

**Testimony of Phillip Cosby State Director American Family Action
Proponent of HB 2182 February 2013**

Mr. Chairman and members of the House Judiciary Committee, It is an honor to speak to the "People's House" in support of the Citizens Grand Jury by Petition Improvements. This law is truly the reflection of the ideal of "a free and independent court for a free and independent people."

Background: The citizen's grand jury acquired independence in England, free from control by the Crown or judges. Its adoption in the U.S. Constitution shows the high place it held as an instrument of justice. The retooling of the Kansas Grand Jury by Petition law will revive it's intended robust independence, insulated from and resistant to manipulation by those in positions of power (the king) who either by indifference, cronyism, corruption or collusion have turned a blind eye to the law(s) and the peoples concerns. This is the peoples tool to bring to sunlight an issue that is otherwise hidden from justice. In Kansas the process is statutory and not constitutional.

In K.S.A. 22-3001 section (a) the legislature granted the authority of judges to call and administer a grand jury; in section (b) the legislature granted the authority of county and district attorneys to call and administer a grand jury; and in section (c) the people have been granted by the legislature the authority to call and administer a grand jury.

The Kansas Citizens Grand Jury (CGJ) by petition in section (c) has become easily manipulated and usurped by institutional power (read sections (a) & (b)) rendering the Kansas CGJ ineffective and disenfranchised as a truly independent, investigative citizens remedy.

The act of petitioning for a grand jury investigation implies that someone is not doing their job, thus tension is present between the peoples process and the King. This tension can be greatly exacerbated if collusion to turn a blind eye to the subject of the petition in fact does exist.

Attempts to point out to a District or County Attorney the word "may" (contained in the GJ statute) in relation to the County prosecutors involvement with a GJ being subject to the pleasure of the Grand Jury has proven to be less than a speed bump in their quick insertion into the process. The engineering of outcomes is worrisome.

HOUSE JUDICIARY

DATE: 2/12/13

ATTACHMENT 3

As a native Kansas citizen, over the course of ten years I have watched up close or from afar ten Kansas Citizens Grand Jury by petition's play out.

1. The latest citizen's grand jury in Johnson County resulted in what can be politely described as a professional embarrassment to the process. Local citizens attempted to resolve an important issue for five months. As a final recourse they gathered nearly 5,000 signatures of concerned local citizens on a grand jury petition. Fourteen highly qualified witnesses were ready to testify only to watch the peoples grand jury dismissed after less than eight hours of consideration without hearing a single testimony other than the DA's office. An ethics complaint of witness tampering and obstruction of justice was filed but was returned quickly as lacking sufficient evidence. I believe I provided more than sufficient evidence to begin the ethics inquiry process. (documents in folder) It is difficult to obtain evidence on a process that is secret and sealed.

2. In another county a Grand Jury delivered no indictments. A juror member sought me out and told of an assertive County Attorney (CA) who immediately became the Grand Jury's legal counsel. They told of how the Grand Jury members were strictly instructed to not subpoena the petitioner. In spite of continuing "legal counsel" difficulties and two weeks of work, the Grand Jury had reached a "true bill" of indictment. Moments before the indictment delivery the CA came into the room and announced that the law had changed, that "knowingly" was now "recklessly" and thus more difficult to prove, the judge, seemingly on cue, then entered the room having heard a decision was reached and pressed for their announcement. What was at first a true bill of indictment crumbled within minutes into a "no true bill". The jurors were dismissed and went home tired of and confused at the process. I asked this juror to testify today but they were fearful of retaliation since it was a small County.

3. While facilitating another community in their Grand Jury petition efforts, we met with a highly agitated County Attorney. She looked straight at me, smiled and said, ..."have your Grand Jury, I will take care of it"...she did...she became their legal counsel...only her witnesses were allowed...the result...no indictments.

It is not my intent to argue the merits of the above three complaints today but to point out flaws in the process that lead to less than a minimum of due diligence in seeking a fair and impartial hearing from a free and independent court.

