

Some grand jurors question votes on sheriff's indictment

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By EMILY HEFFTER
Staff Writer

WOODBURY, Tenn. — Two members of the grand jury that voted in April to indict the Cannon County sheriff say that they did not intend to vote that way on all the charges and that the grand jury investigation of Sheriff Charley Brandon should be redone.

The 42 criminal counts in Cannon County include allegations that Brandon had sex with a female inmate and then coerced her into not telling the Tennessee Bureau of Investigation she had had sex with him.

Juror Jan Powell told *The Tennessean* last night that she didn't realize she had voted in favor of one of the charges, which she thought had been removed.

Another juror, Deborah Clark, said in an interview that the charges were oddly grouped, which caused the voting to be confusing and unfair.

Brandon's attorney, Jack Lowery, filed a motion two weeks ago asking the judge to consider the indictment's validity and citing an anonymous juror's comments, including that the foreman didn't take individual votes on any of the charges.

In all, Lowery said, four jurors have come forward with questions.

If the judge "conducts an examination and he determines that there were some irregularities ... I think that he should declare that indictment null and void," Lowery said last night.

Nashville lawyer David Raybin, who is not involved in the case, said the judge is not likely to overturn the indictment.

"Generally speaking, a grand juror ... cannot impeach their verdict," he said. "They cannot later claim that they did not mean to vote for an indictment."

That limitation is to keep people from being subjected to pressure after the jury votes, Raybin said.

"Everything was done aboveboard and as it should have been," grand jury foreman Andy Bryson said last night. "Other than that, I don't have anything to say."

By voting to indict Brandon, the grand jury agreed that criminal charges should be brought and that there was enough evidence for Brandon to be tried on criminal charges.

Powell said she didn't realize what the jury had agreed to until she read it in the newspaper the next day.

But Powell admits she answered yes when the foreman announced the jurors' unanimous decision and the judge asked the jury: "Are these your findings?"

"It's true," she said. "But I'm going to just say I was confused. The way they done it, it was a mess."

At one point, Powell said, the foreman asked the jury to vote on a rape charge. Powell said she raised her hand to say, "I ain't voting rape." Then, she said, the foreman replied: "You already did."

Clark said she was uncomfortable with how the votes were grouped and felt rushed at times. "On some of them, I didn't want to vote 'true.' On a couple of them, I kind of felt pressured, so I did."

Grand jurors vote to return either "true bills" — which are indictments — or "no bills."

The names of the grand jury, which operates in secret during its session, become public after the session ends.

Six of the 12 grand jury members in Brandon's case were contacted by telephone last night. One of them, Lester Duggin, declined to comment, his wife said. The six others could not be reached by telephone.

Both Clark and Powell say they are not the unidentified woman mentioned in the court documents as the third juror who questioned the validity of the indictment. Both women said they contacted Lowery and gave him their names.

The juror cited in the documents called Lowery from a pay phone May 9. Among other claims, she said one man on the grand jury never voted at all, according to the motion Lowery filed in court.

Juror Michele Peterson, who served as the grand jury's secretary, said some jurors weren't paying attention during the trial. She said all the votes were conducted fairly by the foreman, who asked for all in favor, then all opposed.

Scott Hayes, another juror, agreed that the voting was fair and unanimous. He said the people now coming forward were "probably good friends with the sheriff and trying to make it look good."

Powell said she knew who the sheriff was but said they were not close enough to pal around together.

"He ain't nobody I'd go out and have dinner with."

Clark said her children attend school with the sheriff's children. "I didn't sit on the grand jury because he was a friend of mine and I thought I could get him off. ... I thought it was my duty to sit on" the panel, Clark said.

"It was handled properly in there," said Grady Parker, a juror. "Everybody voted."

Brandon also was indicted in January in Rutherford County on charges of rape and sexual impropriety with a former female Cannon County jail inmate. The first-term sheriff pleaded not guilty to those charges April 16.