

# NEW BILL INDICTMENT

No. 2018-02-46

## WITNESSES

THE CLERK will issue summons for the following State Witnesses:

STATE OF TENNESSEE

VS.

JASON T. KITTLE

[REDACTED]

SSN: [REDACTED]

DOB: [REDACTED]

Race: White Sex: Male

Driver's License: [REDACTED] TN

**Jason L. Roberts**  
**Brandon Crisp**  
DECATUR POLICE DEPARTMENT  
Decatur Police Department  
P. O. Box 188  
Decatur, TN 37322  
(423) 334-5163

[REDACTED]  
COMPTROLLER'S OFFICE  
CORDELL HULL BLDG  
425 FIFTH AVE NORTH  
NASHVILLE, TN 37243

**Jason Legg**  
P.O. Box 592  
Rockwood, TN 37854  
(931) 526-5041

**Bridget Lofgren**  
Tennessee Bureau of Investigation  
Cookeville Field Office  
1000 England Drive  
Cookeville, TN 38501  
(931) 526-5041

**Marilyn Tomasz**  
1020 West 24th Street  
Bryan, TX 77803  
No Phone

**Roderick R. Blevins**  
CEO of VEC  
257 County Road 1121  
Athens, TN 37303  
(423) 334-7000

**Mark A. Verstynen**  
VP of Finance and Accounting of VEC  
278 Deep Draw Road  
Crossville, TN 38555  
(423) 334-7010

**Tonya Irwin**  
Director of Human Resources of VEC  
27027 State Highway 58 N  
Ten Mile, TN 37880  
(423) 334-7008

Russell Johnson  
District Attorney General

**BAC**  
Front & Economic  
Crime Fund

1 Count(s) of THEFT OF PROPERTY OVER \$250,000  
(NEW BILL )

Agency Incident #: n/a

## A NEW BILL

[REDACTED]  
Prosecutor

A New Bill was returned by the Grand Jury this the  
26 day of NOV., 2018

Ronald W. Colyer  
~~Thomas Earl Wright~~ RONNIE W. COLYER (RONNIE)  
Foreman, Grand Jury

Here duly summoned as witnesses and sworn by me, and testified before the Grand Jury on this indictment.

Ronald W. Colyer  
Ronald W. Colyer (Ronnie)  
Foreman, Grand Jury

Filed this the 26 day of NOV., 18.  
Darrell Davis  
Darrell Davis  
Clerk


NEW BILL

INDICTMENT NO. 2018-CR-46

STATE OF TENNESSEE, COUNTY OF MEIGS

CRIMINAL COURT

The Grand Jurors of the State of Tennessee, duly summoned, elected impaneled, sworn, and charged to inquire in and for the body of the County aforesaid, in the State aforesaid, upon their oath, present that **JASON T. KITTLE**, from April 1, 2011 until December 27, 2017, in the County and State aforesaid and before the finding of this Indictment, did and knowingly obtain or exercise control over property, to-wit: cash money proceeds or moneys worth, of a value of \$250,000 (Two Hundred and Fifty Thousand Dollars) or more, the property of Volunteer Energy <sup>CO-OPERATIVE</sup> Corporation, without the effective consent of the owner(s), and with the intent to deprive the owner(s) of the property, in violation of T.C.A. 39-14-103, a class A felony, and against the peace and dignity of the State of Tennessee.

  
\_\_\_\_\_  
RUSSELL JOHNSON  
DISTRICT ATTORNEY GENERAL

**IN THE CRIMINAL/CIRCUIT COURT FOR MEIGS COUNTY, TENNESSEE**

Case Number: Me 2018-CR-46 Count#: 1 Counsel for the State: ROBERT C. EDWARDS  
 Judicial District: 9th Judicial Division: \_\_\_\_\_ Counsel for the Defendant: DAVID CALFEE  
 Co-Counsel for the Defendant: \_\_\_\_\_