Components that need attention to improve the KS CGJ system are:

A. Fully instruct, empower and insulate the CGJ :

Grand juries need some instruction and time to “marinate” as to who they are and what they are considering before being pressed for a decision on legal counsel. To my knowledge all but one of the ten citizens grand juries empaneled in Kansas these past ten years, the DA / CA was immediately selected as legal counsel. The DA/CA very much enjoy a “home court” advantage. Fifteen average citizens are called for jury duty, in effect blank pieces of paper, to find themselves in charge of a grand jury process. Especially absent good instructions, it is intimidating. Consistently a county attorney appears who is willing to help guide the process and to sweeten the offer, at no expense.

Judicial instructions to grand jury members have been inconsistent and apparently non-existent in the Pattern Instructions for Kansas (PIK) or judicial handbook. Instructions to the Grand Jury need amended into (22-3005) this bill. Those instructions should clearly re enforce the historical significance, authority and autonomy of the people’s court. Instructions that caution them to carefully consider their legal counsel and investigator in ferreting out the "whole truth".

B. The petition instructions needs helpful verbiage on the general scope of the petition’s concerns;

The result has been the fixating of the Grand Jury’s attention and scope too narrowly. They miss their investigative charge, not realizing that they can discover other applicable laws to draw upon and the freedom they have to “zoom out” as they inquire. Collusion, even if not implied in the petition should be of concern to them. This bill provides some guidance to that end.

C. Judge Assignment / Challenge :

Personal bias and failure to recuse is of concern on some issues. A reasonable mechanism for challenge is offered in this bill.

D. Jury Selection Process; The final fifteen grand jury members have been selected in various and sometime suspect ways. Since the usual defense vs. prosecution selection process is not applicable to the selection of a grand jury, a random selection process is offered in this bill. It needs to be adopted to minimize mischief.

E. Citizen Access to Deliver Relevant Testimony and Evidence;

Today there is no gateway to gain the attention and ear of the grand jury. A reasonable entry point and screening process is offered in this bill.

F. Petition Sponsor Has Standing and Involved:

You would think that the minimum of due diligence in any investigation would be to inquire from the petitioner as to the nature of their complaint, evidence and testimony they might suggest in pursuit of the "whole truth". Only one time in the ten grand juries I have observed has the CA/DA allowed the petitioner any standing to be questioned and testify.

Citizen grand jury's are not expensive. The Salina Journal reported that their two week grand jury cost approximately \$ 1,500. Grand jury members get the same \$ 10 per day as a petit jury member. How many petit jury's took place in Kansas in the last ten years? Thousands? Maybe tens of thousands compared to ten grand juries in ten years. This is not an over use of the process by any measure.

There are two difficulties still not resolved in this bill:

* If the grand jury members do choose to retain independent legal counsel and investigators, how could that process be facilitated to avoid mischief?

* If a "true bill" is delivered by the grand jury indicting a party, what gives reasonable hope that charges and a vigorous prosecution would follow? To my knowledge none of the grand jury's that did deliver indictments ever saw a single trial. Perhaps the only remedy here is the check of elections?

