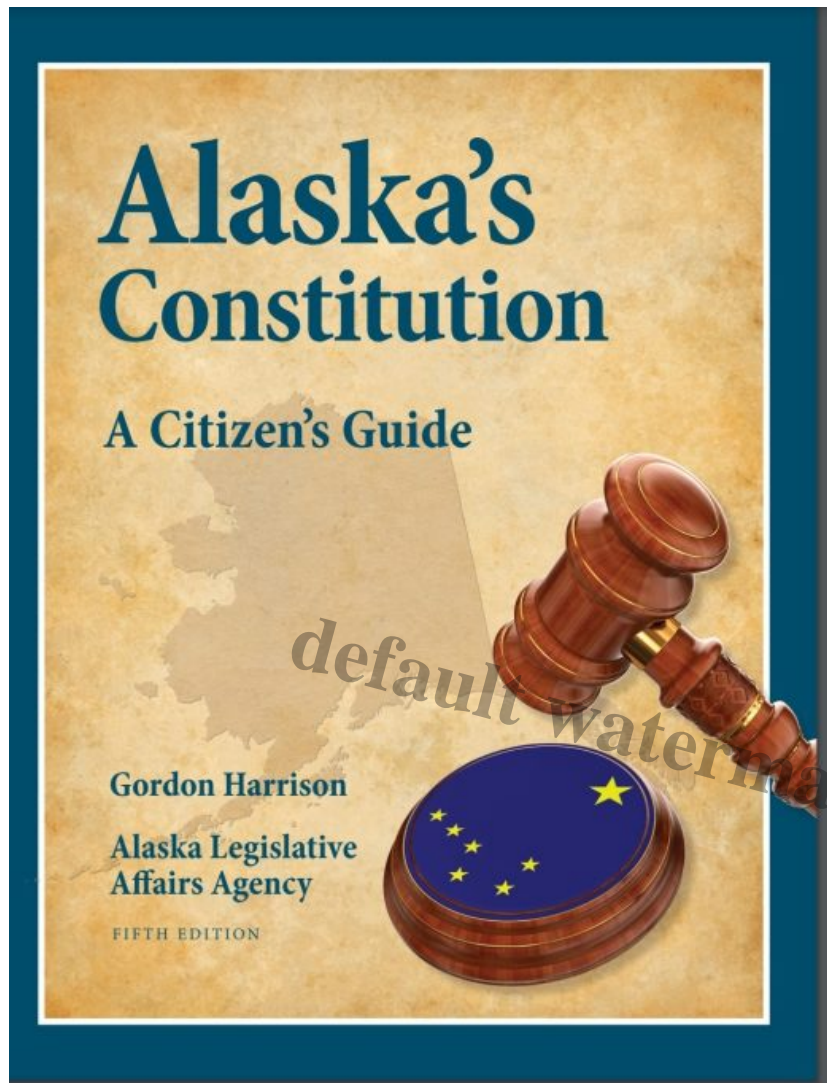
In December 2022, Superior Court Judge Thomas Matthews unexpectedly ruled that Reinbold was a state actor, who was acting under color of law while managing her legislative Facebook page. He also determined that the Facebook page was a government limited public forum. Matthews controversial rulings gave McDow standing in the case, and he scheduled it for trial.

In late December 2023, the AK Supreme Court remanded the McDow v. Reinbold case back to the Superior Court, for further proceedings on Reinbold's (Second) Motion to Dismiss.

[9]AK Supreme Court Rules Against Internet TROLLS! DONN LISTON 02/02/2024

Haeg reminded Champion: *You agreed all these problems could be solved by simply giving only admissible evidence to a separate Grand Jury; one with more than 11 members, given proper instructions, and given a specific indictment to vote upon. (Such Grand Juries are empaneled and being currently used to indict in Anchorage, Kenai, and elsewhere.) Court documents indicate the evidence of perjury is simply Judge Murphy's already-recorded testimony and a conflicting, already-obtained Alaska Commission on Judicial Conduct report. You stated you would only need one witness to provide the setting and agreed you could likely obtain a new indictment in a single day.*

Grand Juries require Judges to be accountable under the constitution and rule of law for those Alaskans not necessarily on their temporary Alaska Adventures.



Historical Analysis from this Book:
The question of whether to adopt the jury system caused a measure of controversy at the constitutional convention, and the wisdom of the decision to do so has been debated in legal circles since. This statute adopts for Alaska the use of the grand jury in serious state criminal cases. The U.S. Supreme Court has held that this federal provision does not apply to the states via the 14th Amendment.

Thus, states are not required to use grand jury indictment procedure; about one-third of the states, including Alaska, have chosen to do so.

In response to Grand Jury indictment, Retired Judge Margaret Murphy filed perjury charges the AK Supreme Court initiated arbitrary rules under 9A.05.010.

"The power of grand juries to investigate and make recommendations concerning public safety shall never be suspended."

On March 15th 2023, Alaskans protested outside courthouses across Alaska. They demanded the Alaska Supreme Court overrule its Order 1993 (SCO 1993). With essentially no input by members of The Alaska's Legislature's Rules Committee, the highest court had created rule 6.1 of whole cloth.

Legislature's Rules Committee reviews language with recommendations from Legislative Legal for constitutionality. This was a reactionary act by the AK Supreme Court responding to demands from Alaskans in Kenai for accountability.

[10] Public Officials vs. The People: Alaska's Due Process Jessica Pleasant & DONN LISTON, 01/13/2024

Time to Get on the Stick

Haeg also states: *In the last paragraph of the dismissal, Judge Thomas Matthews states: “The Independent Prosecutor shall have ten (10) days to advise the Court whether he will seek a new indictment of Judge Murphy. If the State does not seek a new indictment, then the case will be dismissed.”* (Page 32)

Many attentive readers will already know what happened at the hands of Prosecutor Campion by the time they read this story, but there is more to come if the **Alaska Legislature** takes its own responsibility seriously to stem the court’s overreach. Wasilla Rep. **David Eastman** has offered HB 384 “An Act relating to grand juries; amending Rules 6(e), and (i), (n), (p), (s), and (u), Alaska Rules of Criminal Procedure; and repealing Rules 6(j) and 6.1, Alaska Rules of Criminal Procedure. On February 20 this bill was referred to the Judiciary committee.

House Judiciary Committee members include **Sarah Vance**, Chair; **Jamie Allard**, V-Chair; **Ben Carpenter**, **Craig Johnson**, **Jesse Sumner**, **Andrew Gray** and **Cliff Groh**.

[*] HB384, Rep Eastman



City: Wasilla

Party: Republican

District: 27

Phone: 907-465-2186

Toll Free: 800-468-2186

Rep. Eastman’s bill recognizes the **Alaska Grand Jury Handbook** distributed by the Supreme Court of Alaska as acquired by the National Justice Reference Center October 25, 1982 as authority.

The court system has updated this foundational document to serve the interests of bureaucrats and those who do not believe in citizen's going directly to the Grand Jury to charge corrupt public officials.

[12] Official Alaska Grand Jury Handbook, 1982

HB 384: "A grand jury without outside input, decides what concerns the public safety or welfare, what to investigate, and how to conduct an investigation."

Imagine trusting **We The People** to charge wrongdoers without permission from the governor's Attorney General or judges expected to prosecute criminal behavior identified through Grand Jury investigations.

Under Eastman's bill a grand jury report or recommendation after an investigation shall be immediately made public without rewrite, censorship, or redaction."

An individual or group of individuals has an unqualified right to appeal directly to a grand jury for an investigation. This right includes the right to appeal to a grand jury for an investigation related to an individual court case.

(e) Swearing and Instructing Jurors.

(1) The following oath shall be administered by the clerk of the superior court to the persons selected for grand jury duty: "*You and each of you as members of this grand jury for the State of Alaska, do solemnly swear or affirm that you will diligently inquire and true presentment make of all such matters as shall be given to you for consideration, or shall otherwise come to your knowledge in connection with your present service; that you will preserve the secrecy required by law as to all proceedings had before you; that you will present no one through envy, hatred or malice, or leave any one unrepresented through fear, affection, gain, reward, or hope thereof; but that you will present all things truly and impartially as they shall come to your knowledge according to the best of your understanding.*"



These are the changes of a public official who believes he works for the people who elected him to office. As changed by AK Supreme Ct Legislating from the bench in SCO 1993 (underlined section removed):

Rule 6. The Grand Jury.

* * * *

(i) **Preparing Indictments and Presentments.** The prosecuting attorney shall prepare all indictments and presentments for the grand jury, and shall attend ~~its~~ their sittings to advise ~~it~~ them of ~~its~~ their duties and to examine witnesses in ~~its~~ their presence.