Retained  Pub Def Appt  Private Atty Appt  
 Counsel Waived  Pro Se

**State of Tennessee**  
**vs.**

**Defendant:** JASON T. KITTLE Alias: \_\_\_\_\_ Date of Birth: [REDACTED] Sex: Male  
 Race: White SSN: [REDACTED] Driver License #: [REDACTED] Issuing State: TN  
 State ID #: \_\_\_\_\_ County Offender ID # (if applicable): \_\_\_\_\_ TDOC \_\_\_\_\_  
 Relationship to Victim: \_\_\_\_\_ Victim's Age: \_\_\_\_\_  
 State Control #: \_\_\_\_\_ Arrest Date: \_\_\_\_\_ Indictment Filing Date: \_\_\_\_\_

**JUDGMENT**

Original  Amended  Corrected

**Come the parties for entry of judgment.**

On the 3rd day of October, 2022, The defendant:

- Pled Guilty
- Pled Nolo Contendere
- Pled Guilty - Certified Question Findings  
 Incorporated by Reference
- Dismissed
- Nolle Prosequi with costs
- Nolle Prosequi without costs
- Is found:  Guilty  Not Guilty  
 Not Guilty by Reason of Insanity
- Jury Verdict
- Bench Trial Merged with Count: \_\_\_\_\_

**Indictment:** Class (circle one) 1<sup>st</sup> A B C D E  Felony  Misdemeanor  
 Indicted Offense Name: THEFT OF PROPERTY OVER \$250,000  
 Indicted Offense TCA §: 39-14-103  
 Amended Offense Name: \_\_\_\_\_  
 Amended Offense TCA §: \_\_\_\_\_  
 Offense Date: \_\_\_\_\_ County of Offense: MEIGS  
 Conviction Offense Name: THEFT OF PROPERTY OVER \$250,000  
 Conviction Offense TCA §: 39-14-103  
**Conviction:** Class (circle one) 1<sup>st</sup> A B C D E  Felony  Misdemeanor  
 Sentence Imposed Date: 01/11/2023

After considering the evidence, the entire record, and in the case of sentencing, all factors in Tennessee Code Annotated Title 40, Chapter 35, all of which are incorporated by reference herein, it is ORDERED and ADJUDGED that the conviction described above is imposed hereby and that a sentence and costs are imposed as follows:

Offender Status (Check One)	Release Eligibility for Felony Offense (Check One)					
<input type="checkbox"/> Mitigated	<input type="checkbox"/> Mitigated 20%	<input type="checkbox"/> § 40-35-501(i) 100%	<input type="checkbox"/> Agg Rob 85%	<input type="checkbox"/> Agg Child Neg/En 70%	<input type="checkbox"/> 1 <sup>st</sup> Degree Murder	
<input checked="" type="checkbox"/> Standard	<input type="checkbox"/> Mitigated 30%	<input type="checkbox"/> Multiple Rapist 100%	<input type="checkbox"/> Agg Rob w/Prior 100%	<input type="checkbox"/> Agg Child Neg/En 85%	<input type="checkbox"/> Pre-1989	
<input type="checkbox"/> Multiple	<input checked="" type="checkbox"/> Standard 30%	<input type="checkbox"/> Child Rapist 100%	<input type="checkbox"/> § 39-17-1324(a), (b) 100%	<input type="checkbox"/> Agg Vehicular Homicide 60%	<input type="checkbox"/> Reform Act 1989	
<input type="checkbox"/> Persistent	<input type="checkbox"/> Multiple 35%	<input type="checkbox"/> Agg Rapist 100%	<input type="checkbox"/> Mult § 39-17-1324(j) 100%	<input type="checkbox"/> Carjacking 75%	<input type="checkbox"/> Drug Free Zone	
<input type="checkbox"/> Career	<input type="checkbox"/> Persistent 45%	<input type="checkbox"/> Child Predator 100%	<input type="checkbox"/> Agg Assault w/Death 75%	<input type="checkbox"/> §40-35-501(u) 85%	<input type="checkbox"/> Gang Related	
	<input type="checkbox"/> Career 60%	<input type="checkbox"/> § 39-13-518 100%	<input type="checkbox"/> Att 1 <sup>st</sup> Deg Murder w/SBI 85%		<input type="checkbox"/> Repeat Violent Off	

