

# NYS Jury & Grand Jury Information & Official Misconduct Articles Links Below

***"The primary function of the Grand Jury is to uncover crimes and misconduct in public office for the purpose of prosecution (see NY Const, art I, § 6; CPL 190.65, 190.55)." [People v Tyler, 46 N.Y.2d 251, 258-259](#), see also [People v Rao 73 A.D.2d 88 \(N.Y. App. Div. 1980\)](#)***

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**Now Illegal to  
Remain Silent in  
New York**

**CLICK HERE FOR THE  
FULL STORY**

**Not soon after this website came out, the grand Jury system was placed under attack by very disturbing events, one of the most disturbing was the [Eric Garner incident in NYC.](#)**

The Grand Jury system in New York is not the problem, it is those on the Grand Jury panel and New York State citizens present understanding of how it is suppose to work, versus how it should function based on it's original intent.

**And let's not forget** the District Attorneys, who, like the court are mandated by law to be fair and impartial, when in fact they do the exact opposite, especially in Catt County. When it comes down do it, a **Grand Jury in New York does not have to listen to ANY PUBLIC OFFICIAL when it involves investigating public officials.** The rest of this article details the true powers of the New York State Grand jury system and how, in the past, the citizens of the Grand Juries, who understood how the system should worked, who were sick and tired of corruption, took matters into their own hands and cleaned up the the local corruption.

**New York State has one of the most powerful grand jury systems in the country, especially against government corruption. The people, who live upon that land called New York, who believe they have been wronged should use the rights that they themselves have provided themselves with, to wit;**

**New York State Constitution, Article I, Section 6, Paragraph 2;** The power of grand juries to inquire into the **wilful misconduct in office of public officers**, and to find indictments or to direct the filing of informations in connection with such inquiries, **shall never be suspended or impaired by law**. No person shall be deprived of life, liberty or property without due process of law. (Amended by Constitutional Convention of 1938 and approved by vote of the people November 8, 1938; further amended by vote of the people November 8, 1949; November 3, 1959; November 6, 1973; November 6, 2001.)

- Review the New York State constitution [here](#) from the official new york state website, to download it, [click here](#)

## Important Notice to individuals who are being 'investigated/indicted' by the DA/grand jury;

**CPL 190.50(5)(a) provides that the District Attorney must notify the defendant or his or her attorney of a pending Grand Jury proceeding in such manner as to afford the defendant reasonable time to exercise his or her right to appear as a witness therein.**

If the prosecutor does not provide notice of grand jury presentation when s/he is required to, this is a denial of your due process rights. Defendants can then file a "five day motion" to properly challenge the failure, and throw out the indictment and give you the chance to be heard before the grand jury, [so they can hear your side of the story and call your witnesses before they render their decision.](#)

Further a 'five day' motion it is not considered a "pretrial motion" (see CPL §§ 210.35 [4], 255.10), and therefore the timing is not governed by the forty-five day period specified in CPL § 255.20. **This motion must be made within five days after arraignment or it is waived** (see CPL § 190.50[5(c)]). See also Commentary, N.Y. Crim. Proc. Law § 190.50 (McKinney).

In [People v Brumfield](#) *People v. Brumfield* 26 N.E.3d 1149,1149 (N.Y. 2015)2015 NY Slip Op 01377, in which the defendant was convicted after trial, originating out of the [Fourth Department](#) ruled:

***"Defendant's statutory right to testify before the grand jury was violated. This right "must be scrupulously protected" (People v Smith , 87 NY2d 715, 721 [1996]), quoting People v Corrigan , 80 NY2d 326, 332 [1992]). Even with the deletions made by defendant, he complied with the waiver of immunity as required under CPL 190.45; that is, he left intact the provisions that stated he waived his privilege against self-incrimination and any immunity to which he [\*3]would be entitled. Defendant was only required to meet the requirements of the statute, and nothing more to make a valid written waiver of immunity. The statute is clear, straightforward and concise. When a defendant meets the waiver of immunity requirements of CPL 190.45, he or she must be permitted to testify."***

[CPL 190.50\(5\)](#) mandates if a defendant serves upon the People, which would be the district attorney a notice that they wish to testify before the grand jury and appears at the appropriate time and place, then signs and submits to the grand jury a waiver of immunity (see [CPL 190.45](#)), the defendant "must be permitted to testify before the grand jury" ([CPL 190.50\[5\]\[b\]](#); see [CPL 190.50\[5\]\[a\]](#)). In the event that the defendant complies with those procedures and is thereafter not permitted to testify, the appropriate remedy is dismissal of the indictment (see [CPL 190.50\[5\]\[c\]](#)).

