



## **Grand Jury of Cole County, Missouri** January-June 2010 Term

### **About the Grand Jury**

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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 12 grand jurors listen to the testimony, ask questions, 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 nine (9) of the 12 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 January-June 2010 Term**

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The Grand Jury of Cole County, Missouri, concluded its January-June 2010 Term at the end of June and returned 219 indictments (known as True Bills) against defendants and six (6) No True Bills, meaning that no indictments were issued in those six instances. Approximately 280 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:

**Offenses against the person: 29 counts for which indictments were issued.**

Defendants were indicted for assault in the first degree, assault in the second degree, assault in the third degree, domestic assault in the first degree, domestic assault in the second degree, domestic assault in the third degree, assault of a law enforcement officer, committing violence on a corrections employee, assault on school property, and kidnapping.

**Offenses against the family: 8 counts for which indictments were issued.**

Defendants were indicted for abuse of a child and endangering the welfare of a child.

**Sexual offenses: 13 counts for which indictments were issued.** Defendants were indicted for forcible rape, forcible sodomy, child molestation in the first degree, statutory rape in the first degree, statutory sodomy in the first degree, statutory sodomy in the second degree, incest, and sexual misconduct.

**Offenses related to controlled substances: 166 counts for which indictments were issued.** Defendants were indicted for possession of a controlled substance; possession of a controlled substance with intent to distribute; distribution, delivery, or sale of a controlled substance; trafficking drugs; sale of a controlled substance near a school; sale of a controlled substance near a park; sale of a controlled substance near government housing; sale of an imitation controlled substance; possession of a methamphetamine precursor; possession of a methamphetamine precursor with the intent to manufacture; attempt to manufacture a controlled substance; maintaining a public nuisance where controlled substances are used, stored, or sold; and possession of drug paraphernalia.

**Stealing and related offenses: 21 counts for which indictments were issued.**

Defendants were indicted for stealing, forgery, receiving stolen property, and fraudulent use of a credit device.

**Related property offenses: 36 counts for which indictments were issued.**

Defendants were indicted for robbery in the first degree, robbery in the second degree, attempted robbery in the first degree, attempted robbery in the second degree, burglary in the first degree, burglary in the second degree, tampering in the first degree, property damage in the first degree, property damage in the second degree, arson in the second degree, and knowingly burning.

**Offenses affecting public safety: 24 counts for which indictments were issued.**

Defendants were indicted for leaving the scene of a shooting, leaving the scene of a motor vehicle accident, driving while intoxicated, driving while intoxicated (aggravated offender), failure to comply with court order of using an ignition interlock device, and tampering with court-ordered ignition interlock device.

**Offenses against the administration of justice: 6 counts for which indictments were issued.** Defendants were indicted for hindering prosecution, resisting arrest, and making a false report.

**Taxation and revenue related offenses: 8 counts for which indictments were issued.** Defendants were indicted for failing to pay withholding tax and failing to pay sales tax.

**Pornography and related offenses: 1 count for which an indictment was issued.** Defendant was indicted for possession of child pornography.

**Weapons offenses: 8 counts for which indictments were issued.** Defendants were indicted for armed criminal action, unlawful use of a weapon, and unlawful possession of a firearm.

**Traffic-related offenses: 12 counts for which indictments were issued.** Defendants were indicted for driving while revoked, careless and imprudent driving, and speeding.

**Other offenses: 2 counts for which indictments were issued.** Defendants were indicted for abandonment of a corpse.

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