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**JUSTICES' RULING MIGHT HOBBLE STATE GRAND JURY SUPREME
COURT LIMITS WITNESSES' IMMUNITY**
THE ASSOCIATED PRESS

The state Supreme Court stripped the state grand jury this week of a powerful tool often used by prosecutors against reluctant witnesses, but attorneys and officials differ on the potential impact.

The court barred prosecutors from giving "use immunity," a promise to a witness not to use anything said before the grand jury against that witness.

A witness could be indicted as long as prosecutors show the evidence was obtained independent from their testimony. That immunity violates the Constitution's protection against self-incrimination, the court said in a ruling that ended the prosecution of the owners of a Seneca construction company on bribery charges.

"The grand jury is not substantially damaged in its mission by the Supreme Court's ruling," Attorney General Travis Medlock said. "The future is great."

The court said state prosecutors can only compel a witness to testify if they give the witness "transactional immunity," meaning a promise not to prosecute him or her for any crime related to the testimony.

The distinction between the two different forms of immunity is "enormous," said Bill McAninch, a University of South Carolina law professor.

Fifth Circuit Solicitor Dick Harpootlian, who prosecutes cases in Richland and Kershaw counties, said the court ruling was damaging. "You can't do a public corruption case without use immunity," said Harpootlian, who is running to succeed Medlock next year.

"They have lost a big hammer that they had," said **Jack Swerling**, a criminal-defense lawyer in Columbia.

Bill Gambrell, chief deputy attorney general, said the mere threat of "use immunity" has led at least one witness to cooperate rather than being forced to testify.

"There's no question that the absence of the 'use immunity' statute will make it more difficult for us to do what we want to do, but it won't stop us from doing what we need to do," Gambrell said.

No other pending or past cases are expected to be affected by Monday's Supreme Court ruling, he said.



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