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Ferguson Prosecutor Admits He Allowed 'Witness' To Lie To Grand Jury, Will Not Charge Her With Perjury

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Ferguson prosecutor Bob McCulloch blithely admitted on a radio show this Friday that he [knowingly allowed witnesses to lie](#) on the stand during the Ferguson Grand Jury. Specifically, Sandra McElroy, known as Witness 40, who testified that she saw Michael Brown “charging” at Officer Darren Wilson. McCulloch said that although he knew McElroy “clearly wasn’t present when this occurred,” and that she had been discredited by FBI interrogators, he allowed her to testify anyway.

Quick refresher! Sandra “Witness 40” McElroy turned out to be at least 32 flavors of “not a credible witness.” Although the details of her testimony were repeated endlessly by Fox News personality Sean Hannity and others as a means to discredit Michael Brown and witnesses testifying in his favor, it turned out that she was actually a pathologically racist felon with untreated bipolar disorder, a head injury that caused her to forget things, and a tendency to insert herself into major news stories such as the Shawn Hornbeck kidnapping. While all of us just found out about this last week when [The Smoking Gun](#) did a major exposé on McElroy, McCulloch was aware of it all along. And he still allowed her to testify for two days. On things she pulled right out of her ass.

McCulloch’s reasoning for this is that he apparently just had a “shoot ‘em all and let god sort ‘em out” approach to which witnesses he chose to testify at the grand jury hearing. Although he was aware that McElroy was not telling the truth, he figured that the grand jury could figure that out on their own. He says he also feared that not allowing every witness to testify could lead to people asking why those witnesses weren’t testifying.

Personally, I would imagine that a better way to deal with that question would be to simply state “Well, she wasn’t actually there.” But I am not a prosecutor. I just watch a lot of “Law and Order” and have never seen Jack McCoy send up a witness he knew was lying in favor of the defense.

I haven’t ever heard of this happening, period. I thought it was illegal to lie under oath about witnessing something. Even to a grand jury. I know for a fact that [Lil’ Kim went to jail](#) for lying to a grand jury back in 2003. Why not Sandra McElroy? What’s so special about her? Why is she allowed to blatantly lie?

McCulloch said he does not intend to charge her with perjury, despite the fact that she was told before she testified — as is our custom — that it is illegal to lie under oath. I guess we can assume this is because knowingly allowing a witness to bear false testimony is not exactly a thing lawyers are supposed to do.

McCulloch, despite having been the prosecutor in this case, was clearly on the side of the defense during the grand jury and did not want an indictment for Officer Darren Wilson. It's apparent that this is the reason he let this woman testify.

Handily, Missouri *does* [have a law in place](#) for dealing with these sorts of shenanigans. If the presiding judge over the court with jurisdiction in the case determines that the prosecutor's own biases or personal or professional conflicts of interest have prevented him or her from being an effective advocate for the state, he or she can appoint a special prosecutor and start the process all over again.

I don't know what McColluch could possibly have done to prove this anymore than he already has. I mean, between practically testifying on behalf of the defense during the grand jury, the gentle, loving handjob of an interrogation he gave Darren Wilson, and allowing a pathological liar to testify in his defense? He would have had to perform a song-and-dance routine entitled "Officer Darren Wilson Definitely Shot Michael Brown in His Own Defense and I Have No Intention of Suggesting Otherwise" to drill the point home more.

Alas, I don't have much hope that this will happen. However, if this is the way things are going to be from now on, perhaps we should all make hobbies of being lying grand jury witnesses until it occurs to someone that this is a poor idea. [[Think Progress](#)]

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