

IN THE CRIMINAL/CIRCUIT COURT OF MAURY COUNTY, TENNESSEE

Case Number: 14692 Count # _____ Attorney for the State: MIKE BOTTOMS
 Judicial District: 22nd Judicial Division: II Counsel for Defendant: DAN MURPHY / Bobby Sands
 State of Tennessee vs. Defendant: Jimmy R. Quirk Alias: _____
 Date of Birth: 11-26-61 Sex: M Race: W SSN: _____
 Indictment Filing Date: _____ TDOC # _____ TBI Document Control # _____

JUDGMENT

Comes the District Attorney General for the State and the defendant with counsel of record for entry of judgment.
 On the 22nd day of August, 2005, the defendant:

<input checked="" type="checkbox"/> Pled Guilty	<input type="checkbox"/> Dismissed/Nolle Prosequi	Indictment: Class (circle one) 1 st A <input checked="" type="radio"/> B C D E	<input checked="" type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor
<input type="checkbox"/> Nolo Contendere	<input type="checkbox"/> Retired/Unapprehended Defendant	Offense: <u>Theft</u>	
<input type="checkbox"/> Guilty Plea - Pursuant to 40-35-313		Amended Charge: _____	
Is found: <input checked="" type="checkbox"/> Guilty <input type="checkbox"/> Not Guilty		Offense Date: <u>Sept. 30-2001 thru Sept. 30, 2005</u> County: <u>MAURY</u>	
<input type="checkbox"/> Jury Verdict <input type="checkbox"/> Not Guilty by Reason of Insanity		Conviction Offense: <u>SAME</u>	
<input type="checkbox"/> Bench Trial		TCA #: <u>39-14-103</u> Sentence Imposed Date: <u>08-22-05</u>	
		Conviction: Class (circle one) 1 st A <input checked="" type="radio"/> B C D E	<input checked="" type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor

After considering the evidence, the entire record, & all factors in T.C.A. Title 40 Chapter 35, all of which are incorporated by reference herein, the Court's findings & ruling

Sentence Reform Act of 1989		Concurrent with:	Pretrial Jail Credit Period(s):
Offender Status (Check One)	Release Eligibility (Check One)		From _____ to _____
<input type="checkbox"/> Mitigated	<input type="checkbox"/> Mitigated 20%	Consecutive to:	From _____ to _____
<input checked="" type="checkbox"/> Standard	<input type="checkbox"/> Mitigated 30%		From _____ to _____
<input type="checkbox"/> Multiple	<input checked="" type="checkbox"/> Standard 30%		From _____ to _____
<input type="checkbox"/> Persistent	<input type="checkbox"/> Multiple 35%		From _____ to _____
<input type="checkbox"/> Career	<input type="checkbox"/> Persistent 45%		From _____ to _____
<input type="checkbox"/> Repeat Violent	<input type="checkbox"/> Career 60%		
	<input type="checkbox"/> Violent 100%		

Sentenced To: TDOC County Jail Workhouse

Sentence Length: 8 Years _____ Months _____ Days _____ Hours _____ Weekends Life Life w/out Parole Death

Mandatory Minimum Sentence Length: _____ 39-17-417, 39-13-513, 39-13-514 in School Zone or _____ 55-10-401 DUI 4th Offense

Period of incarceration to be served prior to release on probation: _____ Months _____ Days _____ Hours _____ Weekends

Minimum service prior to eligibility for work release, furlough, trusty status and rehabilitative programs: _____ % (Misdemeanor Only)

Alternative Sentence: Probation Diversion Community Based Alternative - Specify _____

8 Years _____ Months _____ Days Effective: 08-22-05

Court Ordered Fees and Fines:	Restitution: Victim Name <u>Mt. Pleasant Power System</u>
\$ _____ Criminal Injuries Compensation Fund	Address <u>to be directly to MPPS</u>
\$ _____ Sex Offender Tax	Total Amount <u>*63,500.00</u> Per Month \$ _____
\$ _____ Court Costs Cost to be Paid by <input checked="" type="checkbox"/> Defendant <input type="checkbox"/> State	<input type="checkbox"/> Unpaid Community Service: _____ Hours _____ Days _____ Weeks _____ Months
\$ _____ Fine Assessed	
\$ _____ Other: _____	

Special Conditions The Defendant having been found guilty is rendered infamous and ordered to provide a biological specimen for the purpose of DNA analysis.
 Pursuant to 39-13-524 the defendant is sentenced to community supervision for life following sentence expiration.

*\$60,000.00 for Restitution, \$3,500.00 for Audit Costs. Mt. Pleasant Power System reserves the right to pursue any and all civil remedies against the defendant, including but not limited to additional restitution to said system. Mt. Pleasant Power System does not take a position regarding sentencing alternatives.

ROBERT L. HOLLOWAY Judge's Name Mike Bottoms Judge's Signature 08-22-05 Date of Entry of Judgment
 _____ Attorney for State/Signature (optional) _____ Defendant's Attorney/Signature (optional)

IN THE CIRCUIT COURT FOR MAURY COUNTY, TENNESSEE

STATE OF TENNESSEE)

VERSUS)

DOCKET

14692

Jimmy R. Quirk)

WAIVER TRIAL BY JURY
AND
PETITION TO ENTER PLEA OF GUILTY

FILED
KATHY KELLEY
CIRCUIT CLERK
MAURY COUNTY, TN
2005 AUG 22 AM 10:33

I, the above named defendant, pursuant to Rule 11(e)(1)(A) and/or Rule 11(e)(1)(C) of the Tennessee Rules of Criminal Procedure respectfully state to the Court the following:

1. My true full name is Jimmy R. Quirk. My address is 1406 Wilson Ct., Cob., TN.
My date of birth is 11-26-61. My social security number is [REDACTED], race: W; gender: M.

