

**IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO**

IN RE:)	CASE NO.
INVESTIGATION INTO THE NOVEMBER 22, 2014)	
SHOOTING DEATH OF TAMIR RICE, A minor)	JUDGE NANCY R. MCDONALD

PETITION FOR RELEASE OF GRAND JURY TRANSCRIPTS

Now comes the Petitioners, Reverend Kyle Earley, Reverend Larry Howard and Michelle Kinney active members in good standing of the Cleveland Branch National Association for the Advancement of Colored People (“NAACP”) and hereby petition this Court pursuant to R.C. 2731.03 for an order authorizing the release to the Cleveland Branch NAACP all Grand Jury Transcript relative to the investigation into the shooting death of Tamir Rice, a minor child by members of the Cleveland Division of Police.

Petitioners submit that the release of the grand jury transcripts is of great public interest and will enhance the public’s knowledge and understanding of the methods by which this particular Grand Jury conducted its investigation and reached its decision.

Petitioners further submit that, given the actions by the former prosecuting attorney in the selective release of selected portions of the identity of certain witnesses who testified before this grand jury, the release of certain expert reports and data that was considered by this particular grand jury and the unorthodox manner in which this particular grand jury conducted its investigation, release of the complete grand jury transcript would serve the ends of justice since the NAACP and the general public have a particularized need for disclosure which outweighs the need for secrecy.

Petitioners recognize that issuance of an order requiring the release of the Tamir Rice grand jury transcripts require that this Court first determine that the NAACP and the general public have a legal right to the relief requested and there exists a legal duty to release the transcripts. However, since neither the NAACP nor the general public has a plain or adequate remedy at law, in the absence of the release of the

requested transcripts, the public's right to know, understand and appreciate the manner by which this particular grand jury reached its decision will be forever hidden from public scrutiny..

Finally, Petitioners submit that as members of a civil rights organization which has an established record in addressing issues related to criminal justice and, particularly, transparency in the criminal justice system, the release of the requested grand jury transcripts is vitally important, would provide an opportunity for the NAACP as well as members of the general public to appreciate and understand how their government operates.

WHEREFORE, for the reasons contained in the attached Memorandum of Law, Petitioners request an order releasing the Grand Jury transcripts, including all exhibits involving the investigation by the Cuyahoga County Grand Jury into the shooting death of Tamir Rice.

Respectfully submitted,

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MEMORANDUM IN SUPPORT

This petition arises from the conduct of the former Cuyahoga County Prosecutor in the investigation into the shooting death of 12-year old Tamir Rice. The shooting death of Tamir Rice has been well-publicized over the course of the last two years and, in the context of other high-profile shootings, garnered international attention along with public demonstrations.¹ The shooting of 12-year old Tamir Rice occurred on November 22, 2014 at the Cudell Recreation Center on Cleveland's Westside. Based on numerous accounts, two City of Cleveland police officers, 26-year-old Timothy Loehmann and 46-year-old Frank Garmback, responded to a report involving "a male black sitting on a swing and pointing a gun at people." A caller reported that the male was randomly pointing "a pistol" at people outside of Cudell Recreation Center and, significantly, that, "it's probably fake." Finally and most significantly, the caller also indicated that, "he is probably a juvenile." It has been reported that this information was not relayed to either Officer Loehmann or Garmback in the initial dispatch. In any event, the officers reported that upon their arrival:

The car's antilock brake rumbled as car slid to a stop. As car slid, I started to open the door and yelled continuously 'show me your hands' as loud as I could. Officer Garmback was also yelling 'show me your hands.'

The suspect lifted his shirt reached down into his waistband. We continued to yell 'show me your hands.' I was focused on the suspect. Even when he was reaching into his waistband, I didn't fire. I still was yelling the command 'show me your hands.'

I had very little time as I exited the vehicle. We are trained to get out of the cruiser because 'the cruiser is a coffin.' I observed the suspect pulling the gun out of the waistband with his elbow coming up. Officer Garmback and I were still yelling 'show me your hands.' With his hands pulling the gun out and his elbow coming up, I knew it was a gun and it was coming out. I saw the weapon in his hands coming out of his waistband and the threat to my partner and myself was real and active.

¹In February 2012 Thriven Martin, a 17-year old African American juvenile was shot and killed in Sanford Florida. His shooting death generated wide-spread publicity and demonstrations in many cities. On August 9, 2012 22-year-old Michael Brown was shot and killed in Ferguson, Missouri which generated additional national publicity and demonstrations in many cities. On August 5, 2014, John Crawford was shot and killed in a Wal-Mart store in Beavercreek, Ohio while in possession of a BB gun.

