

Defendant's Consent to Presentation of Charges to a Grand Jury Operating Remotely (by video) During the COVID-19 Public Health Crisis

1. By the Supreme Court Order dated April 24, 2020, in-person grand jury sessions are suspended statewide through May 31, 2020 because of the COVID-19 pandemic.
2. The Supreme Court has authorized grand jury sessions in some counties to resume in a virtual (video) format with the consent of the defendant.
3. My attorney has informed me that my case can be presented to a grand jury panel that is convening remotely (by video), or I can wait for my case to proceed when grand juries are able to come together in person.
4. I understand that a grand jury operating remotely (by video) has the same authority as a grand jury operating in person, including the authority to return an indictment on the charges against me.
5. I understand that if my case is presented to a grand jury operating remotely (by video) and the grand jury returns an indictment I cannot ask to have my case presented a second time to an in-person grand jury.
6. I understand all of the above and consent to having my case presented to a grand jury operating remotely (by video) and waive any objection to the virtual (video) format of the grand jury proceeding. I give this consent in a knowing, intelligent and voluntary way after having had full opportunity to speak to my attorney. I understand I do not have to consent and cannot be punished if I do not consent.
7. I reserve all other objections. I understand that I still have the right to challenge the sufficiency or legal adequacy of any indictment the grand jury might return. I continue to have the right to challenge any alleged impropriety in the grand jury proceeding. The only right I am giving up is the right to challenge the fact that my case was presented to a remote grand jury rather than an in-person grand jury.

[This document may be signed electronically including via email exchanges]

Dated: _____
Defendant

I am satisfied that my client has waived his rights in a knowing, intelligent and voluntary way with full knowledge of his absolute right to withhold consent. I have provided notice to the prosecution that my client has consented to the presentation of their case to a grand jury operating remotely (by video) while retaining all other rights.

Dated: _____
Defense Counsel

Dated: _____
Prosecutor