



GRAND JURY REPORT

January – March 2019

The Honorable Mark J. Fishburn
Criminal Court Division VI
Davidson County, Tennessee

GRAND JURY MEMBERS

Regular Jurors:

Doris L. Barnett
Scott R. Bechtel
Robyn L. Fox
Tarcila M. Fox
Dan M. Frankum
Bradley S. Hays
Victoria L. Heacock
Beverly J. Honeywood
Leighton G. Linning
Beverly A. McMillion
Shirletrice D. Moore
Timothy D. Travis
April R. Vance

Alternate Jurors:

Michelle M. Abnet
Christopher Z. Benton
Carolyn Fletcher
Jennifer Hollahan
Damien Horne
Robert A. McCloud
Adam M. Morrison
Mary Ann Nichols
Kerri Shelton
Shelbi N. Sweeney
Shirley N. Todd
Christopher J. Willingham

Foreperson: Steve Davis

The Grand Jury for the January – March 2019 Term was sworn in by the Honorable Mark J. Fishburn at the Justice A. A. Birch Building in Nashville, Tennessee on December 10, 2018. The first meeting of our term was January 7, 2019. Our initial sessions involved education about the criminal justice system, an explanation of our role in evaluating the existence of Probable Cause and presentations intended to assist us in understanding the types of cases we would hear during the term.

Our initial presentation was made by District Attorney General Glenn Funk. He explained that the Grand Jury reports to Judge Fishburn and not the DA's office. The Grand Jury is a check on the District Attorney General's office. We were charged with determining if, based on the facts presented and the law, there is probable cause to advance the matter to the trial court for disposition. In order to move a case forward the Grand Jury (12 members and the foreperson) must have 12 votes for a "True Bill". Although the Grand Jury is not determining guilt or innocence, determining that probable cause exists is no easy matter and we undertook our role seriously and deliberated cases carefully.

The Grand Jury also heard presentations by Laura Dugan, director of Our Kids, a medical and support facility specifically focused on sexual abuse of children. Our Kids is a liaison organization that works closely with the police. It was started in 1987 and it has evaluated more than 26,000 children since then. Our Kids serves 47 counties in Middle Tennessee and sees 800-900 children each year. We were pleased to hear that a new Family Safety Center has just opened. It provides a state-of-the-art facility to conduct sexual assault forensic exams, and provide support for domestic violence victims and at-risk youth.

In one of our first sessions Detectives Justin Fox and Jesse Gillian of the Drug Task Force made a presentation that helped us understand the different scheduled drugs currently found on the street in Nashville. We were amazed by how many drug related cases we would hear during the term. This is a national problem that is very difficult to address. Unfortunately, with demand in the United States remaining quite high there does not appear to be an immediate solution to this growing crisis.

Sgt. James Williams made a presentation on DUI arrests. This also provided insight into how the police deal with those stopped for impaired driving. This helped us understand terms like "implied consent" and "per se" that are part of the law in this area. Along with drugs and guns we dealt with a lot of DUI cases during our term.

Another area with an epidemic volume of cases is Domestic Violence. Detectives Robert Bandish, Nate Ellsworth and Chris Williams made a presentation that helped us understand the many DV cases we heard during our term. There is no easy solution to the problem of Domestic Violence in our society. The Legislature has addressed important changes in the law, support services are being added and law enforcement and the courts are doing all they can to address this dangerous and growing area.

Judge Melissa Blackburn and Trish Breeding visited with us about the Mental Health Court and the VA Court (General Sessions Division II. Davidson County was among the first jurisdictions in the United States to initiate the creation of a Mental Health Court 15 years ago.) The goal is to reduce incarceration rates of individuals, arrested for nonviolent crimes who really need help and support instead of being continually arrested, released and rearrested. They are bringing all of the resources needed to those who need help with the goal of wrapping services around them and reducing the number of repeat arrests. Recidivism rates are declining so they have proof that this effort is producing the desired results. Dedicated facilities in the new building being built next to the courthouse will provide essential additional resources. The state-funded Mobile Crisis Unit in Metrocenter complements this effort. We recommend that the state expand the Mobile Crisis Unit to include more units and a greater coverage area.

We visited the Drug Court (DC 4) on February 15, 2019 and got a first hand look at what is one of the most unique facilities in Tennessee and the first of its kind in the nation. Director Janet Hobson told us about the facility, its tough rules and its goals and we heard from two individuals who are participating in the program and the difference it is making in their lives and hopefully in their futures. They know that they are getting a chance to break the grip of drug addiction if they do their part to work toward their own success. We were honored to be able to visit with Judge Seth Norman who created the Drug Court program and ask him questions during the very nice lunch that they provided for us. This is a successful program and we would recommend that more focus and financial resources be provided to DC4.

We visited the Juvenile Justice Center for lunch on March 8, 2019. Judge Sheila Calloway and her dedicated team of professionals provided an outstanding overview that helped us understand more about the programs and services housed in their very cramped facility. The building was considered state of the art when it was built in 1994 but 25 years later it is dated and inadequate. We strongly support increasing the financial resources directed to this critical area. We were very impressed by how much they are accomplishing with so little. We suggest that Juvenile Justice – courts, detention and critical ancillary services and programs move out of the urban core to a facility with more parking, more open space and substantially more square footage than they presently have. Ideally, they should have a campus-like environment perhaps made possible by repurposing existing surplus state and city properties away from the downtown area if feasible.

