

Media Alert

Colorado Judicial Branch
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TO: Media Outlets and the Legal Community
FROM: Rob McCallum, State Court Administrator's Office, 303-837-3633
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RE: Grand juries in Colorado state courts

Grand juries are summoned by the courts when the attorney general or a district attorney's motion is granted by the chief judge to empanel the body. A court may also summons a grand jury upon its own motion. Grand jurors are summoned from the same pool as trial jurors.

In counties with a population of 100,000 persons or more, according to the latest federal census, a grand jury is drawn and summoned by the court to attend the sitting of the court at the first term of such court in each year. In all other counties, the grand jury shall be called and shall sit at such times and for such periods as the court may order on its own motion or upon motion by the district attorney of the judicial district in which the county is located. (Section 13-72-101, C.R.S.)

A grand jury consists of 12 or 23 members in addition to four alternates. At any meeting of a grand jury at least nine grand jurors constitutes a quorum. (CRS 13-72-102)

Grand jury members are selected by the chief judge with the advice of the district attorney. The court, upon its own motion or at the request of the district attorney, can enter an order to preserve the confidentiality of all information that might identify grand jurors when reasonably necessary to protect the grand jury process or the security of the grand jurors. In absence of such an order, upon request, the jury commissioner will make available for inspection by members of the public a list of jurors containing only their names and numbers. (Section 13-72-103, C.R.S.)

Grand juror service is for a term of 12 months unless the court discharges the jurors earlier or enlarges such term upon a finding that the efficient administration of justice so requires; except that in no event shall a grand jury serve for longer than 18 months. (Section 13-71-120, C.R.S.)

The grand jury hears witnesses called only by the prosecution. It also has the power to subpoena witnesses as it deems appropriate. Witnesses may be accompanied by an attorney. However, that attorney cannot participate in the grand jury process.

Indictments: A grand jury has the authority to return an indictment (also known as a "true bill" or "presentment"). It also may decline to issue an indictment (a "no true bill"). Under certain circumstances, a grand jury may issue a report. (Section 16-5-205.5 C.R.S.)

The district attorney can petition the court ordering any indictment to be sealed and no person may disclose the existence of the indictment until the defendant is in custody or has been admitted to bail except when necessary for the issuance or execution of a warrant or summons. (Section 12-72-109, C.R.S.)

Judicial district grand juries

Grand juries are not drawn, summoned, or required to attend the sitting of any court in any county in Colorado unless specially ordered by the court having jurisdiction to make such an order and except as provided above as specified in counties with more or less than

100,000 population. A judicial district grand jury has the same powers and duties and functions in the same manner as a county grand jury except that its jurisdiction extends throughout the judicial district. The law applicable to county grand juries applies to judicial district grand juries except when that law is inconsistent with the provisions specific to the latter. (Section 13-74-102 through 110, C.R.S.)

Statewide grand juries

State grand juries exist because of the need to investigate and prosecute crimes without regard to county or judicial district boundaries in cases involving organized crime, criminal activity in more than one judicial district, or unusual difficulties in the investigation or adjudication of a matter or cases in which the attorney general has the authority to prosecute. (Section 13-73-101, C.R.S.)

The attorney general may petition the chief judge of any district court for an order to convene a state grand jury. This body has the same powers and duties as a county grand jury except that its jurisdiction extends throughout the state. (Section 13-73-102, C.R.S.)

Juror selection: The state court administrator prepares a list of prospective state grand jurors drawn from existing jury lists of several counties. Not more than one-fourth of the members of the jury can be residents of any one county. Terms of service and length of service mirror those of judicial district grand juries. (Section 13-73-103, C.R.S.)

The presentation of evidence is made by the attorney general or his designee. (Section 13-71-106, C.R.S.) Judicial supervision of the jury is maintained by the chief judge who issued the order impaneling the jury and all indictments, reports and other formal returns made by the jury must be returned to that judge. (Section 13-73-105, C.R.S.)

Indictments: The attorney general can petition the court ordering any indictment to be sealed and no person may disclose the existence of the indictment until the defendant is in custody or has been admitted to bail except when necessary for the issuance or execution of a warrant or summons. (Section 13-73-107, C.R.S.) Any indictment by a state grand jury is returned to the chief judge who, by order, designates the county in the state as the county of venue for the purpose of the trial.

Colorado Judicial Branch policy

Any inquiries to court personnel regarding whether a grand jury has been convened, what is being discussed, or that a jury is even meeting will receive a response, "I can neither confirm or deny the information you are seeking." Court personnel can provide information as to whether an order has been issued by the chief judge to preserve the confidentiality of the membership of grand juries which deems that neither juror names nor numbers may be released to anyone other than the prosecutors and/or investigators with the district attorney or attorney general's office without written authorization from the court. Copies of these orders are available at the clerk's office where the chief judge presides. Often these orders are entered by the chief judge when the jury is initially convened at the onset of its 12-month period of service and is effective for the duration of the panel.

The information provided is specific to Colorado state court grand juries. Inquiries regarding federal grand juries should be directed to the specific court in question.