

GUILTY

McGinnis: 'I'm not crazy, but just evil'

Jacob McGinnis, 27, was convicted Friday in the 2005 murder of a Platte City man and the rape of his wife. After a week-long trial and 15 minutes of deliberation, Platte County Circuit Court Judge Abe Schafer found McGinnis guilty of first-degree murder, rape, burglary and two counts of armed criminal action. McGinnis will be sentenced at 2 p.m. Dec. 6 in Division I Court. He faces life in prison without the possibility of parole.

Defense attorney William "Dick" Fickle said he was disappointed with the outcome, and would discuss the possibility of appeal with his client.

On Sept. 9 and 10, 2005, McGinnis shot the man described as his best friend three times in the back on Bethel Road in Kansas City, killing him. He then returned to Platte City where he raped the man's wife before fleeing. He was discovered Sept. 10 in rural Putnam County. After two years of psychological evaluations and a plea of not guilty by reason of mental illness and defect, McGinnis' trial started Oct. 22 with testimony from police, the rape victim and McGinnis's mother.

While McGinnis didn't dispute he committed the crimes he is accused of, his attorneys argued he was in a psychotic state and was unable to distinguish right from wrong at the time he committed the crimes. The prosecution stated psychological testing has proved McGinnis has exaggerated his mental condition, and believed if found not guilty he would one day be released.

Platte County Prosecutor Eric Zahnd said McGinnis's own words betrayed his awareness of the consequences of his actions. Before he left her house, McGinnis told the rape victim: "I'm really sorry, (name), I think I just scarred you for life."

As reported in the Oct. 24 *Citizen*, during the first days of the trial, Fickle and fellow defense attorney Charlie Dickman brought two men who had treated McGinnis to the stand. A psychiatrist, Dr. Innocent Anya, and a social worker, John Burke, testified to McGinnis's mental state two years prior to and a week after the murder. Both diagnosed McGinnis as a paranoid schizophrenic and indicated the possibility he may not have been in control of or aware of his actions at the time of the murder and rape.

However, a psychologist who also examined McGinnis after the murder offered a different opinion. Dr. Jeannette Simmons, a certified forensic examiner and psychologist with the Northwest Missouri Psychiatric Rehabilitation Center in St. Joseph, performed an evaluation and psychological testing on McGinnis.

She administered the Minnesota Multiphasic Personality Inventory (MMPI-2) to McGinnis and arrived at what she characterized as a 'fake bad' profile, indicating McGinnis may have attempted to make his mental problems look more profound than they may be. A follow-up test, the Structured Inventory of Reported Symptoms, likewise indicated McGinnis might be feigning mental illness. Simmons diagnosed him with depression, substance dependence and with schizotypal and anti-social traits.

As reported by Anya and Burke, Simmons said she too had heard McGinnis discuss strange, Satanic beliefs, but did not believe them to be the delusions of a paranoid schizophrenic.

"He said he would 'ride in the chest of a demon, taking souls for the devil,'" she said. "Sometimes he seemed to believe it, sometimes he said it was part of his schizophrenia. In most cases, schizophrenics don't recognize that difference. It was my impression this was more a fantasy world than a delusion."

She said his apology to the rape victim was also an indication he was aware of his actions and their consequences.

"It was regret — an admission he had done something wrong," she said.

Dr. John Rabun, a forensic psychiatrist and doctor at the St. Louis Psychiatric Rehabilitation Center, has performed more than 1,000 forensic examinations. He specializes in the treatment of people who have been determined to be mentally incompetent to stand trial. He corroborated Simmons's diagnosis of schizotypal symptoms, and offered 23 points indicating McGinnis was responsible for his own actions. His points were accompanied by comments from McGinnis himself, taken during interviews with Rabun.

"Remorse is not something I have for what happened," McGinnis said. "Except for that little boy who will be brought up without his daddy."

McGinnis described himself as 'bad' during the interviews, and showed an awareness of his actions that didn't indicate a delusional schizophrenic.

"Having a mental disease is only half of the equation of determining responsibility," Rabun said. "That disease must rob them of the ability to know right from wrong."

During his cross-examination, Fickle suggested perhaps McGinnis's moral code was skewed to believe that what was bad was good and said McGinnis himself had said he didn't believe there was a right or wrong.

"If he said God was telling him to kill people, and he believed that was the good and right thing to do, then it would be a different story," Rabun said.

During his closing arguments, Zahnd said McGinnis was not delusional while he committed his crimes.

"Did the defendant have mental health issues — sure," he said. "Normal, well-adjusted people don't murder other people."

He again cited McGinnis's final words to the rape victim, and said McGinnis himself had admitted he was good at manipulating people and told a therapist a year before the murder: "I'm not crazy, but just evil."

Fickle argued that McGinnis's very own admissions proved he was incapable of telling right from wrong and that the mental health system had failed to help curb his violent thoughts.

"That young man had been crying out for help for five years," he said, citing McGinnis's hospitalizations. "The system failed Jake. We failed him."

He said the mentally ill should not be punished and that McGinnis was undoubtedly ill. He disputed McGinnis's comment to Rabun that he believed if he was found mentally incompetent he would be hospitalized and possibly released.

"He's not coming back to society," Fickle said. "But he needs help, and he needs to go to a hospital, not prison."

County officials advised not to raise pay

In a memo issued Tuesday, Platte County attorney Bob Shaw advised elected officials not to give themselves salary increases during their current terms. The legal advice came as County officeholders are mulling a pay increase. After a previous meeting, when they asked for Shaw's opinion, they were scheduled to meet today (Oct. 31) to further discuss the possibility.

