



MISSOURI HOUSE OF REPRESENTATIVES
WITNESS APPEARANCE FORM

BILL NUMBER: HB 530		DATE: 2/3/2021	
COMMITTEE: Judiciary			
TESTIFYING: <input checked="" type="checkbox"/> IN SUPPORT OF <input type="checkbox"/> IN OPPOSITION TO <input type="checkbox"/> FOR INFORMATIONAL PURPOSES			
WITNESS NAME			
BUSINESS/ORGANIZATION:			
WITNESS NAME: LOCKE THOMPSON		PHONE NUMBER: 573-301-0614	
BUSINESS/ORGANIZATION NAME: MISSOURI ASSOCIATION OF PROSECUTING ATTORNEY'S		TITLE: PROSECUTING ATTORNEY	
ADDRESS: 311 EAST HIGH STREET			
CITY: JEFFERSON CITY		STATE: MO	ZIP: 65101
EMAIL:	ATTENDANCE:	SUBMIT DATE: 2/3/2021 12:00 AM	
THE INFORMATION ON THIS FORM IS PUBLIC RECORD UNDER CHAPTER 610, RSMo.			



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WITNESS NAME			
INDIVIDUAL:			
WITNESS NAME: ARNIE "HONEST-ABE" DIENOFF-STATE PUBLIC ADVOCATE		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL: ArnieDienoff@Yahoo.Com		ATTENDANCE: Written	SUBMIT DATE: 2/3/2021 12:00 AM
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WITNESS NAME		
REGISTERED LOBBYIST:		
WITNESS NAME: BRIAN BERNSKOETTER		PHONE NUMBER: 5736362822
REPRESENTING: MISSOURI ASSOCIATION OF CRIMINAL DEFENSE LAWYERS		TITLE:
ADDRESS: 101 EAST HIGH STREET		
CITY: JEFFERSON CITY		STATE: MO
		ZIP: 65109
EMAIL: brianb@swllc.us.com	ATTENDANCE: Written	SUBMIT DATE: 2/3/2021 12:00 AM

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HB 530 would have the effect of taking power from the jury to decide the facts of a particular case and whether a person who is criminally accused is guilty of a crime. Missouri law recognizes that a jury may choose to believe or disbelieve any part of any testimony presented in a trial. Because current law requires courts to give lesser-included offense instructions if there is a basis in the evidence for acquitting of one crime and convicting of another, the result is that juries are generally instructed on all possible included offenses that could be supported by the facts where it is requested in any given case. HB 530 would place in the hands of one judge the determination of whether there is a "rational basis" for not believing certain facts presented and therefore allow the judge to withhold an instruction on the law based on his own interpretation of the facts. The Missouri Association of Criminal Defense Lawyers opposes this change in the law because we believe strongly in the right to a jury trial. By stripping the jury of an important part of its fact-finding function and giving it instead to a single judge, this bill diminishes the jury trial right for those who have chosen to exercise it.