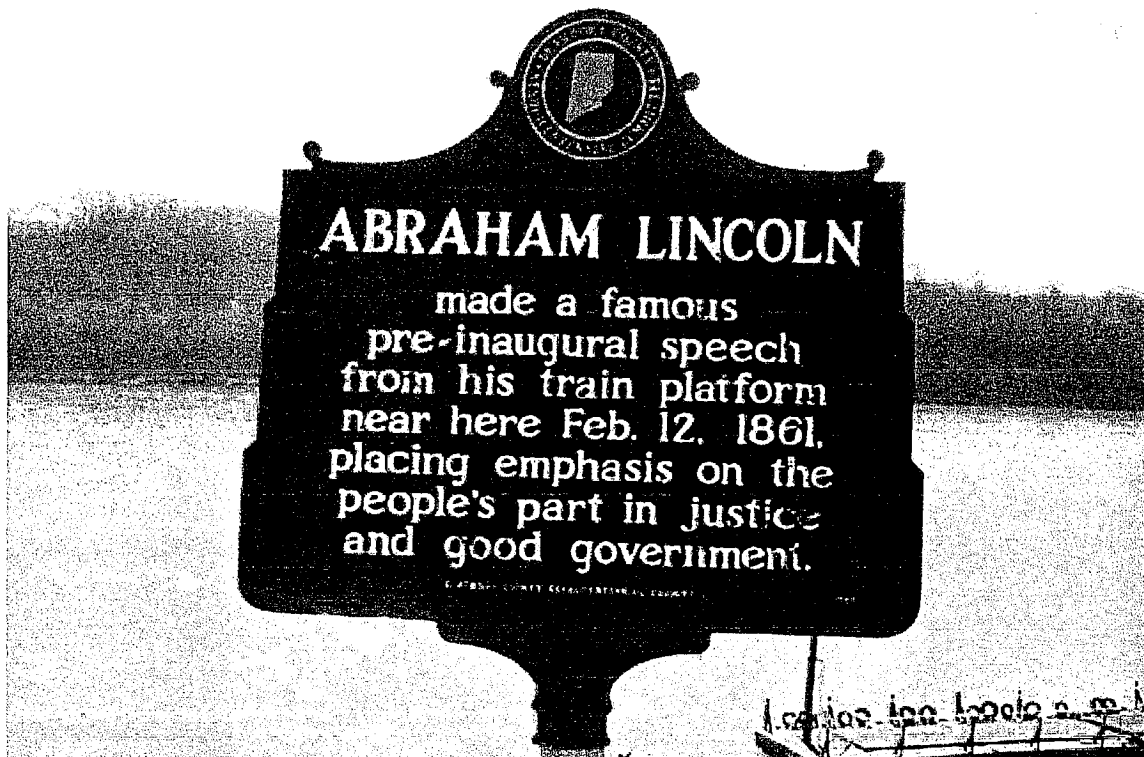
The Kansas Citizen Grand Jury system is a long forgotten cord tied to our U.S. Constitution which harmonizes with the intent of the Constitution to restrain and keep in check institutional power. The cord of restraint in the current Kansas Citizens grand jury process, when tested, has the strength of cobwebs.

In most sates the Citizens Grand Jury process is non-existent. Where Grand Juries do exist they have devolved into an administrative tool to efficiently bypass the evidentiary hearing process and are the uncontested property of judges and prosecutors. I am fine with section (b) as an administrative tool but I believe (c) is the highest and original intended purpose of the Grand Jury.

We are familiar with the barbs of "rogue" and "runaway" grand jury. Who is manufacturer of such mischaracterizations? An entrenched and under accountable power that distrusts the people?

The Kansas citizen's grand jury can be the envy of free peoples and a check on the system. The U.S. Constitution and the Kansas CGJ vestige is a DNA match.

A couple of years ago while walking the banks of the Ohio River, I came upon this plaque commemorating a speech by Abraham Lincoln concerning the "people's part in justice". I have searched for the content of this speech and only found one sentence, "The peoples power is as eternal as the principle of liberty." Not too off note from Lincoln's later "new birth of freedom" and "a government of, by and for the people" speech. Thank you for this time in the People's House.



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ADMITTED IN KANSAS AND MISSOURI

October 23, 2012

Mr. Keith Henderson
Ms. Heather Jones
JOHNSON COUNTY DISTRICT ATTORNEY'S OFFICE
Johnson County Courthouse
P.O. Box 728
Olathe, KS 66050

RE: *Upcoming Overland Park Arboretum Statue Grand Jury Investigation*

Dear Mr. Henderson and Ms. Jones:

I am writing in response to your October 23, 2012 correspondence, a copy of which is attached. Your correspondence confirms that my clients' concerns were well-founded. It is clear that you are attempting to improperly take over the grand jury process and improperly influence the grand jury. By a copy of this letter to Judge Elliott, I am requesting that your office *immediately* cease any further "investigation" as such investigation is now properly the province of the grand jury. You have repeatedly misrepresented your role and authority to our witnesses, confirming our hesitation to provide them to you. As we stated at our meeting, this is Mr. Cosby's eighth citizen-filed grand jury, and he has never been requested, let alone pressured, to identify witnesses to the county or district attorney's office prior to the impaneling of the grand jury.