The County's salary commission is required by law to meet every two years and has until Dec. 15 to make any decision affecting officeholder salaries. Officeholders, minus Presiding Commissioner Betty Knight, Collector Donna Nash, Public Administrator Terry Edwards and Prosecutor Eric Zahnd, met earlier this month to discuss the County's finances and the possibility of salary increases. The Commission sets base officeholder salaries, and also discusses pay scales, changes to pay scales and cost-of-living adjustments.

With Sheriff Richard Anderson acting as commission chair and County attorney Shaw present, the officeholders heard a report on the financial condition of the County from Auditor Siobhann Williams.

Williams said she estimates the County will finish 2007 approximately \$500,000 ahead of projections on revenues in the general fund. Savings on expense categories in the general fund are expected to finish 2007 at \$400,000. Sales tax projections are at \$30,000 over budget and use tax is projected at about \$500,000 over budget.

In 2005, the Salary Commission upheld a 2001 decision to grant cost-of-living adjustments and voted the County Commissioners would approve such adjustments yearly. While this decision was uncontested, there was some discussion on how base salaries and salary schedules were to be determined, as the Missouri legislature no longer dictated a set schedule. Officeholder salaries were based on a County's assessed valuation, and Platte County is well above the scale set by the state.

"You all have the authority to set base salaries if you decide you wanted to leave the tables because we are so far beyond the table in the statutes," Shaw said. "You can set it at a specific dollar amount."

However, cost-of-living adjustments are tied to adjustments granted to county employees as a whole, and the county officeholders may not take a higher cost-of-living adjustment than the adjustment granted to employees. While the County has started preliminary 2008 budgeting, no decision has been made on cost-of-living adjustments for County employees.

During the meeting, the officeholders discussed whether state statute implied a percentage cost-of-living increase should be applied to each County employee, or to the employees of the County as a whole, allowing for individual adjustments based on merit. They also questioned whether the County could establish its own pay scale based on assessed valuation and if cost-of-living adjustments could be applied during the course of a term, or if they only took effect at the beginning of an office term.

County Clerk Sandy Krohne said in the past the salary commission had decided in years where the pay scale increased due to an increase in assessed valuation the officeholders would not accept a cost-of-living increase on top of the scale increase.

Anderson suggested creating a new pay scale structure based on assessed valuation.

"Ultimately, if we do not do that, then we come here every two years and go through the same thing every two years," he said.

While 1st District Commissioner Tom Pryor moved that base salaries shall not increase or decrease and the County Commission's authority to approve cost-of-living adjustments remain unchanged, the majority of officeholders voted to continue discussions.

On Oct. 30, Shaw issued an opinion on questions asked at the salary commission meeting. He confirmed that the officeholders were free to create a new salary schedule based on assessed valuation, as Platte County's valuation had passed the top of the existing scale — which topped out at \$1.35 billion.

However, Shaw said he didn't believe pay increases should be taken during the term of an official's office, but that any change approved should only take effect at the beginning of a new term for that office. By statute, officeholders can only take on additional compensation if there are state-required duties added to their responsibilities, or, as in 1993, when Platte County attained the status of a first-class county and a special ruling was made.

Parkville water charge takes hike

The price of water in Parkville went up this week with the start of a 20 percent rate increase for Missouri American Water, approved by the Missouri Public Service Commission earlier this month.

The rate increase raises the average residential water bill for 8,800 gallons from \$38.39 per month to \$46.37. Sewer bills will increase from \$40.94 per month to \$46.70. It is the utility's first increase since 2000 and will increase the company's water and sewer operating revenues by approximately \$28.5 million. Platte County isn't the hardest hit by the utility's state-wide rate increase, however. In Joplin, the rate for an average of 5,700 gallons of usage jumped from \$16.29 to \$26.70 per month.

Missouri American Water, the utility for many homes and businesses in Parkville, Riverside, Lake Waukomis and other areas, filed a rate increase request with the PSC in December 2006. The initial request was for a nearly 25 percent increase, which was quickly protested by several municipalities. The company stated it needed the increase to recover its investment of almost \$200 million in water system improvements throughout the state, plus higher general operating costs.

Parkville Mayor Kathy Dusenbery opposed the proposed increase, stating while other areas may have seen improvements, such an investment had not been made in Platte County. In a joint move with the City of Lake Waukomis, the City of Parkville retained the services of attorney Jeremiah Finnegan to fight the rate increase.

Dusenbery said she was disappointed with the outcome of the proceedings, and she would go back to the Parkville Board of Aldermen and check with Finnegan to see if the City had any other recourse for appeal.

"We still have to work out how much we owe him," she said. So far the City has invested approximately \$5,000 into legal fees for Finnegan, but Dusenbery said he puts in a tremendous amount of work for which he will not be compensated.

About three years ago, the City hired Finnegan to fight another proposed hike from Missouri American Water. In that case, the attorney was successful in limiting the increase to only the areas that would receive direct benefit from the additional funds.

Parkville and Lake Waukomis were not alone in fighting the rate hike. Park University and The National also contributed to the cause, but Finnegan was unable to enlist support from the City of Riverside.

"I commend the private entities that stepped forth to support fighting the rate increases and for understanding the economics for the future of Platte County," Dusenbery said.

Missouri American's statistics showed from November 2003 to April 2007 it had invested more than \$7.7 million in water infrastructure improvements in Platte County, including improvements to the Quindaro-Riverside Levee, a 1.5 million gallon water storage tank and booster station to improve fire protection in the western part of the service area and installation of more than two miles of water mains to meet an increase in demand.