

ZBINDEN

James Lawrence Zbinden, age 59 years, of Jefferson City, MO, died Friday, November 7, 2003, at his home.

He was born May 17, 1944, at Jefferson City, MO, the son of James Carl and Mildred Cleone Beaman Zbinden. He was married April 30, 1966, at Jefferson City, MO, to Jennie L. Thompson, who survives of the home.

He had attended schools at Marion, MO and Jefferson City, and was a graduate of the Jefferson City Senior High School. He was a member of the First Christian Church of Jefferson City. James had been employed with the Missouri State Highway Department as a photogamistrist and then had been employed with the Missouri Department of Revenue.

Survivors include his wife, Jennie; one son, Mark Zbinden of Jeffeson City; one grandson, Matthew P. Zbinden of the home; two brothers, Jerry Zbinden of Jefferson City, MO and John Zbinden of Fort Collins, Colorado; three sisters, Martha Sapp of Marion, MO, Nancy Jaeger of Jefferson City, MO and Kathy Reed of Lexington, Kentucky.

Visitation will be at the Buescher Memorial Home, today from 5-7 p.m. Funeral services will be held at the Buescher Memorial Home on Tuesday at 3 p.m. with the Rev. Charles Crum officiating. Interment will be in the Mokane Cemetery, Mokane, MO. Memorials are suggested to the Matthew P. Zbinden Trust Fund. Arrangements are under the direction of the BUESCHER MEMORIAL HOME.

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6-year-old could face charges as adult for shooting

News Tribune

Cole County Circuit Judge Pat Joyce today said a 6-year-old Cole County boy suspected of killing his grandfather could be charged as an adult.

Although the state's minimum age for adult certification is 12, there are exceptions to the law in cases of first-degree murder, second-degree murder and first-degree assault.

The 6-year-old allegedly shot and killed James Zbinden, 59, on Friday. The shooting happened at Zbinden's residence, 2215 Ridge Rd.

No charges have been brought against the boy and the investigation is ongoing.

Winston Rutledge, director of the Prenger Family Center said officials are "wrestling" with the boy's case. But he agreed with Joyce's interpretation of the law, saying it's possible the boy could be charged as an adult.

"But it's a remote possibility," he said. "We're moving slowly and we're moving cautiously. We want to do what's legally and ethically correct."

Although he couldn't get into specifics involving the boy's case, he said the first step in juvenile offenses is finding an appropriate charge.

After that "is when we move forward toward a formal process ... the kind of consequences that will be imposed," Rutledge said.

"But there has to be something in order for us to get him the help he needs. We have to have something to keep him under the jurisdiction of the court."

Joyce said the boy, who hasn't been identified, will be entitled to a hearing to determine if he should remain in juvenile court custody.

If a hearing is conducted regarding this case, evidence must prove beyond a reasonable doubt a crime has been committed, Joyce said. If that standard of proof is met, the court can make the boy a ward of the court, she added.

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Then "we find what's the best placement, what services need to be provided for the child," Joyce said.

If that standard of proof is not met, she said, the court will find no cause to hold the boy.

Rutledge said a young offender can remain a ward of the court until he or she turns 17. In some cases, when the court files for an extension, the offender can be held to age 21.

Joyce said the state's Division of Youth Services has a wide variety of options for juvenile offenders. She said they can be held under community supervision, or in minimum or maximum security facilities.

Joyce, the 19th Circuit's sitting juvenile division judge, will likely hear the case involving the boy.

The boy currently is being held at an undisclosed mental health facility, Sheriff John Hemeyer said.

Hemeyer said Zbinden died at his home after sustaining a gunshot wound near his armpit.

After being taken into custody Friday evening, the boy made statements indicating he was responsible for Zbinden's death, Hemeyer said.

Hemeyer said the boy has a long history of mental problems and of attacking family members, sometimes with knives.

Hemeyer said the boy was released Nov. 3 from a mental health care center, where he had been admitted for treatment following an attack on a family member.