You have continuously asserted, both to me and Mr. Cosby and other witnesses that you have been improperly contacting, that you will be conducting the grand jury and asking the questions. Not only is this assertion highly presumptuous on your part, it is directly contrary to the rights you are given in grand jury proceedings under Kansas law. At this juncture, you have no such authority. We addressed the statute directly in your presence when you stated during our meeting that you had a "right" to conduct the grand jury. KSA 22-3007 states as follows:

- (1) *When requested by any grand jury* it shall be the duty of the prosecuting attorney to attend sessions thereof for the purpose of examining witnesses or giving the grand jury advice upon any legal matter.
- (2) The prosecuting attorney shall, *upon his request*, be permitted to appear before the grand jury for the purpose of giving information relative to any matter cognizable by the grand jury, and *may be permitted to interrogate witnesses if the grand jury deems it necessary*. (Emphasis added)

Your office has not been requested *as required by KSA 22-3007(1)* to take any action by the grand jury because the grand jury has not yet even been impaneled. Further, you have made no request to appear before the grand jury *as required by KSA 22-3007(2)* and question witnesses because again, the grand jury has yet to even be impaneled.

Further, KSA 22-3010 reads in full as follows:

Prosecuting attorneys, special counsel employed by the grand jury, the witness under examination and his counsel, interpreters when needed and, for the purpose of taking the evidence, the reporter for the grand jury, may be present while the grand jury is in session, but no person other than the jurors *may* be present while the grand jury is deliberating or voting. (Emphasis added)

It is abundantly clear from the plain text of these two statutes that it is the grand jury which decides what witnesses will be called and what questions will be asked. *You have no statutory right to conduct these proceedings and you are blatantly misrepresenting your authority to witnesses likely to appear before that grand jury.* Further, you are seeking to influence their testimony by asking leading questions and knowingly misrepresenting that you will be in charge of the grand jury when you know that you have no such statutory right and in fact can only do so at the express request and/or approval of the grand jury, a grand jury which hasn't even yet been impaneled.

As I am sure you are aware, the Kansas Court of Appeals has recently addressed the proper role of the district attorney in a citizen-filed petition in the case of *State v. Turner*, 45 Kan.App.2d 744, 250 P.3d 286 (2011). In *Turner*, a citizen-filed petition sought a grand jury investigation of criminal activity by the Board of Public Utilities. After six months of hearings, the grand jury returned an indictment against Mr. Turner for two counts of theft and 55 counts of presenting a false claim. Mr. Turner filed a motion to dismiss the indictment for abuse of the grand jury by the district attorney's office and the district court granted that motion. The district court found that the "State failed to conduct a fair grand jury proceeding and allowed information to be presented to the grand jury in a manner that caused the grand jury to become prejudiced against Defendant Turner." *State v. Turner*, 45 Kan.App.2d at 748, 250 P.3d at 290 (Kan.App.,2011). The *Turner* court went on to note that:

After hearing from both parties, the district court found that the State and Delaney had undermined the grand jury process to the point of depriving Turner of due process and his Fifth Amendment rights. Specifically, the district court found that the grand jury was repeatedly subjected to highly improper and prejudicial comments by Delaney that attempted to link Turner to the Thompson murder investigation . . . "

Turner, 45 Kan.App.2d at 748, 250 P.3d at 290 (Kan.App.,2011)

On appeal, the Kansas Court of Appeals began its analysis by outlining the grand jury procedures under KSA 22-3001 *et seq.* as follows:

We begin by outlining the basic statutory structure of grand jury proceedings in Kansas. A grand jury may be summoned based upon a citizen-filed petition pursuant to K.S.A. 22-3001(2). Additionally, a district court may order a grand jury to be summoned in any county in the district when it is determined to be in the public interest. K.S.A. 22-3001(1). The grand jury shall consist of 15 members pursuant to K.S.A. 22-3001(3). After a grand jury is impaneled, a district court appoints a presiding juror and a deputy presiding juror pursuant to K.S.A. 22-3004. Oaths are administered pursuant to K.S.A. 22-3003. Once the grand jury is impaneled and sworn, a district judge charges the jurors, giving them “such information as he deems proper and is required by law, as to their duties, as to any charges of crimes known to the court and likely to come before the grand jury.” K.S.A. 22-3005(1). After the grand jury is charged, however, “it shall retire to a private room, and inquire into the crimes cognizable by it.” K.S.A. 22-3005(2).