I fired two (2) shots. Based on "tap-tap," training, I shot towards the gun in his hand. After two shots, I went to the rear of the cruiser. I planted my foot and twisted my ankle. After suspect was down, I didn't know if the threat was over. Frank Garmback continued to yell "show me your hands." Loehmann Statement.

Tamir Rice was shot once in the torso. Following the shooting, neither officer administered any first aid and he expired the following day with his death being ruled a homicide by the Cuyahoga County Medical Examiner.

The conduct of the police officers and the circumstances surrounding Tamir Rice's death were reviewed by numerous city, county and state, agencies, including the Bureau of Criminal Investigation, the Cuyahoga County Sheriff's office, and the City of Cleveland Police Shooting Investigation Team. After more than eight months of investigation, at the recommendation of the former Prosecuting Attorney for Cuyahoga County, a County Grand Jury was empaneled, allegedly, to investigate the shooting and determine whether criminal charges would be appropriate.

During the course of the Grand Jury's review of the case, numerous documents, reports by both non-experts and experts and video depictions of the incident were, selectively, released to the public. Names of witnesses who were to be called and, in some instances, part or all of their testimony was also released. The fact that the suspect officers were allowed to make sworn statements to the Grand Jury without being sworn or subject to cross-examination was also released to the public.

At the conclusion of the investigation, which occurred over a period of several months, Timothy McGinty, the former Prosecuting Attorney for Cuyahoga County recommended to the Grand Jury that they not indict the officers in the death of Tamir Rice. It is against this backdrop that this Petition for the Release of the Grand Jury Transcript is being filed.

LAW AND ARGUMENT

I. AS THE COURT THAT SUPERVISED THIS GRAND JURY, THIS COURT HAS JURISDICTION OVER THIS PETITION

In that this matter occurred within the boundaries of Cuyahoga County, Ohio and it has been determined that, the grand jury that conducted the investigation was impaneled and sworn by this Court, it is appropriate and in fact required that this petition be filed with this Judge. As the court noted in the case of *Douglas Oil Co. of California v. Petrol Stops Northwest*, 441 U.S. at 225, 99 S.Ct. at 1676. "[t]hose who seek grand jury transcripts have little choice other than to file a request with the court that supervised the grand jury, as it is the only court with control over the transcripts."

R.C. Chapter § 2939 and Crim. R. 6 govern grand juries and sets forth the specific duties and powers of the court and the prosecuting attorney with regard to the conduct of those proceedings. As to the general control and direction of the grand jury, the Supreme Court of Ohio in *State, ex rel. Shoup, v. Mitrovich* (1983), 4 Ohio St. 3d 220, held that the court of common pleas has jurisdiction to supervise those aspects of the grand jury as enumerated in R.C. § 2939.01, *et seq.*, and Crim. R. 6. The *Shoup* court stated that the grand jury is under the control and the direction of the court of common pleas and that the court is charged with certain duties and responsibilities to act in a supervisory capacity. *Id.* at 221. The court went on to state that the grand jury is essentially an arm of the court and that R.C. § 2939.10 gives the prosecuting attorney or the assistant prosecuting attorney access to the grand jury. *Id.*

II. ALTHOUGH GRAND JURY PROCEEDINGS ARE NORMALLY SECRET, THE UNIQUE CHARACTER OF THESE PROCEEDINGS PROVIDE AN EXCEPTION TO THAT GENERAL RULE

As the Judge with jurisdiction over the Tamir Rice Grand Jury, it is assumed that this Court provided instructions to all parties including the jurors, court reporters and the prosecutors as to the secrecy of the proceedings, consistent with the mandate of Criminal Rule 6(E). In spite

of and contrary to those instructions, the Cuyahoga County Prosecutors office selectively released to the media and general public portions of testimony, identity of witnesses and video accounts of various reports. Therefore, petitioners submit that it was the prosecuting attorney who compromised the secrecy and released selected portions to the general public.

Of course, these petitioners recognized that the secrecy of grand jury proceedings is imbedded in both federal and Ohio jurisprudence. Under normal circumstances, there are legitimate reasons for this secrecy.

