

7 of 19 DOCUMENTS

Plain Dealer (Cleveland, Ohio)

January 16, 2003 Thursday, Final / All

Grand jury members say they felt pressured to OK indictments

BYLINE: Scott Hiaasen and Karl Turner, Plain Dealer Reporters

SECTION: NATIONAL; Pg. A1

LENGTH: 675 words

Members of a Cuyahoga County grand jury say they felt unfairly pressured by prosecutors to bring indictments against accused criminals, and complained that the sheer number of cases made thoughtful deliberation nearly impossible.

The grand jurors raised these issues and others in a report to the Cuyahoga County Common Pleas Court after their jury service ended in December. The report has concerned some judges and defense lawyers about the way prosecutors handle the grand jury, which is supposed to function as a check on prosecutors' power.

"When somebody comes up with allegations that question the integrity of the system, we have to look at it," said Cuyahoga County Common Pleas Judge Stuart Friedman. "But I don't want to go off half-cocked."

The six-page report, patterned after The Plain Dealer's "Cheers and Jeers" feature on the editorial page, praised prosecutors' hard work and preparation. But it also attacked what grand jurors viewed as serious flaws.

One assistant prosecutor, John Clough, told jurors if they refused to indict some suspects, he could receive poor evaluations from his supervisors, wrote Dorothy McCombs of Cleveland, the grand jury's deputy foreman. She wrote that the prosecutors also suggested that any rejected cases could be brought to another grand jury, which made the jurors feel as though their role "was strictly a token one."

The grand jurors' comments alarmed criminal defense lawyers.

"These are clear abuses," said Thomas Shaughnessy, president of the Cuyahoga County Criminal Defense Lawyers Association. "Every case deserves a fair and impartial grand-jury review."

McCombs wrote in the report that jurors felt overwhelmed by the number of cases they reviewed - many of them low-level felonies for drug possession. Over 30 days, the grand jury heard 1,532 cases - about 51 cases a day - and testimony from more than 1,000 witnesses. They refused to indict in 78 cases.

Cuyahoga County Prosecutor Bill Mason said a supervisor, Jerry Dowling, investigated the allegations and determined that Clough and another assistant prosecutor who had worked with McCombs' grand jury, Lauren Moore, did nothing unethical.

Clough said he never mentioned evaluations to the grand jurors, although he told investigators that he was frustrated when the grand jury resisted indictments in some cases where the evidence appeared sufficient, Dowling said.

Clough declined to comment for this story.

Mason said prosecutors are supposed to secure indictments, "but nobody should feel pressured." He said he doesn't evaluate his staff based on their success with the grand jury and that his policy is to refile cases with a grand jury only if investigators find new evidence.

But in an interview yesterday, McCombs did not back away from her report, which was reviewed by all the other jurors and the jury foreman, William Monroe, a local lawyer and former Euclid law director.

Grand jury members say they felt pressured to OK indictments Plain Dealer (Cleveland, Ohio) January 16, 2003
Thursday, Final / All

"That report wouldn't have gone out under my signature if I didn't believe it was true," Monroe said.

McCombs' report also criticized "draconian" drug laws that make possession of trace amounts of cocaine a felony. This echoes comments made last year by the Rev. Marvin McMickle of Cleveland's Antioch Baptist Church last year after he served as a grand-jury foreman.

Mason stressed that prosecutors present the cases brought by police officers. The prosecutors enforce the laws, he said, they don't write them.

"She saw a limited part of our justice system, and she's trying to draw conclusions from that," Mason said.

BOX:

WHAT IS A GRAND JURY?

A grand jury is a group of county citizens that reviews felony criminal cases and decides whether to file charges against suspects. A grand jury must have nine members and five alternates.

Cuyahoga County typically seats four different grand juries at a time for four-month terms.

The jurors vote in secret to decide if there's enough evidence in a given case to warrant an indictment; without enough evidence, the case is dropped with what's called a "no true bill."

LOAD-DATE: January 18, 2003

LANGUAGE: ENGLISH

Copyright 2003 Plain Dealer Publishing Co.