

Special judge expected in accused deputy's case

By KRIS HILGEDICK
News Tribune

A judge on Monday denied a motion that would have ordered two Cole County officials to stop making "prejudicial" remarks regarding a former undercover officer accused of perjury.

Former Cole County Sheriff's Deputy Michael Isenberg was charged Friday with three counts of perjury for allegedly telling the court he was present when three drug transactions took place. As a result of an investigation by Cole County prosecuting and law enforcement officials, two of the men involved in those cases have been released from prison and a third man's conviction has been set aside. He remains imprisoned on an unrelated stealing charge.

Rob Trowbridge, the attorney representing Isenberg, called remarks made by Prosecuting Attorney Bill Tackett and Sheriff John Hemeyer "prejudicial and inflammatory." Trowbridge told Sodergren he wasn't asking him for a finding, only to ask the

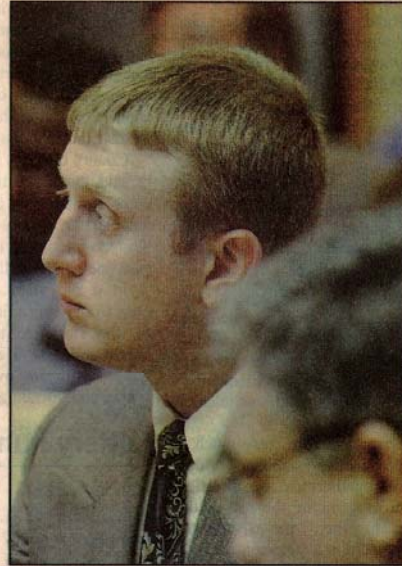
judge to remind the two officeholders to abide by rules laid down by the Supreme Court on trial publicity.

After quickly denying the motion, Judge Thomas Sodergren disqualified himself and passed the case onto Presiding Judge Tom Brown. Sodergren said he expects Brown to appoint a special judge in the case.

Also Monday, a preliminary hearing for the case was set for 1:30 p.m. June 16. An arraignment will not occur until after a preliminary hearing or a grand jury convenes.

Trowbridge was disturbed by remarks Tackett made when the prosecutor said his office is building a case against Isenberg and that steps were being taken to ensure that he doesn't work in law enforcement again. "If that's not a direct comment on guilt or innocence, I don't know what is," said Trowbridge.

He also disapproved of a quote from Hemeyer. The items appeared in editions of the News Tribune that ran last Friday and **See DEPUTY, page 5**



Former Deputy Sheriff Michael Isenberg at the formal reading of charges Monday afternoon at the Cole County Courthouse. Stephen Brooks/News Tribune

☆ Deputy

From page one

Saturday.

Sodergren told listeners that prosecuting attorneys "understand what they can and can't say, and should and shouldn't say."

Until his recent resignation, Isenberg worked for the sheriff's department for nearly five years, spending almost two years as an undercover officer assigned to the Mid-Missouri Unified Strike Team and Narcotics Group (MUSTANG).

FIRST GLANCE

Former undercover officer charged with perjury

By STEPHEN FOUTES
News Tribune

A former undercover officer was charged Friday with three counts of perjury for allegedly telling the court he was present when drug transactions took place, while prosecutors say they have evidence indicating he wasn't.

Former Cole County Sheriff's Deputy Michael Isenberg, 28, allegedly perjured himself during three different trials involving three different men, dating back to May 7, 2002, the Cole County Prosecuting Attorney's Office said Friday.

As a result of an investigation by the prosecutor's office and the Cole County Sheriff's Department, two of the men involved in those cases have been released from prison.

A third man's conviction also has been set aside, but he remains imprisoned on an unrelated stealing charge.

It remains unclear how many of Isenberg's cases will be reviewed in light of the recent investigation, Sheriff John Hemeyer said.

"There is not a question as to whether a drug sale took place. No one disagrees on that (even the defendants)," Hemeyer said. "But the question is, did it happen as it was reported to and testified to? The answer is, 'No.'"

Hemeyer said the discrepancies exist between testimony
See OFFICER, page 5

☆ Officer

From page one

submitted by Isenberg and the testimony given by the confidential informants who made the drug buys.

According to Hemeyer, the informants told prosecutors Isen-

berg didn't go inside buildings where the buys were made.

But during court proceedings, Isenberg testified he was inside the buildings and he did see the buys take place.

Hemeyer said it's not a matter of taking an informant's word over that of a law officer. "Other information has come forward that, in some cases, has corroborated the confidential informant's word, and not that of Isenberg," Hemeyer said.

Hemeyer also said the discrepancies have created "a reasonable doubt as to whether or not the persons charged would have been convicted, had a judge or jury known the facts we now know."

According to Hemeyer, Isenberg worked for the department for nearly five years, spending almost two years as an undercover officer assigned to the Mid-Missouri Unified Strike Team and Narcotics Group (MUSTANG).

Hemeyer accepted Isenberg's resignation Friday morning.

Hemeyer said Isenberg worked

many of his cases alone or as the lead investigator teamed with other officers.

As the lead investigator, Isenberg was responsible for writing the reports submitted to prosecutors.

"Without calling into question every case, every report, there is no reason to suspect there was anything wrong with these cases," Hemeyer said.

"He was turning in drug buys, we were finding the buy money when we did search warrants subsequent to the reported sales, and there weren't any real red flags going up."

Hemeyer said he will now ask every deputy who responds to a call to write individual reports, based on their actions and what they saw.

Isenberg turned himself in Friday evening and later was released on a \$10,000 bond.

Each of the charges filed against him is a class B felony, each punishable by up to 15 years in prison.