

Davidson County Grand Jury
Final Report

October Term 2014
Judge Mark Fishburn
Criminal Court Division VI

Presented December 19, 2014

WE, the members of the Grand Jury for Davidson County, Tennessee serving a term of October to December 2014 under the Honorable Mark Fishburn hereby submit the following report. Beginning the experience no one knew what to expect, but we hoped to be able to give back to the community by upholding our civic duty. The experience of being a member of the Grand Jury was rewarding, educational, challenging and a privilege. The opportunity provided a detailed insight into the operation of the criminal justice system. The time spent serving on the Grand Jury is an experience that will not be forgotten.

CASES HEARD

During the term, the Grand Jury heard a total of 646 cases, returned a total of 645 true bills and 1 no true bill. The Grand Jury received two (2) applications to testify before the Grand Jury pursuant to Tenn. Code Ann. § 40-12-104. Both applications were reviewed and discussed by the Grand Jury. After thorough review, it was determined neither application warranted investigation by the Grand Jury. The applicants were informed of this decision by a letter from the District Attorney General's office.

PRESENTATIONS

The Grand Jury received many informational and educational presentations at the beginning of the term. The presentations from the following experts allowed the jurors to have an increased understanding of the information presented to them by the witnesses.

District Attorney General Glenn Funk and General Michaela Matthews explained legal terminology, how indictments and presentments are made and other information to help the jury

better understand how cases reach the Grand Jury. The information served to clarify the jurors understanding of the judicial system.

Sgt. Michael Shreeve of the MNPD, CSA Unit and Sue Ross of Our Kids spoke with the jury about child sex crimes. The information presented by these individuals was saddening, but necessary. Sgt. Shreeve and Ms. Ross were able to eloquently discuss such a difficult topic. The information they provided was extremely helpful to our deliberations. The presenters were also able to prepare the jury about some of the evidence that may be presented to them for a case involving sexual abuse of a child.

Presentations were made by Metro Nashville Police Officers with the Drug Task Force, SPOPS Unit, Gang Unit (Sgt. Jon Boese), Domestic Violence Unit (Sgt. Carlos Anderson & Det. John Timm), DUI Unit (Officer Brad Nave), and Warrants Division (Captain Randall Hickerson). All of the presenters were extremely knowledgeable on the material and were able to convey that knowledge in an interesting manner. All are to be commended on helping the Grand Jury better accomplish their duty. Each presenter was very generous with their time and was willing to answer any questions that arose.

Chief of Police Steve Anderson spoke with the Grand Jury about the Metro Nashville Police Department including: challenges presented by Nashville's growth as a city, police officer body cameras and the Department's use of analytics to help ensure efficiency and reduce crime. Chief Anderson was an engaging speaker and it is clear the Metro Nashville Police Department has a strong, capable leader at its helm.

Mayor Karl Dean was generous enough with his busy schedule to visit and discuss the City of Nashville and his priorities. The Mayor spoke at length regarding education, transportation, economic development and public safety. He gave a great overview of the City and his

thoughts on the future of Nashville. The Mayor also spoke highly of Chief Anderson and the leadership team of the Metro Nashville Police Department.

SITE VISITS

The Grand Jury took several trips during our term. First, we visited the Police Training Academy. A presentation was made explaining the escalation of force policy and how it is applied. The K-9 Unit provided a demonstration of the dogs at work. The handlers told us how the dogs trained and were used in the field. The aviation unit took jurors for a flight over downtown Nashville. On a subsequent visit, the Grand Jury participated in the Shoot, Don't Shoot simulation. The simulator gave jurors a unique insight about the challenges police officers face every day. The split second decisions officers must make in determining whether or not to discharge their sidearm was eye opening. Many members of the Grand Jury participated in police ride alongs. Riding along with an officer allowed jurors to interact with the police in their daily activities. Riding with the officer was an exciting time. Finally, the Grand Jury attended CompStat. At CompStat, the weekly statistics of all the precincts were discussed. The analytics gathered are used to determine what trends are occurring in Nashville and how to respond to these trends. The high level overview achieved at CompStat allows the Police Department to effectively fight crime in Nashville.

COMMENTS / RECOMMENDATIONS

The Grand Jury noticed an increased emphasis on domestic violence cases presented during the term. Domestic violence presents a challenge to law enforcement and prosecution as the victims can have conflicting emotions about prosecution. The Grand Jury was pleased to see General Funk and his staff places an increased emphasis on prosecuting these crimes.

