

Final Report of the Grand Jury

The Honorable Steve R. Dozier, Judge

Criminal Court, Division I

Davidson County, Tennessee

January – March, 2021

Parker Toler, Foreperson

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

Due to the continuing disruption of COVID-19 on all aspects of the court system, the Grand Jurors in this session were comprised of jurors who had recently and/or previously served in that capacity under a previous appointment.

On February 10, 2021, we were charged by Judge Steve R. Dozier to "...keep focus as to whether or not a criminal offense has been committed in this jurisdiction, and whether or not a prima facie case has been made out against the accused.", from February through March, 2021. (Although the term is designated to run from January through March, the term was shortened and the Grand Jury met from mid-February through March 25, 2021). It was a charge we took seriously and performed to the best of our abilities.

We first reported for duty on February 11, 2021 and our term ended on March 25, 2021. 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 days in session (we were out two days due to the winter weather). By the end of our term, we had utilized several alternate jurors with a couple of the original 12 jurors not completing the term due to personal reasons and/or sickness. During our last week, we were notified that a jury member who had deliberated the previous week had been diagnosed with COVID-19. Mr. Toler, Foreperson, was notified that the Metropolitan Public Health Department had been consulted about any potential exposure to the other jury members and it was determined that with continued applied social distancing and mask use (even for presenters) that the Grand Jury could proceed with deliberations. Additionally, as an appreciation to those serving members of the Grand Jury, Judge Dozier's office was able to accommodate any jury member wishing to receive a COVID-19 vaccination through Metro's vaccination program at the Music City Center.

As Grand Jurors, we were charged with determining whether probable cause existed in the cases brought by the State of Tennessee that are presented 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.

Because all members of the jury had previously served and due to the shortened term, this Grand Jury heard on average approximately 60 to 65 cases per day. In accordance with the Tennessee Rules of Criminal Procedure, this jury heard and deliberated on 547 cases with 542 True Bills and 5 No True Bills.

During this term, there was one original presentment involving the conduct of several police officers during the pursuit and subsequent killing of a suspected individual in the shooting of an off-duty Metropolitan Nashville police officer. This case was presented to the Grand Jury by a member of the Tennessee Bureau of Investigation and upon consideration of the case presented, the Grand Jury determined that "no one should be prosecuted".

Regular Jurors

Parker Toler, Foreperson
Hailey White, Secretary
Nicole S. Mason, Assistant Secretary
Megan Street, Sergeant-at-Arms
Mary Danish
Regina Fleming
Penny Gabbert
Judy Gifford
Demerice Harrison
B.J. Matlock
Julia Payne
James Roberson
Kathleen Sorley
Annie Wilson

Alternate Jurors

Javier Castano
Hobert Suggs

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 several Orders Suspending In-Person Court Proceedings throughout the year which extended this deadline through 2021. The deadline remains in place through March 31, 2021 upon which time it will be lifted. These orders disrupted the normal criminal court processes in Davidson County in various ways.

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 were 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 if the challenges of COVID-19 were not enough, the City of Nashville was the target of a bombing on Christmas Day. The Downtown area where the District Attorney's office is located, on 2nd Avenue, was affected by this bombing as it stands one block north of the blast zone. The building which houses the Grand Jury deliberation room sustained physical/cosmetic damage both inside and outside. Repairs are ongoing; however, the building was determined to be safe and by mid-February, the Grand Jury was able to proceed.

During the proceedings, the acoustics in the room 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

Due to the continuing/ongoing COVID-19 pandemic and taking precautionary measures as indicated above, we did not take any field trips of any type. Some of the grand jurors who had previously served had had the ability to tour Metro various sites.

This Grand Jury is grateful to Michaela Mathews, Team Leader & Assistant District Attorney (ADA), who spoke about Tennessee's criminal justice system and instructed us in the elements of the law when we had any questions related to 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 approximately 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. There was a significant push to handle the backlog of cases due to both COVID and a delay in the term starting and it was a staggering amount of cases within one voting session. 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 sheet of case listings that we receive at the beginning of the day have better organization in terms of breaking out the 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.

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 several instances where a presentation including audio visual aids, photographs was helpful in understanding the case and we would encourage more of those types of presentations.

