



Grand Jury Subpoena

Presented by: Charlie McKenna, Ryan O'Neill, and Sam Moulthrop

Congratulations,
you just got a
grand jury
subpoena



How it works

- The mechanism for which prosecutors obtain information for an investigation is through a grand jury subpoena.

Subpoena Duces Tecum Superior Court of New Jersey

State of New Jersey)
) SS
County of Mercer)

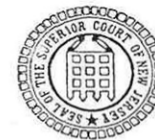
TO: Custodian of Records [REDACTED]

You are commanded to appear at: State Grand Jury
Richard J. Hughes Justice Complex
4th Floor, West Wing
25 Market Street

in the City of Trenton on April 11th, 2023 at 10:00 a.m. to give evidence before the State Grand Jury and you are ordered to appear without prepayment of witness fee and bring with you the following records:
See attached Schedule A.

If you fail to appear and produce the said records, a warrant may be issued for your arrest and you may be charged with contempt.

WITNESS, the Honorable Robert T. Lougy, Assignment Judge of the Superior Court, this 15th day of March, 2023.



Michelle M. Smith

Michelle M. Smith, Esq.
Clerk of the Superior Court

[Signature]

[REDACTED] Deputy Attorney General

On [REDACTED] 2023 at [REDACTED]
at 1:45 AM/PM I served this subpoena on [REDACTED] by delivering a copy to h

Date: [REDACTED] [REDACTED]

Signature and Title

What is a Grand Jury

- Federal grand jury
- 16-23
- Chosen randomly
- 12 for a quorum
- 12 to return true bill





How Grand Juries Work

- New Jersey – Regular and Special Grand juries
- Camden and Trenton

Does the Grand Jury Sweat the Details?

- The Prosecutor and agents decide what they need and set about to get it from various sources the most basic of which is the Grand jury subpoena
- Surveillance
- Interviews
- Cooperators
- Surveillance





Rule 6(e) –
Grand Jury
Secrecy



Let's Look at the Subpoena

- Testimonial
- Documents
- Date
- Place
- Let's talk to the prosecutor for a few things
 - Status
 - Narrow
 - Adjourn
 - Something short of a GJ Appearance.

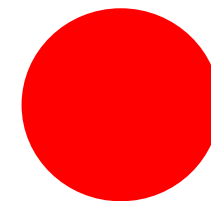


Handle a Document Subpoena differently from a testimonial subpoena

- Testimony perhaps a proffer
- Get relevant documents
- Is your client without sin
- That will require investigation
- The client may not think It is necessary to for all the work but it is

Target or Subject

- If your client is a subject or target, then the chances of your wanting him or her to speak with prosecutors is slim.
- Immunity
- Non-prosecution
- Cooperation



"I'm taking the fifth."

Document Subpoenas



"Of course I'm conflicted. You tell me to write down my intimate thoughts and my lawyers advise me not to!"



"Well, we've learned one thing from all this — burglars shouldn't keep diaries."

- Status counts
- Issued to individual
- Corporate subpoena
- Grounds to quash

Gather the Documents

- Limit production via word searches – negotiate terms
- Have client amass All DOCUMENTS
- Review all documents
- Categorize - irrelevant/relevant/hot/privileged
- Discuss them with the client
- Bad documents have to go over absent a good reason



Remember...

- During document production:
- Bad documents are facts we have to deal with, not hide
- Lawyers get involved to assist clients with issues
- Not turning over relevant documents hurts the client
- Withholding documents for no good reason makes the problem your problem





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