

STATE OF TENNESSEE, DeKALB COUNTY

06-0417

TO THE SHERIFF OF DeKALB COUNTY—GREETINGS:

You are hereby commanded to take the body

Eddie Tubbs

In your county, and him safely keep, so that you have him before the Judge of our Circuit Court for the County of DeKalb at the Court House in the town of Smithville on

April 17, 2006 @ 9:00 AM

20 next, then and there answer the State on an indictment for

Theft over \$1000.00
Official Misconduct

if to be found

Herein fail not and have you then and there this writ.

Witness, K. Pack Clerk of said Court, at office in Smithville, Tennessee on

April 4,

2006

A. D.,

and

year of American Independence of the United States.

Katherine B. Pack, Clerk

By

, D. C.

STATE OF TENNESSEE, DeKALB COUNTY

We,

agree to pay to the State of Tennessee

DOLLARS

unless the said

appear at the next term of the Circuit Court of said County to answer the offense of

and does not depart the court without leave.

Witness our hand, this the

day of

20

Approved

CASE # CV-82A-000029

RI # 23

INDICTMENT

NO. 06-047

PICKUP

STATE OF TENNESSEE

v.

EDDIE TUBBS

Charge(s):

Theft Over \$1,000 (F/D)

Official Misconduct (F/E)

Date Presented: 4-4-06

A TRUE BILL

Stephen L. Officer
Foreman, Grand Jury

Steve Huntley
S.A. Steve Huntley, Prosecutor

2,500
bond

WITNESSES

S.A. Steve Huntley

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

Stephen L. Officer
Foreman, Grand Jury

THE CLERK will issue summons(es) for the following State Witness(es):

S.A. Steve Huntley
Tennessee Bureau of Investigation
1519-E East Spring Street
Cookeville, TN 38506

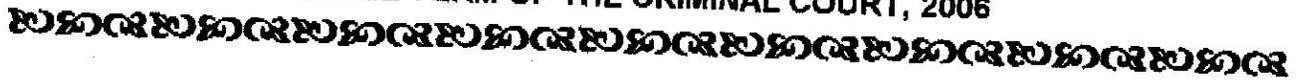
S.A. Derrell Martin
Federal Bureau of Investigation

Michael Mayhan, CPA, CFE
Comptroller of the Treasury
Department of Audit - Division of Municipal Audit
1600 James K. Polk St. Ofc. Bldg.
Deadrick Street
Cookeville, TN 37243-0271

**M E. GIBSON, DISTRICT
ATTORNEY GENERAL**

William M. Locke
Office of the District Attorney General

STATE OF TENNESSEE, DEKALB COUNTY
APRIL TERM OF THE CRIMINAL COURT, 2006



THE GRAND JURORS of DeKalb County, Tennessee, duly empanelled and sworn upon their oath present that **EDDIE TUBBS**, during the time period commencing January 31, 2004 through September 3, 2004, in DeKalb County, Tennessee and before the finding of this indictment did unlawfully and knowingly obtain or exercise control over property, including but not limited to; *cash, services and goods* valued at over One Thousand Dollars (\$1,000.00), belonging to *The City of Alexandria* with intent to deprive the owner thereof and without the owner's effective consent, in violation of T.C.A. §39-14-103, and against the peace and dignity of the State of Tennessee.

COUNT 2:

And the Grand Jurors for DeKalb County, Tennessee, upon their oath do further present that **EDDIE TUBBS**, during the time period commencing January 31, 2004 through September 3, 2004, in DeKalb County, Tennessee and before the finding of this indictment did unlawfully and intentionally or knowingly, as a public servant, with the intent to obtain a benefit or harm another, commit an act under color of office or employment that exceeds the servants official power, violate the law relating to his/her office or employment or receive any benefit not otherwise authorized by law, in violation of T.C.A. §39-16-402, and against the peace and dignity of the State of Tennessee.

Office of the District Attorney General

IN THE CRIMINAL COURT OF DeKALB COUNTY, TENNESSEE

STATE OF TENNESSEE)

v.)

CASE NO. 06-047

Eddie Tubbs)

DOB 1-12-55

Don Edward Tubbs

517-000

MEMORANDUM OF UNDERSTANDING

(Supervised)

Ed. H. S.

This Memorandum of Understanding is filed pursuant to the provisions of Tennessee Code Annotated Sections 40-15-101 through 40-15-106 entitled Pre-Trial Diversion.

