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Law Day highlights state grand jury system



Assistant District Attorney Jeremy Bucci walks a mock grand jury of high school students through the deliberation process during the Franklin County Bar Association's annual Law Day in Greenfield Community College Monday. Recorder/David Rainville

Public gets a look inside the closed-door process through mock indictment

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GREENFIELD — It took less than an hour for a grand jury to indict an area man Monday on shooting charges stemming from an alleged drug deal gone bad.

Though the members returned a near-unanimous indictment after mere minutes of deliberation, the accused will never be tried or convicted.

That's because the shooter doesn't exist, and the grand jury that indicted him was actually a group of high school seniors participating in a mock grand jury. The staged proceedings were the focus of the Franklin County Bar Association's annual Law Day in Greenfield Community College.

After a briefing on the grand jury process, students were brought up to speed on the specifics of the case. "You're about to receive testimony based on a true case," said Jeremy Bucci, assistant district attorney.

Bucci explained that while the victim of an Orange shooting was hospitalized, the grand jury heard from other witnesses to the shooting.

After setting up the scenario, Bucci gave the floor to Anne Yereniuk, who played the prosecutor.

First to testify was the victim, played by Greenfield attorney David Roulston. He limped up to the stage, clutching his "bullet wound" as he took the stand, playing the part of a less-than-cooperative witness.

Roulston, or "Dave the victim," said he'd "gotten badly injured," and, after some prodding from the prosecutor, admitted that he'd been shot.

"He's a friend of mine. I don't want to go through with this," he told the grand jury. "I don't think he meant any harm." Roulston told the grand jury that he'd been drinking with his friend "Billy Joe" and his girlfriend on the day of the shooting.

"He started to show me a gun that he'd just picked up," he said. "All of a sudden it went off and I got hurt."

After more prodding, he revealed that the two had been arguing before the shot was fired.

"We were talking about a (drug) deal," he said, "I did owe him some money."

The victim went on to admit that he'd lied to police about the specifics of the shooting because he didn't want his friend to get into trouble.

Next, attorney Leslie Powers took the stand, playing the shooter's girlfriend.

Before the victim was fit to testify because he was in the hospital, she'd told the grand jury that she'd given the victim a ride to the hospital, but didn't know who the shooter was.

Before taking the stand before the mock grand jury, Powers' attorney worked out an immunity deal with Yereniuk, so she could change her story without fear of being charged for perjury.

With her deal in place, she told the grand jury that she was in the living room with the shooter and victim when the incident happened.

"They got into it; I'm not sure about what," she said. "I heard a little (of the argument), then the gunshot. Then I saw Dave clutching his side."

"Billy Joe had the gun in his hand and said 'oh blankity-blank-blank, I didn't mean to do that,'" she continued.

After her testimony, the mock grand jury quickly decided to indict "Billy Joe."

Though Bucci declined to say which case the presentation was based on, it bore striking similarities to a case against Robert Donovan, of Orange.

Donovan eventually pleaded guilty to shooting Brian Baker in 2011, as well as perjury for lying to the grand jury before he was suspected as the shooter. In June of 2012, he was sentenced to 3 to 5 years in state prison on each charge.

Before the program, Superior Court Judge Mary-Lou Rup talked about the grand jury process.

In the United States' colonial days, she said, crimes were prosecuted by private attorneys, rather than the government. "Private citizens could bring (criminal) accusations against others to the grand jury," Rup said. "The grand jury would make sure the charges were nonmalicious, competent and proper."

If the grand jury found probable cause that the accused committed a crime, it would return a "true bill" of indictment, and the case would go to court. In Massachusetts, this requires 12 yes votes from the 23-member grand jury.

If the accusations were without merit, the case would be kept out of court, and the public would never know of the allegations.

Grand juries sit in secret for two main reasons, Rup said.

"It's done to keep the accused from knowing," Rup said, adding that, if an alleged criminal knew he were about to be indicted, he may flee.

"It also prevents people from public embarrassment," she continued.

If someone brought meritless charges to a grand jury out of spite, the accused wouldn't have his name tarnished by frivolous allegations.

The Thomas Merrigan Memorial Scholarship was given out at Law Day. Seniors Kimberly Logan, of Frontier Regional High School, and Benjamin Potee, of Pioneer Valley Regional School, were each awarded \$1,000 for college.