

IN THE CRIMINAL COURT FOR HAMBLLEN COUNTY, TENNESSEE
AT MORRISTOWN

STATE OF TENNESSEE

VS.

TRAYSI ELKINS

CASE: 04 CR 338

KATHY TRENT-MILLINE
CIRCUIT COURT CLERK
HAMBLLEN COUNTY

MAR 07 2005

MEMORANDUM OF UNDERSTANDING

The defendant is charged with the offense of Theft over \$10,000 allegedly occurring between December, 2001 and April, 2004.

The defendant represents herein, under oath, by her signatures on this memorandum that she does not have a prior felony conviction, does not have a previous misdemeanor conviction for which a sentence of confinement was served and has never been placed on pre-trial diversion, or Title 40 deferment, before the entry of this Memorandum of Understanding.

In reliance on the above stated representations, the State of Tennessee agrees with the defendant to enter into this Memorandum of Understanding whereby the prosecution of the defendant on the above-stated charges is hereby suspended for a period of 24 months, pursuant to the provisions of T.C.A. 40-15-101 et. Seq.

Based on the agreement of the State to suspend its prosecution of the defendant, the defendant agrees to faithfully observe the following conditions during the period in which the prosecution is suspended:

1. That the defendant not commit any offense;
2. That the defendant not engage in specified activities, conduct and associations, bearing a relationship to the conduct upon which the charge against is based;
3. That, upon the request of the defendant's supervising probation officer, the defendant will participate in a supervised rehabilitation program which include, inter alia, treatment, counseling, training and education;
4. That the defendant makes restitution to Lakeway Center for Handicap in the amount of \$46,259.59. Defendant shall supply District Attorney's Office with proper documentation that shows that restitution has been paid.

5. That all court costs be paid in full on or before the 11 day of MARCH, 2005.
6. That the defendant pay a fee of \$ 35.00 a month to the Department of Correction for her supervision; and
7. That the defendant reside in a designated place, including but not limited to a residential facility for persons participating in a particular program of rehabilitation if residence there is necessary in order to participate fully in the program.

In addition to the above conditions, which are specified by statute in T.C.A. 40-14-105, the defendant further agrees to faithfully observe and comply with the following general and specific conditions of probation:

1. The defendant will procure the consent of her Probation Counselor before changing her residence or employment, or before leaving the County of her residence, or the State.
2. The defendant will make a full and truthful report to this Probation Counselor in person and/or in writing as directed.
3. The defendant shall not use intoxicants of any kind to excess; nor use narcotic drugs, marijuana included; nor visits places where intoxicants or drugs are unlawfully sold, dispensed or used.
4. The defendant shall not associate with persons of ill repute and will not frequent establishments whose prime purpose is the selling of alcoholic beverages.
5. The defendant shall report all arrests, including traffic violations, regardless of disposition, to her Probation Counselor.
6. The defendant shall allow her Probation Counselor to visit her home, employment site or elsewhere and carry out all instructions given by the Counselor, whether oral or in writing.
7. If at anytime it is necessary to communicate with her Probation Counselor and she is not accessible, the defendant will direct all communication to the District Director or Regional Director.
8. The defendant shall obey the laws of the United States or any State in which she may be, as well as any municipal ordinances.
9. The defendant shall not be away from her place of residence at late or unusual hours of the night, such hours to be determined by the Probation Counselor, who will also give permission for night employment if necessary.
10. The defendant shall work diligently at a lawful occupation and support her dependents, if any, to the best of her ability.

11. The defendant must have paid all costs and restitution before an order of dismissal and expungement will be entered by the Court.
12. Special conditions: _____.

The defendant further agrees to serve 250 hours of community service pursuant to the requirements, rules, regulations and working conditions established by the Department of Corrections. A written statement of completion from the Department of Correction must be filed with the Court and District Attorney General before an order of dismissal and expungement will be approved by the State and entered by the Court.

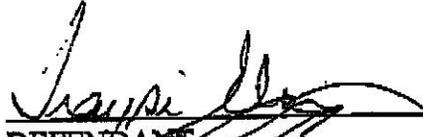
To insure the faithful compliance of the defendant with the conditions contained herein, the defendant shall report to the Department of Corrections on a monthly basis as specified by the supervising probation officer.

The defendant waives any and all rights to a speedy trial and acknowledges that the filing of this agreement tolls any applicable statute of limitation during the diversionary period.

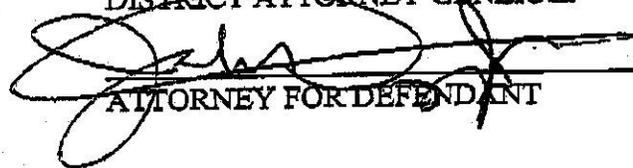
The defendant acknowledges that any violation of the conditions contained herein may be sufficient cause for this Memorandum of Understanding to be terminated by the District Attorney General and the prosecution reinstated.

That upon the defendant successfully completing the period of diversion without a violation of the conditions contained herein sufficient to cause this agreement to be terminated, an order will be entered dismissing the charges against the defendant, with prejudice, and ordering the expungement of all public records relating this prosecution.

This 7 day of March, 2005.


DEFENDANT


C. BERKELEY BELL
DISTRICT ATTORNEY GENERAL


ATTORNEY FOR DEFENDANT

I do solemnly swear that the representations attributed to me in the Memorandum of Understanding, and relied upon by the State, are true and correct.

[Signature]
DEFENDANT

Subscribed and sworn to before me, the undersigned authority.

This 7 day of March, 2005.

[Signature]
NOTARY PUBLIC
My commission expires: 2/25/05
JOHN F. DUGGER, JR. NOTARY PUBLIC AT LARGE WAMBLEY COUNTY, N.C.

I have read, or have had read to me, this Memorandum of Understanding. I fully and completely understand the conditions of my diversion.

[Signature]
DEFENDANT