

JEFF J. CARTER, P.C.  
ATTORNEY AT LAW  
1386 STATE STREET  
SALEM, OREGON 97301

MAILING ADDRESS:  
P.O. BOX 973  
SALEM, OREGON 97308

PHONE: (503) 588-8081  
FACSIMILE: (503) 588-8151

March 8, 2017

Senator Floyd Prozanski, Chair  
Senate Judiciary Committee, Members

RE: **Senate Bill 496**

Dear Senator Prozanski and Members:

I am providing this letter in support of SB 496 (grand jury recording) and why I believe the recording of grand jury proceedings is necessary to ensure fairness and full justice for all involved in the criminal justice system - including *victims*.

My practice is primarily limited to juvenile law, so I don't often find myself in the criminal court. However, from my practice in juvenile law, I recently represented a mother/spouse who was a victim of domestic violence at the hands of her husband. As I was working with my client, helping her navigate the DV landscape (Women's Crisis support, rights and procedures for Family Abuse Restraining Order, etc.) I was also helping her navigate the tactics of the aggressive prosecutor of her spouse. In order to gain leverage against the defendant/spouse, the prosecutor threatened to indict the mother/victim for perjury. Although my client had provided a statement to the police and had testified at the grand jury that indicted her husband, the prosecutor claimed that my client was lying about the incident since her testimony was contrary to other "independent" witnesses that were also questioned by police and testified at the grand jury. When the defendant/husband wouldn't plead guilty, the prosecutor followed through on his threats and indicted my client (mother/victim) for perjury. Which, by the way was a felony and since my client was not a naturalized citizen, could have lead to her deportation, leaving her children (all United States citizens) without their mother. This further victimized my client, on top of having to deal with the domestic violence victimization at the hand of her spouse. When discovery was requested of the State, all we received were cryptic hand written notes of some of the Grand Jurors. These notes were less

Senate Judiciary, SB 496

March 8, 2017

Page 2

then helpful to determine the specific statements mother/victim was alleged to have perjured herself. After further legal procedures (demur) we were able to get the Judge to intervene and order the prosecutor to set forth the exact statements for which mother/victim was being prosecuted. Before that information was discovered, the prosecutor dismissed the perjury charge against my client. Spouse/defendant had plead guilty.

I cannot even come close to being able to describe how devastating this was to my client. Not only being victimized in the domestic setting, but to then be charged with a felony, threatening her ability to stay in the United States and parent her children.

I am certain that this was purely tactical on the part of the prosecutor. He may have never intended to follow through with a conviction against my client. I will never know for sure. However, I am equally certain that had the grand jury processes been recorded, this would have never happened.

I personally can not think of a better legacy to leave then to provide a level of accountability in the grand jury process that would keep this type of abuse out of our justice system.

Very truly yours,

Jeff J. Carter

JJC:jjc