- 1) To protect an accused, who is later exonerated, from public exposure.
- 2) To deter escape.
- 3) To insure that grand jury deliberations are free from outside influence.
- 4) To protect grand jury witnesses who may later appear at trial.
- 5) To encourage free and open discussion by grand jury witnesses. *State v. Tenbrook* (1987), 34 Ohio Misc.2d 14, 15, 517 N.E. 2d 1046, 1047-1048.
- 6) To prevent subordination of perjury or tampering with the witnesses who may testify before the grand jury and later appear at the trial of those indicted. *State v. Levesque* (Me. 1971), 281 A.2d 570.
- 7) To protect the jurors themselves. 38 American Jurisprudence 2d (1968) 984, Grand Jury, Section 39.
- 8) To ensure that persons who are accused but exonerated by the grand jury will not be held up to public ridicule. *McClatchy Newspapers v. Superior Court of Fresno Cty* (1988), 44 Cal.3d 1162, 1173-1175, 245 Cal. Rptr. At 780-781, 751 P.2d at 1335; *Butterworth v. Smith* (1990), 494 U.S. 624, 634, 110 S.Ct. 1376, 108 L.Ed.2d 572, 582.

Nevertheless, these petitioners also recognize that to prevail in this action, this court should consider whether they can demonstrated that they have a clear legal right to the relief requested, i.e. whether given the actions of the former prosecuting attorney created a situation in which these petitioners are entitled to the release of the grand jury transcripts and whether there is a clear legal duty to provide the requested relief.

A similar situation was addressed in the State of Delaware in which Gary May, an associate professor of history at the University of Delaware, petitioned the court for an order releasing the minutes of a Special Federal Grand Jury. Professor May was writing a book about Remington, a prominent public official who, during the McCarthy era, was accused of being a Communist. The Government opposed May's petition but the court determined that in an extraordinary case the court need not confine itself to the strictures of Rule 6(e) * * *. In determining that none of the reasons for secrecy currently existed that court concluded that the events occurred over 35 years ago and the trial had long-since concluded. That court determined that:

In determining whether to disclose grand jury materials, we must balance the public interest in disclosure against the interest in continued grand jury secrecy. * * * Given the * * * undisputed historical significance of the Remington episode, the public has a strong interest in having its understanding of the administration of justice in this case based on complete and accurate historical evidence.

In exercising its discretion and in the interest of public transparency involving a case of great public interest that court granted the petition. *In re May* (S.D.N.Y.1987), 13 Media L.Rptr. 2198, 2198-2199.

Historically, the grand-jury was used to protect grand jurors from the influence of the king and to protect the public from overreaching by the king. *McClatchy Newspapers v. Superior Court* (1988), 44 Cal.3d 1162, 751 P.2d 1329. Generally, and under normal circumstances, courts recognize several distinct interests that are served by maintaining the secrecy of the grand jury proceedings. See *Douglas Oil Co. v. Petrol Stops Northwest* (1979), 441 U.S. 211, 218-19. One interest, which is of great concern, is that grand jury secrecy is as important for the protection of the innocent as for the pursuit of the guilty. *United States v. Sells Engineering, Inc.* (1983), 463 U.S. 418, 424. This petition does no harm to any of those protections. This petition has no interest in the names of any undisclosed jurors or the undisclosed identities of witnesses.

The names of the subject police officers are already well-known and, consequently, it is not necessary to request disclosure of their identities.

One of the underlying bases for this petition is the fact that the former Cuyahoga County Prosecutor, released numerous reports to the media, allegedly, in the interest of “transparency.” Therefore, we have a situation similar to that which was faced by the court *In re May* and, significantly, under the facts unique to this case, there is no for this Court to confine itself to the strictures of Rule 6. This case has been concluded, it has significant historical importance and, in balancing the strong public interest and understanding of the administration of justice, release of the transcripts trumps continued and unnecessary secrecy. The manner in which the former prosecutor released information, of course, is contrary to the Criminal Rules of Procedure and, ironically, much of the case law on the subject. Under these circumstances, it appears that, the former County Prosecutor overstepped his bounds and engaged in activity that can only be addressed by this Court by granting the petitioners’ request.

In any event, Ohio Criminal Rule 6(E), which governs Grand Jury disclosure states in part;

Deliberations of the grand jury and the vote of any grand juror shall not be disclosed. Disclosure of other matters occurring before the grand jury may be made to the prosecuting attorney for use in the performance of his duties. A grand juror, prosecuting attorney, interpreter, stenographer, operator of a recording device, or typist who transcribes recorded testimony, may disclose matters occurring before the grand jury, other than the deliberations of a grand jury or the vote of a grand juror, but may disclose such matters only when so directed by the court preliminary to or in connection with a judicial proceeding.

