

DOUGLAS COUNTY DISTRICT COURT
Hall of Justice
1701 Farnam Street
Omaha, Nebraska 68183-0001
(402) 444-7005

MEDIA RELEASE

For Immediate Release

GRAND JURY PROCEEDINGS CONCLUDE

On June 4, 2020, Shelly R. Stratman, Douglas County District Court Judge, called a grand jury pursuant to the Court's authority under Neb. Re. Stat. §§15-1633 and 29-1401 for an examination into the death of James R. Scurlock occurring in Douglas County, Nebraska on May 30, 2020. Mr. Fredrick D. Franklin, was appointed as special prosecutor to conduct an independent examination into the death of Mr. Scurlock and conduct the grand jury proceedings.

On September 8, 2020 under the supervision of Judge Horacio J. Wheelock, Grand Jurors were selected, and Special Prosecutor Fredrick D. Franklin, began conducting the grand jury proceedings. The grand jury completed its investigation on September 15, 2020, presented on their oath a TRUE BILL concluding there is probable cause for finding an indictment for violations of Neb. Rev. Stat. § 28-305(1) Manslaughter; Neb. Rev. Stat § 28-1205(1)(a)&(c) Use of a Deadly Weapon (Firearm) to Commit a Felony; Neb. Rev. Stat § 28-201(1)(b) and § 28-308(1) Attempted Assault 1st Degree; Neb. Rev. Stat. § 28-311.01 Terroristic Threats of the Laws of Nebraska. The Indictment is filed in the office of the Clerk of the District Court in Douglas County, Nebraska.

A grand jury finding of a True Bill does not determine the guilt or innocence of an accused. A True Bill is a finding that the evidence establishes probable cause to believe that a particular individual committed a crime, a grand jury then presents an indictment that formally charges the individual with a crime.

The Nebraska Legislature has provided for the judicial release of grand jury materials in only limited circumstances. The circumstances in this case do not present facts under which grand jury records may be released. Stenography notes, recordings and exhibits are preserved, sealed, and filed with the Court and are not released or made available to be viewed by the public. A

transcript of a grand jury proceeding is only made publicly available in an in-custody death case. This case is not an in-custody death proceeding and a transcript may not be released, made available or viewed by the public.

Neb.Rev.Stat. § 29–1401 et seq. (Reissue 2016 & Cum Supp. 2018)

In re Grand Jury of Douglas Cty., 244 Neb. 798, 509 N.W.2d 212 (1993)

In re Grand Jury of Douglas Cty., 263 Neb. 981, 644 N.W.2d 858 (2002)

In re Grand Jury of Lancaster Cty., 269 Neb. 436, 693 N.W.2d 285 (2005)

In re Grand Jury of Douglas Cty., 302 Neb. 128, 922 N.W.2d 226 (2019)

Special Prosecutor Fredrick D. Franklin is scheduled to give a press conference in the Legislative Chambers located on the second level of the Omaha/Douglas Civic Center, 1819 Farnam Street on September 15, 2020 at 5:00 p.m.

Contact Douglas H. Johnson, District Court Administrator with questions.

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