



OFFICE OF THE DISTRICT ATTORNEY
JACKSON COUNTY, OREGON
BETH HECKERT

Grand Jury Orientation Guide

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GRAND JURY GUIDE

I. INTRODUCTION

The grand jury is a group of seven people chosen at random from the larger pool of jurors called to service by the Circuit Court for Jackson County. The function of the grand jury is to make inquiries into crimes which were committed or are triable within Jackson County.

The grand jury listens to evidence presented by the District Attorney's Office in an effort to determine whether or not the person accused has committed a crime within Jackson County. If after hearing the case presented the grand jury is convinced that there is sufficient evidence, an indictment is returned. The indictment is the formal document charging an individual with the commission of a crime. A minimum of five members of the grand jury must agree to return an indictment.

Recording

The Oregon Statute states "The district attorney shall delegate the recording of grand jury proceedings to a grand juror and shall provide instruction to the grand juror concerning the audio electronic recording equipment and requirements of the recording". The grand juror shall record all testimony given before the grand jury including the case name and number, the name of each witness appearing before the grand jury and each question asked of, and each response by, a witness appearing before the grand jury.

At the end of hearing testimony on each matter, you will have to make your decision based on what you recall of the evidence. You will not have a written transcript to consult. Listening to recorded testimony is not possible.

The grand juror may not record the deliberations or voting of the grand jury. The grand juror may not record the information provided for a subpoena duces tecum.

If you are selected to operate the recording equipment, further instruction will be provided on the first day. **Please arrive at 8:45 on the first day for instruction on the equipment.** The statute also provides that a failure of an audio electronic recording device to record or the failure of a grand juror to operate the device in a manner that records the proceedings does not affect the validity of any prosecution or indictment.

Cell Phone, PDAs, laptops and other personal electronic devices

All cell phones, PDA's, laptops and other personal electronic devices must be turned off while you are in grand jury session and deliberations. Do not make any independent personal investigation into any facts or locations connected to the cases. Do not communicate any private or special knowledge about any of the facts of these particular cases to your fellow jurors. Do not use any map program or mapping system to attempt to view or locate any of the locations that may be discussed in the cases.

II. GENERAL INFORMATION

Jackson County utilizes four separate grand juries, which meet on Tuesday, Wednesday, Thursday and Friday. Sessions begin at 9:00 a.m. (**grand jurors should arrive by 8:55**), and are held at the District Attorney's Office, which is located at **815 West 10th Street, Medford.**

While every effort is made by the District Attorney's Office to keep the grand jury sessions as short as possible, sometimes a session will last until late afternoon because of the number of crimes committed during the preceding week.

Present at every sitting of the grand jury is the District Attorney or a Deputy District Attorney whose role is to advise the grand jury in relation to its duties and to examine witnesses. One or more of the following attorneys may conduct sessions of the grand jury:

District Attorney: Beth Heckert
Chief Deputy District Attorney: Patrick Green
Deputies:

Matthew Anderson
Samantha Blount
Michael Cohen
Eric Dames
Lucy Durst
Kelly Hager
Wade Hilsher
Melissa LeRitz

Ryan Mulkins
Cyril Rivera Neeley
Samantha Olson
Brannon Schwab
Sara Shaw
Rick Toothaker
Alicia Wilson
Katie Zerkel

The average term of service for the grand jury in Jackson County is eight weeks. A grand juror is expected to attend every meeting of the grand jury to which the juror is assigned. If during the term a grand juror needs to be excused because of illness or an emergency, please contact Terri Galedrige at the Circuit Court Clerk's office **as soon as possible, 776-7171, at ext. 71094 or Jennifer at ext. 71782 or Chloe at ext. 71969. Someone must tell you that you have been excused.** Please keep in mind that once a grand juror has been excused, that juror is removed from the grand jury panel for the remainder of the term and an alternate will be appointed to serve until the term's end.

III. CLASSIFICATIONS OF CRIME

Generally, there are two classes of crimes:

1. **Felonies:** those criminal acts which are punishable by incarceration for more than a year, in addition to any monetary fine imposed by

the court.

- a. In Oregon, maximum prison sentences range from five years for less serious felonies to twenty years for the most serious.
 - b. In cases of murder, the punishment is life imprisonment, except in cases of aggravated murder wherein the penalty may be death, or life without possibility of parole, or life with the possibility of parole.
2. **Misdemeanors:** those criminal acts which are punishable by incarceration in the county jail for a year or less, in addition to any monetary fine imposed by the court. Maximum sentences for these crimes range from thirty days to one year.

Both felonies and misdemeanors are further subdivided into Class A, B and C crimes. Class A felonies are more serious than Class B felonies. Class C felonies are more serious than Class A misdemeanors.

For the most part, grand jury inquiry is limited to felony cases. However, some misdemeanors will be presented in those cases in which they occur during the commission of a felony.

