

Final Report of the Grand Jury

The Honorable Mark J. Fishburn, Judge

Criminal Court, Division VI

Davidson County, Tennessee

October - December 2020

Parker Toler, Foreperson

We, the members of the fall/winter term of the Grand Jury of Davidson County, submit this report in summary of our service and experience.

Each of the Grand Jurors in this session were seated and charged after receipt of a letter from the Court to report for jury duty and voluntarily agreeing to serve. This was the first grand jury selected from a pool of jurors after the onset of COVID-19, with the previous Grand Jury having been a group of jurors who had recently and/or previously served in that capacity.

On October 2, 2020, we were charged by Judge Mark S. Fishburn to "...bring to light for examination and punishment all violence, outrage, indecency, terror or anything that may occasion danger, disturbance or dismay to the citizens of this County." from October through December, 2020. It was a charge we took seriously and performed to the best of our abilities.

We first reported for duty on October 14, 2020 and our term ended on December 16, 2020. With the specter of COVID-19 ever present, we began our term hopeful that we would be able to complete the schedule put before us and worked diligently toward that end. We were able to deliberate with a quorum of 12 jurors and our foreperson on all but one day. By the end of our term, we had utilized almost 6 alternate jurors with several of the original 12 jurors not completing the term due to personal reasons and/or sickness. No jury member was diagnosed with COVID-19 during our term; however a couple of members were absent due to potential contact and quarantine.

As Grand Jurors, we were charged with determining whether probable cause existed in the cases brought by the State of Tennessee that are decided by the District Attorney's Office. We took our responsibilities seriously knowing that our determinations would impact not only the defendant(s) in those cases, but the entire Metro Nashville community.

During this term, the Grand Jury, in accordance with the Tennessee Rules of Criminal Procedure, heard and deliberated on 406 cases with 399 True Bills and 7 No True Bills. There was one original presentment involving a murder case and a True Bill was issued.

Regular Jurors

Parker Toler, Foreperson

Meagan Lopez, Secretary

Narvette J. Lane, Assistant Secretary

William Davis, Sergeant at Arms

Robert E. Hobart

Charles Smith

Julia Payne

Thomas Wesley

Christopher S. Finley

Demerice Harrison

Lori M. Ligon

Nicole S Mason

Mary Danish

Alternate Jurors

William H. Carver
Neil Chaffin
Amanda N. Frazier
Nichola D. Osborne
Charles F. Ross
Selena Ross Woessner
Jordan K. Shockley
Shannon A. Scott
Katie J Strickland
Jill F. Sullivan

Grand Jury service during the COVID-19 Pandemic

On March 13, 2020, Honorable Chief Justice Jeff Bivins, Chief Justice of the Supreme Court of the State of Tennessee declared a state of emergency for the judicial branch. The Tennessee Supreme Court issued an Order Suspending In-Person Court Proceedings until March 31, 2020 and throughout the year extended this deadline. Currently, the deadline is in place through January 31, 2021. The order disrupted the normal criminal court processes in Davidson County in various ways. However, as stated previously, this Grand Jury was newly empaneled for the first time since COVID-19 restrictions were in place.

To conform with the "Safer at Home" guidelines extended periodically throughout the year in Davidson County, our temperatures were taken daily upon arrival and before we allowed to enter the deliberation room. We were also required to wear masks, as were all the witnesses upon entering the room. We observed social distancing and were seated approximately six feet from each other. The deliberation room was cleaned and sanitized after our use and kept locked during times when we were not in session.

As previously noted by previous Grand Jury Reports, the acoustics were challenging. The room was set up with tables accommodating two jurors for distancing purposes and the tables were placed one behind the other in two sections with a center aisle, all facing forward. This did not allow for the best set up for deliberations as you would have to turn around to address other jurors. There was a microphone and speaker system (karaoke-style) set up in the room to help with the presenters; however, the HVAC system is loud in the room and at times it was still difficult to hear the presenters. This Grand Jury would join with previous Grand Juries in suggesting a better audio solution to address the acoustics of the Grand Jury room.

Site Visits & Guests

Aware of the COVID-19 pandemic and taking precautionary measures as indicated above, and since we were a newly empaneled jury, we were provided the opportunity hear presentations from the Attorney General's Office, Drug Task Force, DUI Unit, the Honorable Sheila D.J. Calloway, Juvenile Court Judge, Domestic Violence Unit, Our Kids, and Martesha Johnson, Public Defender

for Davidson County, Tennessee. However, due to COVID-19 restrictions, we were unable to take any field trips of any type.

This Grand Jury is grateful to Michaela Mathew, Team Leader & Assistant District Attorney (ADA), who spoke about Tennessee's criminal justice system and instructed us in the elements of the law we were to consider related to our charge to determine probable cause. During the course of the term, **ADA Michaela Mathews and ADA Michel Clare Bottoms** were helpful in assisting us with the knowledge about the legal system and state laws as they related to specific cases facing the Grand Jury in citing Tennessee statutes and assisting this jury on how it could apply to the case at hand.

