

STATE OF TENNESSEE)

VS. Charlotte D. Turner)

DEFENDANT)

Best Interest

IN THE CIRCUIT COURT OF Sequatchie COUNTY, TN

CASE NO. 2011 CR 54

FILED 8/22/11

KAREN L. MILLSAPS
CIRCUIT COURT CLERK

SEQUATCHIE COUNTY, TN

Best Interest **PLEA OF GUILTY AND ACKNOWLEDGEMENT AND WAIVER OF RIGHTS**
The above Defendant, in (his)(her) proper person and with (his)(her) counsel, if represented, comes before the Court and represents and states that (he)(she) has been fully advised by counsel, the Honorable Donna M. Richard, of the following: and/or has read this document and fully understands the following:

1. The nature of the charge(s) against (him)(her) as set forth in the charging document(s); the State's burden of proof, the defenses available to (him)(her), if any; and the range of possible punishment, if found guilty of said charge(s).
2. (His)(Her) right to assistance of any attorney at all stages of this case, and if necessary, an attorney will be appointed to represent (him)(her).
3. (His)(Her) right to plead not guilty and (his)(her) right to trial by jury, including the right to have a jury impose a fine in excess of \$50.00 and (his)(her) right to have a jury make a finding on applicable sentencing enhancement factors; and also the right to appeal any adverse verdict at trial.
4. (His)(Her) right to confront witnesses and cross-examine all witnesses who might testify against (him)(her) at trial and to have compulsory process for obtaining witnesses in (his)(her) favor.
5. (His)(Her) right to not testify and the fact that this right could not be held against (him)(her) should (he)(she) exercise the same, but that upon entry of a plea of guilty in this case, this right or privilege against self-discrimination is also waived.
6. That the conviction(s), resulting from the plea(s) of guilty to the offense(s) set forth below may be used to enhance the offense charged (and)(or) the punishment for the same in subsequent criminal proceedings against (him)(her).
7. That upon a plea of guilty in this case, there will not be a further trial of any kind except to determine the sentence, so that by pleading guilty (he)(she) waives the right to a trial.
8. That upon a plea of guilty in this case, the Court may ask (him)(her) questions under oath, and (his)(her) answers may later be used against (him)(her) in a prosecution for perjury.
9. That evidence of prior conviction(s) may be presented to the Judge for consideration in determining the punishment in this case.
10. That upon a plea of guilty to the offense of domestic violence assault or a plea of guilty to any felony, the possession or purchase of a firearm will henceforth be a federal criminal offense and may also be a state criminal offense.
11. That upon a plea of guilty in this case, the defendant waives any right to be indicted on any factual issue which may establish the proper punishment in this case. The defendant waives any right to have a jury determine any factual issue that may establish the punishment in this case and waive any right to have any fact that may establish the punishment in this case proven by the State beyond a reasonable doubt. The defendant consents to have (his)(her) sentence in this case determined by the Court, rather than a jury; and that the standard proof that will apply is a "preponderance of the evidence".

AFTER being so informed of all the foregoing and the same being fully explained by the Court in the presence of defendant's counsel, if represented; the defendant states that (he)(she) understands all of (his)(her) Constitutional Rights and/or other rights, (he)(she) knowingly waives all of the above stated rights and still desires, with the agreement of (his)(her) attorney, if represented, and with the concurrence of the District Attorney General, to freely, voluntarily and knowingly enter a plea of guilty to the offense(s) of:

Best Interest

Best Interest

and that (he)(she) elects to waive jury trial for any purpose and desires to submit the case to the Court without intervention of a jury pursuant to the applicable Tennessee statutes/rules as to the questions of guilt and punishment. The Defendant further agrees to accept the punishment recommended by the State or to be imposed by the Court and agrees that the facts of this case as stated by the District Attorney General are to be stipulated as being the substantial facts and evidence in this case which establish a factual basis for the Defendant's plea of guilty and may be considered by the Court as such facts and evidence. The Defendant represents and states to the Court that (he)(she) has entered this plea of guilty freely, knowingly and voluntarily; that (he)(she) has not been promised anything to induce this guilty plea; nor has (he)(she) been threatened, unduly pressured, intimidated or forced in any way to make (him)(her) enter this guilty plea. The Defendant also represents and states to the Court that (he)(she) has considered, and if represented, (he)(she) has discussed with (his)(her) attorney of record, the facts and law relative to this case. The Defendant, if represented, acknowledges that (his)(her) attorney is thoroughly competent and has fully protected all of (his)(her) rights. The Defendant further represents and states to the Court that (he)(she) does not desire to file a motion for a new trial or file an appeal in this cause and agrees, upon conferring with counsel if represented, that there is no basis for an appeal as there are no errors in the record in this case.

