

Grand Jury Rights & Warnings

If you have received a Grand Jury notification letter it means that a Grand Jury is scheduled to listen to evidence that you committed a crime. You have a number of rights under the laws of the State of New Mexico when evidence is presented to a Grand Jury. A list of your rights follows. After reviewing those rights, you will speak to an attorney for more guidance.

What is a Grand Jury and What Does it Do?

A grand jury is a group of 12 regular people from the community that listen to evidence presented by the District Attorney. That evidence is usually in the form of testimony from witnesses, alleged victims, and police officers. After listening to the evidence, if 8 out of the 12 people decide there is probable cause (strong suspicion) that you committed a crime, they will issue an indictment (charge). If they do not find probable cause that you committed a crime, they will not issue an indictment (charge).

Grand Jury Rights

1. You have the right to appear and give testimony before the Grand Jury. If you chose to do so, everything you say will be recorded and can be used against you later at trial. You may stop answering questions at anytime during your testimony before the Grand Jury.
2. You have the right to not appear at the Grand Jury proceeding. You do not have to testify.
3. You have the right to call witnesses on your behalf if they have personal knowledge of the facts of the case and have something to say that shows you are not guilty of the charge.
4. You have the right to inform the grand jury of other witnesses you would like them hear from about your case that help to show you are not guilty. The Grand Jury may or may not call those witnesses.
5. You have the right to request that the grand jury consider documents, photographs and other physical evidence that help to show you are not guilty. The Grand Jury may or may not wish to see the items.
6. You have the right to an attorney at the Grand Jury – but the attorney can only provide you legal advice. The attorney cannot participate in the hearing in any way.

Grand Jury Warnings

1. If you testify before the Grand Jury everything is recorded, and will be used against you at trial.
2. If you are found to testify falsely before the Grand Jury you could be prosecuted for perjury, a separate felony offense.
3. If you chose to testify, you can be asked questions by the District Attorney and the Grand Jurors at the hearing.
4. If you testify, the District Attorney can alert the Grand Jury to any prior felony convictions you may have.
5. An attorney cannot participate in your Grand Jury proceeding. Although they can sit with you at the hearing – you are on your own as far as testifying.

After reading this advisement, you will speak with an attorney for more guidance.