



Grand Jury of Cole County, Missouri January-June 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 January-June 2009 Term

The Grand Jury of Cole County, Missouri, concluded its January-June 2009 Term at the end of June and returned 166 indictments against defendants and two No True Bills, meaning that no indictments were issued in those two instances. Over 200 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: 1 count for which an indictment was issued, for murder in the first degree. Other homicide offenses include murder committed during the commission of a felony, murder in the second degree, voluntary manslaughter, and involuntary manslaughter.

Offenses against the person: 21 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 emergency personnel, and invasion of privacy.

Offenses against the family: 2 counts for which indictments were issued, both for abuse of a child.

Sexual offenses: 10 counts for which indictments were issued. Defendants were indicted for sexual assault, statutory rape in the first degree, statutory rape in the second degree, child molestation in the first degree, statutory sodomy in the first degree, failure to register as a sex offender, and possession of child pornography.

Offenses related to controlled substances: 104 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 government housing; fraudulent attempt to obtain a controlled substance; attempt to manufacture or produce a 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 failure to return rental property.

Related property offenses: 52 counts for which indictments were issued. Defendants were indicted for robbery in the first degree, burglary in the first degree, tampering in the first degree, property damage in the first degree, burglary in the second degree, attempted burglary in the first degree, attempted burglary in the second degree, and attempted tampering.

Offenses affecting public safety: 15 offenses for which indictments were issued. Defendants were indicted for unlawful use of a weapon, unlawful possession of a weapon, unlawful possession of a firearm, unlawful possession of a concealed firearm, possession of concealed firearm by a felon, driving while intoxicated, felony driving while intoxicated (third-plus offense), leaving the scene of a motor vehicle accident.

Miscellaneous offenses: 14 counts for which indictments were issued. Defendants were indicted for armed criminal action, driving while revoked, and violation of an ex parte order.

Offenses against the administration of justice: 15 offenses for which indictments were arrested. Offenses include resisting arrest, hindering prosecution, and interfering with arrest.

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