

Final Report of the Grand Jury

The Honorable Jennifer L. Smith, Judge

Criminal Court, Division IV

Davidson County, Tennessee

October-December, 2021

Parker Toler, Foreperson

We, the members of the Grand Jury of Davidson County, fall/winter term, October through December of 2021, submit this report in summary of our service and experience.

Each of the Grand Jurors in this session were seated and charged after the receipt of jury summons for the date of September 27, 2021. The pool of potential jurors was first greeted by a court officer, who informed us that Judge Jennifer L. Smith would speak to the pool concerning the seating of the Grand Jury for the fall/winter term of 2021. After hearing a very brief synopsis of the difference in the responsibilities of a trial juror vs. the responsibilities of a Grand Juror, 28 persons voluntarily agreed to serve in the capacity of a Grand Juror, and we left the pool of potential trial jurors to enter Judge Smith's chambers to learn our charges, and to be sworn in.

In Judge Smith's chambers, we were given a written copy of our charge as to the law applicable to the Grand Jury, as required by statute. Judge Smith also addressed us at length concerning the sacredness of our oath, and the sacredness of our duties as duly sworn Grand Jurors, whether serving as regular or alternate Jurors.

Perhaps the most important charge with which we were presented, and especially pertaining to this Grand Jury, follows:

"The Grand Jury is not a trial jury and it is not your duty to undertake the trial of cases".

Additionally, on September 27, 2021, Judge Jennifer L. Smith charged this Grand Jury to deliberate and determine two things: "First, whether or not a criminal offense has been committed; and second, whether the person or persons accused of the crime are probably guilty of that offense".

As Grand Jurors, we approached our charges of determining the existence of probable cause in cases brought by the Davidson County District Attorney's Office with great consideration, deliberation, and seriousness. We were cognizant and mindful at all times of the importance of the responsibilities before us, and our deliberations reflected our commitment to this sacred civic duty.

Regular Jurors

Parker Toler, Foreperson

Benjamin Palazzolo, Secretary

Megan Yuchnitz, Secretary

Ronesha Williams, Sergeant at Arms

Annie Dalton

Elmer Emigh

Kerrin Gerson

Robert Hayes

Lindsay Helms-Forbes

Jessica Hewett

Brent Humphreys

Lindsey Kromer

Frances McLemore

Bianca Phillips

Derek Wolfe

Alternate Jurors

Anthony Douglas

Nikayla Haynes

Kristine Henson

Gregory Hill

Undretta Hunt

Denny Luong

Aubrey Menich

Elena Rollins

Mary Smythe

Antonio Terrell

Kohl Williams

Mamie Williams

Marlena Wilson

Commencement of Grand Jury Service

We first began our duties on October 13, 2021, and continuing Wednesday and Thursday mornings weekly through December 9, 2021. Grand Jury members, both regular and alternate jurors, were in contact with Dana George, Judicial Assistant, Criminal Court-Division IV. Her helpful assistance was immeasurable concerning any issue relating to the functioning of Grand Jury, such as parking, absences, etc. This Grand Jury is grateful to Dana George for preparing us for our first day of service and beyond.

On our first day, Assistant District Attorney Michaela Mathews gave a general presentation to our panel, the seventh seated Grand Jury since the onset and continuation of the Covid-19 pandemic. While many pandemic restrictions have eased, this Grand Jury did wear face masks throughout our term. We also learned that this jury would not be making any site visits during our term, due to ongoing Covid-19 concerns.

This jury is especially grateful to Michaela Mathews, Team Leader and ADA, who was from day one available to this jury for questions and guidance in direct accordance with this jury's charge in determining probable cause in the cases to be presented before us. Assistant District Attorney Mathews also spoke in depth to this jury about Tennessee's criminal justice system, and elements of the law and legal systems as they related to specific cases this Grand Jury would hear.

Volume and Type of Cases

Each day, this Grand Jury was presented with a case list. This jury heard on average 45-50 cases per day. The case list contained the Defendant(s) name, the charge, and the witness who would be presenting the case to this Grand Jury. The organization and presentation of the case list was excellent. Our secretary and foreperson, Mr. Parker Toler, could easily coordinate cases with presenters and relay this information to jurors. The case list was helpful in assisting jurors in pertinent questions concerning charges to defendants, and all other questions and discussions leading to fruitful dialogue in the work of the Grand Jury.

In total, this Grand Jury heard 428 cases. In equal measure, throughout the length of our term, the Grand Jury utilized the work of both regular and alternate jurors. This Grand Jury would like to commend all jurors in their steadfast commitment to our civic duty in serving the citizens of Davidson County in this capacity.

DUI cases

This Grand Jury heard a large number of DUI cases. Sadly, many of the cases we heard involved second, third and even fourth DUI offenses. Even more distressing is the number of cases where defendants were driving under the influence of narcotics that contained fentanyl. The DUI cases brought to very bright light the opioid epidemic and the record number of overdoses and deaths we are experiencing in Davidson County over just the past few months. We also heard a number of DUI cases with more serious charges, such as vehicular homicide.

This Grand Jury is especially grateful to Elaine Heard, Assistant District Attorney, and Traffic Unit Team Lead for her presentation to us concerning various resources available to offenders for addiction problems, as well as information concerning how decisions are made concerning charges filed against defendants in DUI cases, particularly second and third offenses, or where fatality, injury, or property damage has occurred.

Domestic Violence Cases

A majority of cases this Grand Jury heard contained a charge of, or involved, domestic violence in some form. Additionally, a majority domestic violence cases this Grand Jury was presented involved prior relevant domestic violence charges, and defendants charged with illegally possessing a firearm, usually due to prior felony domestic violence or drug charges.

