

Unaccountable DAs Leave 'Potential for Abuse' 1.08.08

A NewsChannel 5 investigation first revealed how a local district attorney blocked the arrest of a murder suspect.

Police had reopened their investigation into the death of Joni Nolan, and a judge agreed they did now have probable cause to arrest her husband.

But, it turns out, Tennessee's DAs are answerable to almost no one.

"Every time something comes up, we get our hopes up that the right people will do the right thing, but they have not done the right thing," Joni's mother, Myra Bell, tells NewsChannel 5's chief investigative reporter Phil Williams.

For the family of Joni Bell Nolan, justice has been elusive ever since her beating death in 1995.

They won a civil lawsuit accusing her husband, Ricky Nolan, of killing her.

And after police recently reopened the case, investigators convinced a judge that there was probable cause to arrest him for her murder.

Yet, Coffee County DA Mickey Layne refuses to prosecute Nolan.

"The very reason he's not in prison today is one character -- and he's the DA -- because you know what he can do as he pleases," says Joni's father, John Bell.

And there's another case just like.

After 15-month-old Jeffrey Kelton Skaggs died of a severe skull fracture in 1999, state medical examiner Bruce Levy wanted to exhume the child's body for a second autopsy, as did the Tennessee Bureau of Investigation.

"We had injuries that didn't match the story," Levy said.

But the DA, Mike Bottoms, wouldn't authorize it.

"General Bottoms was very closed minded about this situation," says former TBI director Larry Wallace.

Bottoms told Phil Williams more than a year ago, "I'm not interested in being interviewed by you, not going to be."

In fact, Bottoms refused to budge, even when Jeffrey's case was reviewed by a state board of medical experts.

The state Board of Medical Examiners ruled that "the child's actual manner of death was the result of non-accidental trauma."

Wallace said, "Meaning that in the judgment of the authors of this article, it was homicide."

"Murder?" asked Phil Williams.

"It was murder."

John Bell says, "Somebody somewhere has got to stand up -- not just because it's the Bell family -- has got to stand up and say this is wrong, this is wrong."

But constitutional scholar David Raybin says, "The district attorney in Tennessee under our constitution is an independent office."

Raybin literally wrote the book on Tennessee criminal law. He says, if a prosecutor goes after a defendant, the defendant can appeal. But if a prosecutor isn't interested in a case, the options are limited.

"We do not have a super district attorney," Raybin tells Phil Williams. "The attorney general does not have supervisory powers over the district attorney. They are independent."

In fact, Tennessee's own Supreme Court has noted that the DAs hold what may be "the most powerful office in Tennessee today."

The court wrote that "no court may interfere with the discretion to prosecute, and in the formulation of this decision, he or she is answerable to no one."

As a result, the court says, the DA's "responsibilities are awesome; the potential for abuse is frightening."

Raybin says, while the law theoretically allows victims to ask a judge to appoint a special prosecutor, the standard is so high that it almost never happens.

"It is a gross abuse of discretion standard," Raybin adds. "It is intentionally set very high so that judges are not substituting their judgment for that of the DA."

In the case of Jeffry Kelton Skaggs, investigators resigned themselves to the fact that the DA just wouldn't let them answer their questions.

"General Bottoms made a decision," Wallace said. "I just hope he can live with that."

But Joni's family says they just can't accept why their DA refuses to seek justice for their daughter.

"You can't be in a position like that and get all the evidence he has and do nothing with it," John Bell says. "He's got to be accountable to somebody."

They say their only consolation is that he will one day face another judge over the decisions made in his life.

"And if he can live with that," Myra Bell says, "I'll live with it."