As far as protecting witnesses is concerned, as was previously noted, this petition does not seek the identities of any jurors or witnesses not previously disclosed. However, the names of many witnesses, including that of the 911 caller, are well known to the public, having been released by the former County Prosecutor in violation of the supposed secrecy of the Grand Jury.

That secrecy has been codified in R.C. § 2939.07 (requiring a court to emphasize the grand

juror's obligation of secrecy) and R.C. § 2939.11 (official reporters shall not "disclose" any testimony taken or heard except to the grand jury, prosecuting attorney, or attorney general unless called upon by the court to make disclosure). *Forensic Video Solutions Report*, p. 22, 24.

Under these circumstances, although secrecy is the normal rule, under the facts unique to this situation, the selective release of selected portions of selected testimony strongly suggests that the full release of the entire grand jury transcript would be in keeping with both the stated purpose of transparency and the public's right to know and understand the "full" story as well as their right to understand the criminal justice system. Therefore, similar to the situation in the case of *In re May, Supra* the Greater Cleveland public has a strong interest in having its understanding of the administration of justice revealed in this case based on a complete and accurate historical evidence.

III. THE PRESENT CASE PRESENTS AN EXCEPTIONS TO NORMAL GRAND-JURY SECRECY

The oath of persons testifying before a Grand Jury is controlled by Ohio Revised Code §2939.13.

Before a witness is examined by the grand jury, an oath shall be administered to him by the foreman of the grand jury or by the judge of the court of common pleas or the clerk of the court of common pleas, truly to testify of such matters and things as may lawfully be inquired of before such jury. A certificate that the oath has been administered shall be indorsed on the subpoena of the witness or otherwise made by the foreman of the grand jury, judge, or clerk certifying the attendance of said witness to the clerk of the court.

It is well-established that the former prosecuting attorney selectively leaked or released numerous items to the public that were presented to the Grand Jury. These selections included the names of both lay and expert witness, expert reports and his recommendations as to a "No Bill" as to criminal charges. These reports were released along with partial testimony of more than one witness, who was presented to the Grand Jury. Significantly, the suspect officers were permitted to present their versions via the sworn reading of typewritten statements, that were

neither subject to cross-examination by any of the grand jury prosecutors nor subject to examination or questioning by the grand jurors themselves. To exacerbate that situation, the officer's typewritten statements was released, verbatim, to the media by their labor union, the Cleveland Police Patrolmen's Association (CPPA) which, apparently, also provided for selective, as opposed to actual transparency. No other grand jury proceeding in Cuyahoga County or, for that matter, no other grand jury in the Northern District of Ohio has ever been conducted in a similar manner and, the only remedy for partial transparency would be, petitioners submit, full transparency by releasing the full grand jury transcripts.

The decision to permit Officers Loehmann and Garmback to accept the oath of a Grand Jury witness and to swear to truthfully testify as to the matters that may lawfully be inquired of them and then to frustrate the inquiry by shielding them from cross-examination is, arguably, disingenuous. Indeed, American Bar Association, *Prosecution Function, Part II*, Standard 3-3.6 Quality and Scope of Evidence Before Grand Jury (e) provides that

The prosecutor should not compel the appearance of a witness before the grand jury whose activities are the subject of the inquiry if the witness states in advance that if called he or she will exercise the constitutional privilege not to testify, unless the prosecutor intends to judicially challenge the exercise of the privilege or to seek a grant of immunity according to the law).

United States v. Williams, 504 US 36 (1992).

In summary, by permitting the suspects under investigation by the grand jury to testify or, in the present case, present sworn exculpatory statement without being subject to cross-examination circumvents the concept of "secrecy" and argues for full as opposed to partial transparency. See *2 Hale, supra*, at 157; *United States ex rel. McCann v. Thompson*, 144 F. 2d 604 605-606 (CA2), *cert. denied*, 323 U. S. 790 (1944)).

IV. THE UNORTHODOX NATURE OF THIS CASE SUGGEST TRANSPARENCY IN THE RELEASE OF THE GRAND JURY TRANSCRIPTS WOULD BE THE APPROPRIATE REMEDY

The website of the former Cuyahoga County Prosecutor was host to significant information selectively released relative to the grand jury proceedings.