**Concurrent with:** \_\_\_\_\_  
 \_\_\_\_\_  
**Consecutive to:** \_\_\_\_\_  
 \_\_\_\_\_

**Pretrial Jail Credit Period(s):**  
 From \_\_\_\_\_ to \_\_\_\_\_ From \_\_\_\_\_ to \_\_\_\_\_  
 From \_\_\_\_\_ to \_\_\_\_\_ From \_\_\_\_\_ to \_\_\_\_\_  
**It is not the intent of the court for duplication of Jail Credit to be applied to consecutive sentences**

**Sentenced To:**  TDOC  County Jail  Workhouse  
**Sentence Length:** 17 Years \_\_\_\_\_ Months \_\_\_\_\_ Days \_\_\_\_\_ Hours  Life  Life w/out Parole  Death  
 Mandatory Minimum Sentence Length: \_\_\_\_\_ §§ 39-17-417, 39-13-513, 39-13-514, or 39-17-432 in Prohibited Zone  
 \_\_\_\_\_ § 55-10-401 DUI 4<sup>th</sup> Offense  
 \_\_\_\_\_ § 39-17-1324 Possession/Employment of Firearm  
 \_\_\_\_\_ §§ 40-39-208, -211 Violation of Sex Offender Registry  
 \_\_\_\_\_ Meth §§ (39-17-434, -417, -418)  
 Period of incarceration to be served prior to release on probation or Community Corrections: \_\_\_\_\_ Months \_\_\_\_\_ Days \_\_\_\_\_ Hours  
 Minimum service prior to eligibility for work release, furlough, trusty status and rehabilitative programs: \_\_\_\_\_% (Misdemeanor Only)  
**Alternative Sentence:**  Sup Prob  Unsup Prob  Comm Corr  Prob Sup By Comm. Corr (CHECK ONE BOX)  
 \_\_\_\_\_ Years \_\_\_\_\_ Months \_\_\_\_\_ Days Effective: \_\_\_\_\_  
 WAS DRUG/RECOVERY COURT ORDERED AS A CONDITION OF THE ALTERNATIVE SENTENCE?  Yes  No  
 \_\_\_\_\_  
 Mike Pemberton  
 Judge's Name  
 \_\_\_\_\_  
 Judge's Signature

IN THE CRIMINAL/CIRCUIT COURT FOR MEIGS COUNTY, TENNESSEE

Case Number: Me 2018-CR-46 Count#: 1
Judicial District: 9th Judicial Division:

State of Tennessee

vs.

Defendant: JASON T. KITTLE Alias: Date of Birth: Sex: Male
Race: White SSN:

CONTINUATION OF JUDGMENT [X] Original [ ] Amended [ ] Corrected

Court Ordered Fees and Fines: Costs to be Paid by
\$ Court Costs [X] Defendant [ ] State
\$ 0 Fine Assessed
\$ Traumatic Brain Injury Fund (68-55-301 et seq.)
\$ Drug Testing Fund (TN Drug Control Act)
\$ CICF
\$ Sex Offender Tax
\$ Other:

Restitution: Victim Name Volunteer Energy Cooperative
Address
Total Amount \$ 981,981.32 Per Month \$

[ ] Unpaid Community Service:
Hours Days Weeks Months

- [X] The Defendant having been found guilty is rendered infamous and ordered to provide a biological specimen for the purpose of DNA analysis.
[ ] Pursuant to 39-13-521, the defendant is ordered to provide a biological specimen for the purpose of HIV testing.
[ ] Pursuant to 39-13-524 or 39-13-518, the defendant is sentenced to community supervision for life following sentence expiration.
[ ] Pursuant to Title 68, Chapter 11, Part 10, 71-6-117, or 71-6-119, the clerk shall forward this judgment to the Department of Health.

Special Conditions:

[Empty box for Special Conditions]

MIKE PEMBERTON
Judge's Name

[Signature]
Judge's Signature

01-11-2013
Date of Entry of Judgment

[Signature]
Counsel for State/Signature (optional)

[Signature]
Defendant/Defendant's Counsel/Signature (optional)

I, clerk, hereby certify that, before entry by the court, a copy of this judgment was made available to the party or parties who did not provide a signature above.

