

MINNESOTA STATUTES 1979 SUPPLEMENT

ACCUSATION 628.18

CHAPTER 628. ACCUSATION

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628.01 Indictment.

An indictment is an accusation in writing, presented by a grand jury to a competent court, charging a person with a public offense.

[1979 c 233 s 27]

628.02 Reports by indictment.

The grand jury shall inquire into all public offenses committed or triable in the county, and report them to the court by indictment.

[1979 c 233 s 28]

628.03 [Repealed, 1979 c 233 s 42]

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628.08 [Repealed, 1979 c 233 s 42]

628.11 [Repealed, 1979 c 233 s 42]

628.14 [Repealed, 1979 c 233 s 42]

628.18 Tests of sufficiency.

The indictment shall be sufficient if it is drafted in accordance with the provisions of Rule 17.02 of the rules of criminal procedure and if it can be understood therefrom:

(1) That it is entitled in a court having authority to receive it, though the name of the court is not accurately stated;

(2) That it was found by a grand jury of the county in which the court was held;

(3) That the defendant is named, or, if his name cannot be discovered, that he is described by a fictitious name, with the statement that he has refused to discover his real name;

(4) That the offense was committed at some place within the jurisdiction of the court, except where, as provided by law, the act, though done without the local jurisdiction of the county, is triable therein;

(5) That the offense was committed at some time prior to the time of finding the indictment;

(6) That the act or omission charged as the offense is clearly and distinctly set forth, in ordinary and concise language, without repetition;

(7) That the act or omission charged as the offense is stated with such a degree of certainty as to enable the court to pronounce judgment, upon a conviction, according to the right of the case.

[1979 c 233 s 29]

628.19 [Repealed, 1979 c 233 s 42]

628.29 [Repealed, 1979 c 233 s 42]

628.30 [Repealed, 1979 c 233 s 42]

628.31 [Repealed, 1979 c 233 s 42]

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628.54 ACCUSATION

628.32 [Repealed, 1979 c 233 s 42]

628.33 [Repealed, 1979 c 233 s 42]

628.54 Causes of objection to juror; how tried; decision entered.

An objection to an individual grand juror may be based upon any of the following causes:

- (1) That he is less than 18 years of age;
- (2) That he is not a citizen of the United States;
- (3) That he has not resided in this state 30 days;
- (4) That he is insane;
- (5) That he is a prosecutor upon a charge against the defendant;
- (6) That he is a witness on the part of the prosecution, and has been served with process or bound by recognizance as such;
- (7) That a state of mind exists on his part in reference to the case or to either party which shall satisfy the court, in the exercise of a sound discretion, that he cannot act impartially and without prejudice to the substantial rights of the party objecting.

[1979 c 233 s 30]

628.55 [Repealed, 1979 c 233 s 42]

628.57 Jury to retire; clerk; duties.

The grand jury shall then retire to a private room and inquire into the offenses cognizable by it. It shall appoint one of its number clerk, who shall preserve the minutes of its proceedings, but not of the votes of the individual members on an indictment.

[1979 c 233 s 31]

628.58 [Repealed, 1979 c 233 s 42]

628.59 [Repealed, 1979 c 233 s 42]

628.63 Grand jury; who may be present; county attorney to attend; duties.

The grand jury may at all reasonable times ask the advice of the court, or of the county attorney, and the county attorney shall attend it for the purpose of framing indictments or examining witnesses in its presence.

The persons specified in Rule 18.04 of the rules of criminal procedure may, subject to the conditions specified in that rule, be present before the grand jury when it is in session, but no person other than the jurors may be present while the grand jury is deliberating or voting.

[1979 c 233 s 32]

628.64 [Repealed, 1979 c 233 s 42]

628.68 Disclosure of transactions of grand jury.

Except as otherwise provided in Rule 18.08 of the rules of criminal procedure, every judge, grand juror, county attorney, clerk, or other officer, who, except in the due discharge of his official duty, shall disclose, before an accused person shall be in custody, the fact that an indictment found or ordered against him, and every grand juror who, except when lawfully required by a court or officer, shall wilfully disclose any evidence adduced before the grand jury, or anything which he himself or any other member of the grand jury said, or in what manner he or any other grand juror voted upon any matter before them, shall be guilty of a misdemeanor. Disclosure may be made by the county attorney, by notice to the defendant or his attorney of the indictment and the time of defendant's appearance in the district court, if in the discretion of the judge notice is sufficient to insure defendant's appearance.

[1979 c 233 s 33]