

## Notes for Meeting with FDLE Agents:

27.03 Duties before grand jury.—**Whenever required by the grand jury**, the state attorney shall attend them for the purpose of examining witnesses in their presence, or of giving legal advice in any matter before them; and he or she shall prepare bills of indictment. History.—s. 4, ch. 1661, 1868; RS 1345; GS 1780; RGS 3006; CGL 4740; s. 117, ch. 95-147.

905.19 Duty of state attorney.—**The state attorney or an assistant state attorney shall attend sessions of the grand jury to examine witnesses and give legal advice about any matter cognizable by the grand jury.** The state attorney may designate one or more assistant state attorneys to accompany and assist the state attorney in the performance of her or his duties, or the state attorney may designate one or more assistant state attorneys to attend sessions, examine witnesses, and give legal advice to the grand jury. The state attorney or an assistant state attorney shall draft indictments. History.—s. 98, ch. 19554, 1939; CGL 1940 Supp. 8663(98); s. 57, ch. 70-339; s. 3, ch. 74-627; s. 1499, ch. 97-102.

**Previous two statutes contradict each other: 'whenever required'; 'shall'**

(4) **An intentional violation of the provisions of this section shall constitute indirect criminal contempt of court.** Further, and in addition to any contempt sanction, if the court determines that the attorney for the witness has violated any of the provisions of subsection (2), then the court may take such measures as are necessary to ensure compliance with subsection (2), including exclusion of the offending attorney from the grand jury room.

905.165 Grand jury to make presentments.—**The grand jury may make presentments for offenses against the criminal laws,** whether or not specific punishment is provided for the offense. History.—s. 16, Nov. 19, 1828; RS 2805; GS 3854; RGS 5949; CGL 8215; s. 53, ch. 70-339. Note.—Former s. 932.15.

905.10 Oath of grand jurors.—The clerk shall prepare a list of the names of the grand jurors. After the jury is impaneled, the following oath shall be administered to the jurors:

“You, as grand jurors for **County do solemnly swear (or affirm) that you will diligently inquire into all matters put in your charge and you will make true presentments of your findings;** unless ordered by a court, you will not disclose the nature or substance of the deliberations of the grand jury, the nature or substance of any testimony or other evidence, the vote of the grand jury, or the statements of the state attorney; you shall not make a presentment against a person because of envy, hatred, or malice, and you shall not fail to make a presentment against a person because of love, fear, or reward. So help you God.”

History.—s. 89, ch. 19554, 1939; CGL 1940 Supp. 8663(89); s. 49, ch. 70-339

**Mariam Webster Dictionary:**

### **grand jury**

*noun*

*law* : a group of people who look at the evidence against someone who has been accused of a crime in order to decide if there should be a trial

## From the Grand Jury Handbook :

"Jury service is one of the highest duties of citizenship, for by it the citizen participates in the administration of justice."

*Harlan Fisk Stone  
Chief Justice  
United States Supreme Court*

(P4) The grand jury is an agency and an arm of the circuit court (or the Florida Supreme Court in the case of the statewide grand jury) and is uniquely independent.

The grand jury is answerable to no person or agency of government except the court that empanels it and, even then, only to the extent that it may exceed its authority and privileges.

## agen-cy

: a government department that is responsible for a particular activity, area, etc.

## arm

: a functional division of a group, organization, institution, or activity

## in-de-pen-dent

: not dependent: as

*a* (1) : not subject to control by others : **SELF-GOVERNING** (2) : not affiliated with a larger controlling unit

*b* (1) : not requiring or relying on something else : not contingent (2) : not looking to others for one's opinions or for guidance in conduct

(P7): "It is imperative that you always keep in mind that as a grand juror you are a public official, with the duty of protecting the public by enforcing the law of the land. Therefore, even though you may think a certain law to be unduly harsh or illogical, that should not influence your judgment in carrying out your duties as a grand juror. A citizen has the right to endeavor to change the law. A grand juror, being a public official, has a duty to enforce the law as it exists despite any personal inclinations to the contrary."

(P10) Grand jurors are fully protected from actions against them by being an independent body answerable to no one except the court that empanels it.