STATE OF TENNESSEE

VS.

Jason Kittle,  
DEFENDANT

)  
)  
)  
)  
)  
)  
)

Indictment No. 2018-CR-46  
Count No. 1

**SENTENCING FINDINGS OF FACT FOR OFFENSES COMMITTED  
ON OR AFTER JUNE 7, 2005**

This cause came on to be heard on the sentencing of the defendant on a conviction for the offense of January 11, 2023. In determining the appropriate sentence for this offense, this Court has considered the evidence presented at the trial and the sentencing hearing, the presentence report, the principles of sentencing and arguments made as to sentencing alternatives, the nature and characteristics of the criminal conduct involved, the evidence and information offered by the parties on the mitigating and enhancement factors, any statistical information provided by the administrative office of the court as to sentencing practices for similar offenses in Tennessee located at <http://www.tncourts.gov/administration/judicial-resources/criminal-sentencing-statistics>, any statement the defendant made, if any, on his own behalf about sentencing, and the defendant's potential for rehabilitation or treatment.

**FROM ALL OF WHICH THE COURT FINDS AS FOLLOWS:**

**RANGE OF SENTENCE**

The defendant is found to be:

       AN ESPECIALLY MITIGATED OFFENDER (Tenn. Code Ann. ' 40-35-109)

(1) The defendant has no prior felony convictions; AND

(2) The court finds mitigating, but no enhancement factors.

X        A RANGE ONE STANDARD OFFENDER (Tenn. Code Ann. ' 40-35-105)

       A RANGE TWO MULTIPLE OFFENDER (Tenn. Code Ann. ' 40-35-106)

(1) A minimum of two (2) but not more than four (4) prior felony convictions within the conviction class, a higher class, or within the next two (2) lower felony classes, where applicable; OR

(2) One (1) Class A prior felony conviction if the defendant's conviction offense is a Class A or B felony.

[updated 1/1/22]

**A RANGE THREE PERSISTENT OFFENDER** (Tenn. Code Ann. ' 40-35-107)

- (1) Any combination of five (5) or more prior felony convictions within the conviction class or higher, or within the next two (2) lower felony classes, where applicable; OR
- (2) At least two (2) Class A or any combination of three (3) Class A or Class B felony convictions if the defendant's conviction offense is a Class A or B felony.

           **A CAREER OFFENDER** (Tenn. Code Ann. ' 40-35-108)

- (1) Any combination of six (6) or more Class A, B or C prior felony convictions, and the defendant's conviction offense is a Class A, B or C felony; OR
- (2) At least three (3) Class A or any combination of four (4) Class A or Class B felony convictions if the defendant's conviction offense is a Class A or B felony; OR
- (3) At least six (6) prior felony convictions of any classification if the defendant's conviction offense is a Class D or E felony.

           **ENHANCEMENT FACTORS** (Tenn. Code Ann. ' 40-35-114)

The Court finds the following enhancement factors which are not themselves essential elements of this offense :

- (1) The defendant has a previous history of criminal convictions or criminal behavior in addition to those necessary to establish the appropriate range;
- (2) The defendant was a leader in the commission of an offense involving two or more criminal actors;
- (3) The offense involved more than one victim;
- (4) A victim of the offense was particularly vulnerable because of age or physical or mental disability;
- (5) The defendant treated, or allowed a victim to be treated, with exceptional cruelty during the commission of the offense;
- (6) The personal injuries inflicted upon, or the amount of damage to property sustained by or taken from, the victim was particularly great;
- (7) The offense involved a victim and was committed to gratify the defendant's desire for pleasure or excitement;
- (8) The defendant, before trial or sentencing, failed to comply with the conditions of a sentence involving release into the community;
- (9) The defendant possessed or employed a firearm, explosive device or other deadly weapon during the commission of the offense;
- (10) The defendant had no hesitation about committing a crime when the risk to human life was high;
- (11) The felony resulted in death or serious bodily injury, or involved the threat of death or serious bodily injury, to another person, and the defendant has previously been convicted of a felony that resulted in death or serious bodily injury;
- (12) During the commission of the felony, the defendant intentionally inflicted serious bodily injury upon another person, or the actions of the defendant resulted in the death of, or serious bodily injury to, a victim or a person other than the intended victim;