This Grand Jury is especially grateful to Detective Casey Tomes, Metropolitan Nashville Police Department, Domestic Violence Unit, for speaking to this Grand Jury about the prevalence of domestic violence incidents and calls in our city, and in explaining protocols in domestic violence calls, the manner in which domestic calls are investigated, and the dedication of the police department and the District Attorney's office in support and protection of victims of domestic violence.

Child Sexual Abuse Cases

This Grand Jury heard several child sexual abuse cases, ranging from stranger contact, family member contact, and the possession of and the distribution of child pornography. The detectives who presented these cases to this Grand Jury were compassionate, straightforward, thorough, confident in their work, and aware of the delicate nature of their work. This Grand Jury sincerely appreciates the dedicated, professional, and empathetic manner in which these units, especially, conduct their work in protecting the welfare of children.

Criminal Activity/Felon in Possession of a Firearm

The possession with intent to sell large amounts of narcotics, theft of vehicle, aggravated assault and burglary, and reckless endangerment with a deadly weapon are also cases that we heard each day we served. This Grand Jury would like to emphasize how struck we were with the number of cases involving charges of “felon in the unlawful possession of a firearm”.

This Grand Jury believes the volume of these charges speaks to the tremendous number of guns on the streets of Davidson County. This Grand Jury believes the volume of these charges reflects the tremendous number of stolen guns on the streets of Davidson County. Time and again, the witnesses who spoke to us, Detectives, Sergeants, and Officers, relayed their concerns and experiences with the volume of guns in Davidson County, and how the number of guns in the hands of those who are legally forbidden to possess them, make it more difficult for police to serve and protect, therefore making all of us less safe.

Other Presenters and Witnesses, and in Appreciation for their Support

This Grand Jury deeply and sincerely appreciates the hard work and commitment of the Metropolitan Nashville Police Department, and certainly in their presentation of cases to this Jury. In several instances, witnesses provided slides, packets, and video for the Jury to examine, and in each of these instances, this Jury found these documents to be profoundly useful in determining probable cause. This Jury also heard witnesses and representatives from the Goodlettsville Police Department, the Tennessee Bureau of Investigation, and Tennessee State Highway Patrol, and we are grateful for their work and service.

This Grand Jury heard from several civilians, usually eyewitnesses to the case before us, and usually persons who were working at an establishment where a crime occurred. This Grand Jury is grateful to these citizens for fulfilling their civic duties in testifying before this Grand Jury.

This Grand Jury would like to thank Detective Nate Ellsworth of the Metropolitan Nashville Police Department, for his presentations, especially in child sexual abuse cases, and for his patience and thoroughness in answering questions from this Grand Jury.

This Grand Jury would like to extend tremendous thanks to Sergeant Mike Fisher of the Metropolitan Nashville Police Department, in liaison with the Davidson County District Attorney’s office. Sergeant Fisher presented a vast majority of cases to this Grand Jury. His invaluable work in reviewing cases and presenting them to the Grand Jury in a streamlined, professional, informing, and experienced manner keeps police officers on our streets, and enhances and empowers the work of the Grand Jury.


Final Thoughts


This Grand Jury came away from this experience more determined than ever to promote the spirit of civic duty, pride, and service, and to uphold our commitment and voice for growth, justice and protection of Nashville and Davidson County, Tennessee. We found the experience of serving on the Grand Jury to be tremendously rewarding. This Jury worked together in studiousness, inquisitiveness, and cognizance of the responsibilities before us.

We would like to extend a sincere thank you to Judge Jennifer Smith and Judicial Assistant Dana George for allowing us this awesome opportunity. Each one of us have stated our desire to serve again!

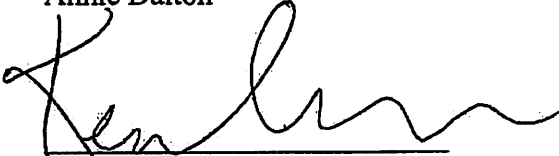
Finally, Grand Jury Foreperson Parker Toler led us valiantly, patiently, and faithfully through this process, with great humor, professionalism, and care. Mr. Toler was the consummate leader, continuously providing support and encouragement in asking questions and ensuring each person was heard. This Grand Jury could not have been more honored to serve under Judge Jennifer Smith, and to have as our Foreperson, Mr. Parker Toler.

Grand Jury Panel Members

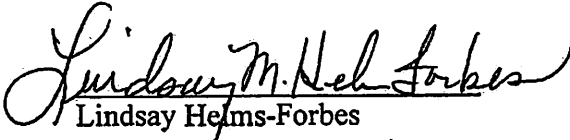

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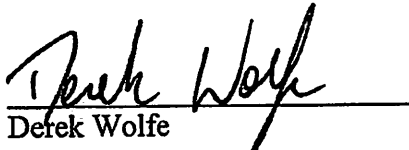

Lindsey Kromer

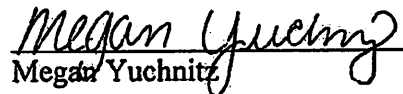

Frances McLemore

Benjamin Palazzolo

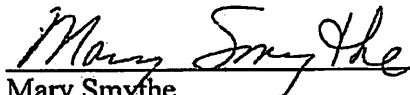
Bianca Phillips

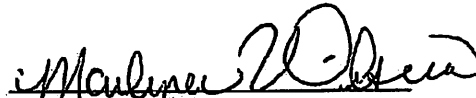

Ronesha Williams



Derek Wolfe

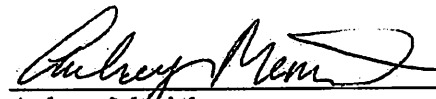

Megan Yuchnitz

Grand Jury Panel Members


Mary Smythe


Marlena Wilson


Denny ~~Luong~~ Luong


Aubrey Menich