The Grand Jury heard a startling number of cases where very young people committed serious violent crimes. The MNPJ Juvenile Crime Task Force was formed February 16, 2018 to try to address this troubling societal problem. We strongly recommend that additional resources be committed to the Task Force.

During our term we acted on 827 cases that were presented to the Grand Jury. We returned 573 True Bills, 22 No True Bills, 225 True Bills for Sealed Indictments and 7 No True Bills for Sealed Indictments.

OBSERVATIONS AND RECOMMENDATIONS:

1. Provide new Grand Jury members with a copy of the 12-page Jury Charge so they can follow along as they are being sworn in.
2. Make additions to the words and terms in the Glossary provided Grand Jury members. This is attached as an exhibit to the report.
3. Provide a brief written outline of the use of a Grand Jury in the Criminal Justice process in the United States throughout our country's history.

Assistant District Attorney Rodney Faulk performed a very important role in answering questions about the fine points of the law. Criminal Statutes are very involved and very detailed and throughout our term we asked a lot of questions of Assistant AG's Faulk, Michel-Claire Bottoms and Ben Ford.

Most of the cases we heard were very capably presented by Sgt. Sean Richmond and Officer William Fox. Cases were also presented by individual police officers and detectives, retail store security employees, airport security officers, TN Dept of Corrections Officers, DEA Officers and the TBI.

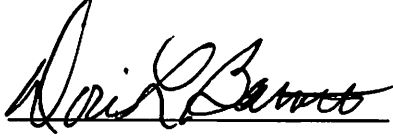
The Grand Jury would also like to recognize Lori Hooberry in the District Attorney's office. Lori oversees and coordinates the cases presented to the Grand Jury each day. This is a very big job and through her experience and skill she makes it possible for the Grand Jury to take up the large volume of cases presented each term. She is respected by everyone who touches the Grand Jury processes. She works with a new Grand Jury each quarter and she is very patient with and helpful to each one.

The Grand Jury would like to recognize and thank Holly Leach in Judge Fishburn's office for communicating with us throughout the term and her very hard work in arranging for Alternate Jurors to serve when Regular Jurors were away. This is no small task and through her effort we were able to remain fully functional. Holly also arranged our offsite visits to the Drug Court (DC 4) and the Juvenile Justice Center. We would also like to thank Court Officer Steve Hawkins for helping us with our offsite visits.

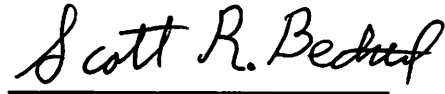
Steve Davis and the other Grand Jury members would like to especially thank Beverly A. McMillion for her very hard work every day in maintaining the official book in which the decisions of the Grand Jury are outlined and recorded. This Important role requires careful attention to detail and a lot of writing.

Respectfully submitted on March 29, 2019 by the Davidson County Grand Jury, January
– March term.

Doris L. Barnett



Scott R. Bechtel



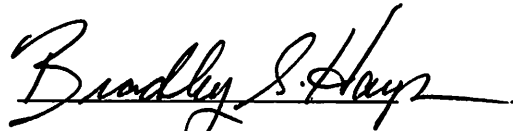
Robyn L. Fox



Tarcila M. Fox

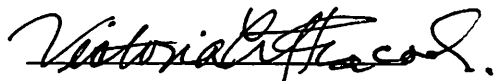


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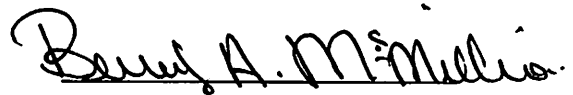


Steve Davis

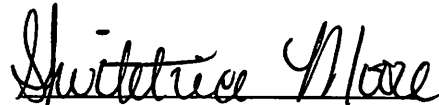


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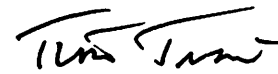


Beverly A. McMillion

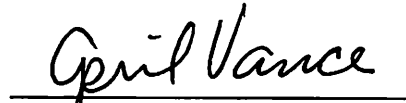


Shirletrice D. Moore

Timothy D. Travis



April R. Vance



Robert A. McCloud

Robert A. McCloud



Accessory (after the fact)
Accidental
Aggressor
Aggravated, Especially Aggravated
Alternate Theory
Assault, Aggravated Assault
Burglary, Aggravated burglary
CI Confidential Informant
CSL Community Supervision Life
Constructive possession
Consent (Implied)
Criminal Trespass
Dual Arrest
DUI, DUI per se
DV Domestic Violence
Evading /Resisting Arrest
Extortion
Exploitation (Financial) (Sexual)
Failure to give notice
Forensic Evidence
Forensic Interview
Forfeiture, Criminal proceeds
Forgery
Fraud
Homicide (degrees of)
Identity Theft (forms of)
Habitual Offender
Implied Consent
Intentional
Kidnapping/ False imprisonment
Knowingly
Legend Drug
Mutual combatant
Per se
Possession
Premeditation
Primary aggressor
Provocative conduct
Rape / Statutory Rape/ Statutory Rape, Authority figure
Reckless
Reckless endangerment
Recidivism
Residency (Temporary, permanent)
Robbery, Forceable Robbery
Solicitation
Solicitation, 1st degree murder
Theft (of property)
Trespass, Criminal
Unlawful Intent
Vandalism
Victim Assistance
License - Cancelled, revoked, suspended, expired