(i) Investigation of Crime Initiated by Grand Juror. If a grand juror discloses to other grand jurors that he or she has reason to believe a crime has been committed that is triable by the court and proposes that the grand jury investigate that crime, the grand juror shall also disclose the belief to the prosecuting attorney. If approved by a majority of the grand jurors, the grand jury may investigate the facts and circumstances relating to the belief with the assistance and oversight of the prosecuting attorney, in accordance with Rule 6.1(d) and (e)(1)-(2).

[re-letter following subsections]

* * * *

Lords of the court and the Governor's attorney general in order to control the process spoon-feed citizen grand jurors to protect their corrupt fixed game. Alaska has an Imperial System



Apparent goal of the Alaska Court System is to Lord over poorly educated fools without meaningful recourse for bad judicial decisions.

Rep. Eastman's bill reverts the new Alaska Rules of Criminal Procedure back to those initially established under the constitution and documented in the 1982 Grand Jury Handbook. The grand jury is recognized as an entity instead of divide-and-conquer their. This recognizes Alaskan individuals make up each grand jury and arrive at a decision as one:

DIRECT COURT RULE AMENDMENT. Rule 6(i), Alaska Rules of Criminal Procedure, is amended to read:

(i) Preparing Indictments and Presentments. The prosecuting attorney shall prepare all indictments and presentments for the grand jury, and shall attend their [ITS] sittings to advise them [IT] of their [ITS] duties and to examine witnesses in their [ITS] presence.

Rep. Eastman: *When Alaska was admitted to the union it became the only state without a single elected member of law enforcement. It was a novel experiment to be sure. Now, sixty-six years on, it has become clear just what an unmitigated disaster that experiment has been. Unlike forty-nine other states, instead of being elected and representing the public, our state attorney general and district attorneys are beholden, to one degree or another, to the person who appoints them. Under the Alaska Constitution, the grand jury serves a unique and crucial role in being able to investigate and expose public corruption. Recent efforts to prevent the grand jury from being able to fulfill all of its constitutional duties have made legislation like HB384 necessary.*

Removal of section 6.1 as legislated by the **AK Supreme Court** is therefore appropriate and necessary. **State of Alaska** has become an institution our idealistic founders would not recognize.



Introduction

References:

[1] **Kenai Court Judges: â??Never Mind the Alaska Constitutionâ?• DONN LISTON** 07/02/2022
<https://donnliston.net/2022/07/kenai-court-corruption/>

[2] **ALASKA: Crime Capital of USA** 11/24/2023
<https://donnliston.net/2023/11/alaska-crime-capital-of-usa/>

[3] Open Letter to Prosecutor Clinton Campion, March 2, 2024

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Independent Prosecutor Clinton Campion
500 L Street, Suite 500
Anchorage, Ak 99501
(907) 677-3600
campion@alaskalaw.pro

March 2, 2024

Independent Prosecutor Campion,

Thank you for speaking with me about the recent dismissal of the indictment against Judge Margearet Mu

As discussed, the dismissal had nothing to do with whether or not Judge Murphy was in fact guilty of felon perjury to the Kenai Grand Jury, but was based on technical issues:

1. A juror who went missing reduced the number of Grand Jury members below the required 12.
2. The indictment was not specific enough.
3. The Grand Jury was not given proper instructions.
4. The Grand Jury was given inadmissible evidence.

You agreed all these problems could be solved by simply giving only admissible evidence to a separate Grand Jury; one with more than 11 members, given proper instructions, and given a specific indictment to vote up (Such Grand Juries are empaneled and being currently used to indict in Anchorage, Kenai, and elsewhere.) Court documents indicate the evidence of perjury is simply Judge Murphy's already-recorded testimony and conflicting, already-obtained Alaska Commission on Judicial Conduct report. You stated you would only need one witness "to provide the setting" and agreed you could likely obtain a new indictment in a single day.

In the last paragraph of the dismissal, Judge Thomas Matthews states: *"The Independent Prosecutor shall have ten (10) days to advise the Court whether he will seek a new indictment of Judge Murphy. If the State does not seek a new indictment, then the case will be dismissed."* (Page 32)

To start the Kenai Grand Jury investigation into evidence of judicial corruption in Alaska, up to 80 citizens spent time for over three months protested in front of the Kenai Courthouse. Other citizens protested in front of courthouses in Anchorage, Fairbanks, Palmer, Juneau, and Haines.

At least 2 Grand Juries in Anchorage and at least 4 in Kenai started investigating judicial corruption. Judges, district attorneys, and several times Deputy Attorney General John Skidmore ordered all to stop investigating despite the fact Article 1, Section 8 of Alaska's Constitution states:

"The power of grand juries to investigate and make recommendations concerning the public welfare or safety shall never be suspended."

In July of 2022, to breathe life into this Constitutional right, citizens formed Alaska Grand Jurors Association (AGJA) and organized a state-wide courthouse sit-in, to continue even after closing time and arrests – until the Grand Jury was allowed to finish investigating and addressing judicial corruption. Just a day before the planned sit-in, Representative Ben Carpenter and the Alaska Department of Law informed AGJA that a special Grand Jury in Kenai had been convened, whose sole duty was to investigate and address judicial corruption. This Kenai Grand Jury investigated for at least the better part of year, and I believe are still empaneled to this day, very nearly 2 years from when they started. Part way through their investigation, they fired the Department

Law attorney advising them (Jenna Gruenstein) and insisted on an “*independent prosecutor*”, which is how why you entered the picture.

As soon as the Grand Jury subpoenaed Judge Murphy and Marla Greenstein, the Alaska Supreme Court issued SCO 1993, changing Rule 6.1 to prohibit Grand Juries that investigate from also indicting. (Evidence indicates Ms. Greenstein - Alaska’s only investigator of judges since 1989, over 8000 investigations and counting – been falsifying official investigations to keep corrupt judges on the bench and ruling over We-The-People. it is possible the statute of limitations prevents her from being indicted.) The rule change also greatly increased the power of judges to suspend Grand Jury investigations, reports, and recommendations.

You agreed the Supreme Court made these rule changes because of what the Kenai Grand Jury was doing, which resulted in the Grand Jury believing they could not legally indict Judge Murphy. You agreed this is why they never prepared or voted on a specific, written-up official indictment when they believed Judge Murphy committed perjury, even though they did take a vote confirming Judge Murphy committed perjury to them.

AGJA uncovered an internal Alaska Supreme Court “*Memorandum*” indicating the Supreme Court (to pass SCO 1993 and stop the Kenai Grand Jury before they could indict Judge Murphy) bypassed the established required oversight of their own 13-member Rules Committee. The Supreme Court even ignored Rules Committee protests “*the rule changes were important and serious changes of a constitutional nature and should not be rushed through.*” (See “*Memorandum*” in “SCO 1993 History” at alaskastateofcorruption.com)

AGJA found that the 55 Delegates who wrote Alaska’s Constitution unanimously agreed on the following:

“The power of grand juries to inquire into the willful misconduct in office of public officers, and to find indictments in connection therewith, shall never be suspended.” (Alaska Constitutional Convention Proposal No. 7, Introduced by the Committee on the Preamble and Bill of Rights on December 15, 1955)

As this proved the SCO 1993 rule change was unconstitutional, AGJA called for a legislative investigation into possible impeachment of the Alaska Supreme Court – and provided the evidence they were corruptly stopping the Kenai Grand Jury from indicting Judge Murphy. Eventually the Alaska Supreme Court issued SCO 2000 reinstating the right of investigating Grand Juries to also indict. You agreed this evidence and the series of actions by the Alaska Supreme Court was “*explosive*” and left the Kenai Grand Jury completely confused.

“The grand jury in its investigative power as well as for the fact that it is sitting there as a panel sometimes is the only recourse for a citizen to get justice, to get redress from abuse in lower courts...it is the only safeguard a citizen occasionally has when for any reason and very often for political reasons, a case is not dealt with properly.” (Alaska Constitutional Convention, transcript page 1328)

At some point, one of the 12 Grand Jurors disappeared and could not be found, leaving the remaining 11 unable to adjust to the rule changes by the Supreme Court, as Alaska’s Constitution states there must be at least 12 jurors. You stated that you had never seen a Grand Jury with only 12 jurors and no alternates, and that this was completely inconsistent with your prior Grand Jury experiences. You stated that this, combined with all the Supreme Court rule changes, would have made it hard for any prosecutor to successfully indict with the Kenai Grand Jury (Citizens now think it may be important to determine why and how the Grand Juror disappeared.)