IV. LEGAL DEFINITIONS

Mental States:

For each crime charged, it is necessary to show that the defendant had a particular mental state to commit the crime. They are classified as follows:

1. **Intentionally:** the defendant acted with the objective of causing a particular result or to engage in particular conduct.
2. **Knowingly:** the defendant acted with an awareness that his/her conduct was of a particular nature or that a particular circumstance exists.
3. **Recklessly:** the defendant was aware of and consciously disregarded a substantial and unjustifiable risk, either that a particular result would occur or that a particular circumstance existed. Disregarding the risk must be a gross deviation from the standard of care that a reasonable person would observe in a similar situation.
4. **Criminal Negligence:** the defendant failed to be aware of a substantial or unjustifiable risk that a particular result would occur or that a particular circumstance existed. The risk must be of such nature and degree that failure to be aware of it constitutes a gross deviation from the standard of care a reasonable person would exercise in a similar situation.

Very often, the severity of the crime depends upon the mental state which is alleged. Crimes which are committed intentionally or knowingly are viewed as being more serious than those committed recklessly or with criminal negligence. For example, a homicide which is committed intentionally is murder, while those not committed intentionally range from manslaughter to criminally negligent homicide.

Weapons:

As with mental states, the use of a weapon during the commission of an offense may enhance the severity of the crime. Oregon law provides two definitions or categories of weapons:

1. **Dangerous weapons:** any instrument which under the circumstances it is used is readily capable of causing death or serious physical injury. Examples: knives, daggers, clubs, baseball bats, hammers, automobiles.
2. **Deadly weapons:** any instrument specifically designed for and presently capable of causing death or serious injury. Examples: handguns, rifles, bombs, hand-grenades.

The distinction between the two types of weapons is whether a given weapon was specifically designed to kill. If so, it is a deadly weapon. If it is not so specifically designed, but nonetheless could be used to kill or seriously injure a person, it is a dangerous weapon.

Injury:

1. **Serious physical injury:** physical injury which creates a substantial risk of death or which causes protracted disfigurement, impairment of health or a loss or impairment of a limb or any bodily organ.
2. **Physical injury:** impairment of physical condition or substantial pain.

V. OATHS AND INSTRUCTIONS

Grand Juror's Oath

ORS 132.060 provides that before the members of the grand jury enter upon the discharge of their duties, the following oath must be administered to them by or under the direction of the court:

We, as grand jurors for the County of Jackson, do solemnly swear or affirm, that we will diligently inquire into, and true presentment or indictment make, of all crimes against this state committed or triable within this county, that shall come to our knowledge;

That we will keep secret the proceedings before us, the counsel of the state, our own counsel and that of our fellow grand jurors;

That we will indict no person through envy, hatred or malice nor leave any person not indicted through fear, favor, affection or hope of reward;

But that we will indict upon the evidence before us according to the truth and the laws of this state, so help us god.

Witness Oath

ORS 132.100 requires that before a witness is allowed to testify before the grand jury the presiding juror of the grand jury or, in the absence of the presiding juror any other grand juror, shall administer an oath to any witness appearing before the grand jury.

The following form of oath or affirmation may be used to swear in a witness before the grand jury: **"Under penalty of perjury, do you solemnly swear or affirm that the evidence you shall give in the matter now pending shall be the truth, the whole truth and nothing but the truth?"**

Instructions of the Court

Hello and welcome to Jackson County Circuit Court's Grand Jury Orientation. Your participation as a grand juror may be the most important civic role you perform outside of a voting booth. Here in Jackson County, Oregon, it is the responsibility of the state, as represented by the prosecution, to present the evidence against any person accused of a criminal act. It's the duty of a grand jury, you people sitting here today, to review that evidence and determine whether that accusation is legally justified.

The law provides that a grand juror must be a citizen of the United States, an inhabitant of Jackson County, over the age of 18 years and a person of sound mind. Are there any of you who fail to meet these requirements?

A grand jury is a group of seven people chosen at random from a larger pool of jurors called to service by the Jackson County Circuit Court. Grand juries decide whether or not a person should be formally accused of a crime. If that decision is yes, the grand jury issues what is known as an indictment. An indictment is a grand jury's formal, written accusation of a crime. You are not here to decide whether the accused is guilty or not guilty. As grand jurors, your decisions must be based on the evidence and the law. Accusing a person of a crime is a very serious act. It is you collectively who decide whether or not to make this formal accusation.

As grand jurors, you're a cross section of the community, and as such you are serving as an arm of the court, not as an agent of the police or the prosecutor. It's essential for you to be attentive and fair minded in hearing cases and in your deliberations.

A grand jury determines whether there is legally sufficient evidence and reasonable cause to believe that a person committed an offense. Over the course of grand jury service, you typically will only hear from the prosecutor and the prosecutors' witnesses.

