

Another drug conviction set aside following probe of officer

By **STEPHEN FOUTES**
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A Kansas City, Kan., man whose drug conviction was obtained with evidence gathered by a former Cole County Sheriff's Department investigator was released from a probation term Tuesday in Cole County Circuit Court.

Kenneth L. Dickinson, 25, had been on probation since last year, following his guilty plea to a Sept. 4, 2001, charge of selling marijuana.

According to court records, Dickinson sold the drug in the presence of former Cpl. Michael Isenberg.

Isenberg formerly worked for the Cole County Sheriff's Department and was assigned to the Mid-Missouri Unified Strike Team and Narcotics Group (MUSTANG) as an undercover investigator.

In May, Isenberg was charged with three counts of perjury for allegedly falsifying statements at criminal trials.

As the result of the investigation that led to those charges, several convictions in cases Isenberg worked have been set aside.

"This is a correction in the process, based on what we know," Cole County Prosecutor Bill Tackett said.

Although Dickinson pleaded guilty to

the crime, Tackett said his office won't attempt to refile a criminal charge.

"In this particular case (Isenberg) was the sole witness. You don't have any other evidence, there's nobody to corroborate what he said or did," Tackett said. "Therefore, you just don't have any evidence, period."

Tackett said the confidential informants who helped set up drug purchases can't be used as witnesses because they often have criminal histories or recant their statements.

"It's an underworld and it's one we have not relied on, historically, in prosecution," Tackett said. "There is a lack of reliability.

You need to have a credible source."

But he acknowledged informants provided some information gathered during the investigation of Isenberg's alleged activities. However, he said his office didn't rely solely on that information when charging Isenberg.

According to Tackett, more people were scheduled to be released from probation terms Tuesday but weren't because they couldn't attend court proceedings.

Judge Thomas Brown, who signed Dickinson's release, is scheduled to address the remainder of the probation releases on June 26.