Missing Report and Recommendation

Judge Murphy's filings prove that, on April 28, 2023, the Kenai Grand Jury also issued a report and recommendation on what they found during their investigation. But this report has never been made public required by Alaska's Constitution. This is unacceptable, as it certainly puts to bed, once and for all, citizen concerns that Marla Greenstein, Alaska's only judge investigator since 1989 (8000 judge investigations and counting) is falsifying official investigations to keep corrupt judges on the bench and ruling over We-The-People. A respected Borough Mayor put it this way: *"If there is nothing to hide why don't they release it?"*

Conclusion

We humbly ask that you seek a new indictment of Judge Murphy. In addition, we humbly ask that before March 8, 2024 deadline to do so, you inform Judge Matthews that you will seek a new indictment.

Please do not waste years of time, effort, and sacrifice by the brave Kenai Grand Jurors, along with that of hundreds of Alaskans who stood for months in winter winds outside courthouses so the Kenai Grand Jury be allowed to investigate and address their concerns of corruption. Please breathe life into the Constitution guarantee that Grand Juries can protect citizens from corrupt judges. It is perfectly clear the Kenai Grand Jury wanted to indict Judge Murphy. We are not asking a second Grand Jury to indict her because the first refused. And it is normal for Alaskan prosecutors to seek a new indictment if a judge dismisses a defective indictment.

"If defense counsel succeeds in his attack, the superior court orders the indictment dismissed. The prosecution must then begin over again at the grand jury level and hope he does a better job next time—or has better luck. In the recent series of Kenai prosecutions, for example, three different grand juries were convened to hear the same evidence three times repeated." (The Grand Jury in Alaska, Alaska Judicial Council 1975, page 25) (see also State v. Nitz 684 P.2d 134 (AK 1984) – Nitz successfully prosecuted after three separate indictments were dismissed, all based on the same evidence.) (State v. Leighton 336P.3d 713 (AK 2014) *"Fairbanks district attorney's office must convene a new grand jury and indict Leighton again if it wants to put her on trial."*) (Zurlo v. State, 506 P.3d 777 (AK Court of Appeals 2022) *"A Fairbanks man whose second-degree murder conviction was reversed by the Alaska Court of Appeals (who ruled the indictment was defective) was re-indicted on the charge last month, according to court records."*)

We absolutely agree Judge Murphy must be given fair proceedings and a fair trial. If we didn't, we are no better than a corrupt judge. But allowing a potentially corrupt judge to avoid trial because of technicalities and unconstitutional hurdles created by other judges just adds to our belief of systemic corruption in Alaska's judicial system – especially when it is routine for individuals whose indictments are dismissed to be re-indicted.

Many Alaskans do not believe there is corruption within our judicial system. Judicial officials foster this belief by calling those asking for a Grand Jury investigation *"conspiracy theorists"* with *"no evidence of corruption"*. Judge Murphy is the canary-in-the-coal-mine; potentially proving that corruption does exist. *This is especially critical since the Kenai Grand Jury's report and recommendation on judicial corruption, issued over 10 months ago, seems to have disappeared.* Proof of judicial corruption through Judge Murphy's trial may very well expose and stop a systemic problem that citizens fear is causing untold harm to the public safety and welfare.

If you decide against seeking reindictment, Alaskan citizens have no option but to organize another state-wide courthouse sit-in, to continue even after closing time and arrests, until: (1) the uncensored Kenai Grand Jury report and recommendation is made public and (2) citizens in every city in which Grand Juries are convened in Alaska are allowed to appeal their concerns of corruption (including that described above) *directly* to a Grand Jury.

Jury with 18 Grand Jurors and 6 alternates. Why “directly”? Because the Supreme Court inserted these words into Rule 6.1 with SCO 1993 and didn’t remove them with SCO 2000: *“A grand jury has the constitutional authority to investigate appropriate matters when properly presented. This, in itself, does not mean that an individual citizen has a right to present any matter directly to the grand jury for consideration.”*

Yet this is the on-record, undisputed statement from the 55 Delegates who wrote Alaska’s Constitution:

“The grand jury can be appealed to directly, which is an invaluable right to the citizen.” (Alaska Constitution Convention transcript page 1328, made on January 6, 1956.)

And the original Alaska Grand Jury Handbook states (these statements have been removed in recent versions):

“A citizen is at liberty to apply to the Grand Jury for permission to appear before it in order to suggest or that a certain situation should be investigated by it. Charges of crime may be brought to your attention in several ways: (4) by private citizens heard by the Grand Jury in formal session, with the Grand Jury’s consent. Thus the citizens themselves, by this representative body of Grand Jurors, hold in their own hand the control of the maintenance of law and order throughout the state, through prosecution for crime. The importance of this power cannot be overestimated. Thus a Grand Jury may investigate how officials are conducting their public trust, and make investigations as to the proper conduct of public institutions, such as prisons and courts of justice. This gives it the power to inspect such institutions, and if desired, to call before them those in charge of their operations, and other persons who can testify in that regard. If as a result of such investigation the Grand Jury finds that an improper condition exists, it may recommend a remedy.” (Original Alaska Grand Jury Handbook, pages 5-7)

Alaskans and All Americans! Join the effort to protect our Constitution! Email Mr. Campion the following:

I hereby join the Alaska Grand Jurors Association’s request that you seek a new indictment of Judge Margaret Murphy. If you do not, I will (join, consider joining, approve, support) a state-wide court hearing sit-in, until the uncensored Kenai Grand Jury report and recommendation is made public, and until all citizens in every city in which Grand Juries are convened in Alaska are allowed to appeal their concerns of corruption directly to a Grand Jury with 18 Grand Jurors and 6 alternates.

**Most Sincerely,
(name, address, phone number, and email – and please send a copy to AGJA)**

Alaska Grand Jurors Association
Waking “The Sleeping Giant”
PO Box 123
Soldotna, AK 99669
(907) 398-6403 text/cell
haeg@alaska.net
alaskagrandjurorsassociation.org and alaskastateofcorruption.com

“Victory at all costs, victory in spite of all terror; victory however long and hard the road may be; for without victory there is no survival.” Winston Churchill (1874-1965)

Please join Alaska Grand Jurors Association by texting your name, email, and phone number to (907) 398-6403 or emailing it to haeg@alaska.net. Sign the Petition and/or donate at websites listed above.)

[4]The Alaska Government School Hustle 05/23/2023
<https://donnliston.net/2023/05/the-alaska-government-school-hustle/>

[5] Who Owns Kelly Merrick?

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Who Owns Kelly Merrick?

Report Type: Year Start Report
Election Name: 2022 - State Primary
Election Type: State Primary
Office: Senate
Filer Type: Candidate
Name: Kelly R. Merrick
Report Year: 2022
Submitted: 2/20/2022

Date Paid	Contributor	Amount
11/16/21	Alaska Laborers PAC	\$3,000.00
12/29/21	Laborers Union Local 341	3,000.00
12/29/21	Laborers Union Local 942	3,000.00
12/30/21	UA Local 375 Plumbers & Steamfitters Union (FBX)	3,000.00
12/31/21	Juneau Central Labor Council of Unions	3,000.00
01/11/22	Laborers Union Local 341 PAC Account	3,000.00
01/12/22	Alaska Laborers Union PAC	3,000.00
01/14/22	Laborers Local 492 ALPEV Voluntary Contributions (FBX)	3,000.00
1/15/22	Public Employees Local 71	2,000.00
12/29/21	Anchorage Fire Fighter's Union IAFF Local 1264	1,500.00
12/29/21	Operating Engineers Union Local 302	1,500.00
12/29/21	Teamsters Union Local 959 (FBX)	1,500.00
12/31/21	Gerald Neeser, Neeser Construction	1,500.00
12/29/21	Alaska AFL-CIO	1,000.00
12/29/21	Alaska State Employee Union ASEA/AFSCME Local 52	1,000.00
12/29/21	Lyndon Transport James Jansen	1,000.00
12/30/21	Bill Walker Brena Bell Walker (Failed 1-term Governor)	1,000.00
1/10/22	Bill Armstrong, Armstrong Oil & Gas (CO)	1,000.00
12/31/21	Elizabeth Stevens, Wife of former Dunleavy Chief of Staff Ben Stevens	750.00
12/29/21	Union Lawyer Charles Dunnagan	500.00
12/29/21	Electrical Union Workers IBEW Local 1547	500.00
12/29/21	UA Local 367 Plumbers & Steamfitters Union	500.00
12/31/21	Robert Abbott, NW Region Laborers Union (WA)	500.00
12/31/21	Linda Anderson, Foundation Health Partners (FBX)	500.00
12/31/21	Joe Balash, Santos Limited (Oil Search)	500.00
12/31/21	Vince Beltrami, retired Alaska AFL-CIO President	500.00
12/31/21	Tom Brice, retired Alaska Union Official	500.00
12/31/21	Dave Cruz, Cruz Construction (FBX)	500.00
12/31/21	Joelle Hall, President Alaska AFL-CIO	500.00
12/31/21	Keith Meyer, LNG Central (TX)	500.00
12/31/21	James Sampson, Former Pres. AFL-CIO (FBX)	500.00
12/31/21	Colleen Savoie, Parker Smith Insurance Broker	500.00
12/31/21	Matthew Shuckerow, Former Press Secretary for Gov Dunleavy	500.00
12/31/21	Kai Sims, President Anchorage Wolverines Hockey	500.00
12/31/21	John Sims, President ENSTAR	500.00
12/31/21	Kevin Sund, Juneau carpenter	500.00
12/31/21	Khalial Within, Attorney, AK Dist Council of Laborers	500.00
01/12/2022	Wes Canfield, AK Laborer's Union Local 341 Bus Agent	500.00

