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Title: Immunity law used for the first time Until August, Missouri lacked power to force witnesses to testify.

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The legal question Nakisha Brown faced Thursday was simple: Talk about a shooting or spend a year in jail. Missouri prosecutors worked for more than a decade to be able to put the Kansas City woman in that position. Over the years, prosecutors say, dozens of killers walked free because Missouri was one of few states without a witness immunity law that forces testimony.

This year, the General Assembly finally passed the law, which took effect Aug. 28. The state used the law for the first time Thursday - against Brown.

Jackson County Presiding Judge John R. O'Malley and a courtroom full of lawyers were like dancers learning new steps.

``Does the defendant have to be here? '' O'Malley asked. No one knew. The law does not say.

But the law's main point was clear. Prosecutors can grant witnesses immunity from prosecution if their testimony is critical to a case. That means witnesses can no longer refuse to talk by invoking their right against self-incrimination.

An immune witness who still refuses to talk can be sent to jail for up to one year.

Prosecutors argued Thursday that Brown is a key witness against her boyfriend, Michael Stigler, whose second-degree murder trial begins in 10 days. Stigler is charged with shooting Derrick Dearborn to death on Jan. 2 at Stigler's apartment at 3421 Locust St. In a videotaped statement to police that day, Brown said Dearborn came to the door at 4 a.m. and soon was in a fistfight with Stigler.

``(Stigler) told me to get his thing, and I went and I got the gun,'' she said. ``I cocked the gun, and I stood there and I just started shaking. '' Then she handed the gun to Stigler, she said, went into another room and heard shots.

Later, Brown invoked her Fifth Amendment right against self-incrimination and refused to testify. Prosecutors told O'Malley the state would not prosecute her if she testified.

Reading the new law, O'Malley asked whether Stigler should be present.

``He has a right to be present,'' argued his lawyer, John Picerno. Stigler then arrived from jail.

Brown smiled at Stigler as he entered. O'Malley called her to the bench but then turned to other lawyers. Should Brown have a lawyer?

he asked.

They agreed everyone should have a lawyer. Jackson County Public Defender Joel Elmer stepped forward to represent Brown.

Picerno said Brown's testimony was not critical to the case and that the state could not use the new law. His client contends he shot in self-defense, Picerno said, so Brown's testimony is not important.

``As I look at it,'' O'Malley countered, ``there are three adults involved here. One is deceased, the other is this defendant. Her testimony is necessary. '' Elmer, Brown's lawyer, asked if federal authorities could prosecute Brown even though the state had granted her immunity.

Research into federal case law indicated they could not.

The court recessed while Elmer spoke with Brown. When they returned, she agreed to give sworn pretrial testimony next Thursday.

What if she does not show up? That much is clear, said Steve Aaron, assistant county prosecutor. 'We can go get her and put her in jail. ''