Best Interest

This the 22 day of August, 2011
Charlotte D. Turner
Defendant

Donna M. Richard
Attorney for Defendant

[Signature]
Assistant District Attorney

CERTIFICATE OF JUDGE

I hereby certify that the above named Defendant, being represented by the above named attorney, a member in good standing of the Tennessee Bar, entered a plea of guilty disposing of this cause without intervention of a trial jury pursuant to the applicable statutes/rules to the offense(s) as shown above after a full explanation if (his)(her) rights was made to (him)(her) in open Court and knowing and voluntary waiver of those rights.

This the 22 day of August, 2011.

[Signature]
Circuit Judge

IN THE CIRCUIT COURT FOR Sequatchie COUNTY, TENNESSEE

STATE OF TENNESSEE

VS.

Charlotte D. Turner

NO. 2011 CR 54

FILED 8/22/11
KAREN L. MILLSAPS
CIRCUIT COURT CLERK
SEQUATCHIE COUNTY, TN

AGREED ORDER

This cause came on to be heard on the 22 day of August, 2011, before the Honorable Curtis Smith, Judge of the Circuit Court of Sequatchie County, Tennessee, upon waiver by the defendant, of (his)(her) right to a trial by jury and a ^{best interest} plea of guilty to Theft over 10,000. The State of Tennessee and the defendant with counsel Howard Upchurch have agreed that the defendant should participate in the Post-Plea probation program pursuant to T.C.A. 40-35-313 and that (his)(her) case should be continued for a period of 4 years, at which time the previously mentioned charges against the defendant can be dismissed upon successful completion of the beforementioned probationary program. Said conditions are as follows:

1. Refrain from any violations of the law.

2. Pay court costs.

3. Pay cost of supervision as directed by T.C.A. 40-35-313.

4. Pay restitution in the amount of \$ 32,636⁹⁸ to the Cagle Fredonia Utility Dist through Reck's office plus the check's commission. Supervised by SDPP; pay \$ 5,000 by 8-26-2011 and pay \$ 500 per month; pay supervision fees & perform one hundred hours of Public Service Work

IT IS THEREFORE, ORDERED, ADJUDGED and DECREED that this case against the defendant,

Charlotte D. Turner

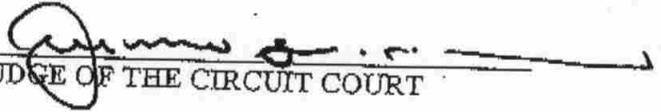
be continued for a period of _____

Four years from this date, and an entry of judgment of conviction withheld, pursuant to the provisions of T.C.A.

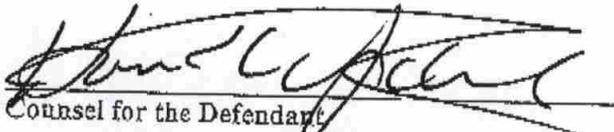
40-35-313; provided that the defendant complies with the enumerated conditions set out as Nos. 1 through

1 hereinabove. In the event the defendant willfully fails to comply with any of the beforementioned conditions, a Judgment of Conviction shall enter and be put into execution forthwith.

This, the 22 day of August, 20 11.


