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THEFT OF PROPERTY - T.C.A. 39-14-103  
ORIGINAL

**STATE OF TENNESSEE**

**CIRCUIT COURT**

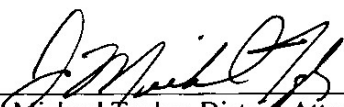
**MARION County**

**FEBRUARY Session 2019**

NO. 10993

The Grand Jurors of Marion County, Tennessee, duly impaneled and sworn upon their oath, present that:

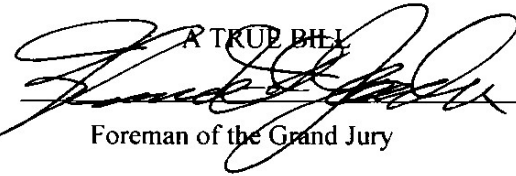
**AMBER BAILEY** from May 1, 2017 thru February 28, 2018 in Marion County, Tennessee, and before the finding of this indictment, did unlawfully, knowingly obtain control of or exercise control over **money and goods**, being the personal goods and property of **Jasper Elementary PTO**, without the owner's effective consent and with the intent to deprive the true owner thereof, the value of said personal goods and property being **\$2,500.00** or more but less than **\$10,000.00**, in violation of **T.C.A. 39-14-103**, all of which is against the peace and dignity of the State of Tennessee.

  
\_\_\_\_\_  
J. Michael Taylor, District Attorney General  
12th Judicial District

No. 10993

**ORIGINAL**

STATE OF TENNESSEE  
vs. } **THEFT OF PROPERTY**

**A TRUE BILL**  
  
Foreman of the Grand Jury

**AMBER BAILEY**

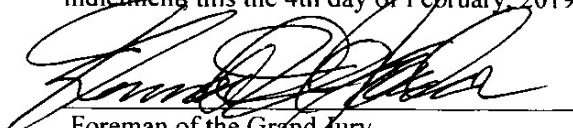
**SUMMON FOR THE STATE:**

**NATHAN WILSON, COMP. OFFICE**

**WITNESSES**

Nathan Wilson, Comp. Office

Were sworn during open Court before  
the Grand Jury to give evidence on the within  
indictment, this the 4th day of February, 2019.

  
Foreman of the Grand Jury

**NATHAN WILSON, PROSECUTOR**

By Order of J. Michael Taylor  
District Attorney General

Filed this 4th day of February 2019.

Loana Henderson CLERK

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

Case Number: 10993 Count: 1 Counsel for the State: DAVID MCGOVERN  
 Judicial District: 12<sup>th</sup> Judicial Division: \_\_\_\_\_ Counsel for the Defendant: JENNIFER MITCHELL  
 State of Tennessee vs.  Retained  Pub Def Appt  Private Atty Appt  
 Counsel Waived  Pro Se  
 Defendant: AMBER BAILEY Alias: \_\_\_\_\_ Date of Birth: 01/07/1985 Sex: Female  
 Race: White SSN: [REDACTED] Relationship to Victim: \_\_\_\_\_ Victim's Age: \_\_\_\_\_  
 State ID #: \_\_\_\_\_ County Offender ID # (if applicable): \_\_\_\_\_ State Control #: 2019 DEC-5  
 Arrest Date: \_\_\_\_\_ Indictment Filing 2/4/19

**ORDER OF DEFERRAL (JUDICIAL DIVERSION)**  Original  Amended  Corrected

On the 5<sup>th</sup> day of December, 2019, the defendant:

<input checked="" type="checkbox"/> Pled Guilty <input type="checkbox"/> Pled Nolo Contendere  Was Found Guilty By: <input type="checkbox"/> Jury Verdict <input type="checkbox"/> Bench Trial	Indictment: Class (circle one) 1 <sup>st</sup> A B C D E <input checked="" type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor Indicted Offense Name AND TCA §: <u>39-14-103 ~ Theft of Property \$2,500 to \$10,000</u> Amended Offense Name AND TCA §: _____ Offense Date: <u>05/01/2017</u> County of Offense: <u>Marion</u> Deferred Offense Name AND TCA §: <u>39-14-103 ~ Theft of Property \$2,500 to \$10,000</u> Deferred Offense: Class (circle one) A B C D E <input checked="" type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor
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Upon review of the case, the court finds the facts stated above as well as the following (For Item 3, Check ONE Of The Two Boxes):

- The defendant is eligible for deferral of the prosecution pursuant to Tennessee Code Annotated section (T.C.A.) 40-35-313;
- The Tennessee Bureau of Investigation has certified (per attached certificate) that the defendant does not have a prior felony or Class A misdemeanor conviction;
- The defendant was not charged with a violation of a criminal statute the elements of which constitute abuse, neglect or misappropriation of the property of a vulnerable person as defined in Title 68, Chapter 11, Part 10; **OR**  
 The defendant agrees without contest or any further notice or hearing that the defendant's name shall be permanently placed on the registry governed by Title 68, Chapter 11, Part 10, whereupon a copy of this order shall be forwarded by the clerk to the department of health;
- The defendant consents to T.C.A. 40-35-313 deferral, as evidenced by the defendant's signature below; AND
- The defendant should be granted a deferral of charges pursuant to T.C.A. 40-35-313.

It is, therefore, **ORDERED** that the prosecution in this case is deferred pursuant to T.C.A. 40-35-313, and the defendant is placed on probation. The terms and conditions ordered by this court apply to the defendant's probation and are incorporated herein by reference thereto.

Probation Term: Total Length 3 years Beginning Date 12/5/19 Ending Date 12/4/22  Supervised  Unsupervised

Supervising Entity (unless otherwise provided to the defendant by the court): Name: State Probation  
 Phone Number: \_\_\_\_\_ Address: \_\_\_\_\_

Defendant's Contact Information (unless otherwise provided to the probation officer by the court): Phone Number \_\_\_\_\_  
 Address: \_\_\_\_\_

Court Clerk in the amount of \$5,590.00, no later than 12/6/19. Defendant shall pay costs and a fine of \$1,500.00 at no less than \$40.00 per month

*100 hrs. of p.s.w. when the funds clear the clerk's office, restriction shall be removed*

Costs	Concurrent with:	Restitution	Pretrial Jail Credit Period(s):
\$ _____ Sex Offender Tax (39-13-709)		Victim Name: <u>See above</u>	From _____ to _____
\$ _____ Sex Offender Fine (40-24-108)		Address: _____	From _____ to _____
\$ _____ Drug Testing Fee (39-17-420)	Consecutive to:	Total Amount \$ _____	From _____ to _____
\$ _____ Treatment Expenses (40-35-313)		Per Month \$ _____	From _____ to _____
\$ _____ Supervision Fees (40-35-313)			
\$ _____ Other: _____			

*\*to P.T.O. care of Jasper Elementary School, Jasper, TN 37347. Parties waive Venue*

Defendant \_\_\_\_\_  
**J. Curtis Smith**  
 JUDGE'S NAME  
**Jennifer Mitchell**  
 Counsel for the Defendant

ENTER this the 5<sup>th</sup> day of December, 19  
 \_\_\_\_\_  
 JUDGE'S SIGNATURE  
 \_\_\_\_\_  
 Counsel for the State of Tennessee