01/11/22	Caboret Hotel & Restaurant (CHARR PAC)	500.00
01/11/2022	Kisha Guillen, Bookkeeper Laborer's Local Union 341	500.00
01/12/2022	Todd Porter, QAP Construction Co.	500.00
01/13/22	Larry Bell, AK Natl (IBEW UNION) Electrical Contractors Assn	500.00
01/17/22	Shalon Harrington, Dir. External Affairs Ambler Metals	500.00
01/17/22	John Lincoln, CEO-NANA Corp	500.00
12/31/21	Doug Buman Jenn Buman) Laborer's Health Safety Fund (OR)	300.00
12/31/21	Brenda English, Juneau School District "Paraeducator"	250.00
12/31/21	Michael Gallagher, Retired Laborer's Union Bus Mgr	250.00
12/31/21	James Metcalf, ASEA/AFSCME Union	250.00
12/31/21	Marcie Obremski, Bus Mgr IBEW Local 1547 (Palmer)	250.00
01/05/22	Sydney Morgan, Doyon Utilities (FBX)	250.00
01/06/22	James Palmer, Retired	250.00
01/12/22	Brenda English, Juneau School District Office Support	250.00
01/12/22	Eric Runyan, Lineman for Chugach Electric Assn.	250.00
01/13/22	Aaron Schutt, Executive-Doyon Limited	250.00
01/13/22	John Skidmore, Attorney-State of Alaska	250.00
01/14/22	Randy Golding, Sheet Metal Workers Local 23	250.00
01/14/22	Steve Nerland, merchant	250.00
01/18/22	Leon Morgan, Deputy Commissioner, AK Div of Pub Safety	250.00
12/31/21	Brandon Calcaterra, President/Asst Bus Mgr Laborers Local 341	200.00
12/31/21	Pat Falon, Anchorage retiree	200.00
01/12/22	Ray Lee, retiree	200.00
12/30/21	Pat Smutz, former Alaska Union Official (WA)	100.00
12/31/21	Andrew Ryan, Business Rep, IBEW Local 1547	100.00
12/31/21	Frank Kelly, (Willow)	100.00
12/31/21	Matt Shasby, University of Alaska athletic coach	100.00
12/31/21	Jennifer Yuhas, Executive Coach Local 71	100.00
01/03/22	Suzanne McCarthy, AK Laborers Training School	100.00
01/04/22	Michael Mead, CPA CliftonLarsonAllen (WA)	100.00
01/05/22	James McMillon, Business Rep. Teamsters Union (FBX)	100.00
01/08/22	Tiffany Lund, Media/Marketing Integrity Environmental.com	100.00
01/12/22	Margaret Cicharack, Br Ops Mgr Pacific Power Group	100.00
01/12/22	Steven Geraghty, Const. Mgr. Great Northwest, Inc. (FBX)	100.00
01/12/22	Larry Mooney, Real Estate Business	100.00
01/13/22	MaryAnn Ganacias, Ast. Exec Dir., ASEA/AFSCME Local 52 Union	100.00
01/14/22	Preston McKay, ENI energy company	100.00
01/15/22	Mike Remington (FBX)	100.00
01/16/22	Alicia Siira, Exec Dir, Assoc General Contractors of AK	100.00
01/17/22	Fred Brown, Ex Dir. Pacific Health Coalition	100.00
01/17/22	Barbara Tuckness, retiree	100.00
01/14/2022	AK State Medical Assn PAC	100.00

*This list is not all inclusive. To see every contributor for this report go to this **Alaska Public Official Commission (APOC) Report:**
<https://aws.state.ak.us/ApocReports/CampaignDisclosure/CDIncome.aspx>

[6] **How Alaskans are Rolled by the Alaska Court System** 01/29/2024
<https://donnliston.net/2024/01/how-alaskans-are-rolled-by-the-alaska-court-system/>

[7] Retired Homer judge charged with perjury, KDLL, Riley Board 05/03/2023
<https://www.kdll.org/local-news/2023-05-03/retired-homer-judge-charged-with-perjury>

[8] Former judge arraigned on perjury charges, KDLL, Riley Board 06/24/2023
<https://www.kdll.org/local-news/2023-06-24/former-judge-arraigned-on-perjury-charges>

[9] **AK Supreme Court Rules Against Internet TROLLS! DONN LISTON** 02/02/2024
<https://donnliston.net/2024/02/ak-supreme-court-rules-against-internet-trolls/>

[10] **Public Officials vs. The People: Alaska's Due Process** Jessica Pleasant & DONN LISTON,
01/13/2024
<https://donnliston.net/2024/01/whats-wrong-with-this-process/>

[11] HB384, Rep Eastman

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33-LS1236\S

HOUSE BILL NO. 384

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-THIRD LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE EASTMAN

Introduced: 2/20/24

Referred: Judiciary

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to grand juries; amending Rules 6(e), (i), (n), (p), (s), and (u), Alaska
2 Rules of Criminal Procedure; and repealing Rules 6(j) and 6.1, Alaska Rules of
3 Criminal Procedure."

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 * **Section 1.** AS 12.40.010 is amended by adding a new subsection to read:

6 (b) The official grand jury handbook is the handbook titled "Alaska Grand
7 Jury Handbook," distributed by The Supreme Court of Alaska, that was acquired by
8 the National Criminal Justice Reference Service on October 25, 1982.

9 * **Sec. 2.** AS 12.40.030 is amended by adding new subsections to read:

10 (b) A grand jury, without outside input, decides what concerns the public
11 safety or welfare, what to investigate, and how to conduct an investigation.

12 (c) A grand jury report or recommendation after an investigation shall be
13 immediately made public following issuance by the grand jury, without rewrite,
14 censorship, or redaction.

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1 (d) An individual or group of individuals has an unqualified right to appeal
2 directly to a grand jury for an investigation. This right includes the right to appeal to a
3 grand jury for an investigation related to an individual court case.

4 * **Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to
5 read:

6 DIRECT COURT RULE AMENDMENT. Rule 6(e), Alaska Rules of
7 Criminal Procedure, is amended to read:

8 (e) **Swearing and Instructing Jurors.**

9 (1) The following oath shall be administered by the clerk of the
10 superior court to the persons selected for grand jury duty: "You and each of you as
11 members of this grand jury for the State of Alaska, do solemnly swear or affirm that
12 you will diligently inquire and true presentment make of all such matters as shall be
13 given to you for consideration, or shall otherwise come to your knowledge in
14 connection with your present service; that you will preserve the secrecy required by
15 law as to all proceedings had before you; that you will present no one through envy,
16 hatred or malice, or leave any one unpresented through fear, affection, gain, reward, or
17 hope thereof; but that you will present all things truly and impartially as they shall
18 come to your knowledge according to the best of your understanding."

19 (2) When the grand jury is sworn, the court shall charge the jury with
20 written instructions [, WHICH THE COURT DEEMS PROPER,] concerning the
21 powers and duties of the grand jury.

22 * **Sec. 4.** The uncodified law of the State of Alaska is amended by adding a new section to
23 read:

24 DIRECT COURT RULE AMENDMENT. Rule 6(i), Alaska Rules of Criminal
25 Procedure, is amended to read:

26 (i) **Preparing Indictments and Presentments.** The prosecuting attorney shall
27 prepare all indictments and presentments for the grand jury, and shall attend their
28 [ITS] sittings to advise them [IT] of their [ITS] duties and to examine witnesses in
29 their [ITS] presence.