\_\_\_\_\_ (13) At the time the felony was committed, one (1) of the following classifications was applicable to the defendant:

- (A) Released on bail or pretrial release, if the defendant is ultimately convicted of the prior misdemeanor or felony;
- (B) Released on parole;
- (C) Released on probation;
- (D) On work release;
- (E) On community corrections;
- (F) On some form of judicially ordered release;
- (G) On any other type of release into the community under the direct or indirect supervision of any state or local governmental authority or a private entity contracting with the state or a local government;
- (H) On escape status; or
- (I) Incarcerated in any penal institution on a misdemeanor or felony charge or a misdemeanor or felony conviction;

X \_\_\_\_\_ (14) The defendant abused a position of public or private trust, or used a professional license in a manner that significantly facilitated the commission or the fulfillment of the offense;

\_\_\_\_\_ (15) The defendant committed the offense on the grounds or facilities of a pre-kindergarten through grade twelve (pre-K-12) public or private institution of learning when minors were present;

\_\_\_\_\_ (16) The defendant was adjudicated to have committed a delinquent act or acts as a juvenile that would constitute a felony if committed by an adult;

\_\_\_\_\_ (17) The defendant intentionally selected the person against whom the crime was committed or selected the property that was damaged or otherwise affected by the crime, in whole or in part, because of the defendant's belief or perception regarding the race, religion, color, disability, sexual orientation, national origin, ancestry or gender of that person or of the owner or occupant of that property; however, this enhancement factor should not be construed to permit the enhancement of a sexual offense on the basis of gender selection alone;

\_\_\_\_\_ (18) The offense was an act of terrorism or was related to an act of terrorism;

\_\_\_\_\_ (19) If the defendant is convicted of the offense of aggravated assault pursuant to §39-13-102, the victim of the aggravated assault was a law enforcement officer, firefighter, correctional officer, youth services officer, probation and parole officer, a state registered security guard/officer, an employee of the department of correction or the department of children's services, an emergency medical or rescue worker, emergency medical technician or paramedic, whether compensated or acting as a volunteer; provided, that the victim was performing an official duty and the defendant knew or should have known that the victim was such an officer or employee;

\_\_\_\_\_ (20) If the defendant is convicted of the offenses of rape pursuant to §39-13-503, sexual battery pursuant to §39-13-505, or rape of a child pursuant to §39-13-522, the defendant caused the victim to be mentally incapacitated or physically helpless by use of a controlled substance [**only for offenses committed on or after 5/15/12: or controlled substance analogue**];

\_\_\_\_\_ (21) If the defendant is convicted of the offenses of aggravated rape pursuant to §39-13-502, rape pursuant to §39-13-503, rape of a child pursuant to §39-13-522 or statutory rape pursuant to §39-13-506, the defendant knew or should have known that, at the time of the offense, the defendant was HIV positive;

\_\_\_\_\_ (22) If the defendant is convicted of the offenses of aggravated arson pursuant to §39-14-302 or vandalism pursuant to §39-14-408, the damage or destruction was caused to a structure, whether temporary or permanent in nature, used as a place of worship and the defendant knew or should have known that it was a place of worship [see §40-35-114(22)(B) for the definition of "place of worship."]

\_\_\_\_\_ (23) [For offenses committed on or after 7/1/07] The defendant is an adult and sells to or gives or exchanges a controlled substance [only for offenses committed on or after 5/15/12: or controlled substance analogue] or other illegal drug with a minor.

\_\_\_\_\_ (24) [For offenses committed on or after 7/1/08] The offense involved the theft of property and, as a result of the manner in which the offense was committed, the victim suffered significant damage to other property belonging to the victim or for which the victim was responsible.