What to Expect

In most instances, this all begins when a person is arrested, although there may be occasions when a grand jury is asked to consider an indictment before an arrest. Now that is where your work begins.

During orientation, the court will appoint a Presiding Juror to act as the spokesperson for them and their fellow jurors, as well as an alternate Presiding Juror who shall act in the absence of the Presiding Juror. As a grand juror, you do not work for the prosecutor or for the defendant. Like me and the other judges throughout our state and like many others who work in the courts, your responsibility is to fulfill the mission of the courts to provide the best justice that can be provided.

The prosecutor will present their case to you, call witnesses, and instruct you on the law. You will note that the entire presentation is handled by the prosecutor. The prosecutor will explain to you what law the defendant is accused of violating.

If you have questions for a witness, or questions about the law or evidence, you may ask the prosecutor or you may ask to speak to a judge. The prosecutors and judges are your legal advisors on all matters of the law related to the case in front of you today.

Once the prosecutor has finished their presentation, you and your fellow jurors will deliberate in private and decide if there's enough evidence to indict the defendant.

Oregon law requires a vote of 5 or more for an indictment. If indicted, this means the defendant has now been formally accused by the people of Jackson County, of the State of Oregon. This case will go to a trial court, where the defendant may exercise their right to a jury trial. And it will be up to that jury, the trial jury, to decide guilt or not guilt.

If you do not vote for an indictment, then the charges you heard against the accused are dismissed and that completes that particular case.

It is important to remember that all grand jury proceedings are strictly confidential. It's against the law to reveal anything about the cases presented to you. This ensures that witnesses can cooperate fully, encourages free and open deliberation among your fellow jurors, and protects the innocent person who may be investigated but never indicted.

It is critical that you not read or listen to news stories about the case, and you must not use the internet to search for information about the case, the lawyers, or any individuals involved in the case. Your decisions must be based only on the evidence presented in the grand jury room.

A grand juror cannot be questioned for anything he or she may say or any vote he or she may give, while acting as a grand juror, in relation to any matter legally pending before the grand jury, except for a perjury or false swearing of which he may have been guilty of in giving testimony before such jury.

Why is this important?

As you serve, it is imperative to remember that the grand jury system is designed to help protect the rights of citizens and ensure justice for all. Without the careful and thoughtful participation of grand jurors, we could not preserve the rights of both defendants and victims in our system, could not protect public safety and could not ensure that police and prosecutors follow the law.

We all have busy lives, and it is easy to look at grand jury service as an imposition or encroachment on your time. And you would be correct, it is.

But it is also both a rare opportunity to serve as one of the most important parts of the criminal justice system and a civic duty, to participate in our democracy.

So, for a brief period in your lives, you will be performing an essential and rewarding public service and on behalf of Jackson County Circuit Court, I offer you our deepest gratitude for your contribution to the pursuit of justice.

Thank you.

Grand Jury Parking

Grand jurors may park in the main lot of the District Attorney's Office.

SAMPLE

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**IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF JACKSON**

STATE OF OREGON,)	
Plaintiff,)	
)	INDICTMENT
vs.)	
)	
GEORGE WASHINGTON)	Court No. 15CR0000001
Defendant)	

The Defendant is accused by the Grand Jury for Jackson County of the following offenses:

Count 1: CRIMINAL MISCHIEF IN THE FIRST DEGREE
 (FSG= 03; C Felony; ORS 164.365)

Count 2: THEFT IN THE THIRD DEGREE
 (C Misdemeanor; ORS 164.043)

committed as follows:

COUNT 1 CRIMINAL MISCHIEF IN THE FIRST DEGREE

The defendant, on or about January 26, 1742, in Jackson County, Oregon did unlawfully and with intent to damage property, destroy a cherry tree, in an amount exceeding one thousand dollars, the property of George Washington, Sr., defendant having no right to do so nor reasonable grounds to believe that defendant had such right.

COUNT 2 THEFT IN THE THIRD DEGREE

The defendant, on or about January 26, 1742, in Jackson County, Oregon, did unlawfully and knowingly commit theft of cherries, of the total value of less than one hundred dollars, the property of another.

All of the above-described conduct being contrary to the statutes in such cases made and provided, and against the peace and dignity of the State of Oregon.