30 * **Sec. 5.** The uncodified law of the State of Alaska is amended by adding a new section to
31 read:

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1 DIRECT COURT RULE AMENDMENT. Rule 6(n), Alaska Rules of
2 Criminal Procedure, is amended to read:

3 (n) **Availability of Grand Jury Record to Defendant.** Upon request, a
4 defendant shall be entitled to listen to the electronic recording of the grand jury
5 proceedings and inspect all exhibits presented to the grand jury. Upon further request
6 the defendant may obtain a transcript of such proceedings and copies of such exhibits.
7 The trial of the case shall not be delayed because of the failure of a defendant to
8 request the transcript. [THE AVAILABILITY OF A GRAND JURY REPORT IS
9 GOVERNED BY CRIMINAL RULE 6.1.]

10 * Sec. 6. The uncodified law of the State of Alaska is amended by adding a new section to
11 read:

12 DIRECT COURT RULE AMENDMENT. Rule 6(p), Alaska Rules of
13 Criminal Procedure, is amended to read:

14 (p) **Presentment** [QUESTIONS TO THE SUPERIOR COURT].

15 (1) Whenever there is doubt from the evidence presented

16 (i) whether the facts constitute a crime, or

17 (ii) whether a defendant is subject to prosecution by
18 reason of either a lapse of time or a former acquittal or conviction, then
19 the grand jury by a concurrence of at least five members may **make a**
20 **presentment of** [, AFTER CONSULTING THE PROSECUTING
21 ATTORNEY, PRESENT] the facts of the case to the court with a
22 request for **instructions** [INSTRUCTION] on the law.

23 (2) The **presentment shall be made by the** foreperson [SHALL
24 MAKE THE PRESENTATION OF FACTS AND THE REQUEST FOR
25 INSTRUCTION ON THE LAW TO THE COURT] in the presence of the grand jury.

26 (3) The **presentment** [PRESENTATION TO THE COURT] shall not
27 mention the names of individuals. **The presentment** [ANY WRITTEN DOCUMENT
28 CONTAINING THE PRESENTATION OF FACTS AND REQUEST FOR
29 INSTRUCTION ON THE LAW] shall not be filed with the court, nor shall it be kept
30 by the court beyond the time that the grand jury is discharged.

31 (4) When the **presentment** [PRESENTATION OF FACTS AND

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1 REQUEST FOR INSTRUCTION] is made [,] the court shall give such instructions
2 [INSTRUCTION] on the law as it considers necessary.

3 * Sec. 7. The uncodified law of the State of Alaska is amended by adding a new section to
4 read:

5 DIRECT COURT RULE AMENDMENT. Rule 6(s), Alaska Rules of Criminal
6 Procedure, is amended to read:

7 (s) **Admissibility of Evidence.**

8 (1) All evidence is admissible before a grand jury conducting an
9 investigation and preparing a report or recommendation. Evidence which would
10 be legally admissible at trial shall be used by [ADMISSIBLE BEFORE] the grand
11 jury if, after investigation, the grand jury decides to issue an indictment. In
12 appropriate cases, however, witnesses may be presented to summarize admissible
13 evidence if the admissible evidence will be available at trial. Except as stated in
14 subparagraphs (2), (3), and (6), hearsay evidence shall not be presented to the grand
15 jury absent compelling justification for its introduction. If hearsay evidence is
16 presented to the grand jury, the reasons for its use shall be stated on the record.

17 (2) In a prosecution for an offense under AS 11.41.410 - 11.41.458,
18 hearsay evidence of a statement related to the offense, not otherwise admissible, made
19 by a child who is the victim of the offense may be admitted into evidence before the
20 grand jury if

21 (i) the circumstances of the statement indicate its
22 reliability;

23 (ii) the child is under 10 years of age when the hearsay
24 evidence is sought to be admitted;

25 (iii) additional evidence is introduced to corroborate the
26 statement; and

27 (iv) the child testifies at the grand jury proceeding or
28 the child will be available to testify at trial.

29 (3) Hearsay evidence related to the offense, not otherwise admissible,
30 may be admitted into evidence before the grand jury if

31 (i) the individual presenting the hearsay evidence is a

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1 peace officer involved in the investigation; and
2 (ii) the hearsay evidence consists of the statement and
3 observations made by another peace officer in the course of an
4 investigation; and

5 (iii) additional evidence is introduced to corroborate the
6 statement.

7 (4) If the testimony presented by a peace officer under paragraph (3) of
8 this section is inaccurate because of intentional, grossly negligent, or negligent
9 misstatements or omissions, then the court shall dismiss an indictment resulting from
10 the testimony if the defendant shows that the inaccuracy prejudices substantial rights
11 of the defendant.

12 (5) In this section "statement" means an oral or written assertion or
13 nonverbal conduct if the nonverbal conduct is intended as an assertion.

14 (6) When a prior conviction is an element of an offense, hearsay
15 evidence received through the Alaska Public Safety Information Network or from
16 other government agencies of prior convictions may be presented to the grand jury.

17 * **Sec. 8.** The uncodified law of the State of Alaska is amended by adding a new section to
18 read:

19 DIRECT COURT RULE AMENDMENT. Rule 6(u), Alaska Rules of
20 Criminal Procedure, is amended to read:

21 (u) **Delegation of Duties.** Whenever a superior court is sitting other than
22 where the presiding judge is sitting, or the presiding judge is unavailable, the presiding
23 judge may delegate duties under this rule to another judicial officer. [HOWEVER,
24 THE PRESIDING JUDGE MAY DELEGATE DUTIES UNDER CRIMINAL RULE
25 6.1 ONLY TO ANOTHER SUPERIOR COURT JUDGE.]

26 * **Sec. 9.** The uncodified law of the State of Alaska is amended by adding a new section to
27 read:

28 REPEAL OF COURT RULES. Rules 6(j) and 6.1, Alaska Rules of Criminal
29 Procedure, are repealed.

30 * **Sec. 10.** The uncodified law of the State of Alaska is amended by adding a new section to
31 read:

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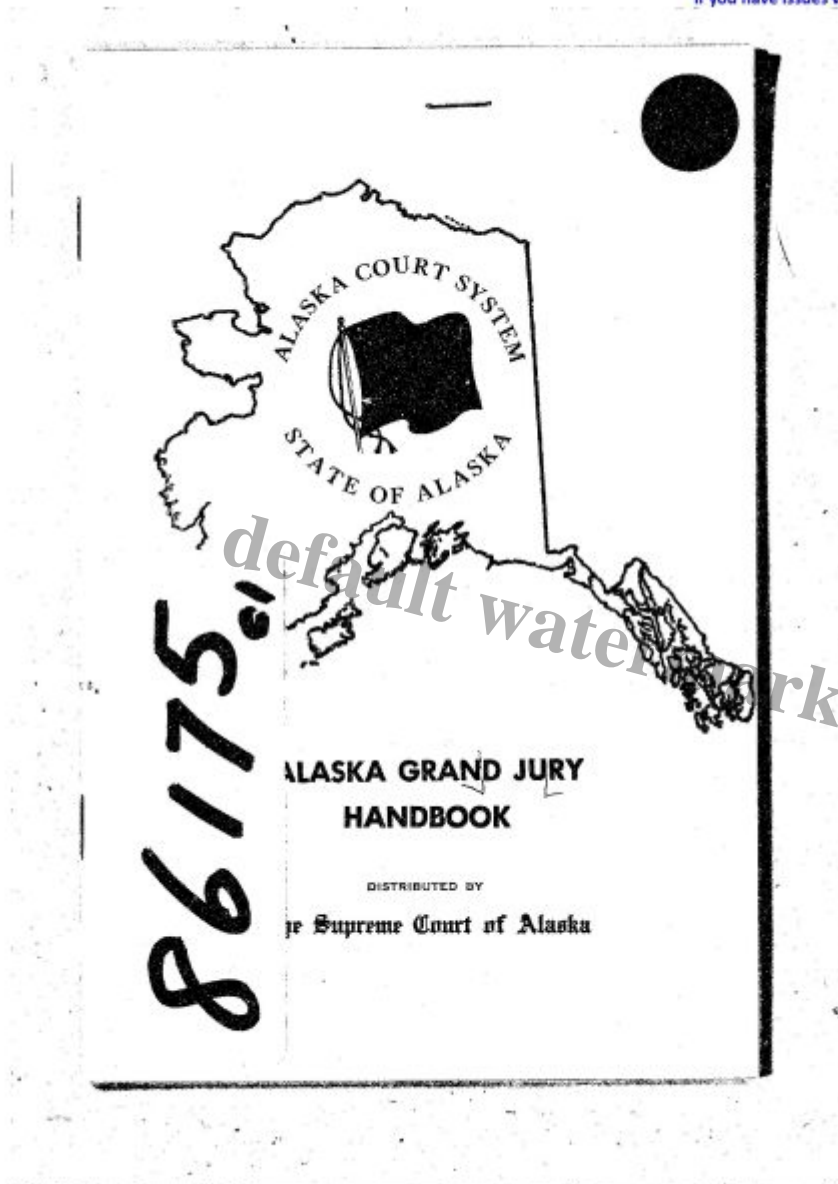
1 APPLICABILITY. Rules 6(e), (i), (n), (p), (s), and (u), Alaska Rules of Criminal
2 Procedure, as amended by secs. 3 - 8 of this Act, and the repeal of Rules 6(j) and 6.1, Alaska
3 Rules of Criminal Procedure, by sec. 9 of this Act, apply to indictments occurring on or after
4 the effective date of this Act for offenses committed before, on, or after the effective date of
5 this Act.