\_\_\_\_\_ (25) [For offenses committed on or after 7/1/15, and vandalism committed on or after 7/1/16] The defendant committed an offense [see §40-35-114(25)(B) for the list of applicable offenses] during the time period between the first occurrence of events or conduct that later results in a declaration of a state of emergency by a county, the governor, or the president of the United States and the time the county, governor, or the president of the United States terminates the state of emergency, as provided in §58-2-107, within the area or areas threatened by the emergency, as established by the county's, governor's, or president's declaration of a state of emergency, knowing of the existence of the emergency [see §40-35-114(25)(B) for the definition of "emergency"].

\_\_\_\_\_ (26) [For offenses committed on or after 1/1/17] The defendant committed the offense of robbery pursuant to 39-13-401, aggravated robbery pursuant to 39-13-402, or especially aggravated robbery pursuant to 39-13-403, on the premises of a licensed pharmacy in an effort to unlawfully obtain, sell, give, or exchange a controlled substance, controlled substance analogue, or other illegal drug;

\_\_\_\_\_ (27) [For offenses committed on or after 7/1/17] The defendant commits a violent offense, as classified in 40-35-120(b), against a uniformed law enforcement officer or uniformed member of the armed forces or national guard; and the defendant intentionally selected the person against whom the crime was committed, in whole or in part, because of the person's status as a law enforcement officer or member of the armed forces or national guard;

\_\_\_\_\_ (28) [For offenses committed on or after 7/1/17] At the time the instant offense was committed, the defendant was illegally or unlawfully in the United States, and

\_\_\_\_\_ (29) [For offenses committed on or after 7/1/21] The offense involved the theft of a firearm from a motor vehicle, as defined in 55-1-103:

#### MITIGATING FACTORS (Tenn. Code Ann. ' 40-35-113)

The Court finds the following mitigating factors:

- X \_\_\_\_\_ (1) The defendant's criminal conduct neither caused nor threatened serious bodily injury;  
\_\_\_\_\_ (2) The defendant acted under strong provocation;



- \_\_\_\_\_ (3) Substantial grounds exist tending to excuse or justify the defendant's criminal conduct, though failing to establish a defense;
- \_\_\_\_\_ (4) The defendant played a minor role in the commission of the offense;
- \_\_\_\_\_ (5) Before detection, the defendant compensated or made a good faith attempt to compensate the victim of criminal conduct for the damage or injury the victim sustained;
- \_\_\_\_\_ (6) The defendant, because of youth or old age, lacked substantial judgment in committing the offense;
- \_\_\_\_\_ (7) The defendant was motivated by a desire to provide necessities for the defendant's family or the defendant's self;
- \_\_\_\_\_ (8) The defendant was suffering from a mental or physical condition that significantly reduced the defendant's culpability for the offense; however, the voluntary use of intoxicants does not fall within the purview of this factor;
- \_\_\_\_\_ (9) The defendant assisted the authorities in uncovering offenses committed by other persons or in detecting or apprehending other persons who had committed the offenses;
- \_\_\_\_\_ (10) The defendant assisted the authorities in locating or recovering any property or person involved in the crime;
- \_\_\_\_\_ (11) The defendant, although guilty of the crime, committed the offense under such unusual circumstances that it is unlikely that a sustained intent to violate the law motivated the criminal conduct;
- \_\_\_\_\_ (12) The defendant acted under duress or under the domination of another person, even though the duress or the domination of another person is not sufficient to constitute a defense to the crime; or
- X (13) Any other factor consistent with the purposes of Title 40, Chapter 35 (the Tennessee Criminal Sentencing Reform Act of 1989).