- A partially redacted copy of the Cuyahoga County Sheriff's Investigation, in six (6) parts, released by the Prosecutor on June 13, 2015.
- Reports released on October 10, 2015:
 - o Ohio Highway Patrol Report
 - o The opinion of S. Lamar Sims, Senior Chief Deputy District Attorney in the Office of the Denver District Attorney Mitchell R. Morrissey.
 - § You Tube video of S. Lamar Sims commenting on the Tamir Rice case months prior to the close of the sheriff's investigation.
<http://www.wkyc.com/news/investigator-video-records-show-tamir-rice-experts-held-pro-police-stance/13733896>
 - o Opinion of Kimberly A. Crawford, a retired Supervisory Special Agent assigned to the Legal Instruction Unit at the FBI Academy in Quantico, Virginia.
 - § The Department of Justice, in a previous case, determined Crawford's opinion to be outside of the law, "overly protective of law enforcement," and going "too far to exonerate the use of force."
- Redacted opinion of W. Ken Katsaris, a certified Florida Law Enforcement Officer/Instructor, and consultant in law enforcement and corrections.
 - o There is a large discrepancy between the number of witnesses listed in the Sheriff's Investigation and the number of witnesses indexed in Katsaris' opinion.
- surveillance video from Cudell Recreation Center.
- 326 page video enhancement with illustrative opinion of Grant Fredericks of Forensic Video Solutions in Spokane, Washington.
- The typewritten statements, identified of Officers Loehmann and Garmback, published.
- Statement indicating that, "Based on the evidence they heard and on the law as it applies to police use of deadly force, the Grand Jury declined to bring criminal charges against Cleveland Police Officers Timothy Loehmann and Frank Garmback."

- The Prosecutor’s Statement, Final Report, and a supplemental Forensic Video Solutions Report were released parallel to the announcement of the Grand Jury’s decision.
 - o **The Prosecutor’s Report describes the purported facts of the case within the context of CDP’s “Active Shooter” policy, ignorant of the fact an Active Shooter Situation requires a shooter actively and persistently firing their weapon.** Not presented for consideration is the CDP’s policy for responding to a call for a person with a gun, which states:

These documents and accounts were released both prior to and during the Grand Jury Investigation further described as, *In Re: Investigation Into The November 22, 2014 Shooting Death Of Tamir Rice At Cudell Recreation Center* and were all publicly available on the former County Prosecutor’s website. Narratives accompanying the various releases explicitly and repeatedly stated that all of these documents “[a]nd all other reports will be presented to the Grand Jury for evaluation.”

Petitioners recognize that the role of the Prosecutor in the Grand Jury process is to assist the grand jury by presenting facts and evidence, as well as to advise on legal matters. Prosecutor’s Report, 33, (“[t]he prosecuting attorney or assistant prosecuting attorney may at all times appear before the grand jury **to give information** relative to a matter cognizable by it, **or advice upon a legal matter** when required.” R.C. 2939.10. Further, “[t]he prosecuting attorney may interrogate witnesses before the grand jury when the grand jury or the prosecuting attorney finds it necessary[.]”Id). Nowhere is it suggested the prosecutor may opine on issues that are matters of fact, nor is it cognizable that a case be presented by a prosecutor in a manner which evades the interest of justice.

What is obvious is that the actions of the former County Prosecutor have created enough interest throughout the State of Ohio and the nation that at least two official committees have been created to look into the process:

Ohio Supreme Court Chief Justice Maureen O'Connor charged a new task force Wednesday with studying ways to improve the grand jury process in Ohio. The process

and public confidence in the system have been under scrutiny in the wake of high profile cases involving police use of deadly force. Cleveland Plain Dealer, January 27, 2016;

and

Judge John J. Russo has appointed two judges to study local rules that govern the grand jury process, and determine if the process could be made more efficient.

The move comes in the wake of increased skepticism of the process after a Cuyahoga County grand jury declined to indict two Cleveland police officers involved in the shooting of 12-year-old Tamir Rice.

Therefore, given the unique and unorthodox nature of the manner in which the grand jury proceedings in the Tamir Rice case was conducted, including the partial release of selected portions of the grand jury proceedings, petitioners submit that in balancing the interests of secrecy against the public's right to have faith in its judicial system, this petition should be granted. *In re May, Supra*

V. THE SPECIAL CIRCUMSTANCES OF THIS CASE JUSTIFY AN EXCEPTION TO THE SECRECY OF THESE GRAND JURY PROCEEDINGS

Since the former Prosecutor was allowed to release substantial portions of the evidence then, in balancing the equities, these petitioners have an equal right for the release of a complete transcript so that a complete picture is available of that which actually occurred before the grand jury that investigated the Tamir Rice killing. Significantly, in addition to the release of selected portions of grand jury information, extrajudicial commentary by the former prosecutor regarding the "motives" of the mother of Tamir Rice and/or her legal counsel, violate the National Standards for Prosecution and provide further justification for a complete, as opposed to partial, transparency.