2. I received a copy of the indictment, presentment or information which states the charges(s) against me before I was required to plead to the charges(s). I have read and discussed the contents of the indictment, presentment or information with my attorney and I believe that I understand every accusation made against me in this cause.

3. I have been advised by my attorney of my right under the constitution and laws of this state to a speedy and public trial by a jury of my peers and I voluntarily waive this right. I also understand that the Tennessee Constitution guarantees me the right to have any fine greater than fifty dollars (\$50.00) set by a jury. I wish to give up my constitutional right to have a jury impose any fine of over fifty dollars (\$50.00).

4. I have told my attorney the facts and surrounding circumstances as known to me concerning the matters mentioned in the indictment, presentment or information. I believe and feel that my attorney is fully informed as to all such matters. My attorney has told me and I understand the definitional elements of the offense(s) alleged in the indictment, presentment or information; and my attorney has explained to me what the State of Tennessee will have to prove beyond a reasonable doubt before I can be convicted of the offense(s). My attorney has informed me as to the nature and cause of every accusation against me and as to all possible defenses I might have to the offense(s).

5. My attorney has told me and I understand that the punishment which the law provides, including possible incarceration and/or fine, is as follows:

CASE NO.	CHARGE	PLEA AGREEMENT
14692	Theft (B)	Plea - Range I - Standard
	8-12	8 year Sentence - Restitution
		of \$63,500 ⁰⁰ Made; Sentence
		Suspended, Probation -
		For this Plea-Agreement
		the set sum of Restitution is
		stipulated, however, the M.P.P. System
		retains all options available
		under any civil remedy.
		Restitution is 60,000 ⁰⁰ M.P.P.S
		3,500 Costs of Audit.

M.P.P.S. neutral as to sentencing alternatives.

I understand that probation may or may not be granted, if I am eligible for probation, and that if I plead "GUILTY" to more than one offense, each indictment being considered as a separate offense, the Court may order the sentences to be served consecutively, one after the other.

6. I understand that I have the right to plead "NOT GUILTY" to any offense(s) contained in the indictment, presentment or information returned against me and to persist in that plea, and that if I choose to plead "NOT GUILTY", the Constitution guarantees me (a) the right to a speedy and public trial by jury; (b) the right to see, hear and cross-examine all of the witnesses against me; (c) the right to use the power and process of the Court to compel the production of any evidence, including the attendance of any witnesses, in my favor to support my defense(s); (d) the right to have the assistance of counsel in my defense at all stages of the proceedings. I understand that if I plead "GUILTY" I will be waiving my right to a jury trial as well as the rights set forth in this paragraph except for the right to counsel.

7. I understand that by pleading "GUILTY" I am giving up the right I would have if I was convicted by a jury to have an appellate court review the basis of my conviction.

8. I understand that my plea of "GUILTY" will be a criminal conviction and that it will be made part of my record. I understand that if I am convicted of any crimes in the future the conviction(s) may be used to establish that I am a multiple, persistent and/or career criminal for the purpose of enhancing or increasing the punishment for future offense(s) and may adversely affect my eligibility for probation in the future. If this conviction falls within the definition of "a violent offense" as defined in *Tennessee Code Annotated Section 40-35-120* which is the "Three Strikes, You're Out" statute, it will be used to enhance the punishment for a future offense upon a finding that I was a "repeat violent offender"; the punishment if a defendant is found guilty beyond a reasonable doubt that he/she is a "repeat violent offender" is imprisonment for life without possibility of parole.

9. I declare that no government officer or agent (Federal, State or Local) nor any other person has made any promises or suggestion of any kind to me or to anyone else except the State has agreed that the plea and specific sentence in paragraph eleven (11) is the appropriate disposition of the case(s). I declare that no person has pressured, forced, threatened or intimidated me into pleading "GUILTY".

10. I believe that my attorney has done everything any attorney could have done to represent me, and I am satisfied with my legal representation and assistance in this case. I have had no problem communicating with my attorney. I declare that during my discussions with my lawyer about this case, and while I read and/or discussed this Petition with my attorney, I was not under the influence of any alcoholic beverage or intoxicating drug.

11. I know that the Court will not accept a plea of "GUILTY" from anyone who claims to be innocent and with that in mind and because I make no claim of innocence, I wish to plead "GUILTY" and respectfully request the Court to accept my plea and the plea agreement as follows:

12. I declare that I offer my plea of "GUILTY" freely and voluntarily. I also declare that my attorney has explained to me, and I believe I understand, the statements set forth in the indictment, presentment or information and in this petition.

Signed by me in open Court, in the presence of my attorney, this the 22nd day of Aug, 2005

Jimmy R. Quirk
DEFENDANT

ATTEST: Mike Patton
DISTRICT ATTORNEY GENERAL
AND/OR ASSISTANT
22ND JUDICIAL DISTRICT

ORDER

Good cause appearing therefore from the foregoing petition of the foregoing named defendant and the certificate of defendant's counsel and from all proceedings heretofore had in this case, **IT IS ORDERED** that the petition be granted and that the defendant's plea of "GUILTY" be accepted and entered as prayed in the petition and as recommended in the certificate of counsel.

Done in open court this 22nd day of August, 2005.

Robert J. Holbrook
CIRCUIT JUDGE
22ND JUDICIAL DISTRICT