**In New York State the Power of the Grand Jury is ABSOLUTE**



- **Never impaired by law;** a reasonable and sensible person clearly understands these words and what they means; no law can dictate to a grand jury what they can and cannot do when investigating and handing down indictments against public officials. If any local, county or state government employee tells you otherwise, tell them to review article I, section 6 of the New York State Constitution. Further, if you are a member of a grand jury and any government employee tells you that you can't do something, subpoena them, put them on the stand and demand they sign a waiver of immunity and make them testify as to what they just said. If they were telling you the truth they would have no problem doing that under oath, now would they? See the powers of the grand jury below, very important...
- **Shall never be suspended;** that means in time of war, strife or whatever, a grand jury can always be seated and/or in power.
- **Absolute;** (as defined in blacks law); complete, perfect, final, without any condition or incumbrance; as an absolute bond.
- **Information;** have you ever had a "information" filed/charged against you? It maybe called a "BILL OF PARTICULARS", or an actual "INFORMATION" (one that has the alleged accusations, alleged facts and the alleged notice all included). Hint, look to the left side of the 'charges' does it have "ACCUSATIONS", "FACTS" and "NOTICE"?

In other words you, the natural born citizens of New York, if you are on a Grand Jury, especially if you are a "Grand Jury foreman, i.e. foreperson", whatever you maybe called, all of you can ignore any and all 'government' employees, laws, etc... including those calling themselves district attorneys, etc... and do what justice requires of you, not the 'law', not the 'rules', not the 'regulations', but what is moral and right.

## How is the corrupt New York state government trying to dilute you, the people of New York's Grand Jury Powers?

You will see public officials attempt to use CPL to make it appear you have limited powers or authority. The constitution is very clear on that as we have already shown you. They will use CPL § 190.85 and ask you to submit a report Concerning misconduct, non-feasance or neglect in public office by a public servant as the basis for a recommendation of removal or disciplinary action.

**WRONG!** See New York State Constitution, Article I, Section 6, Paragraph 2; **"to find indictments"** which clearly specifies the fact that Grand juries can indict corrupt

**public officials, not make reports.**

[History is very clear](#) you have the right to pass down indictments (true bills) against corrupt public officials and they can be tried on that. [The Dutch Schultz era in New York City proved that.](#) This is one of the areas that corrupt DA's will try to use to deflect investigate corrupt public officials. This is one of the reasons the State of New York is considered the most corrupt States in the United States.

***Run, run, run, run, run runaway... Grand Juries***

Is your county's grand Jury doing their job? If not, remember, as the clause states; "*the power of the grand jury shall not be,,,, impaired by law*" when investigating wilful misconduct by public officers. In other words, grand juries in other counties can investigate public officers as to what is happening in another county and they can throw the "prosecutors" out the door if they feel they are not doing there job. It has happened before, right here in this state.

How honest is your counties grand jury system, is it truly independent or is it controlled by the 'boss hogs' of the county and filled with family members and cronies that will do the bidding of the 'powers that want to be'. If so, are there solutions to this problem....

Originally in the early years of this nation, all grand juries were what would be considered today as a runaway grand jury. They owed no allengince to the government or its agents, they could do whatever they wanted to ensure justice was served. As government power grew, rules and regulations attempted to push them to the sideline. However the powers of the grand juries are still effective and can work well, and still are working well in this state.

In the 1930's grand juries were handing down bills of "indictment" in New York City, they soon discovered that their "indictment's " were not being carried out, so they kicked out the DA's and the rest of the 'government' public officials and then proceeded on their own discoveries and cleaned up NYC. As recent as this century, grand juries are still being used effectively in New York City, where accused individuals are being placed in front of them and they are being [no-billed](#) because, unlike the rigid requirements of a jury trial, where accused individuals fairing depends upon how good of a job those representing do, they

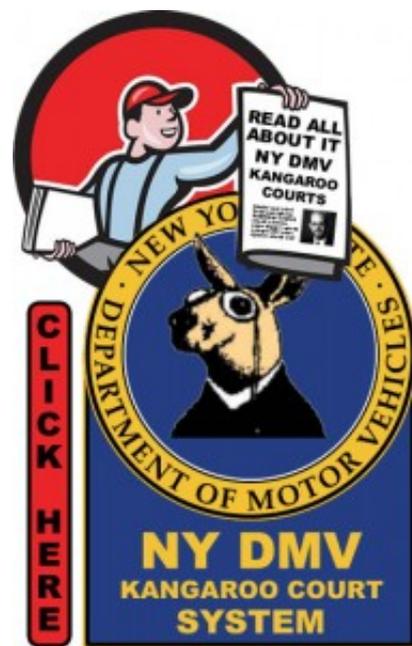
can speak there mind with no 'legal' interference.

