

STATE OF TENNESSEE, SCOTT COUNTY

Criminal Court, Eighth Judicial District

JANUARY 2007 TERM

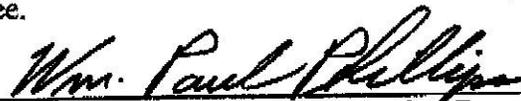
COUNT 1

The Grand Jurors for the State of Tennessee, duly elected, impaneled, sworn, and charged to inquire in and for the body of the County of Scott, in the State of Tennessee, upon their oath, present: That

JOHNNY CLAUDE GROOMS

prior to the finding of this indictment, during the time period beginning in 2004 and ending in 2006, in the County and State aforesaid, did unlawfully, feloniously, knowingly obtain or exercise control over cash that was the property of Citizens Gas Utility District, without the effective consent of the owner of the said property and with the intent to deprive the said owner of the property valued at Ten Thousand Dollars (\$10,000.00) or more, in violation of T.C.A. 39-14-103,

against the peace and dignity of the State of Tennessee.



Wm. Paul Phillips
District Attorney General

NO. 8635

A TRUE BILL

STATE OF TENNESSEE

vs.

JOHNNY CLAUDE GROOMS

DOB: 02/26/1972

SSN: [REDACTED]

Charge(s): Count 1 THEFT > \$10,000;

Anna Bale Stewart
Foreman of the Grand Jury

Steve Carson DTF
DA's Office
TN -

Frank McDaniel CPA

Summon for the State all witnesses who appeared before the Grand Jury, the prosecutor, and the following witnesses and evidence:

Philip Job
State Comptroller's Office

David Loyd
Citizen's Gas

Misty Yancey
Citizen's Gas

Tim Hardy
State Comptroller's Office

Fred Bishop
Citizen's Gas

Traye Danner

The following Witnesses:

Philip Job

Woody Gray

Cinda Lamb
Citizen's Gas

Greg Bell

Marlesa Johay
Citizen's Gas

were sworn during open Court before the Grand Jury to give evidence on the within indictment, this the 9th of Jan. 2007.

Anna Bale Stewart
Foreman of the Grand Jury

Wm. Paul Phillips
Wm. Paul Phillips
District Attorney General

The within indictment returned in open court by the Grand Jury and filed and subpoenas for the same authorized by this

Philip Job
Prosecutor

[Signature]
Clerk

IN THE CRIMINAL COURT FOR SCOTT COUNTY, TENNESSEE

STATE OF TENNESSEE

VS.

07 MAR 29 AM 9 52

CASE NO. 8635

JOHNNY CLAUDE GROOMS

FILED

PRE-TRIAL DIVERSION MEMORANDUM OF UNDERSTANDING.

The defendant, Johnny Claude Grooms, and his counsel, Michael G. Hatmaker, have requested that the District Attorney General allow the defendant to participate in a program of pre-trial diversion, pursuant to Tenn. Code Ann. §40-15-101 et. seq. for a period of 2 years as the disposition of this case. Based on the representations of the defendant and his counsel and the defendant's agreement to abide by the conditions set forth below, the District Attorney General has agreed upon the Court's approval to place the defendant on pre-trial diversion.

The defendant represents to the Court and the District Attorney General that the following information is true and accurate:

1. The defendant is charged in the above indictment with the crimes of Theft > \$10,000 which is a Class C Felony.
2. The defendant has not previously been convicted in any State or Federal Court of a felony or misdemeanor except for traffic offenses other than driving while intoxicated.
3. The defendant understands that if he fails to abide by the conditions of the diversion as set forth below or if he has made a material misrepresentation of fact in obtaining pre-trial diversion, the District Attorney General may terminate the diversion and he will be subject to further prosecution for the charges unless the Court determined that the District Attorney General acted arbitrarily, capriciously, or abused his discretion in terminating the diversion.
4. The defendant understands that by requesting pre-trial diversion, he is waiving his constitutional and statutory right to a speedy trial should the diversion be terminated and he is later prosecuted on these charges.
5. The defendant understands that he and the District Attorney General may mutually modify the terms of this memorandum at any time before its termination.
6. The defendant understands that if the diversion is terminated he will be required to report to the Criminal Court at its next regular term unless notified to appear at an earlier date in order to process his case for trial.
7. The defendant understands that if he successfully completes the pre-trial diversion program, the Court will dismiss his case with prejudice upon the expiration of the suspension specified herein and that he will be entitled to have the records in this case expunged upon his request and the payment of any necessary court fees.
8. The defendant understands that he has the right to plead not guilty and have a speedy and public trial by jury and that he would have the right to see and hear all witnesses against him, the right to use the power and process of the Court to compel the production of any evidence including the attendance of any favorable witness, the right not to be compelled to incriminate himself, and the right to have the assistance of counsel at all stages of the proceedings and the rights to appointed counsel if he cannot afford to hire an attorney.
9. The defendant's request for diversion and his agreement to the conditions set forth below are voluntary and not the result of any force or threats or of promises apart from those contained in this Memorandum.

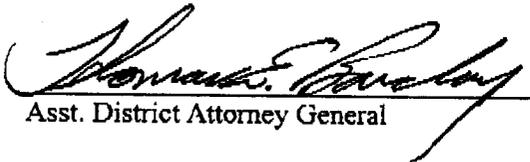
TERMS OF PRE-TRIAL DIVERSION

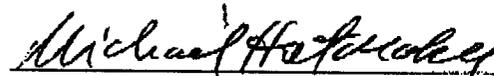
The defendant hereby agrees to abide by the following conditions during the duration of the suspension period, which shall commence from the date of the Court's approval of this Memorandum:

1. The defendant will not commit any criminal offenses or violate any laws of the State of Tennessee, any other state, or the United States.
2. The defendant will conduct himself in a manner consistent with good citizenship.
3. The defendant will pay the court costs and ECF totaling \$2,000.
4. The defendant will pay restitution to Citizens Gas in the amount of \$19,523.64.
5. The monetary obligations (totaling \$21,523.64) have already been paid in full.

The defendant, his counsel, and the District Attorney General's Office have entered into this Memorandum of Understanding this 26th day of March, 20 07.

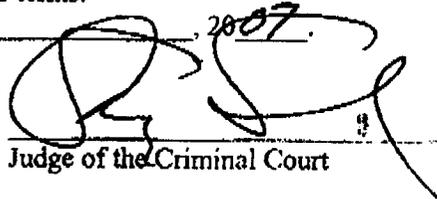

Defendant


Asst. District Attorney General


Defense Counsel
ORDER

The foregoing Pre-trial Diversion Memorandum or Understanding was filed with the Court, and the parties appeared in Court. As it appears that the diversion is lawful and was not obtained through fraud and that the District Attorney General has acted neither arbitrarily nor capriciously, the Court therefore ORDERS that this Memorandum of Understanding be approved and the above case be disposed according to its terms.

This 26th day of March, 2007.


Judge of the Criminal Court