

IN THE CIRCUIT COURT OF BOONE COUNTY, MISSOURI

IN RE: THE INVESTIGATION OF G.P. AND K.S.

MOTION TO APPOINT SPECIAL PROSECUTING ATTORNEY

COMES NOW, Roger Johnson, Prosecuting Attorney of Boone County, State of Missouri, and requests for appointment by the Court a Special Prosecuting Attorney and as grounds states:

1. The Boone County Sheriff's Department has contacted our office regarding their investigation of the officers employed by the Columbia Police Department regarding the use of force which occurred on May 7, 2023.

2. These police officers have a professional relationship with this office and are currently involved in cases that are pending in this office.

3. Prosecutors have the duty to ensure defendants receive a fair trial and that justice is served. *State v. Boyd*, 560 S.W.2d 296, 297 (Mo. App. K.C. Dist. 1977). To serve that function, prosecutors have an important duty "to avoid any appearance of impropriety." *Id*; accord *State v. Ross*, 829 S.W.2d 948, 951 (Mo. banc 1992) (noting that, as a quasi-judicial officer, prosecuting attorneys must avoid even the appearance of impropriety). Given the Boone County Prosecutor's Office's regular collaboration with the Columbia Police Department, if our office were to investigate or review this matter, it could raise doubts about the integrity of the investigation and the justice process. As such, a special prosecutor should be appointed.

WHEREFORE, based on the foregoing, the State requests a Special Prosecuting Attorney be appointed and that leave be granted to the Boone County Prosecuting Attorney to refer the case files to that appointee for any additional action he or she may deem appropriate.



Roger Johnson
Prosecuting Attorney
Bar No. 57628

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ORDER APPOINTING SPECIAL PROSECUTING ATTORNEY

After consideration of the Motion to Appoint Special Prosecuting Attorney filed this date, the Court finds that appointment of Special Prosecuting Attorney is required and hereby appoints **Eric Phelps, Cooper County**, as Special Prosecuting Attorney.



Judge of the Circuit Court 5/18/23
Division 1
Boone County, Missouri