6 * **Sec. 11.** The uncoded law of the State of Alaska is amended by adding a new section to
7 read:

8 CONDITIONAL EFFECT. Rules 6(e), (i), (n), (p), (s), and (u), Alaska Rules of
9 Criminal Procedure, as amended by secs. 3 - 8 of this Act, and the repeal of Rules 6(j) and
10 6.1, Alaska Rules of Criminal Procedure, by sec. 9 of this Act take effect only if secs. 3 - 9 of
11 this Act receive the two-thirds majority vote of each house required by art. IV, sec. 15,
12 Constitution of the State of Alaska.

[12] Official Alaska Grand Jury Handbook, 1982

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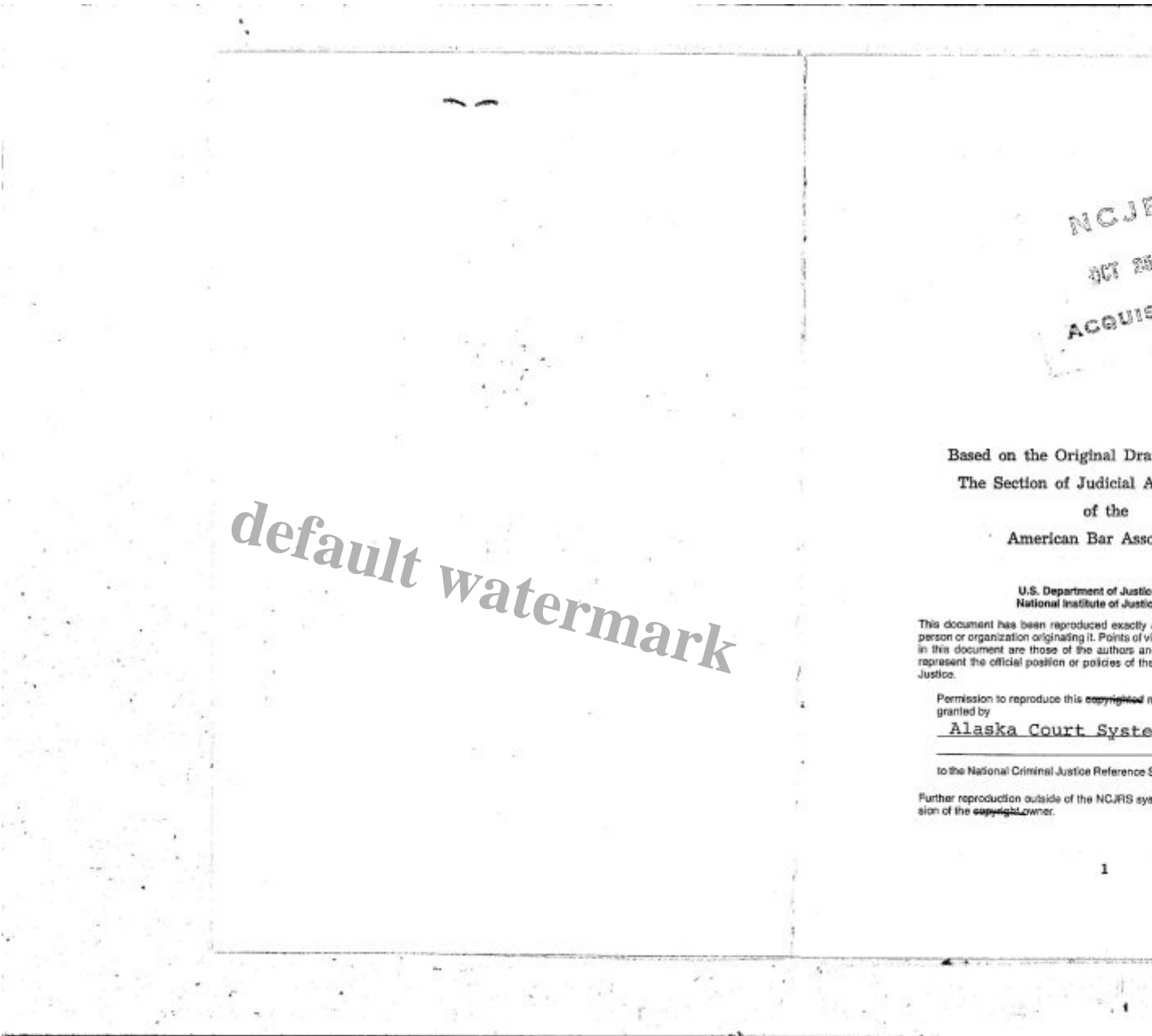


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Alaska Grand Jury

I. IMPORTANCE OF THE GRAND JURY

This Handbook is intended for the Grand Jurors selected as members of the Grand Jury to report to carry out their duties in that capacity.

Clearly a "... government of the people and for the people," as Abraham Lincoln said, the American form of Government requires the participation of every citizen in at least one duty, first to exercise the voting privilege on juries. As Harlan Fiske Stone, Chief Justice of the United States Supreme Court, said:

"Jury service is one of the highest honors for by it the citizen participates in the administration of justice between man and man and the individual."

In time of peace no citizen can perform a more important public function than that of Grand Jury service. No business or public functions more vital to the community than the order.

The powers and functions of the Grand Jury are different from those of trial or petit juries. The Grand Jury tries the case and renders the verdict. The Grand Jury does not try the case. It does not hear both sides. Its function is to determine whether there is enough evidence as to a charge of crime and to return a indictment or not the person or persons so charged. It is not a trial on such charges.

The Grand Jury is both a sword and a shield, because it is the terror of the criminal and it is the protection of the innocent. These important powers obviously require great responsibilities to see that such powers are not perverted or abused. With its extensive powers it might unless motivated by the highest sense of duty return indictments not warranted by the evidence and thus be a source of oppression to our citizens.

Grand Jury might dismiss charges against those who should be proceeded against. The importance of its powers is emphasized by the fact that it is an independent body answerable to no one except the court itself.

II. ORIGIN OF GRAND JURY

Not only in theory, but in actual historical fact, the importance of the Grand Jury has been demonstrated. It had its origin more than seven centuries ago, in England, from which, in large part, this country inherited its legal system. It was recognized in Magna Carta granted by King John of England at the demand of the people in 1215 A.D., and some say its origin was even earlier. This power of the Grand Jury to protect the citizens from the despotic abuse of power has been repeatedly exerted not only in England, but in this country, even before the Declaration of Independence. For instance, in New York City, in 1735, a Colonial Governor demanded that a Grand Jury find a formal criminal charge against the editor of a newspaper called the Weekly Journal, who had held up to scorn certain of the deeds of the Royal Governor. The Grand Jury denied this demand, and refused to indict. Many similar instances could be cited.

However, such cases are exceptional. As a rule the Grand Jury is the source of indictments which authorize the prosecution of those accused of crime. Such is the importance of the Grand Jury in its control of the initiation of prosecutions for serious crime, as distinguished from petty offenses, that the authority of the Grand Jury is recognized in the Constitution of the United States and in the Constitutions of most of the states of the Union, including that of Alaska.

III. NATURE OF THE GRAND JURY

(a) The Accusing Body as to Serious Crimes

As above indicated, the Grand Jury is the principal body which has the right to determine whether a person shall be tried for a serious crime unless that person himself waives, or gives up, that right. This means that no one can be prosecuted for serious crime except by vote of the Grand Jury.

Thus the citizens themselves, by Grand Jurors, hold in their own hands the maintenance of law and order through the prosecution for crime. The importance of this power cannot be overestimated.

The above does not apply to minor violations, for which prosecution is initiated by the district attorney, without a Grand Jury. Through proceedings called informations, indeed, if this were not so, the Grand Jury would be merged with complaints on minor offenses and perform its more important duties.

In performing its duties, the Grand Jury must keep in mind that it does not finally try a case. It only determines whether the evidence presented by the district attorney, when it has reason to believe that a crime has been committed, is sufficient to reach a verdict. It will explain away the charges and order such evidence to be produced. It will require the district attorney to present more evidence. The Grand Jury then determines whether the evidence presented, without considering the legal principals of which it is not a part, is sufficient to issue an indictment, which is a formal charge. The district attorney will advise the Grand Jury. If sufficient, it votes an indictment. If not, it votes "not a true bill."

