

## **THE IMPORTANCE OF AMENDMENT 2:**

I write this not as your elected prosecuting attorney, but as a fellow Taney County citizen, as a fellow Missourian, and as a father. The following is a summary of true events, about a real person, that illustrates the importance of your “yes” vote on Amendment 2, November 4<sup>th</sup>:

Robert Nelson relocated to Missouri after his release onto parole in New Mexico in 2004. In New Mexico, Nelson had pleaded guilty in November of 1993 to the felonies of Criminal Sexual Penetration of a Minor and Criminal Sexual Contact of a Minor, for which he had received a sentence of eighteen (18) years in prison.

In 2008, two separate incidents of sexual abuse perpetrated by Nelson – including two different sets of victims – were discovered in Taney County.

That same year, I charged Nelson with the crime of Child Molestation in the first degree for acts committed by him in May of 2005 where he fondled a nine-year-old girl in Kisse Mills. In 2010, that case went to trial in Christian County on a change of venue. The jury trial was hard-fought and the testimony was difficult for the child-victim. The night the evidence closed, the jury deliberated for about four (4) hours after the case was given to them to decide. Not having been able to agree on a verdict, the jury returned the next morning to continue deliberating. Following another two (2) hours of deliberation, the jury delivered a guilty verdict. Because Nelson never took the stand in his own defense in that trial, the jury was not allowed to hear about his prior conviction for similar sexual offenses against a child, and therefore, they were unknowingly forced to make a decision without the benefit of that information. Fortunately, the jury handed-down a just verdict: guilty on two counts of Child Molestation in the first degree. Nelson was sentenced to two (2) consecutive ten-year prison terms in that case.

Between May and June of 2008, State and local investigators found that Nelson had custody of his two (2) step-daughters and one (1) step-son, in Kisse Mills. The children were removed from Nelson’s custody and, soon thereafter, his step-daughters disclosed sexual abuse perpetrated on them by Nelson during the weeks he had custody of them. Criminal charges followed and, in 2011, that case went to trial in Christian County on a change of venue from Taney County. In that jury trial, Nelson represented himself – meaning he personally cross-examined the State’s witnesses, including each child-victim he had sexually abused. Still, in that trial, Nelson did not take the stand in his own defense, so the jury was not allowed to hear about his prior convictions for similar offenses against children. Fortunately, in that case, that jury also found Nelson guilty of multiple counts of Child Molestation in the first degree, Sexual Misconduct with a Child, and so on – a total of six (6) felony counts. In that case, Nelson was sentenced to consecutive life sentences.

The trials of Robert Nelson were frustrating, because the jury in each case was not permitted to hear the truth about who Nelson really was – and I was under a legal obligation to withhold that truth from them. It wasn’t fair to the jurors deciding those cases, nor was it fair to the victims – who appeared to each jury to be the lone complainants against Nelson.

Missouri voters now have the opportunity to change the rules of what a jury is allowed to hear and consider in child sexual abuse cases. On the November 4<sup>th</sup> ballot there will be an opportunity for Missourians to vote “Yes” on a change in Missouri’s Constitution, allowing prosecutors to present evidence of a defendant’s propensity to commit sexual offenses against children. Allowing this evidence to be admitted against defendants, like Robert Nelson, in trial would bring Missouri in line with many other states in our nation – and the federal courts – that already allow such evidence. Amendment 2 provides Missouri courts with a necessary tool for protecting Missouri’s children.

It is my hope that Missourians will go to the polls in November and vote “Yes” on Constitutional Amendment 2 allowing propensity evidence.