



JUDICIAL INVESTIGATION COMMISSION

City Center East - Suite 1200 A
4700 MacCorkle Ave., SE
Charleston, West Virginia 25304
(304) 558-0169 • FAX (304) 558-0831

October 24, 2016

Re: JIC Advisory Opinion 2016-26

Dear

Your request for an advisory opinion was reviewed by the Judicial Investigation Commission during its October 21, 2016 meeting. You want to know if it is appropriate for the Court to require the Prosecuting Attorney to provide it with a list of the criminal defendants being presented to the Grand Jury along with the statutory crimes alleged to have been committed. You state that by having the names and charges, it will give you an idea of how long the Grand Jury will have to serve during the term and an opportunity to prepare the law for their review.

Grand jury proceedings are secret, and the role of the judge is limited. The judge selects the foreman and administers the oath to him/her and the other grand jurors. After being sworn, the grand jurors shall be charged by the judge and then sent to their room. At the conclusion of the grand jury proceedings all true bill indictments are signed by the grand jury foreman and presented to the court publicly, and in the presence of all the jurors.

Rule 6(e)(3)(C)(i) of the West Virginia Rules of Criminal Procedure provides that "[d]isclosure otherwise prohibited by this rule of matters occurring before the grand jury may also be made when so directed by a court preliminarily to or in connection with a judicial proceeding." The Rule also provides that "[i]f the court orders disclosure of matters occurring before the grand jury, the disclosure shall be made in such manner, at such time, and under such conditions as the court may direct."

Since a judge facilitates the grand jury process and is responsible for presiding over the report at the conclusion of the grand jury's work, the Commission believes that it

is appropriate for you to ask the prosecutor to provide you with a list of names and charges that she will present in advance of each session.

We hope this opinion fully addresses the issue which you raised. If there is any further question regarding this matter do not hesitate to contact the Commission.

Sincerely,

A handwritten signature in black ink, appearing to read "Ronald E. Wilson", with a long horizontal flourish extending to the right.

Ronald E. Wilson Chairperson
Judicial Investigation Commission

REW: tat