

GRAND JURY FINAL REPORT

APRIL-JUNE TERM 2010

**Submitted to
Honorable Judge Mark Fishburn
Criminal Court Division VI**

Davidson County, Tennessee

**REPORT OF THE GRAND JURY
APRIL 2010 TERM**

GRAND JURY FINAL REPORT

WE, the Davidson County Grand Jurors for the April 2010 term, submit the following report in a summary of the last three months we have served. It has been an honor to serve under the auspices of the Honorable Mark Fishburn. We, as a Grand Jury, believe that through the process, we have gained insight into the structure of our judicial system, and have gained an increased respect for all those who work hard to make it flow smoothly.

In accordance with Tennessee Rules of Criminal Procedure, the Grand Jury deliberated upon 978 cases over the past three months. We presented the court with 885 True Bills, 3 No True Bills, 90 Sealed True Bills, and 0 Sealed No True Bills. We also had the opportunity to create panels that heard two closed cases concerning John J. Hooker and Steve McNair.

John J. Hooker: Mr. John J. Hooker requested an opportunity to present his case concerning his belief in the criminal intent of the state Supreme Court judges. The committee discussed the issues raised and did not find enough evidence of criminal activity to present the case to the entire Grand Jury. The panel appreciated Mr. Hooker's concerns about the impact of actions on the Tennessee Constitution, but decided that that was not a matter for the Grand Jury to consider.

Steve McNair: The Grand Jury was asked to hear information to reopen the Steve McNair case. Mr. Hill wanted to present this information, though he declined to ask for an indictment. He shared with the committee his views of the case but lacked evidence to support his views. Questions raised by Mr. Hill were cleared by evidence gathered by the Metro Police Department. The panel felt that this was a case that should not be heard by the other members of the Grand Jury.

Serving under the esteemed leadership of Grand Jury Foreman Mr. Richard Hillenbrand was a wonderful opportunity for us all. His detailed understanding of the law and the way he communicated or explained cases to the rest of the Jury was very helpful. We feel that his vast knowledge of the law and of law enforcement was very useful to us all. He did an excellent job of keeping us on task while still giving us ample time for questions and comments.

We, the Grand Jury, would like to thank the following individuals for taking the time out of their busy schedules to provide us with information that helped us better perform our judicial duties:

Metro Police Department Liaison Gene Donegan: Gene was wonderful at presenting cases to the Jury because he was clear and concise. The way he

clearly articulated cases and patiently answered questions was incredibly helpful to us as we handed down indictments.

Grand Jury Secretary Lori Hooberry: We would like to thank Lori for her help and support in setting up cases to be presented for indictment.

Ms. Young at the Sheriff's Department: We would like to thank Ms. Young for setting up our tour of the Sheriff's Department and the subsequent jail tour.

Sgt. Jason Reinbold: We appreciated Sgt. Reinbold's work in setting up our tour of the Police Academy and other training facilities on the grounds.

Det. Jason Cregan of the Gang Unit: Detective Cregan was immensely informative when it came to explaining Nashville gangs and the problems that arise from having such violent activity in our metropolitan area. We appreciated his explanation of how gang violence is monitored.

Michelle Donegan, Domestic Violence Division: Michelle provided us with a glimpse of her complicated and emotional profession. She explained that a lot of the cases they see are dismissed due to the victim's refusal to press charges.

Lieutenant Gordon Howey and Sergeant Buddy Rhett, Special Investigations Division and Drug Unit: Lt. Howey and Sgt. Rhett enlightened us with their presentation by bringing a variety of illegal drugs and their appropriate paraphernalia for use. For many of us it was our first time seeing street narcotics such as: cocaine, crack, "Meth" and marijuana.

Rose Loring in acting Chief Anderson's office: Rose helped to set up ride alongs – an opportunity to ride with a police officer during his shift, and our field trip to COMPSTAT, the police department head meeting. Ride alongs were very beneficial to those of us who took them. We now have a greater understanding of Metro police officers' regular duties and an appreciation for all they do above and beyond the basic responsibilities.

Acting Police Chief Steve Anderson: Chief Anderson spent several hours with us discussing the work of the police department and the efforts to combat crime in our community. He shared a lot of data with us and presented a chart about how the Police Department is organized. Both helped us better understand the proceedings when we went to COMPSTAT the next week.

District Attorney General Victor "Torry" Johnson, III: DA Johnson gave us an excellent overview of the history of the Grand Jury, our duties and responsibilities, and our role in the judicial process.

FIELD TRIPS

We, as a Grand Jury, felt that having the chance to participate in ride alongs and take field trips was very beneficial. They allowed us to gain a better understanding of the law enforcement field. At the training academy, we were impressed with the simulations, training, and equipment available to the trainees. We did, however, feel as though our time at the Police Academy was too limited. We would have liked to have had additional time to learn more specifics about how our city officers are trained. The field trip to the jail was enlightening. Not only were we able to tour the facilities, we were shown the procedures used in booking, feeding, and housing the inmates. We were disappointed that the aftermath of the flood eliminated our field trips to the juvenile justice facility and drug court. At COMPSTAT we heard updates about the activities that had been going on across our city since the Nashville Flood of 2010. We also learned that the city is considering adding extra precincts. Many of us on the Grand Jury thought that was an excellent method of keeping the police more involved in the communities they serve.

SUGGESTIONS FOR GRAND JURY

1. There are many terms used in the legal system that the public is not aware of. We feel as though it would be helpful to future Grand Juries if they were supplied with a list of terms and definitions of the "legal lingo" used when cases were presented.
2. Allowing the Grand Jury to sit in on a quick case, such as a Jail Docket, would be helpful with understanding the legal process.
3. A Monday, Tuesday, Thursday schedule would perhaps allow for better and more convenient attendance, especially in the summer months.

LEGAL SUGGESTIONS

1. We felt as though in some cases, the punishment did not always fit the crime. This was a concept that bothered most of us sitting on Grand Jury. Stiffer punishments should be handed out for second and third offenders.
2. Higher DUI penalties should be imposed, especially for vehicular homicide where the defendant is traveling at excessive rates of speed.
3. Drug offenses when a child is present, whether being in a car or home, should carry stiffer penalties.
4. DUI offenders, anything more than a second offense, should be treated as "Habitual Offenders" and should receive harsher penalties.
5. Children should be better protected. We are concerned for children who are returned to or left in situations in which they or others have been harmed.

CONCLUSION

Just as Judge Fishburn stated on the day of Grand Jury selection, "this will be an educational experience you will never forget," we as a Grand Jury felt he is right. We have all bonded throughout this whole process and are planning to keep in touch after this experience. We have also learned a great deal about a slice of society that was unfamiliar to many of us. We have developed sympathies for the victims, those enforcing the law, and even at times the defendants. Thank you again for the opportunity to serve on this term and we would encourage anyone to serve on the Grand Jury. It was truly an educational and life-changing experience.

Respectfully submitted,

Richard Hillenbrand, Grand Jury Foreman

Cynthia Barnes

Beverly Curfman

Sherry Donaghey

Donna Grimm

Bonnie Moore

Terri Rawls

Lauren Roberts

Adam Seay

Jean Whitaker

Judith McClung

Greg Allison

Katie Warlick