(P10) Attend all sessions of the grand jury. Your attendance should be regular and on time. If you are unable to attend a session and wish to be excused, obtain permission from the foreperson. The unexpected lack of a quorum could cause a great loss of money, as well as the time of the jurors, the authorities, and the witnesses. The public is depending on you.

(P8 – Bottom) Grand jurors, who, because of an emergency, find that they will be unable to attend a grand jury session should advise the grand jury clerk or foreperson immediately.

(P9) The court in its charge to the grand jury outlined the part that the state attorney (or the statewide prosecutor) will play in assisting the grand jury. **The state attorney (or the statewide prosecutor) will assume responsibility for presenting witnesses and bringing testimony before the grand jury.** The state attorney (or the statewide prosecutor) is a public official and is entitled to the confidence and cooperation of the grand jury.

It occurs sometimes, however, that even the best of advisors may be in error. If a difference of opinion arises between the state attorney (or the statewide prosecutor) and the grand jury and it cannot be resolved amicably, **the matter should be brought before the presiding judge for a ruling.**

## **FROM THE CONSTITUTION:**

14TH AMENDMENT – (ratified in 1868) “All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside”.

The word reside means you are not a citizen of the state you live in (to reside means you are passing through your stay is not permanent) but a subject of the United States. What the 14th Amendment did was move the ownership of the slaves from the southern slave owners to the federal government, all who claim US citizenship are slaves (subjects) to the United States.

US. SUPREME COURT DECISION - "The first clause of the fourteenth amendment made Negroes citizens of the United States, and citizens of the State in which they reside, and thereby created two classes of citizens, one of the United States and the other of the state." [Cory et al. V. Carter, 48 Ind. 327 1874].

US. SUPREME COURT DECISION - "It is quite clear, then, that there is a citizenship of the United States, and a citizenship of a state, which are distinct from each other and which depend upon different characteristics or circumstances in the individual" ...but his rights of citizenship under one of these governments will be different from those he has under the other". [Slaughter- House Cases, 16 Wall. 74.]

STATUTE. [Blacks law 4th edition] The written will of the legislature, solemnly expressed according to the forms prescribed in the constitution; an act of the legislature.

US. SUPREME COURT DECISION - The common law is the real law, the Supreme Law of the land, the code, rules, regulations, policy and statutes are “not the law”, [Self v. Rhay, 61 Wn (2d) 261]

US. SUPREME COURT DECISION - "All codes, rules, and regulations are for government authorities only, not human/Creators in accordance with God's laws. All codes, rules, and regulations are unconstitutional and lacking due process..." [Rodrigues v. Ray Donavan (U.S. Department of Labor) 769 F. 2d 1344, 1348 (1985).]

US. SUPREME COURT DECISION - "...every man is independent of all laws, except those prescribed by nature. He is not bound by any institutions formed by his fellowman without his consent." [Cruden v. Neale, 2 N.C. 338 (1796) 2 S.E.]

US. SUPREME COURT DECISION - "Under our system of government upon the individuality and intelligence of the citizen, the state does not claim to control him/her, except as his/her conduct to others, (injured party) leaving him/her the sole judge as to all that affects himself/herself." [Mugler v. Kansas 123 U.S. 623, 659-60.]

US. SUPREME COURT DECISION - "For a crime to exist, there must be an injured party. There can be no sanction or penalty imposed upon one because of this exercise of Constitutional rights." - [Sherar v. Cullen, 481 F. 945.]

As for authority and process to establish a Grand Jury: See US v Williams, 1992 – Justice Antonin Scalia's opinions are clear and without equivocation.

Note: THERE IS NO PROVISION A GRAND JURY MUST BE A CONSTRUCT OF ANY BRANCH OF GOVERNMENT—TO THE CONTRARY; A GRAND JURY IS AN INDEPENDENT INVESTIGATIVE BODY WITHOUT OVERSIGHT BY ANYONE OTHER THAN THE PEOPLE UNDER THE GUIDING PRINCIPLES OF LAW. ANY REQUIREMENT TO THE CONTRARY IS REPUGNANT TO THE CONSTITUTION, THEREFOR VOID.