



Grand Jury of Cole County, Missouri July-December 2009 Term

About the Grand Jury

The grand jury, as an instrument of justice, serves an important role in the American judicial system at both the federal and state levels of government. At the federal level, its importance cannot be understated: the federal government, through its prosecutors, must present any serious criminal case to the grand jury and is barred by the United States Constitution from proceeding with prosecuting that case unless it first secures an indictment from the grand jury. An indictment formally announces that the grand jury has charged a particular person with a particular crime, for the grand jury has probable cause to believe that the person committed the crime.

An institution influenced by Athens and pre-Norman England, the founding fathers of the United States accepted the grand jury as a basic guarantee of individual liberty – it functions as a barrier to reckless or unfounded charges against individuals, protecting against capriciousness, arbitrariness, and oppression. The grand jury ensures that serious criminal accusations will be brought only upon the considered judgment of a representative body of citizens acting under oath and under judicial instruction and guidance.

Cole County is one of the few counties in the state of Missouri to use the grand jury, and it has done so for most of the last 25 years. Cole County's grand jurors actually only hear a small number of the cases that are handled by the Cole County Prosecuting Attorney's Office. The grand jury's purpose in Cole County is essentially the same as the federal grand jury: the Cole County Prosecuting Attorney generally presents serious felony cases to the grand jury for their consideration. When the prosecutor presents his case, the grand jurors listen to the testimony and consider evidence like a judge would during a preliminary hearing in associate circuit court, even though the grand jurors are not as bound by the rules of evidence and procedure as the court is. The grand jury, like the court, is impartial and pledges not to implicate some because of prejudice or free others because of special favor. Grand juries operate in secret, under the direction – but not control – of a prosecutor. If the Cole County grand jurors find from the testimony heard and evidence presented that it is probable a crime has been committed and a particular person has committed that crime, they will issue an indictment against that person, which will command their presence in Cole County Circuit Court.

Report of the July-December 2009 Term

The Grand Jury of Cole County, Missouri, concluded its July-December 2009 Term at the end of December and returned 178 indictments against defendants and seven No True Bills, meaning that no indictments were issued in those seven instances. Over 230 persons appeared before the grand jury, either under subpoena or on a voluntary basis, to testify and answer questions asked by the grand jurors.

Indictments were issued for the following types of offenses:

Homicides: 7 counts for which indictments were issued. Defendants were indicted for murder in the first degree and murder in the second degree.

Offenses against the person: 23 counts for which indictments were issued. Defendants were indicted for assault in the first degree, assault in the second degree, domestic assault in the second degree, domestic assault in the third degree, assault of law enforcement officers, assault of corrections officers, endangering corrections employees, committing violence on a corrections employee, felonious restraint.

Offenses against the family: 4 counts for which indictments were issued, all for endangering the welfare of a child.

Sexual offenses: 8 counts for which indictments were issued. Defendants were indicted for statutory rape in the first degree, statutory rape in the second degree, statutory sodomy in the first degree, statutory sodomy in the second degree, and sexual misconduct.

Offenses related to controlled substances: 122 counts for which indictments were issued. Defendants were indicted for possession of a controlled substance; possession of a controlled substance with intent to distribute; manufacture or production of a controlled substance; distribution, delivery, or sale of a controlled substance; sale of a controlled substance near schools; sale of a controlled substance near government housing; possession of an imitation controlled substance with intent to deliver to others; sale of an imitation controlled substance; and possession of drug paraphernalia.

Stealing and related offenses: 36 counts for which indictments were issued. Defendants were indicted for stealing, forgery, receiving stolen property, fraudulent use of a credit device, and passing bad checks.

Related property offenses: 32 counts for which indictments were issued. Defendants were indicted for robbery in the first degree, burglary in the first degree, property damage in the first degree, robbery in the second degree, burglary in the second degree, attempted robbery in the first degree, and possession of burglar's tools.

Offenses affecting public safety: 19 counts for which indictments were issued. Defendants were indicted for unlawful use of a weapon, possession of concealed firearm by a felon, driving while intoxicated, driving while intoxicated (aggravated offender), and driving while intoxicated (chronic offender).

Offenses against the administration of justice: 12 counts for which indictments were arrested. Offenses include attempted escape from confinement, resisting arrest, hindering prosecution, witness tampering, and tampering with physical evidence.

Miscellaneous offenses: 21 counts for which indictments were issued. Defendants were indicted for armed criminal action, driving while revoked, and violation of an ex parte order.

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