Sgt. Sam Tetterton, a Metropolitan Nashville Police Officer and liaison to the District Attorney's Office, previously presented the vast majority of the cases to the Grand Jury. Sgt. Tetterton received a promotion and was assigned to a precinct. Our current term began with Sgt. Nate Ellsworth handling the cases presented to the jury. Sgt. Ellsworth let us know that a new liaison (Sgt. Tetterton's replacement) was stepping in. Sgt. Mike Fisher, former Community Affairs Coordinator became the new liaison for the District Attorney's office. Sgt. Fisher came well-prepared, was concise and expedient in his presentations, thorough with his information on the cases and willing to answer any and all questions. Sgt. Fisher is honest and insightful about police work and his presentations appeared 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.

This Grand Jury had several questions involving the charge of strangulation involving domestic cases. We would suggest that there appears to be a disconnect sometimes between summaries of cases/incidents occurring and charges being levied. Specifically, in connection with domestic cases, victims report being choked or strangled, yet in some of those cases, specific charges for strangulation do not appear in the indictment. Our understanding is that if a victim reports being choked/strangled, regardless of losing consciousness, that the charge of strangulation is appropriate.

The Grand Jury also became aware of a case involving elder abuse that was both troubling and enlightening. The Metropolitan Nashville Police Department is creating a task force to work together with Adult Protective Services to handle elder abuse cases in the county which is a serious issue. We applaud these efforts and encourage the District Attorney's office to work to prosecute these matters to the fullest extent possible.

Sexual Abuse Cases

This Grand Jury continued to hear 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/DUIs

This Grand Jury also dealt with a tremendous amount of cases involving gun activity and drug sales. Many of these cases also involved intimidation and shootings and the vast majority of the cases where a gun was involved included persons who were felons that should not have been in

possession of the weapon. Additionally, we continued to see repeat DUI offenders and individuals with multiple criminal offenses calling into question the severity of some of the charges – how many offenses can a person commit (one individual with 13 convictions) before a longer sentence is considered/imposed to keep these individuals off the street for public safety.

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.

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 Steve Dozier and Judicial Assistant Wendy Skidmore for allowing us this opportunity. We are incredibly appreciative of the effort made to show appreciation to the jurors during the pandemic, including COVID-19 vaccinations and lunch provided for the extended days of deliberation. Our only request would be to include bottles of water in the deliberation area to assist the jurors and presenters.

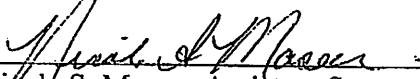
We are also extremely appreciative of Sgt. Mike Fisher for his new undertaking of working with the Grand Jury. His firsthand knowledge of a police officer's "job" was immensely enlightening and helpful in our understanding of many of the cases.


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

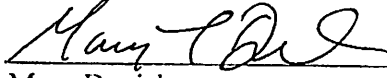
We are also very appreciative of Grand Jury Foreperson Parker Toler for providing the guidance and leadership needed for us to discharge our civic duty. Mr. Toler continually encouraged each Grand Juror to ask questions and made us all feel as though we had an equal voice. It was an honor and pleasure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


Parker Toler, Foreperson

Hailey White, Secretary

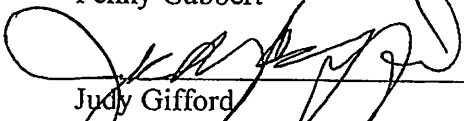

Nicole S. Mason, Assistant Secretary

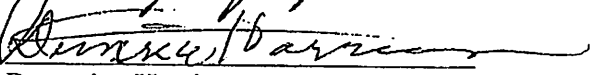

Megan Street, Sergeant-at-Arms

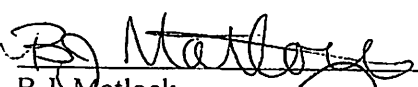

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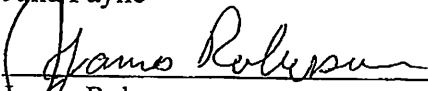

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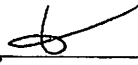

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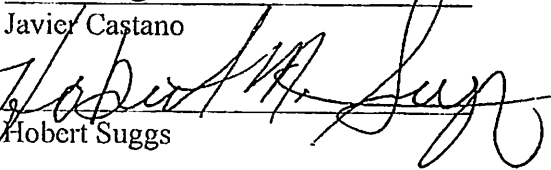

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