A consistent decision needs to be reached on when increased penalties are sought for drug-free school zone offenses. The decision to seek increased penalties resulting from school zone violations seemed to be arbitrarily reached at times. The law needs to be applied equally, not arbitrarily and capriciously.

The Grand Jury heard a case regarding sexual abuse of a minor. The allegations were made in April, but a forensic interview with the victim did not occur promptly. The Department of Children's Services is responsible for initiating the forensic interview with minors. However, for some reason this did not happen. Not conducting the forensic interview promptly does a disservice to the victim. The incident will no longer be fresh in the mind of the victim and important details may be lost. The Department of Children's Services should ensure forensic interviews are conducted in a timely manner when a minor alleges sexual abuse or rape.

When preparing witnesses to testify it would be useful to inform them they can use their notes and records. They are not expected to testify only from memory. While many witnesses were aware they could use their notes, some struggled through their presentation from memory alone. Witnesses should be prepared to thoroughly discuss the incident stemming in the charges being presented. Two common question witnesses were not always prepared to answer was the age of the defendant and the criminal history of the defendant.

It would be helpful if the docket sheet passed out to each member of the Grand Jury had the charges listed exactly as they are on the indictment. The differences between the docket sheet and indictment caused confusion at times.

RECOGNITION

The Grand Jury would like to recognize several individuals whose time and effort were greatly appreciated.

Sergeant Robert Bandish was an excellent witness. He was always thoroughly prepared, extremely knowledgeable on police procedure and is a great ambassador for the Police Department. Further, Sgt. Bandish was able to keep the presentation of his cases fun and interesting. His humor and personality were greatly appreciated.

Lori Hooberry offered endless assistance. Ms. Hooberry handled many of the daily administrative activities involved with the Grand Jury, along with assisting presenters in operating the necessary video and computer equipment.

Holly Leach was extremely helpful in making sure alternate members of the Grand Jury would be present when regulars were not available. Ms. Leach also assisted the Grand Jury when other issues arose during the term.

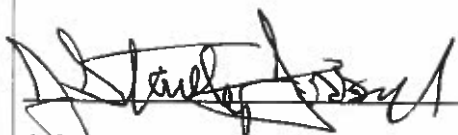
The Grand Jury would like to recognize and compliment General Glenn Funk and his staff. Additionally, the Grand Jury commends the effort and time the General Sessions Judges spent attempting to resolve misdemeanor charges. Resolving these misdemeanor charges prevents them from being bound over to the Grand Jury, which ensures the Grand Jury can give the necessary and appropriate time to the complex indictments.

Last, but certainly not least, the Grand Jury wants to recognize the Foreperson, Stan Fossick. Stan's tireless devotion in giving back to the community by serving as Foreperson is to be commended. Stan's generosity and kindness to provide doughnuts every day we met was appreciated by all. He also paid for the jury to have lunch at Monell's. It is clear to all who served on the Grand Jury Stan cares greatly about the City of Nashville. He generously donates his time and effort serving as the Grand Jury Foreperson. With his leadership, the proceedings were carried out in a smooth, efficient fashion. He let everyone actively participate and know their ser-

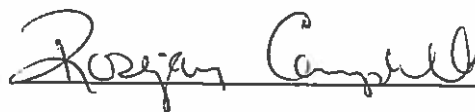
vice was appreciated. Stan Fossick's devotion to fulfilling his civic duty is relentless and honorable. We sincerely thank him for everything he does.

CLOSING

In closing, the members of the Grand Jury felt it was an honor and privilege to fulfill our civic duty. The experience of serving was extremely rewarding and interesting. Serving on the Grand Jury is a fantastic experience that we will remember for a lifetime. The Grand Jury serves an important role in the legal system. All members of the Grand Jury understood and embraced this role. If the opportunity presented itself in the future, members of the Grand Jury would gladly serve again.



J. Stanley Fossick



Rosejay Campbell

Charles Cathey

Charles Cathey

Molly Boyd

Molly Boyd

Joshua Eldridge

Joshua Eldridge

Karen Fairbend

Karen Fairbend

Tiamecca Irving

Tiamecca Irving

Mia Lewis

Mia Lewis

Judy Kelly

Judy Kelly

James Qualls

James Qualls

Damion Rooks

James Scott

Dianna Santana-Starnes

Dianna Santana-Starnes

Donald W. Wondolowski

Donald Wondolowski
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Virginia Villalba

Virginia Villalba