

**Grand Jury Final Report**

**October 2008 Term**

**Submitted to the  
Honorable Mark J. Fishburn  
Criminal Court Division IV**

**Davidson County, Tennessee**

**December 18, 2008**

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## OBSERVATIONS AND COMMENTS

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### PRESENTATIONS

The following persons made presentations to the jurors in order for them to better understand the nature of the cases that would come before them.

#### District Attorney General Victor “Torry” Johnson III

On the first day that the jurors convened, District Attorney General Victor “Torry” Johnson III gave a detailed presentation on what Grand Jury service entails. He started his talk by saying that it was the responsibility of the jurors to make their employers understand the commitment that would be required of them by serving on the Grand Jury, and that it was imperative that the jurors arrive before 8:30 a.m. in order that the docket could proceed in a timely manner. District Attorney Johnson gave the jurors an overview of Tennessee criminal procedure, explaining that the Grand Jury looks primarily at felony cases, with its primary focus deciding if there is adequate probable cause for a case to proceed to criminal court. He stated that there were 80,000 to 85,000 arrest warrants issued in Davidson County in 2007 and around 65,000 to 70,000 are misdemeanors handled in General Sessions Court.

#### Captain Rita Baker – MNPD/Domestic Violence Division

Captain Rita Baker, Commander of Metro Nashville Police Department’s Domestic Violence division, informed the Grand Jury that Tennessee’s domestic violence law is broad in that it encompasses a wide range of relationships; including boyfriend/girlfriend, roommates, past romantic relationships or parties related by blood or marriage. She explained that 20% of all emergency room visits are due to domestic violence. Captain Baker also showed the jurors pictures of injuries caused by domestic violence which helped them understand the difference between “primary” aggression and “dominant” aggression as it relates to domestic violence cases. She left information with the jurors on the services available from the Division.

#### Captain Todd Henry and Officer Mitch Fuhrer – Special Operations Investigation Section

Captain Henry and Officer Fuhrer gave the jurors a presentation on drug and gang issues throughout Metro Nashville. Some of the facts regarding gangs and drugs in Nashville; include:

- Methamphetamine, or “meth”, use is a greater problem in East and West Tennessee than in Nashville, whereas “crack” cocaine has a greater hold in Nashville;

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## Acknowledgements and Overview

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We, the Davidson County Grand Jurors for the October 2008 Term, submit the following report as a summary of our service. We would first like to thank our Foreman, Richard Hillenbrand, for guiding us through the judicial process. He explained the legal issues behind the facts presented, respectfully answered all of our questions and trusted our decisions when we felt certain cases needed further review. Next, we would like to thank District Attorney General Victor “Torry” Johnson III and his staff: Mary Houseman, Rodney Faulk, John Henry; as well as Sonja Newbell and Lori Hooberry, who prepared the daily dockets and witnesses. In addition, thanks to Holly Leach in Judge Fishburn’s office who facilitated communication between the members and the foreman to make sure all deliberations were fully staffed, ensure that the jurors received their paychecks and had all necessary supplies.

### **PURPOSE AND AUTHORITY OF THE GRAND JURY**

The authority of the Grand Jury is found in the *Tennessee Rules of Criminal Procedure* 6(d)(e)(1)-(7), which charges it to:

inquire into, consider, and act upon all criminal cases submitted to it by the district attorney general;

inquire into any report of a criminal offense brought to its attention by a member of the grand jury;

inquire into the condition and management of prisons and other county buildings and institutions within the county;

inquire into the condition of the county treasury;

inquire into the correctness and sufficiency of the bonds of county officers;

inquire into any abuse of office by state or local officers; and,

report the results of its actions to the court.

On September 15, 2008, Judge Mark J. Fishburn impaneled a group of 12 regular jurors and 12 alternates for the October 2008 Term to meet three days per week. The first cases were heard on October 6<sup>th</sup>, and to date the Grand Jury has heard and deliberated 1,054 cases; returning 954 true bills, 19 no true bills, 78 sealed true bills and 3 sealed no true bills.