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JACKSON COUNTY DISTRICT ATTORNEY
Criminal Division • 815 West 10th St.
Medford, OR 97501 • (541) 774-8181

1 Dated at Medford, Oregon, in the County aforesaid, July 6, 1742.

2 The following witnesses appeared in person unless otherwise noted:

B. Franklin, MFS

3 Aaron burr, OSP Crime Lab, by report

4

Deputy District Attorney

5

True Bill _____

6

Not True Bill _____

7

Presiding Grand Juror

8

Beth Heckert

9

District Attorney

Oregon State Bar No. 872472

10

Arresting Agency Case #: / /

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District Attorney Case #: 286690

SID# FBI# OLN# OR/

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IDENTIFIERS: / Ht: Wt: Hair: Eyes:

DOB: 02/22/1732

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(SAMPLE)
GRAND JURY
Tuesday, May 1, 2018

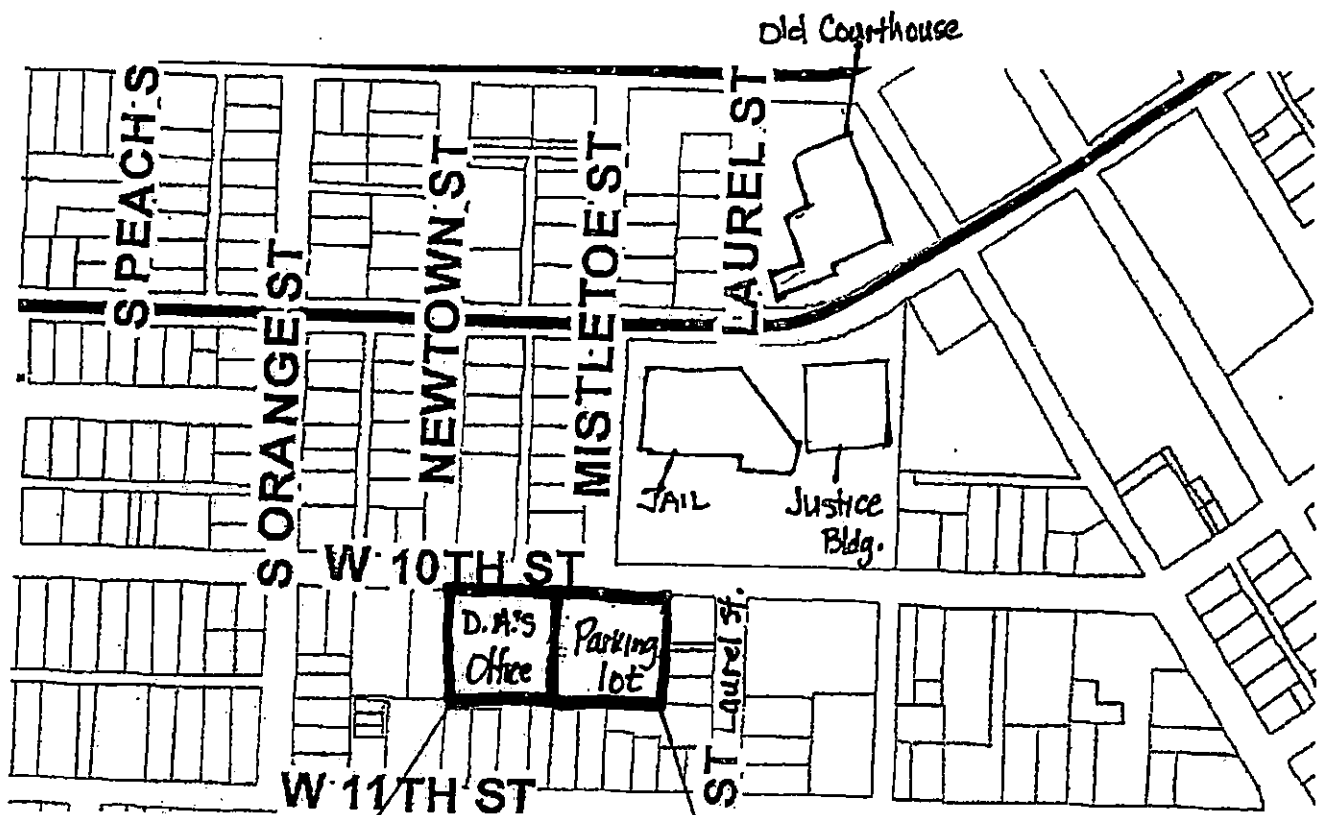
09:00 AM Jason Michael Smith 18CR000001
Unlawful Possession of Methamphetamine
287001 MFP 180016298/ZDC
John Jones, Medford Police Department
Jane Citizen
1001 2nd Street, Medford, Oregon

CO-DEFENDANT CASE

09:20 AM **Steven Allen Martin** 18CR000003
Theft in the First Degree
Burglary in the First Degree
287003 MFO 180016423/LC
Greg Wright, Oregon State Police
Joe Citizen ****TO TESTIFY BY SKYPE****
222 Main Street, Medford, Oregon

Sally Jane Moore 18CR000004
Theft in the First Degree
287004 MFO 150016423/LC

09:40 AM Tom Smith, MFP, to get subpoena Duces Tecum MFP18-2304



District Attorney's Office
 815 W. 10th, Medford

Parking lot