Charges of crime may be brought in several ways: (1) by the Court, (2) by the district attorney, (3) from your own personal knowledge. A charge properly brought to your personal knowledge by the Grand Jury is heard by the Grand Jury and requires the Grand Jury's consent.

The bulk of your work will be in the prosecution of charges falling within classes (1) and (2). A defendant will probably have been charged by a committing Magistrate or a Justice of the Peace. The defendant will then be held in custody, in default of bail, until the Grand Jury meets.

Your action should therefore be reasonably prompt, and result in voting either for or against an Indictment. As to matters brought to your attention in classes (3) and (4) above, emanating directly or indirectly from the Grand Jury itself, it would be wisest to consult with the district attorney or the Court, in advance of undertaking a formal investigation by the Grand Jury, although this is not mandatory. In any event, you will generally have to consult with them in the end, if the Grand Jury decides that a person should be proceeded against criminally, in order to obtain aid in drafting the proper form of Indictment. In most instances this type of Grand Jury investigation will concern persons not then in custody. In the event you vote a true bill, indictment or presentment against such person, such indictment or presentment should be endorsed by you as "secret"—not to be given publicity until released by the Court.

In order that the Grand Jurors may not be subjected to partisan secret influences, no one has the right to approach an individual member of the Grand Jury in order to persuade him that a certain Indictment should, or should not, be found. Any such individual should be referred to the district attorney, in order that he may be heard by the Grand Jury as a whole. On the other hand, a citizen is at liberty to apply to the Grand Jury for permission to appear before it in order to suggest or urge that a certain situation should be investigated by it.

You will further bear in mind that as a Grand Juror you are a public official, with the duty of protecting the public by enforcing the law of the land. Thus even if, perchance, you should think a certain law unduly harsh, that should not influence your judgment in carrying out your duties as a Grand Juror. As a citizen you have the right to endeavor to change the law. As a public official and Grand Juror it is your duty to enforce the law as it exists.

(b) Grand Jury as an Investigatory Body

In addition to the duty of the Grand Jury to hear evidence and decide whether formal criminal charges should be proceeded with, the Grand Jury has the additional important duty of making investigations on its own initiative,

which it can thereafter report to the Court. The Grand Jury may investigate how officials discharge their public trust, and make investigations into the conduct of public institutions, such as schools, hospitals, and justice. This gives it the power to call before them, and if desired, to call before them, any person in its operations, and other persons who may be connected with them. If as a result of such investigation there is found to be an improper condition exists, it may recommend that it be corrected.

On the other hand, there are many things which a Grand Jury may do in the discharge of its duties and in its Report. Specifically, it may forage at will upon any whim it may desire to investigate such matters as are within its jurisdiction, graphic and otherwise. Nor, can a Grand Jury in its Report specify individuals as being responsible for the conditions which it criticizes. The Grand Jury Report gives the individual criticized the opportunity to reply thereto, as he could were he a member of the subject of an Indictment for crime. The Grand Jury should bear in mind that both in the discharge of its duties to indictments, the duty of secrecy is absolute.

IV. ORGANIZATION. OATH. ETC.

When you report for duty as a Grand Juror, the presiding Judge will consider such excuses as may be presented. But because of the great importance of the office of member of the Grand Jury, and because of the fact that you serve as a member of the Grand Jury, you should not permit anything but a real emergency to prevent your way of your performing this outstanding duty. If you have already been properly selected as a Grand Juror when you read this, but that you have not yet advised you with regard to exemption from jury duty, you should desire.

When you report with the other members of the Grand Jury, you will be conducted to Court by your presiding officer—and your District Attorney will be appointed by the Judge.

them and you sworn in, under an oath which itself states your important powers and responsibilities.

After you have been sworn, the presiding Judge will advise you formally by written instructions, and in greater detail, as to how to conduct these duties and the responsibilities that are yours. This address is called "The Charge to the Grand Jury." This charge by the Court, plus such other instructions as may be given you by the Court, are your controlling guide. The district attorney will also give you his advice, as a skilled official, as to how your duties should be performed. But in the event of question, the Court will rule authoritatively on these matters. You will note that this Handbook does not purport to state the principals of law that govern you as a Grand Juror. Its purpose is simply to give you a clearer understanding of the general nature of your functions, with some practical suggestions as to carrying out such functions. You should go to your oath and to the Court itself for the sole authoritative statement of your powers, functions and duties as Grand Juror.

Upon receiving from the Court its "Charge to the Grand Jury" you will become a part of the Grand Jury. You will then be escorted to the Grand Jury Room, where you will prepare to hear the testimony, and see the documentary evidence, as presented by the district attorney, in the cases to be brought to your attention.

V. PROCEDURE

(a) Quorum

A Grand Jury consists of not less than 12 nor more than 18 members; of the total membership not less than twelve must always be present to constitute a quorum for the transaction of business. If less than this quorum exists, even for a moment, the proceedings of the Grand Jury must stop. Hence it is important that any Grand Juror who finds that an emergency interferes with his presence at a scheduled meeting of the Grand Jury, should advise the Grand Jury Foreman promptly, in order to see whether his absence will prevent the Grand Jury from acting at all at the meeting.

(b) Hearing Witnesses

Most of the work of the Grand Jury is the hearing witnesses and determining the facts of the evidence, in order to determine whether the testimony alone without regard to the law is sufficient for indictment is justified. When so presented, the district attorney will present and explain the testimony to the Grand Jury, and advise as to the witnesses who should be called voluntarily, or at the request of the district attorney, or under order of the Grand Jury or the Court. Indeed the Grand Jury may call additional witnesses on the calling of additional witnesses.

These witnesses will be called on to tell the truth by the Foreman in a dignified manner, indicative of the solemnity of the occasion. They will ordinarily be questioned first by the district attorney, then by the Foreman, and then, if desired, by the Grand Jury, each of whom is entitled to ask questions of any witness. But as to the order of the advice of the district attorney and in the event of doubt, a ruling may be made by the Court.

All questioning should be impartial and should not indicate any viewpoint on the part of the Court. A stenographer may be present to take notes, as may an interpreter, if needed.

Should a witness, when brought to the stand, refuse to testify, or refuse to answer questions, the testimony should be carefully recorded. Then accompanied by the district attorney, the Grand Jury may bring the matter to the attention of the Court, with a copy of the record, in order that the Court may decide as to whether the witness should be compelled to answer. This probably involves the technical question of whether the question asked violates the witness's privilege against self-incrimination. If it does, the witness is not compelled to answer. If it does not, the witness is compelled to answer, and if he fails to do so, he may be held in contempt of Court.

You will note from the above that the defendant named in the criminal charge has not been heard as a witness, nor have any witnesses for him probably been called. This is because, as stated above, the Grand Jury does not try the merits of the case, but only the sufficiency of the evidence supporting the charge. However, the Grand Jury has the right to offer the defendant the opportunity to appear before it. This is not usually done and should not be done unless the Grand Jury really feels that it is desirable. If the defendant is given this opportunity, and appears, he cannot be forced to testify because of the constitutional provisions above alluded to. Indeed, if the Grand Jury attempts to force him to testify, the indictment of the defendant may be nullified. Further, even if the defendant is willing to testify voluntarily, in order that it may be clear that he is testifying voluntarily, he should first be warned of his right not to testify, and should then sign a formal waiver of his constitutional privilege against self-incrimination before he does so testify. This last is his agreement not to rely upon the above constitutional right, and to be prosecuted even though he testifies, and the Grand Jury should be fully satisfied that he understands what he is then doing.

From the above, it is clear that the matter of forcing a witness to testify, or of giving the defendant an opportunity to testify, raises complicated legal questions. The advice of the district attorney and the ruling of the Court thereon should be sought if any such question arises.

Further legal questions may arise as to whether certain evidence is proper. The law of Evidence is technical, and here you must be guided by the district attorney or by the Court.

Finally, bear in mind that neither a defendant nor an ordinary witness, when appearing before a Grand Jury, is entitled to have his counsel present in the Grand Jury Room.

(c) Determination to Indict or Dismiss

When the Grand Jury has heard all necessary or available witnesses, and all persons except the Grand Jury have left the room, the Foreman will ask the Grand Jury to discuss and vote on the question of whether a True Bill should be found on the charge. Every Grand Juror now has the right to

comment on the evidence and his vote after, and only after each member has made his comment. The vote will be taken. No indictment is returned by a majority of the members present.