Turner, 45 Kan.App.2d at 750, 250 P.3d at 291 - 292 (2011)

Significantly, *nowhere in this summary does the Kansas Court of Appeals identify any rights or authority of the county attorney or district attorney prior to the impaneling of the grand jury.* Even after the grand jury has been impaneled, the directions are given by the judge to the presiding juror and deputy presiding juror with no role or input allowed or required by statute from the county attorney or district attorney.

The Kansas Supreme Court has expressly stated the limited and discretionary role played by the county attorney in Kansas grand juries as follows:

“In Kansas, a grand jury is a creature of statute and not of the constitution. *Its function is investigatory and accusatory* in contrast to a petit jury, which determines the guilt or innocence of an accused. Unlike a jury trial or preliminary hearing, a district judge does not preside over the grand jury proceedings, nor does a defendant have a right to be present or call or cross-examine witnesses. *The county attorney has a limited role in the grand jury proceedings . . .*” (Emphasis added)

State v. Snodgrass, 267 Kan. 185, 190, 979 P.2d 664 (1999).

Your office is attempting to improperly conduct an investigation that is *solely* the province of the grand jury in advance of the grand jury even being impaneled. The investigation you are attempting to conduct is an investigation that would be conducted when your office actually has the authority to indict. However, upon certifying the petition to convene a grand jury, that power has been removed from your office and granted to the grand jury.

In your October 23 correspondence, you state that:

“We are, of course, aware that the grand jurors will ultimately decide if they wish to

utilize our services in presenting information for their consideration and questioning witnesses. It is completely appropriate for us to prepare as if we will be assisting the grand jury. If the grand jury does decide to utilize our office as its attorneys, our preparation and ability to fully and adequately present your side of the issue will be compromised by your lack of cooperation in your unwillingness to provide us with the necessary information to properly prepare.”

However, you are not merely “preparing.” At our meeting on October 18 at your office, I asked directly whether you had been given a list of witnesses on behalf of the City of Overland Park or the Arboretum. You stated that you had been given such a list two or 2 ½ weeks previously. I then asked whether any of those witnesses had been interviewed. You stated that they had not. To confirm that, I turned to your investigator, who was also present at that meeting, and asked whether he had interviewed any of the witnesses on behalf of the City of Overland Park or the Arboretum, and he indicated that he also had not. You went on to state that you didn’t even know if you would be interviewing any witnesses on behalf of the City of Overland Park or the Arboretum.

Beginning immediately after you acquired our list of witnesses, you have been burning up the phone lines attempting to interview the witnesses that we have identified. But just a few days earlier, you stated that you had interviewed none of the witnesses on behalf of the City of Overland Park or the Arboretum despite having had that list for two weeks or longer, and had no plans to do so. Not only are you invading the province of the grand jury by attempting to conduct an investigation at this point, you are blatantly attempting to influence our witnesses before they even get to the grand jury.

You are not “preparing.” You are taking over the role of the grand jury and conducting an investigation when it was your office’s failure to conduct that investigation that required the use of a citizen petition for a grand jury. The fact that your office failed to take any action on this matter strongly indicates that your office believes that there were no crimes worthy of investigation prior to the filing of the citizens’ petition. This issue has received extensive local, and even national, press coverage with no action taken by your office. That is why the citizens’ petition was required, and it is for just such cases that Kansas law authorizes the use of the citizens’ petition.

Mr. Cosby has been very clear about his very valid, and now confirmed, concerns that there would be an attempt to hijack the grand jury process and improperly influence the grand jury. The statements in your October 23 correspondence and your actions to date make it crystal clear that your office is usurping the power now properly vested in the grand jury.

Therefore, we hereby demand that:

1. your office *immediately* cease any further attempts to contact any witnesses, whether they have been identified by us or on behalf of the City of Overland Park or the Arboretum or any other party;
2. your office be removed from any further involvement in this grand jury proceeding; and,

3. that you disclose all witnesses that you attempted to contact, and provide a summary of such contact including the questions you asked and the responses received to those questions, to the grand jury once it is impaneled.