It is agreed by and between the State of Tennessee and the defendant that in this cause the prosecution shall be suspended for a specific period of 2 years from the filing of a Memorandum of Understanding upon the conditions hereinafter set out to be observed by the defendant during said 2 year period.

The defendant fully understands the nature of the charge(s) against him/her and his/her right to a speedy trial, right to trial by jury, to presentment or indictment, to have witnesses appear against him/her to subpoena witnesses on his/her behalf, to appeal if convicted, and that his/her filing shall toll any applicable statute of limitations during the pendency of the diversionary period. The defendant hereby waives each of these rights voluntarily and upon the advise of counsel.

This Memorandum of Understanding includes the following stipulations and agreements:

It is agreed that the defendant be placed under the supervision of the T.D.O.C. and shall comply with the following general and specific conditions of Pre-Trial Diversion:

1. The defendant shall obey the laws of the United States, the State of Tennessee, or any State in which he may be and all municipal ordinances, and shall notify his/her probation officer immediately should he/she be arrested for any criminal charge, regardless of disposition.
2. The defendant shall not engage in any activities, conduct, or associations that bear relationship or are similar to the conduct upon which the currently pending charge(s) against him/her is based.
3. The defendant shall pay court costs incurred in this cause by _____.
4. The defendant will not associate with any person who is known to be involved in criminal activities.
5. The defendant shall abide by the special conditions (if any) specified on Schedule A attached hereto.
6. The defendant will be required to pay the sum of THIRTY-FIVE DOLLARS (\$35.00) per month to T.D.O.C. for supervision of said defendant while on diversion.

7. The defendant will be granted diversion on the condition that he/she make full restitution (if applicable) due the victim of his/her crime and/or insurance company that sustained a loss for same. Restitution is to be paid through the Circuit Court Clerk's Office, in the amount 1,916⁰⁰, to be paid by _____ to Alexandria Gout.

8. The defendant and his/her attorney will attend to the entry of this Memorandum, and after same has been entered and marked "filed" by the Clerk, they will furnish a photostatic copy of same to TDOC so that they may be informed and advised of when defendant is actually put on diversionary status and the terms thereof. They shall also furnish a copy of the memorandum to the District Attorney General's Office after it has been marked "filed" by the Clerk.

9. Defendant will procure the consent of his/her Probation Officer before changing his/her residence or employment or before leaving the county of his/her residence or the State.

10. Defendant will make a full and truthful report to his/her Probation Officer in person and/or in writing as directed.

11. Defendant shall not use intoxicants of any kind to excess; nor use narcotic drugs, marijuana included; nor visit places where intoxicants or drugs are unlawfully sold, dispensed or used.

12. Defendant shall allow his/her Probation Officer to visit his/her home, employment site or elsewhere and carry out all instructions given by the probation officer, whether oral or in writing.

13. If at anytime it is necessary to communicate with his/her Probation Officer and Probation Officer is not accessible, the probationer will direct his/her communications to the District Director or Regional Director.

14. Defendant shall obtain written permission from his/her probation Officer before establishing a date for marriage or before contracting any major debts.

15. Defendant shall not be away from his/her place of residence at late or unusual hours of the night, such hours to be determined by the Probation Officer who will also give permission for night employment if necessary.

16. Defendant shall work diligently at a lawful occupation and support his/her dependents, if any, to the best of his/her ability.

17. Defendant shall be required to observe any special conditions imposed by the Court listed below:

17. (a) _____

17. (b) Defendant will be required to perform one hundred (100) hours of Community Service work.

17. (c) Defendant will be required to complete regular drug screen tests supervised by his/her probation officer.

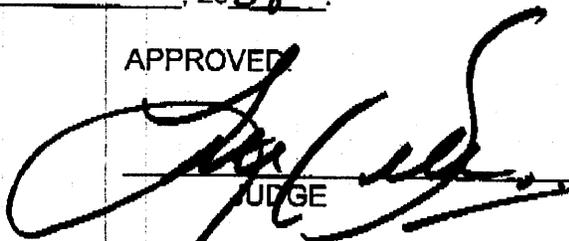
17. (d) Defendant shall maintain full-time employment.

18. IT IS EXPRESSLY A CONDITION HERETO that ALL OF THE ABOVE CONDITIONS be fully complied with prior to defendant being discharged from diversionary status.

It is agreed and understood that violation of the above conditions may be sufficient cause for termination of this Memorandum of Understanding and resumption of prosecution.

It is agreed that if the above conditions are met, the supervision period shall terminate on the 7th day of July, 2008.