See these historical stories on the subject [here](#) and [here](#).

A good synopsis titled "*If it's not a runaway, it's not a real grand jury*", on the powers and history of the grand juries [can be found here](#). Here is another article [here](#), however, this article discusses CPL 190.75(3), which does not apply in the cases of public officers.

Here is the New York State Grand Jury manual - [click here](#), and remember, whenever it references a law, just remember "**the power of the grand jury shall not be,,,,, impaired by law**" when dealing with public officers.

## The Powers of the Grand Jury



Section §6 of the New York State Constitution provides some VERY powerful weapons available to the grand jury, one of which is found in paragraph one, its called the "*waiver of immunity*" and the failure to answer questions. Paragraph 1 is found below, read what it says, it's totally amazing.

§6. No person shall be held to answer for a capital or otherwise infamous crime (except in cases of impeachment, and in cases of militia when in actual service, and the land, air and naval forces in time of war, or which this state may keep with the consent of congress in time of peace, and in cases of petit larceny under the regulation of the legislature), unless on indictment of a grand jury, except that a person held for the action of a grand jury upon a charge for such an offense, other than one punishable by death or life imprisonment, with the consent of the district attorney, may waive indictment by a grand jury and consent to be prosecuted on an information filed by the district attorney; such waiver shall be evidenced by written instrument signed by the defendant in open court in the presence of his or her counsel. In any trial in any court whatever the party accused shall be allowed to appear and defend in person and with counsel as in civil actions and shall be informed of the nature and cause of the accusation and be confronted with the witnesses against him or her. No person shall be subject to be twice put in jeopardy for the same offense; nor shall he or she be compelled in any criminal case to be a witness against himself or herself, providing, that **any public officer who, upon being called before a grand jury to testify concerning the conduct of his or her present office or of any public office held by him or her within five years prior to such grand jury call to testify, or the performance of his or her official duties in any such present or prior offices, refuses to sign a waiver of immunity against subsequent**

**criminal prosecution, or to answer any relevant question concerning such matters before such grand jury, shall by virtue of such refusal, be disqualified from holding any other public office or public employment for a period of five years** from the date of such refusal to waiver of immunity against subsequent criminal prosecution, or to answer any relevant question concerning such matters before such grand jury, shall by virtue of such refusal, be disqualified from holding any other public office or public employment for a period of five years from the date of such refusal to sign a waiver of immunity against subsequent prosecution, or to answer any relevant question concerning such matters before such grand jury, and shall be removed from his or her present office by the appropriate authority or shall forfeit his or her present office at the suit of the attorney-general. [The Hague Conventions](#)

**In other words, if a public official refuses to sign a waiver of immunity (this keeps the public official from being charged with anything he testifies too, it protects him for telling the truth), or they fail and/or refuse to answer any relevant questions they lose there jobs.**

## **How Do You Get Your Issue in Front of a Grand Jury?**

The clerk of the courts is one method, create an affidavit and send a true, correct and complete copy of it to the clerk of the courts, with a cover letter briefly explaining why you are doing it, via certified mail, restricted delivery, return receipt requested.

**UNIFORMED RULES OF COURT: Section 200.13 Impaneling of grand juries.** There shall be a grand jury drawn and impaneled for such terms of a superior court as may be provided on the annual schedule of terms established by the Chief Administrator of the Courts. Whenever the public interest requires, additional grand juries may be drawn and impaneled as authorized by the Chief Administrator. [For non-public officials.](#)

**Caveat: You better be telling the truth and have the evidence to back it up.**

On the outside of the envelope place the wording "Emergency Request to be Heard Before the Grand Jury". Then when you receive the return make a copy of the side in which the person authorized signed it and attached it to a "Affidavit of Service" that you create and then send that to the clerk of the courts and anyone else you believe needs to see it, along with a true, correct and complete copy of the original affidavit. Don't hear anything back in 30 days? Start sending it out to other counties with another affidavit stating the grand jury of the county you reside in has not moved on your issues.