Similar proceedings are taken with respect to a charge of crime. This is not a formal charge or indictment as noted above—the result of an investigation with which the Grand Jury has constituted a formal charge of crime.

When the hearing of the witness is closed, all persons present, other than the Grand Jury, must leave the room. Only the members of the Grand Jury remain present when the Grand Jury deliberates on the charge. If this is not done, an indictment is invalid.

VI. DISTRICT ATTORNEY

The district attorney will be acting as the representative of the Grand Jury in presenting one by one the witnesses to support the charge. He is an official, usually of experience in the law, and of intelligence and sincerity, he will naturally be a legal advisor to the Grand Jury.

However, the best of advisers is the Grand Jury. Thus, if a difference of opinion arises between the district attorney and the Grand Jury, the matter should be brought before the Judge for his ruling.

Finally, you will remember that neither the district attorney nor any of his assistants, nor any other person is permitted to be present while the Grand Jury is deliberating or voting on an indictment. If this occurs, an indictment may be nullified.

VII. SECRECY

Secrecy as to all Grand Jury proceedings is of the utmost importance. Only action upon an indictment or presentment is that any such matter was considered. Thus, it is of the utmost importance.

themselves be protected from being subjected to pressure by persons who may be involved in the action of the Grand Jury. Thus only can persons be prevented from escaping while an Indictment against them is under consideration. Thus only can witnesses before the Grand Jury be prevented from being tampered with, or intimidated, before they testify at the trial. Thus only can such witnesses be encouraged to give the Grand Jury information as to the commission of crime. Thus only can an innocent person who has been improperly subjected to a charge, but where the Indictment has been dismissed, be saved the disgrace attendant upon the making of such a charge. Note that to achieve the above protection for the Grand Jury for the individuals involved, including the witnesses, and for the citizens at large, this pledge of secrecy is paramount and permanent.

No more need be said as to the importance of a Grand Juror's not communicating to his family, to his friends, to anyone, that which takes place in the Grand Jury Room. The only time he may do so is when the Court under certain circumstances itself orders such disclosure, in order to do justice.

VIII. PROTECTION OF GRAND JURORS

The secrecy to which Grand Jurors are sworn is of itself one of the major sources of protection of the members of the Grand Jury.

The Grand Jury is further protected by being an independent body answerable to no one except the Court itself. No inquiry may be made to learn what a Grand Juror said or how he voted. The law gives a Grand Juror complete immunity for his official acts within the authority of the Grand Jury regardless, for instance, of the ultimate result on an indictment returned by the Grand Jury. The one apparent exception to this is, if he himself testifies before the Grand Jury to the commission of a crime, and his testimony is perjured. With this complete protection for their official acts, it is obviously vital that our Grand Jurors should be citizens of unquestioned integrity and high character.

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IX. PRACTICAL SUGGESTIONS

Attend the sessions of the Grand Jury. Do not be absent only each of your fellow jurors. Do your job well.

Pay close attention to the evidence presented; the reputation depends on what is being told.

Be courteous to the witnesses. Do not try to monopolize the hearing.

In fixing the time and place of the hearing, consider the convenience of the public and of yourselves and the district.

The oath should be administered in a dignified and impressive manner, so that they will take it seriously, and that they will be fair.

Wait until the district attorney has presented the evidence before asking questions of a witness. Do not ask questions of the evidence you are seeking.

Listen to the evidence of all the jurors, but don't be a rubber stamp.

Be independent, but not obstinate.

Be absolutely fair—you are sworn to the secrecy of the hearing and to the truth of what you have done.

All jurors have an equal voice. Each juror has the right to express his views.

Express your opinion, but do not quarrel. Each juror has a right to his own opinion, but do not try to force another juror, but do not try to force your opinion and agree with you. He might be right.

Do not keep silent when you have something to say and begin to talk about it after the hearing is over.

A reckless Grand Jury can do harm to the community and to law enforcement.

Do not investigate matters out of the province of the Grand Jury, or merely because someone suggested an investigation, without sufficient information, or merely because it would be an interesting matter to investigate.

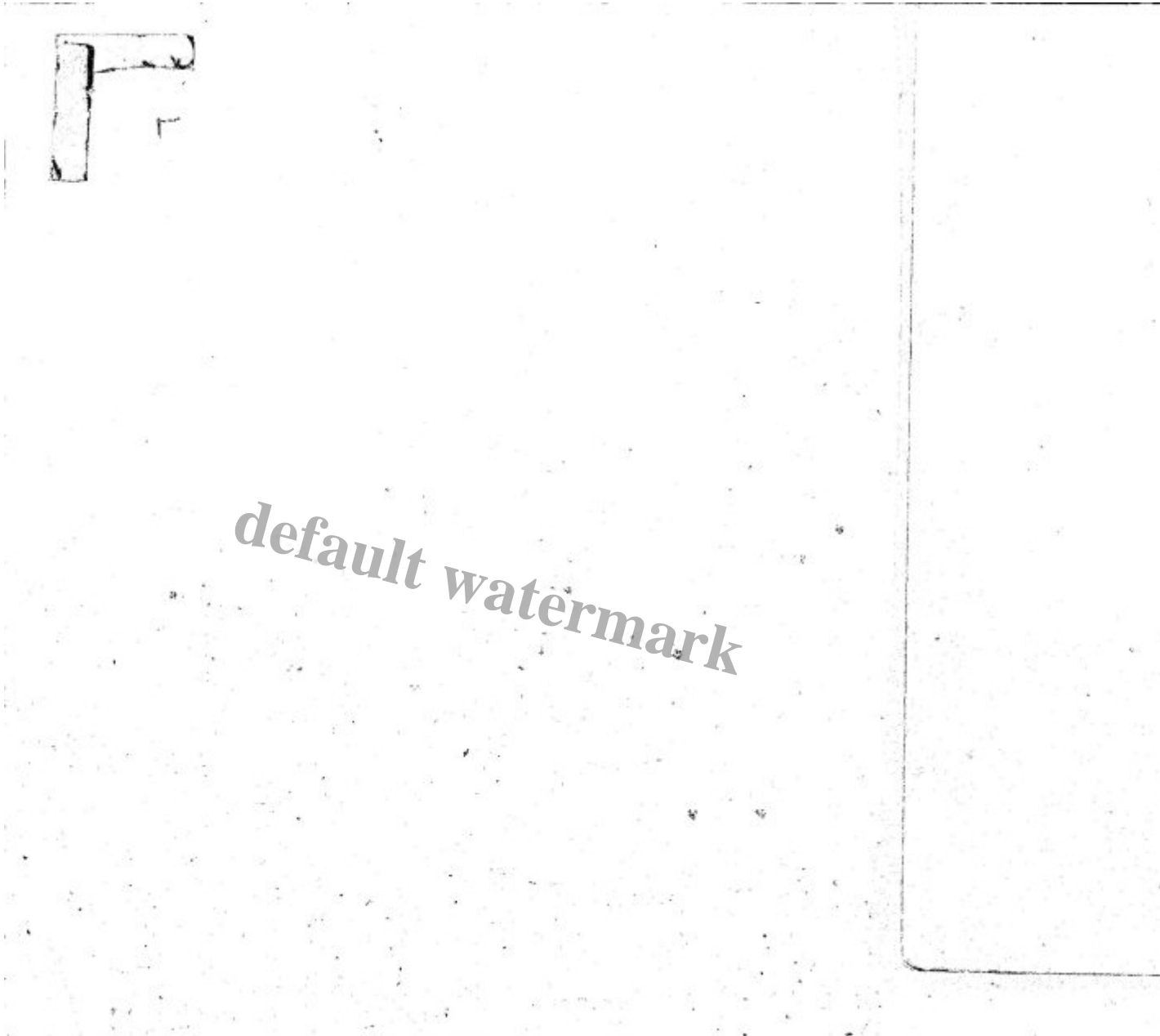
Do not discuss cases with your fellow jurors outside of the jury room.

It is of great importance that your attendance be regular and on time. If you are unable to attend the session, or desire to be excused, ask permission. The unexpected lack of a quorum causes a great loss of time and money to the individual jurors as well as to the authorities and witnesses.

When considering undertaking any special investigation, it is wise to consult the district attorney beforehand, so that he may arrange routine business accordingly and advise you as to other matters bearing on such an investigation.

Each juror has a duty and responsibility equal to yours. Each juror is entitled to be satisfied with the evidence before being called upon to vote. Although your mind may be made up, if others wish to pursue the matter further, you have no right to dismiss the witness or shut off proper discussion.

Your membership on the Grand Jury is a high honor. You are among a relatively small number of citizens of your community who are chosen to serve on the Grand Jury. This should therefore mean devoted, responsible participation in performing Grand Jury duty.



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