FINDINGS ON CONSECUTIVE SENTENCING

*NOT APPLICABLE MDP*

**DISCRETIONARY CONSECUTIVE SENTENCING ((Tenn. Code Ann. ' 40-35-115)**

This Court finds in ordering consecutive sentencing that:

- \_\_\_\_\_ The defendant is a professional criminal who has knowingly devoted such defendant's life to criminal acts as a major source of livelihood;
- \_\_\_\_\_ The defendant is an offender whose record of criminal activity is extensive;
- \_\_\_\_\_ The defendant is a dangerous mentally abnormal person so declared by a competent psychiatrist who concludes as a result of an investigation prior to sentencing that the defendant's criminal conduct has been characterized by a pattern of repetitive or compulsive behavior with heedless indifference to consequences;
- \_\_\_\_\_ The defendant is a dangerous offender whose behavior indicates little or no regard for human life, and no hesitation about committing a crime in which the risk to human life is high; and all three of the following factors apply: (State v. Wilkerson, 905 S.W.2d 933 (Tenn. 1995))
  - \_\_\_\_\_ (a) the circumstances surrounding the commission of the offense are aggravated,
  - \_\_\_\_\_ (b) confinement for an extended period of time is necessary to protect society from the defendant's unwillingness to lead a productive life and the defendant=s resort to criminal activity in furtherance of an anti-societal lifestyle, and
  - \_\_\_\_\_ (c) the aggregate length of the sentences reasonably relates to the offense of which the defendant stands convicted.

- \_\_\_\_\_ The defendant is convicted of two (2) or more statutory offenses involving sexual abuse of a minor with consideration of the aggravating circumstances arising from the relationship between the defendant and victim or victims, the time span of defendant's undetected sexual activity, the nature and scope of the sexual acts and the extent of the residual, physical and mental damage to the victim or victims;
- \_\_\_\_\_ The defendant is sentenced for an offense committed while on probation; or
- \_\_\_\_\_ The defendant is sentenced for criminal contempt.
- \_\_\_\_\_ The defendant has additional sentences not yet fully served (*see* Tenn. R. Crim. P. 32).

**MANDATORY CONSECUTIVE SENTENCING**

This Court finds that:

*NOT APPLICABLE MAP*

- \_\_\_\_\_ The defendant committed a felony while on parole or other release program.
- \_\_\_\_\_ The defendant committed a felony while on bail for a felony for which the defendant was ultimately convicted.
- \_\_\_\_\_ The defendant committed an escape or a felony committed while on escape.

**PROBATION CONSIDERATIONS**

*NOT APPLICABLE MAP*

This Court has also considered the following if deciding if grant or deny an alternative sentence to incarceration:

- \_\_\_\_\_ The presentence report, if not waived.
- \_\_\_\_\_ The defendant's physical/mental condition and social history.
- \_\_\_\_\_ The facts and circumstances surrounding the offense, and the nature and circumstances of the criminal conduct involved.
- \_\_\_\_\_ The prior criminal history of the defendant, or lack thereof.
- \_\_\_\_\_ The previous actions and character of the defendant.
- \_\_\_\_\_ Whether or not the defendant might reasonably be expected to be rehabilitated, and the defendant's potential or lack of potential for rehabilitation, including the risk that during the period of probation the defendant will commit another crime
- \_\_\_\_\_ Whether or not it reasonably appears that the defendant will abide by the terms of probation.
- \_\_\_\_\_ Whether or not the interests of society in being protected from possible future criminal conduct of the defendant are great.
- \_\_\_\_\_ Whether or not measures less restrictive than confinement have frequently or recently been applied unsuccessfully to the defendant.
- \_\_\_\_\_ Whether or not a sentence of full probation would unduly depreciate the seriousness of the offense.
- \_\_\_\_\_ Whether or not confinement is particularly suited to provide an effective deterrent to others likely to commit similar offenses.
- \_\_\_\_\_ Whether or not the offense was particularly enormous, gross or heinous.

THE DEFENDANT IS HEREBY SENTENCED TO a term of 17 years in the  
       County jail  
       Local workhouse  
 Department of Correction

concurrent with Not Applicable MAP  
consecutive to Not Applicable MAP  
and a fine of \$ 0

Alternative sentence, if any: Not applicable MAP  
981,981.32 MAP  
Restitution in the amount of: ~~\$994,981.32~~ to  
Volunteer Electric Cooperative (or its Insurance  
Carrier which paid the loss in Fall).

The above findings are hereby ordered to be made a part of the record in this cause.

IT IS SO ORDERED this 11<sup>th</sup> day of January, 2023.

Michael D. Kumbator

JUDGE