Pursuant to the standards contained the National District Attorneys Association, National Prosecution Standards, Third Edition. Conduct of Attorneys. Standard 8-2.1.

(a) Subject to any additional limitations imposed by local or professional rules, during the pendency of a criminal matter, a lawyer participating in that criminal matter should not make, cause to be made, condone or authorize the making of a public extrajudicial statement if the lawyer knows or reasonably should know that it will have a substantial likelihood of:

- (I) influencing the outcome of that or any related criminal trial or prejudicing the jury venire, even if an untainted panel ultimately can be found;
- (ii) unnecessarily heightening public condemnation of a defendant or a person or entity who has been publicly identified in the context of a criminal investigation, or of a witness or victim; or
- (iii) undermining the public's respect for the judicial process.

The very act of summoning a grand jury, ostensibly to satisfy the need of the public interest pursuant to Ohio Crim.R. 6(A), at least in the context of these proceedings is suspect. These petitioners accept the proposition that integrity in the criminal justice system is paramount to the administration of justice and, under these circumstances, the public has an interest in the fair and just administration of the proceedings. The secrecy of these proceedings, particularly in cases where a police officer is being investigated for potential crimes against a member of the public, rattles communities to their core and shedding light on how justice is administered in these cases will serve a prophylactic purpose. *Richmond Newspapers v. Virginia*, 448 U.S. 555 (1980). (The crucial prophylactic aspects of the administration of justice cannot function in the dark; no community catharsis can occur if justice is 'done in a corner [or] in any covert manner.')

A constitutional legal system that protects the rights of victims and defendants is in the interest of the public; in the instant case, at the very least, the public has been denied justice through a prosecutor's arbitrary, recklessness and unorthodox handling of the investigation. Furthermore, the manner in which the former county prosecutor released information throughout the grand jury investigation has decimated public faith in a system that depends upon the public's faith to function. *Gannett Co., Inc. v. DePasquale* 443 U.S. 368 (1979). (The adversary system of criminal justice is premised upon the proposition that the public interest is fully protected by the participants in the litigation). It would appear that the door has been partially opened to allow the complete transcript, including those portions of the transcript covering the recommendation made by the prosecutor to not to indict the officers.

VI. CONCLUSION

Petitioner agree with former Cuyahoga County Prosecutor Timothy McGinty in which he opined that we need a Criminal Justice System that is “more transparent, professional and accountable.” *Statement from County Prosecutor Timothy J. McGinty on the decision of the Grand Jury in the Tamir Rice case*. December 28, 2015.

Petitioners concur with that position and submit, “that secrecy which appeared arbitrary without a public investigative report undermined community confidence.” *Id.* However, all potential for the admirable and necessary goals of transparency is destroyed and undermined when a prosecutor uses the secrecy of the grand jury process to embark on this journey as a solo act – a consequence Justice Sanborn explicitly cautioned against in his dissent in *McKinney v. United States*, 199 F. 25, 31 (8th Cir. 1912):

The secrecy in any judicial procedure is a tempting invitation to the malicious, the ambitious, and the reckless to try to use it to benefit themselves and their friends and to punish their enemies. If malicious, ambitious, or over-zealous men, either in or out of office, may with impunity persuade grand juries without any legal evidence, either by hearsay testimony, undue influence, or worse means, to indict whom they will, and there is no way in which the courts may annul such illegal accusations, the grand jury, instead of that protection of "the citizen against unfounded accusation, whether it comes from government or be prompted by partisan passion, or private enmity," which it was primarily designed to provide, may become an engine of oppression and a mockery of justice.

Indeed, petitioners submit that it is an abuse of process and manipulation of the grand jury process to use the grand jury as a tool for one’s personal crusade for reform. The consequences of such abuses have the real potential of shattering the faith of the public in the grand jury investigation into the death of Tamir Rice and, unless, the full transcripts are released, the public’s right to know and appreciate their criminal justice system will be circumvented.

Resentfully submitted

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