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Testimony at a Grand Jury Investigation

A grand jury investigation is just that; an investigation. As such, there is not a specific focus as there is in a trial. Your criminal defense attorney can offer insight into the proceedings and assist you in preparation.



The Rules of Evidence Do Not Apply

A primary difference is that hearsay and opinions are permitted in grand jury testimony. Also, there is no discovery permitted prior to the testimony, so you and your attorney do not know what other evidence the prosecution may have relative to what you will be asked.

Your Approach

It is important to be precise in your testimony; specifically:

- 1) Listen carefully and be certain you understand the question
- 2) Answer only the question asked
- 3) If you do not understand the question, say so
- 4) If you do not know the answer to the question, say so
- 5) Avoid speculating or guessing

The Advantages and Risks of Cooperating With Prosecutors

Advantages of cooperation

The best deals in criminal cases await those who cooperate or turn state's evidence against their confederates. Cooperation is the only way you can avoid imposition of a mandatory minimum sentence in most federal drug cases.



If your involvement in a conspiracy is marginal, your cooperation may even convince the prosecutor not to charge you.

Risks of cooperation

Cooperation entails serious risks. You and your criminal defense attorney should make sure that the prosecutor and agents or police take those risks seriously and are capable of protecting you.

Besides risk of harm, you may not be able to live with the knowledge that you betrayed former friends. However, remember that your friends put you in this mess by enlisting you as a criminal conspirator and, had they the chance, they probably would cooperate against you without hesitation.

What to Expect from Your Preliminary Hearing

The preliminary hearing, which is not a trial, is an opportunity for your criminal defense attorney to develop and explore your defense theory as to why you are not guilty.



Discovering the Prosecution's Case

Questioning by your lawyer of the prosecution's witnesses will help determine if the theory of the case is viable. He or she will lock in testimony that will assist in the defense of your case and will attempt to exclude or avoid harmful testimony. An overly aggressive approach by your attorney can be counterproductive.

Protecting Your Case

Your attorney will advise you that it is seldom a good idea for your witnesses to testify and almost never good for you to take the stand. Your attorney knows what your testimony will be; there is no need to provide the prosecution with any information.

Your case is important to us. If we can't help you, we'll do our best to refer you to someone who can.

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