Finally, we are asking that, pursuant to KSA 22-3006(3), Judge Elliott order that the grand jury be allowed to “. . .employ special counsel, investigators, and incur such other expenses for services and supplies as it and the court may deem necessary. . .” in lieu of your office’s involvement.

I will address your legitimate issues concerning the immunity grant to the juvenile and the testimony of Dr. Mark Laaser separately.

Respectfully Yours,

Rodney K. Murrow

cc: Judge Elliott
Phillip Cosby

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OFFICE OF
THE DISCIPLINARY ADMINISTRATOR

November 27, 2012

Mr. Phillip C. Cosby
706 North Lindenwood Drive
Olathe, Kansas 66062

Re: Heather Jones, Keith Henderson, Steve Howe

Dear Mr. Cosby:

On October 29, 2012, I received your complaints against Steve Howe, Keith Henderson and Heather Jones. Subsequently, I received your correspondence dated November 16, 2012. I have had the opportunity to review the case law cited in your complaint letter and the letter authored by Rodney Murrow to Mr. Henderson and Ms. Jones. You complain that the Johnson County District Attorney's Office, specifically the three attorneys named in your complaints, had no authority to conduct any business on behalf of the grand jury prior to a request made by the Grand Jury. You cite K.S.A. 22-3007 for that proposition. The position of the district attorney's office with respect to your assertion is set out in the October 23, 2012, letter from Keith Henderson and Heather Jones to Mr. Murrow which you have also provided to me.


K.S.A. 22-3010 permits the Johnson County Attorney's Office to be present while the grand jury is in session. K.S.A. 22-3007(1) sets out the obligations of the district attorney when a request is made for assistance by the grand jury. I am aware of no case law or statute which would prohibit prosecutors from the Johnson County District Attorney's Office from investigating and preparing for a possible request for assistance from the grand jury. Further, the district attorney's office has the independent authority to investigate any possible crime being considered by the grand jury. This authority would include interviewing any potential grand jury witnesses.

Without corroboration, you make the allegation that the Johnson County District Attorney's Office attempted to influence "our witnesses before they even get to

the grand jury." You have not provided me information that would justify an investigation of this claim.

After reviewing the materials you have submitted to me I have determined that you have not provided me sufficient information to justify an investigation into this matter. Pursuant to my authority under Supreme Court Rule 209, I am dismissing your complaint against attorneys Heather Jones, Keith Henderson and Steve Howe.

Sincerely,

A handwritten signature in black ink, appearing to read "Stanton A. Hazlett". The signature is written in a cursive, somewhat stylized font.

Stanton A. Hazlett
Disciplinary Administrator

SAH:JB



Posted on Sat, Oct. 27, 2012

JoCo grand jury dismisses obscenity question involving arboretum statue

By TONY RIZZO
The Kansas City Star

After less than a day of deliberation, a Johnson County grand jury late Friday afternoon declined to issue an indictment over a bare-breasted sculpture at the Overland Park Arboretum.

The 15-member jury was chosen Friday morning to determine if the bronze sculpture entitled "Accept or Reject" violated the Kansas obscenity law.

Critics of the sculpture had submitted a petition to have a grand jury seated to study the issue.

District Judge Gerald Elliott instructed the jurors that they were to determine if there was probable cause to believe a crime had been committed. If so, they were to issue an indictment known as a true bill. But late Friday afternoon, they notified the court that they had issued a "no true bill" ruling.

Along with its finding, the jury released a written statement: "We sat for one day and viewed the photographs of the statue. We reviewed the Kansas law and found that the sculpture in question did not meet the legal definition of obscenity."

Phillip Cosby, state director of the American Family Association of Kansas and Missouri that spearheaded the petition drive, said he was incensed by the decision that came without anyone opposed to the sculpture being called to testify.

"Our free and independent court system got hijacked," he said. "We didn't get a hearing."

Cosby was angered that staff from District Attorney Steve Howe's office had contacted some of his 14 witnesses before the grand jury was seated. Cosby said he believed the district attorney had overstepped his authority.

