

STATE OF MAINE
SUPERIOR COURT

STANDING ORDER ESTABLISHING PROCEDURES FOR CONVENING AND USING
REGIONAL GRAND JURIES IN MULTICOUNTY JUDICIAL REGIONS

Effective August 1, 2009

Whereas, pursuant to 4 M.R.S. § 110, the Chief Justice of the Superior Court (hereafter, “Chief Justice”) is authorized to specify when grand juries shall be summoned in each County;

Whereas, pursuant to 15 M.R.S. § 1255-A(2) each grand jury in a multicounty judicial region may share authority to receive evidence and indict for crimes committed at any place and in any county in that judicial region (hereafter, “Regional Grand Jury”);

Whereas, pursuant to Establishment of Judicial Regions, Me. Admin. Order JB-08-01 (effective July 1, 2008), the Chief Justice is authorized to issue a Standing Order setting forth the procedures for convening and determining the extent to which the shared authority of Regional Grand Juries may be exercised; and

Whereas the several district attorneys and the attorney general are vested with discretion concerning the presentation of cases to a grand jury.¹

NOW, THEREFORE, it is ORDERED, as follows:

A. Scheduling of Grand Jury and Regional Grand Jury Sessions:

1. There shall continue to be a grand jury summoned in each county of the State.
2. A Regional Grand Jury may be summonsed in a county as provided in this Standing Order.
3. The dates, times and places for sessions of the grand jury in all counties, including sessions of any Regional Grand Jury, shall be specified by the order of the Chief Justice.

¹ 30-A M.R.S. § 283 (district attorney); 5 M.R.S. § 199 (attorney general).

4. Daily grand jury and Regional Grand Jury sessions in all counties may not commence before 8:00 AM and must conclude no later than 4:00 PM, unless otherwise authorized by the Chief Justice.

B. Presentation of Cases:

The determination of whether a case arising within one county should be presented to a Regional Grand Jury in another county within the same judicial region rests within the sound discretion of the district attorney or the attorney general.

C. Converting Scheduled Grand Jury to a Regional Grand Jury:

1. A request by the district attorney or the attorney general to present one or more cases from one or more counties to a session of a grand jury scheduled or already convened in another county within the same judicial region shall be submitted in writing to the Regional Justice or the Chief Justice and to the clerk of the Superior Court in the county in which the grand jury is scheduled or convened.
2. The request shall specify the number of cases from each county and the approximate time required to present such cases to the grand jury.
3. The request shall be acted upon by the Regional Justice or by the Chief Justice.
4. If the request is granted, the scheduled or already convened grand jury shall be deemed a Regional Grand Jury within the meaning of this Standing Order.

D. Convening Regional Grand Jury:

1. A request by the district attorney or the attorney general to convene a Regional Grand Jury shall be submitted in writing to the Chief Justice, either directly or through the Regional Justice or a Superior Court clerk in the judicial region.
2. The request shall specify
 - a. The date and location in the judicial region where the session of the Regional Grand Jury is requested to be held.
 - b. The approximate number of cases from each county and the approximate time required to present such cases to the Regional Grand Jury.
3. The request to convene a Regional Grand Jury shall be acted upon by the Chief Justice.

E. Finding and Return of Indictments:

- 1.** The finding and return of indictments or the non-concurrence of 12 jurors in finding any indictment shall be reported to the court in writing by the Regional Grand Jury pursuant to M.R. Crim. P. 6(i).
- 2.** The Regional Grand Jury shall make a separate return and report of the cases presented from each county within the judicial region and shall keep separate all indictments, no bills, minutes, record votes, and witness lists for all cases from each county.
- 3.** If the defendant has earlier appeared in court in the county where the crime is alleged to have occurred or a docket number has earlier been assigned to the case, the district attorney or attorney general must include the docket number on all documents filed with the court.
- 4.** In any case from another county within the same judicial region, the clerk of the Superior Court in the county in which the Regional Grand Jury is convened (hereafter, "Receiving Court") shall receive and accept the filings of the Regional Grand Jury pertaining to that county and immediately forward all matters pertaining to any other county in the judicial region to the clerk of the Superior Court in such other county where the crime is alleged to have occurred (hereafter, "Sending Court").
 - a.** Except as provided in section 5, below, it is not necessary for the clerk of the Receiving Court to make any docket entries or open any files for any case from a Sending Court.
 - b.** The transfer of all original documents from the Receiving Court to the Sending Court shall be by the quickest and most secure means.
 - c.** In the event that 12 jurors do not concur in the finding of an indictment and the defendant has given bail or is being held in jail in lieu of bail, the foreperson shall immediately communicate that fact to the court in writing and, where applicable, the clerk of the Receiving Court shall immediately inform the clerk of each Sending Court that the Regional Grand Jury has failed to return an indictment so that the defendant may be released.²
- 5.** If an indictment has been returned and the district attorney or the attorney general requests that an arrest warrant issue immediately for any person who has been indicted and who is not in custody or on bail, then the justice or judge who receives the report of the Regional Grand Jury may set bail and the clerk of the Receiving Court shall issue the warrant and make appropriate docket entries as soon as possible.

² This communication between clerks shall be by telephone, e-mail, or by fax. The no bill document must be forwarded with other grand jury materials.

F. Time Limitations:

1. The scheduling of a Regional Grand Jury in one county within a judicial region does not apply to, and is not to be counted for purposes of, the time limitations in which a case in any other county within the same judicial region must be presented to a grand jury pursuant to M.R. Crim. P. 48(b)(2) or 15 M.R.S. § 1031.

SO ORDERED.

Dated: July 30, 2009

s/Thomas E. Humphrey

Thomas E. Humphrey
Chief Justice, Superior Court