

# **Grand Jury Final Report**

The Honorable Judge Seth Walker Norman  
Criminal Court - Division IV  
Davidson County, Tennessee  
October, November, December  
2012

## **Introduction**

We, the Davidson County Grand Jury for the October – December, 2012 term duly submit the following report as a conclusion to our three months of service under the Honorable Judge Seth Walker Norman. In accordance with the Tennessee Rules of Criminal Procedure, the Grand Jury deliberated upon hundreds of cases ranging from simple misdemeanors such as a man robbing another man for his fried chicken to serious felonies including drug trafficking, rape, child molestation, child abuse, domestic violence, kidnapping, armed robbery, and homicide.

## **Preparation**

The first week the Grand Jury was presented with information as to the inner workings of several specialized anti-criminal units. We heard presentations from the sex crimes unit, the domestic violence unit, the drug task force, the gangs unit, and the traffic unit. The presentations by each group were extremely helpful in educating everyone about specific crimes and an overview of the criminal justice system in our city. Our eyes were truly opened and we learned what to expect in the upcoming months as far as how a crime is determined and investigated. The presenters graciously answered our questions and gave us an inside look at what we would be facing when determining if the bills presented were true or non-true.

## **Field Trips**

- Metro Police Training Academy
  - K-9
  - Aviation
  - SWAT
  - Shoot/Don't Shoot
  - Bomb Squad
- Metro Police Department Comstat
- Drug Court

## Grand Jury General Recommendations

- The Grand Jury recommends an alternative system be put in place for handling misdemeanors. Countless hours are spent hearing cases involving crimes such as petty theft, DUI, habitual motor vehicle offenses, etc. and if these cases were handled in general sessions court instead of being bound over it would increase the efficiency of the grand jury. Many times it is apparent that attorneys “play the system” and delay cases (increasing their pay, delaying the sentencing, and impeding the grand jury’s effectiveness) and there should be a penalty in place for this. Some crimes are definitely “no contest” and should be settled as such.
- The Grand Jury recommends a DUI court be created similar to the current drug and mental health courts that are in place. Cases should be settled on the spot and not be allowed to be bound over to the grand jury.
- The Grand Jury recommends much stiffer punishments for DUI offenders such as increased jail time for first-time offenders and permanent loss of driver’s licenses for repeat offenders.
- The Grand Jury recommends that in accordance with the permanent loss of driver’s licenses for repeat offenders that offenders also be placed on a national list prohibiting them from owning a vehicle and prohibiting them from obtaining automobile insurance.
- The Grand Jury recommends that a standard form be filled out and put into place for presenting cases. There is basic information that the grand jurors find pertinent in almost every case and it would be helpful for the prosecution to come prepared with this basic information such as the defendant’s name and age, the date, time, and location of the crime, and most specifically detailed information about a defendant’s prior criminal records.
- The Grand Jury recommends a better system for monitoring the residential status of criminal sex offenders, especially those involving sex crimes against children. We have heard case after case where a sex offender fails to report a change of address and they are found to be residing in an unacceptable location.
- The Grand Jury recommends stiffer penalties for criminals who are repeat offenders, especially those related to sex offenses against children.
- The Grand Jury recommends issuing each juror a map of Nashville/Davidson County for reference during hearings.
- The Grand Jury recommends clarifying and changing the statute on child abuse and neglect. The current law, T.C.A. 39-15-401, requires that

physical injury to a child be defined as child abuse and neglect and if there is no physical injury the charge is deemed the lesser offense of simply attempted child abuse and neglect. Many times the grand jury would have indicted individuals for criminal child abuse and/or neglect instead of just attempted child abuse and/or neglect because the crimes were so egregious and heinous but there was no actual physical injury.

- The Grand Jury recommends that doctors and dentists be required to verify patients' prescription drug histories with a national database. There needs to be a way to limit the amount of controlled substances any one person can receive in a specific time period.
- The Grand Jury recommends that it be made a criminal offense for not returning a revoked handgun permit.
- The Grand Jury recommends that the pay for grand jury members be raised to more than the current rate of \$10 per day. The pay has been the same for nine years and does not even cover the price of gas to get to and from grand jury service. The pay should at least be the equivalent of minimum wage.
- The Grand Jury recommends that multiple, identical misdemeanors equate to a felony. This would perhaps cut down on repeat offenses for petty crimes. Specifically, there is an astonishing amount of shoplifting that goes on in the Nashville area and criminals basically get off with a slap on the wrist. Because there is no type of harsh punishment they continue to commit the same crime over and over. If, after the third time of being charged with the same offense, it became a felony some of this might stop. There are actual shoplifting "rings" in Nashville and stores are not, under the law, able to do anything to stop it. They cannot reproach them or search their bags or put their hands on the suspect; all they can do is place a call to the police. Criminals know this and continue to shoplift with little or no consequence. We heard a case where a woman stood in front of a store manager and while filling her bag with merchandise taunted him by saying, "You can't do anything to stop me! I know how long it will take for the police to arrive and I still have seven minutes." She continued filling her bag with items and simply walked out the door. The store employees' hands were tied and the woman was charged only with one more in a long, long list of misdemeanors for shoplifting. Perhaps if she were charged with a felony after the second or third time this would stop.

## Conclusion

This has truly been a rare, eye-opening experience and contrary to our initial preconceived notions about the obligatory civic duty of jury duty, it has been unforgettable and amazing. We all agree that each of us were lucky to be among the chosen few. We have learned an incredible amount about our criminal justice system and the processes through which criminal actions are tried and presented. It has been a privilege, not only to serve our community but, to be able to take an inside look at the inner-workings of our government. We have learned a tremendous amount. Over the past three months we have been on some amazing field trips, debated over whether bills were true or non-true, made tough decisions, and even shed some tears over horrific cases that have been presented. It has definitely been an honor to serve as the Davidson County Grand Jury.

## Special Thanks

We, the Grand Jury of the October – December, 2012 term would like to express our deepest gratitude to the following individuals:

- Criminal Court Judge Seth Norman
- Sargent David Liles
- Sargent Robert Brandish
- Metropolitan Police Department
- Assistant District Attorney Michaela Matthews
- Assistant District Attorney Rodney Faulk
- Assistant District Attorney Karen Fentress
- Assistant District Attorney Kathy Morante
- Secretary of the Grand Jury, Lori Hooberry
- Chief Steve Anderson
- Deputy Chief Todd Henry
- Captain Harmon Hunsicker
- Lieutenant Ken Spence
- Foreperson, Stan Fossick

**Final Report duly submitted December, 2012**

Stan Fossick, Grand Jury Foreman

~~Stan Fossick~~

Tracey Reed

Tracey Reed

Connie Muse

Connie Muse

Mona Key

Mona W. Key

Tom Burton

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Gary Campbell

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Crelious Sadler

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Juanita Simmons

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James Teague

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