

1 The grand jury serves as protection against
2 over-zealous prosecutors. It requires prosecutors to
3 present facts to an array of citizens and secure their
4 endorsement before a person must stand trial on criminal
5 charges. The State, therefore, must satisfy certain
6 minimum standards.

7 Inasmuch as a grand jury proceeds in secrecy,
8 there is no publicity until and unless an indictment is
9 returned, thus offering protection for a person suspected
10 of crime. There is no publicity unless the grand jury finds
11 that there is probable cause that the suspect committed the
12 offense.

13 The secret proceedings facilitate obtaining
14 witnesses to testify against a suspect. Furthermore, it
15 prevents the suspect from obtaining information that would
16 enable him to suborn testimony before the grand jury or
17 threaten witnesses.

18 Fourth, of course, is the basic concept that
19 I think most people have experienced, and I know a number
20 of judges have mentioned to me that there are times when a
21 grand jury refuses to follow a prosecutor's recommendation