

Tackett still waiting on forensic tests before charging inmates with murder in fall incident

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News Tribune

Cole County's prosecutor today said it would be "inexcusable" for his office to file charges against two prison inmates, who are believed to have murdered another inmate last fall, before forensic tests are complete.

Prosecutor Bill Tackett also said he won't make a charging decision in the Oct. 22, 2003, murder of Missouri State Penitentiary inmate Toby Viles until he's reviewed evidence reports from the Missouri State Highway Patrol's crime lab.

"I don't think ... if you are strongly considering seeking the death penalty that you proceed without having all of your forensic testing completed," Tackett said, noting some results could be turned over to his office by month's end.

"One of my responsibilities is to make it very clear to the public that I do not take charging the death penalty lightly."

Tackett also said there's been no hurry to file charges because the key suspects, Chris Sims and Shannon Phillips, are serving life sentences for other crimes and aren't a danger to society.

"If the death penalty question were not on the table, we might consider moving forward with a charging decision without having all of the testing complete, if we believed that our proof was beyond a reasonable doubt," Tackett said.

Corrections spokesman Tim Kniest confirmed both men still are in prison and are serving time in administrative segregation. Sims, 27, still is at the MSP, while Phillips, 35, is at the Potosi Correctional Center.

While he wants to have forensic testing completed before filing a charge, Tackett noted his office can't convene a grand jury, which is another reason the case against Sims and Phillips is moving slowly.

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Last August, Judge Thomas Brown signed an order discharging the county's grand jury, but never publicly specified why he made that decision.

"If we had a grand jury, this might be moving a little quicker," Tackett said. "This is one of the negative results we have seen from the fact that I cannot conduct grand jury proceedings."

Although he expects some forensics reports to be turned over to his office by the end of the month, Tackett could not specify when charges might be filed.

According to corrections

department reports, Viles, Sims and Phillips were working alone in the ice house when Viles was murdered.

After Viles body was found, Sims and Phillips were reported missing.

After a four-day manhunt, Sims and Phillips reportedly were found sitting in a hole in a concrete block wall at the ice house, not far from the site of the murder.

That hole was covered with a peg board and could not be seen, corrections officials said. It appears the men had planned to stay in the hole until the MSP closed and inmates were moved to the new JCCC.