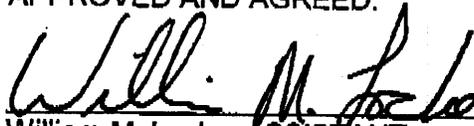
APPROVED

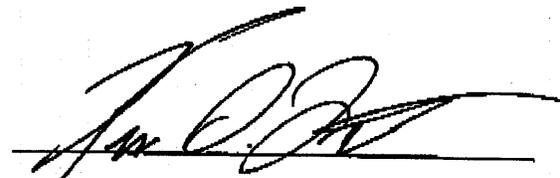
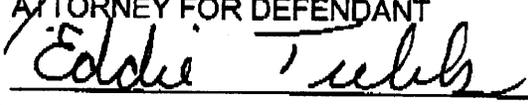


JUDGE

DATE: _____

APPROVED AND AGREED:


William M. Locke, ASSISTANT
DISTRICT ATTORNEY GENERAL


ATTORNEY FOR DEFENDANT


DEFENDANT

12743



APPLICATION FOR CERTIFICATION OF ELIGIBILITY FOR DIVERSION



COUNTY: DeKalb COURT: Civil Criminal Sentences DIVISION: 13th JUDGE: Lillie Ann Sells

DEFENDANT'S NAME: Don Edward Tubbs COURT DATE: June 2, 2006

DATE OF BIRTH: 01-12-1955 SEX/RACE: M/B SOCIAL SECURITY NUMBER: [REDACTED] TYPE OF DIVERSION: Pretrial Judicial

- OFFENSES TO BE DIVERTED: 1. Theft over \$1,000.00 Date of Arrest: 4, 4, 06 [X] Felony [] Misdemeanor 2. Official Misconduct Date of Arrest: 4, 4, 06 [X] Felony [] Misdemeanor 3. [] Felony [] Misdemeanor

NAME OF PERSON TO WHOM RECORDS SHOULD BE SENT: Kevin S. Latta, Attorney At Law, Attn: Sommer

FAX NUMBER: (615) 597-7549 ADDRESS: 200 South Third St., Smithville, TN 37166

CERTIFICATION OF ELIGIBILITY FOR DIVERSION

I hereby certify that, pursuant to Tenn. Code Ann. §38-6-116(b), a query of the TBI Expunged Criminal Offender and Pretrial Diversion Database has been conducted pursuant to the above authorized request, and based upon the results of that query:

- 1. [X] The defendant has not had a prior disqualifying felony or misdemeanor conviction. 2. [X] The defendant has a prior disqualifying felony or misdemeanor conviction. 3. [X] The defendant has not previously been granted diversion. [] The defendant has been granted diversion before. [] The defendant has not had an order expunging the public records of a criminal offense following the dismissal of charges entered on behalf of said defendant. [] The defendant has had an order expunging the public records of a criminal offense following the dismissal of charges entered on behalf of said defendant.

Professional Standards Unit, TBI

Date: 8-27-06

PLEASE NOTE THAT THIS DOES NOT CONSTITUTE A CERTIFICATION THAT THE DEFENDANT IS ELIGIBLE OR INELIGIBLE FOR DIVERSION UNDER TCA 40-35-313 OR TCA 40-16-100. THIS IS ONLY A CERTIFICATION THAT A RECORDS CHECK OF THE TBI EXPUNGED CRIMINAL OFFENDER AND PRETRIAL DIVERSION DATABASE HAS REVEALED QUALIFYING OR DISQUALIFYING INFORMATION UNDER THE CRITERIA SET OUT IN THE DIVERSION STATUTES REFERENCED ABOVE.

JUDGMENT OF PRETRIAL DIVERSION OR JUDICIAL DIVERSION

Comes now the District Attorney General for the State and the Defendant with consent of record for entry of judgment. On the 7th day of July, 2006:

OFFENSE ALLEGED: Official Misconduct - Theft over 1000 OFFENSE CLASS: E-D (Fel) OFFENSE CONVICTED: Official Misconduct - Theft over 1000 OFFENSE CLASS: E-D (Fel)

The defendant is sentenced to [X] pretrial diversion [] judicial diversion for the following period: 2 years, months, days. Effective: 7-7-06 (fail to exceed 2 years)

JUDGE (Printed): LILLIE ANN SELLS

JUDGE (Signature): [Signature] ENTRY OF JUDGMENT DATE: 07/07/06

APPROVED FOR ENTRY: [Signature] DISTRICT ATTORNEY [Signature] ATTORNEY FOR DEFENDANT

FAX APPLICATION TO: (615) 744-4657