

FIRST GLANCE

Grand jury indicts former county deputy for perjury

By MATT SCHMITZ
News Tribune

A grand jury has indicted the former Cole County Sheriff's deputy charged with giving perjured testimony in court that could have resulted in several wrongful convictions.

On Friday, the grand jury returned an indictment against Michael Isenberg, 28, who prosecutors allege offered false testimony that resulted in several drug-related convictions. As a result of the charges, four drug convictions have been set aside and three men released from prison.

An indictment from a grand jury — the proceedings of which are highly secretive — requires at least nine of 12 votes.

Cole County Prosecuting Attorney Bill Tackett on Saturday said he did not yet know whether he will continue his involvement with the case, or if a special prosecutor will be appointed.

"That decision has not been made yet, but I've been in discussions with Presiding Judge Tom Brown and, from my perspective, I've been trying to find a way to try the case without any conflicts of interest arising," Tackett said. "However, the deeper we plunge into the evidence, the more and more futile that attempt is appearing to be."

Because of Isenberg's widespread contact with members of the area law-enforcement community, questions have been raised about conflicts of interest possibly arising in county court. Tackett said he wants to avoid any potential appeal issues.

"We potentially could have to put members of our own office on the stand," Tackett said. "Our office unearthed this problem and did what we felt was equitable ... The trial must not have conflicts of interest built into it."

Tackett said he expected the judge to render a decision as early as Monday on whether he would remain as prosecutor on the case. He said he is optimistic he will continue.

The presiding judge also will have to decide whether he will remain over the case, or whether the state Supreme Court will appoint a special judge.

In the meantime, Tackett said he will continue to pursue the de-certification of Isenberg, regardless of what transpires in the former deputy's prosecution. He also will continue the process of setting aside other verdicts and guilty pleas possibly swayed by false testimony by the deputy.

Isenberg's attorney, Rob Trowbridge, declined to comment Saturday.