Volume of Cases

Hundreds of cases are brought before the Grand Jury in a session. We as a group heard between 35 and 60 cases per day. It is a striking amount of information to take in over such a short period of time, especially when the facts of some cases are traumatic. As inexperienced jurors at the outset, it was a lot of information to process. Although the case load started out slower, there were many complex and involved cases. There was a significant push, especially toward the end of the session, to hear a staggering amount of cases within one voting session. We also had several regular jurors leave in the last two weeks when the case load was its heaviest. We had to utilize alternate jurors, most who had not been present for any previous presentments. However, all jurors, both regular and alternate, assisted in discussions and we would like to commend all the jurors for making sure that most objections and questions were relevant to the cases at hand and coming to fair decisions in each case.

We would agree with previous juries in suggesting that the case listings that we receive at the beginning of the day do a better job of breaking out specific charges relating to individual defendants. There were numerous times when multiple defendants were involved in a matter but not all the defendants were charged similarly in the case. This would be helpful in determining probable cause for each defendant.

The legal department did an initial presentation to the Grand Jury to assist in ensuring we understood what the responsibilities of a grand jury encompassed. This Grand Jury would suggest that included in that presentation would be a better overview of the criminal court judicial process. There were many jurors who shared various concerns for defendants who may have personal issues that directly impacted their criminal activity - mental health issues, among other things, and how the court handled those issues after presentment of True Bills and warrants issued for those defendants.

Presenters

The District Attorney's office has attempted to streamline the process so that individual officers and detectives can stay on the streets, keeping our city safe. However, even with COVID-19 ever present, it was extremely helpful on several occasions to have those officers present their cases so that we could ask pertinent questions and understand the charges being brought against a defendant. There were instances where a more complete presentation (audio visual aids,

photographs) would have been helpful in understanding the case rather than just have an officer read a report.

Sergeant Sam Tetterton, a Metropolitan Nashville Police Officer and liaison to the District Attorney's Office, presented the vast majority of the cases to this Grand Jury. Sgt. Tetterton was well-prepared, concise, and thorough in presenting the cases and willing to answer any and all questions. Sgt. Tetterton was honest and insightful about police work and his presentations factual and unbiased.

Domestic Violence

An incredible amount of the cases presented to this Grand Jury this session involved domestic violence cases. Whether the pandemic and stay at home orders have played any part in this is unclear. The Police, District Attorney and other agencies provide tremendous resources and personnel to combat these cases and help victims. The police are called and respond to every case and treat it seriously. The District Attorney's office has made the prosecution of these cases and support for these victims a priority and we applaud those efforts; however, there is still much to be done to ensure the safety of those vulnerable.

Sexual Abuse Cases

This Grand Jury heard an incredible amount of sexual abuse cases involving minors victimized by family members. It is a serious problem in this county and across the nation that needs to be addressed. The men and women of the Metropolitan Nashville Police Department who work these cases are to be whole-heartedly commended for their compassion and diligence in handling these matters.

Criminal Activity

This Grand Jury would note that there were a tremendous amount of cases involving gang-related activity and drug sales specific to hotels and specific areas in our community. This Grand Jury is unable to understand how corporate hotel entities or the city continue to allow this type of activity to continue in these areas. During our term there was a hotel shut down specifically due to this type of activity and more needs to be done to avoid the activity "moving down the street".

The Grand Jury sincerely appreciates the dedicated and professional manner in which police officers and detectives in the Metro-Davidson County Police Department investigate their cases. These officers share a concern for the victims and a frustration that many of the cases involve repeat offenders. We salute the incredible job performed every day by the dedicated men and women of the Metro Police Department who indeed risk their lives every day in an ever changing criminal environment.

We would also like to acknowledge Goodlettsville Police Department officers and detectives we heard from during the presentation of their cases. These officers are obviously dealing with an intensifying criminal element in that area of the county and are making a tremendous effort to stop the criminal activity. Their cases were well presented and thorough.

Final Thoughts

We found the experience of serving on the Grand Jury rewarding. It was a pleasure to serve with a group that was professional, courteous, and respectful of the health issues confronting us during this pandemic. We feel that we were studious and produced a fair outcome and served justice to the best of our abilities. We each fully understood the role of the Grand Jury and the gravity of our responsibility.

Appreciation for their Support

We would like to extend a sincere thank you to Judge Mark Fishburn and Judicial Assistant Holly Leach for allowing us this opportunity.

We are also extremely appreciative of Sgt. Sam Tetterton for his work with the Grand Jury. His firsthand knowledge of a police officer's "job" was immensely enlightening and helpful in our understanding of many of the cases.

The Assistant District Attorney's Office was helpful and answered our questions on the finer points of criminal law.

We are also very appreciative of Grand Jury Foreperson Parker Toler for providing the guidance and leadership needed for us to discharge our civic duty. Mr. Toler continually encouraged each Grand Juror to ask questions and made us all feel as though we had an equal voice. It was an honor and pleasure for us to serve with Parker Toler as Foreperson.

Parker Toler

W.D.

Thomas H. Wiley

Juan Lopez

Lori Negro

and I - the

Demetrius Harrison

Christopher J. Tilly

Mark D. J.

Meghan Lopez

Jill Sullivan

Veruthi Hal