JUDGE OF THE CIRCUIT COURT


Defendant


Counsel for the Defendant


Assistant District Attorney General

2011-08-08 09:58

TBI

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04/29/2009 10:30

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6157444657

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fax to: (615) 744-4657 OR

TBI

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(615) 744-4653

2011 CR54 257060



APPLICATION FOR CERTIFICATION OF ELIGIBILITY FOR DIVERSION



COUNTY <u>Squatchie</u>	COURT <input checked="" type="checkbox"/> Circuit <input type="checkbox"/> Criminal <input type="checkbox"/> Sessions	DIVISION	JUDGE <u>Graham</u>
DEFENDANT'S NAME <u>Charlotte Denice Turner</u>		COURT DATE <u>8-22-11</u>	
DATE OF BIRTH <u>12-31-67</u>	SEX/RACE (#111A/TW) <u>W/F</u>	TYPE OF DIVERSION <input type="checkbox"/> Pretrial <input checked="" type="checkbox"/> Judicial	
OFFENSES TO BE DIVERTED: 1. <u>Theft of Property \$1000-\$6900</u> Date of Arrest: <u>6/2/11</u> <input checked="" type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor 2. _____ Date of Arrest: _____ <input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor 3. _____ Date of Arrest: _____ <input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor			
NAME AND PHONE NUMBER OF DISTRICT ATTORNEY OR ASSISTANT DISTRICT ATTORNEY TO WHOM RESPONSE SHOULD BE SENT <u>Steve Stray, Asst. D.A.</u>			
FAX NUMBER <u>423 942-6305</u>	ADDRESS <u>P.O. Box 1058, Jasper, TN 37347</u>		

CERTIFICATION OF ELIGIBILITY FOR DIVERSION

I hereby certify that, pursuant to Tenn. Code Ann. §§9-6-118(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:

- The defendant has not had a prior disqualifying felony or misdemeanor conviction.
The defendant has a prior disqualifying felony or misdemeanor conviction.
The defendant has a prior arrest for which no disposition has been entered.
- 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.

FILED 8/22/11
KAREN L. MILLSAPS
CIRCUIT COURT CLERK
SEQUATCHIE COUNTY, TN

Records Processing Unit, TBI

08/19/11
Date

PLEASE NOTE THAT THIS DOES NOT CONSTITUTE A CERTIFICATION THAT THE DEFENDANT IS ELIGIBLE OR INELIGIBLE FOR DIVERSION UNDER TCA 40-35-318 OR TCA 40-35-108. 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 Defendant with counsel of record for entry of judgment.
On the 22 day of Aug 2011

OFFENSE INDICTED <u>Aggravated Assault</u>	OFFENSE CLASS
OFFENSE DIVERTED <u>Aggravated Assault</u>	OFFENSE CLASS

The defendant is sentenced to pretrial diversion judicial diversion for the following period:
4 years, _____ months, _____ days. Effective: _____

Carly Smith
JUDGE (Printed)

[Signature]
JUDGE (Signature)

8/22/2011
ENTRY OF JUDGMENT DATE

8/22/11
APPROVED FOR ENTRY

[Signature]
DISTRICT ATTORNEY

[Signature]
ATTORNEY FOR DEFENDANT

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

STATE OF TENNESSEE

CIRCUIT COURT

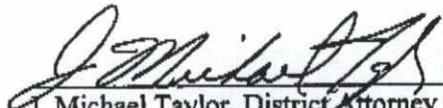
SEQUATCHIE County

MAY Session 2011

NO. 11-CR-54

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

CHARLOTTE TURNER beginning August of 2009 thru February of 2011 in Sequatchie County, Tennessee, and before the finding of this indictment, did unlawfully, knowingly obtain control of or exercise control over good and lawful U. S. currency, being the personal goods and property of **Cagle Fredonia Utility District**, 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 at least \$10,000.00 but less than \$60,000.00, 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. 11-CR-54

ORIGINAL

A TRUE BILL

John W. Keel

Foreman of the Grand Jury

STATE OF TENNESSEE

vs. } THEFT OF PROPERTY

SUMMON FOR THE STATE:

CHARLOTTE TURNER

ROBERT ALLEN, COMP. OFFICE

WITNESSES

Robert Allen, Comptroller's Office

Were sworn during open Court before the Grand Jury to give evidence on the within indictment, this the 23rd day of May, 2011.

By Order of J. Michael Taylor
District Attorney General

John W. Keel
Foreman of the Grand Jury

Filed this 23 day of May, 2011.

ROBERT ALLEN, PROSECUTOR

Sharon L. Milligan CLERK