Overland Park officials, who had refused to move the sculpture after some people complained about it, said they appreciated the jury's decision.

"We are happy with the ruling from our peers in the case," said Overland Park Mayor Carl Gerlach. "And we're extremely happy they found in our behalf in such a timely manner."

It marked only the fourth time since 1989 that a grand jury has been summoned in Johnson County — but the third time one has been asked to consider what constitutes obscenity.

As rare as grand juries have been in Kansas' most populous county, indictments stemming from them have been even rarer.

In 2007, a grand jury indicted four businesses for promoting obscenity, but prosecutors later dismissed all four misdemeanor cases.

Unlike the federal court system and states like Missouri where grand juries are a regular part of the judicial machinery, Kansas law only allows for them to be called either by a majority of judges in a court district or by a petition of registered voters. The number of petition signatures needed depends on how many people voted in the previous gubernatorial election.

Cosby said the American Family Association of Kansas and Missouri took on the statue after a Stilwell woman failed to convince Overland Park officials that it was inappropriate, especially for children, and should be moved.

The sculpture by Chinese artist Yu Chang depicts a headless female, her chest exposed, holding a camera at arm's

length and aiming it back at herself.

Overland Park officials have defended the work's artistic nature. But based on the Stilwell woman's concerns, they posted a message advising visitors "some pieces include a display of the human body and parental guidance is encouraged."

Cosby and his group wanted the grand jury to determine if the sculpture violated Kansas statutes of promoting obscenity or promoting obscenity to minors.

Nudity was not the issue, according to Cosby.

An article on his group's website makes the case that nudity in "serious works of art" is not pornography.

"Although proponents of pornography would like to suggest otherwise, no one seriously believes that the statue of Venus de Milo is pornography," the article states.

Cosby's group describes the arboretum sculpture as "a female exposing her fully nude breasts, in an aroused state, portraying with a camera the act of what has become commonly known as 'sexting' or the digital manufacture of pornography/obscenity."

It's that demonstration of sexting that most troubles the American Family Association.

"Our concern is not about nudity," he said. "It's what's being done by the act of sexting."

He says that is an illegal and potentially harmful activity if engaged in by minors.

Kansas' obscenity law is based on standards established by the U.S. Supreme Court.

It defines obscenity as material that "the average person applying contemporary community standards" would find, taken as a whole, "appeals to the prurient interest."

The law goes on to state: "The average person applying contemporary community standards would find that the material or performance has patently offensive representations or descriptions of: Ultimate sexual acts, normal or perverted, actual or simulated, including sexual intercourse or sodomy; or masturbation, excretory functions, sadomasochistic abuse or lewd exhibition of the genitals; and taken as a whole, a reasonable person would find that the material or performance lacks serious literary, educational, artistic, political or scientific value."

In 1989, another Johnson County grand jury provided guidelines that prosecutors later used when determining whether to file charges.

That grand jury, which formed after a petition drive by an anti-pornography group, focused on the sale and rental of adult videos.

It returned no indictments but recommended the removal of films that portrayed incest, sexual conduct with minors, bondage, torture, bestiality, rape, fetishes or those "lacking significant story lines or plots."

Paul Morrison, who worked with that grand jury while serving as Johnson County's district attorney, said his office applied those guidelines afterward in considering prosecutions under the obscenity law.

"They were 15 people from a cross section of the community who put their heads together and came up with fairly reasonable standards," said Morrison, now a lawyer in private practice.

In 2007, another grand jury looked at obscenity issues.

Cosby was involved in that petition drive as head of the local chapter of a group called the National Coalition for the Protection of Children and Families.

It returned indictments against four businesses for selling adult videos, sex toys and, in one case, adult-themed Halloween costumes. But prosecutors later dismissed the cases.

Jill Barton, a law professor at the University of Miami who wrote a law review article about Cosby and his use of grand jury petitions, said such juries rarely have returned indictments.

But the efforts have had some success in pressuring businesses to remove questionable material, Barton said.

To reach Tony Rizzo, call 816-234-4435 or send email to trizzo@kcstar.com