

SUPREME COURT OF PENNSYLVANIA

In re Application of Kathleen G. Kane, Attorney General of the Commonwealth of Pennsylvania, Requesting an Order Directing That an Additional Multicounty Investigating Grand Jury Having Statewide Jurisdiction Be Convened

No. 61 MM 2015 · No. No. 61 MM 2015 · Decided April 15, 2015

SUMMARY

The Supreme Court of Pennsylvania granted the Attorney General’s application to convene the Thirty-Ninth Statewide Investigating Grand Jury. The order designated a supervising judge, established Dauphin County as the proceedings’ location, provided for juror selection, and set the grand jury’s initial term at no more than eighteen months, subject to a possible extension of up to six months.

CASE DETAILS

COURT	Supreme Court of Pennsylvania
WRITING FOR THE COURT	Per Curiam
JURISDICTION	Pennsylvania
DECIDED	April 15, 2015
DOCKET	No. 61 MM 2015
DISPOSITION	approved
PROCEDURAL POSTURE	The Pennsylvania Attorney General filed an application in the Supreme Court of Pennsylvania requesting an order convening an additional multicounty investigating grand jury with statewide jurisdiction.
PRECEDENTIAL VALUE	published order

TOPICS

grand jury

criminal procedure

PRACTICE AREAS

criminal procedure

grand jury

QUESTIONS PRESENTED

1. Whether the Attorney General's application to convene an additional multicounty investigating grand jury with statewide jurisdiction should be granted.
2. What supervisory, geographic, jury-selection, location, and term provisions should govern the Thirty-Ninth Statewide Investigating Grand Jury.

HOLDINGS

1. The application was granted, and the Thirty-Ninth Statewide Investigating Grand Jury was authorized to be convened.
2. The court designated Judge J. Wesley Oler, Jr. as supervising judge, designated Dauphin County as the proceedings' location, prescribed the counties and procedures for selecting jurors, and limited the grand jury's term to eighteen months, subject to a possible extension not exceeding twenty-four months from impanelment.

KEY QUOTATIONS

“it appearing to the Court that the granting of the application is appropriate under the Investigating Grand Jury Act, 42 Pa.C.S. §§ 4541 et seq., it is hereby ORDERED as follows:” (1)

“The Attorney General’s Application requesting an Order directing that an additional multicounty investigating grand jury having statewide jurisdiction (“Thirty— Ninth Statewide Investigating Grand Jury”) be convened is hereby GRANTED.” (1)

FACTUAL BACKGROUND

The Attorney General sought authorization to convene an additional multicounty investigating grand jury with statewide jurisdiction. The application concerned the grand jury's location, source of jurors, supervision, term, and potential extension. The Supreme Court determined that granting the application was appropriate under the Investigating Grand Jury Act.

PROCEDURAL HISTORY

The application was presented directly to the Supreme Court of Pennsylvania under the Investigating Grand Jury Act. The court granted the application and issued detailed administrative and operational directives for convening and supervising the Thirty-Ninth Statewide Investigating Grand Jury.

DISPOSITION

approved

OPINION

In Re: 39th Statewide Investigating Grand Jury
PER CURIAM.

IN THE SUPREME COURT OF PENNSYLVANIA

MIDDLE DISTRICT

IN RE: APPLICATION OF KATHLEEN G. : No. 61 MM 2015

KANE, ATTORNEY GENERAL OF THE 1

COMMONWEALTH OF PENNSYLVANIA, :

REQUESTING AN ORDER DIRECTING '

THAT AN ADDITIONAL MULTICOUNTY . INVESTIGATING GRAND JURY HAVING :

STATEWIDE JURISDICTION BE '

CONVENED

ORDER

PER CURIAM

AND NOW, this 15th day of April, 2015, upon consideration of the application of Kathleen G. Kane, Attorney General of the Commonwealth of Pennsylvania, and it appearing to the Court that the granting of the application is appropriate under the Investigating Grand Jury Act, 42 Pa.C.S. §§ 4541 et seq., it is hereby ORDERED as follows:

1. The Attorney General's Application requesting an Order directing that an additional multicounty investigating grand jury having statewide jurisdiction ("Thirty— Ninth Statewide Investigating Grand Jury") be convened is hereby GRANTED.
2. The Honorable J. Wesley Oler, Jr., Judge of the Court of Common Pleas, Ninth Judicial District, Cumberland County, Pennsylvania, is hereby designated as Supervising Judge of the Thirty-Ninth Statewide anestigating Grand Jury. All applications and motions relating to the work of the Thirty-Ninth Statewide Investigating Grand Jury—including motions for disclosure of grand jury transcripts and evidence— shall be presented to said Supervising Judge. With respect to investigations, presentments, reports, and all other proper activities of the Thirty— Ninth Statewide Investigating Grand Jury, Judge Oler, as Supervising Judge, shall have jurisdiction over all counties throughout the Commonwealth of Pennsylvania. Judge Oler may temporarily designate another Judge who has been appointed by this Court as the Supervising Judge of a multicounty investigating grand jury having statewide jurisdiction to act as Acting Supervising Judge of the Thirty-Ninth Statewide Investigating Grand Jury when he is absent or otherwise unavailable.
3. Dauphin County is designated as the location for the Thirty-Ninth Statewide Investigating Grand Jury proceedings.
4. The Court Administrator of Pennsylvania is directed to draw six counties at random from the Middle District of Pennsylvania pursuant to the provisions of Rule 241(A)(1) of the Pennsylvania Rules of Criminal Procedure, and these six counties, plus Dauphin County, shall together supply jurors for the Thirty—Ninth Statewide Investigating Grand Jury.
5. The Court Administrator of Pennsylvania is directed to obtain the names and addresses of persons residing in the aforesaid counties who are eligible by law to serve as

grand jurors pursuant to the provisions of Rule 241(A)(2) of the Pennsylvania Rules of Criminal Procedure.

6. The total of such names of prospective jurors to be collected shall be two hundred, of which fifty shall be selected at random and summoned by the Court Administrator of Pennsylvania to Dauphin County. The Supervising Judge shall impanel the Thirty-Ninth Statewide Investigating Grand Jury from this panel of fifty prospective 61 MM 2015 -2 jurors. If it becomes necessary, additional prospective jurors shall be summoned by the Supervising Judge from among the remaining one hundred fifty prospective jurors.

7. The Thirty-Ninth Statewide Investigating Grand Jury will remain in session for not more than eighteen months following the date that it is impaneled by the Supervising Judge.

8. The Attorney General of the Commonwealth of Pennsylvania, or her designee in charge of the Thirty-Ninth Statewide Investigating Grand Jury, may apply, if necessary, to the Supervising Judge for an extension of the term of the Thirty-Ninth Statewide Investigating Grand Jury for an additional period of up to six months, if, at the end of its original term, the Investigating Grand Jury determines by majority vote that it has not completed its business. The Grand Jury's term, including any extension thereof, shall not exceed twenty-four months from the date it was originally impaneled by the Supervising Judge. Chief Justice of Pennsylvania 61 MM 2015-3