

IN THE CRIMINAL CIRCUIT COURT OF WARREN COUNTY, TENNESSEE

Case Number: P-13719 Count # 1 Counsel for the State: MATTHEW T. COLVARD
 Judicial District: 31th Judicial Division: McMinnville Counsel for the Defendant: HILTON CONGER

State of Tennessee vs. Jennifer Denyne Fisher Alias: _____
 Retained Private Atty Appt Prob Def Appt
 Counsel Waived Pro Se

FILED

Date of Birth: 11/04/1980 Sex: Female Race: White SSN: _____
 Indictment Filing Date: 05-11-2012 State Control # _____ State ID # _____

MAR 05 2013

County Offender ID # (if applicable) _____ Time _____ initials _____

ORDER OF DEFERRAL (JUDICIAL DIVERSION) Original Amended Corrected

BERNADETTE W. MORRIS
CIRCUIT COURT CLERK

On the 09th day of January, 20 13, the defendant:

<input checked="" type="checkbox"/> Pled Guilty <input type="checkbox"/> Pled Nolo Contendere	Indictment: Class (circle one) <u>1st A B C D E</u> <input checked="" type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor
Was Found Guilty By: <input type="checkbox"/> Jury Verdict <input type="checkbox"/> Bench Trial	Indictment (Offense Name AND TCA §): <u>39-14-103 - Theft Over \$1,000.00</u> Amended (Offense Name AND TCA §): _____ Offense Date: <u>08/25/2009</u> County of Offense: <u>08/25/2009</u> Deferred Offense (Name AND TCA §): <u>39-14-103 - Theft Over \$1,000.00</u> Deferred Offense: Class (circle one) <u>1st A B C D E</u> <input checked="" type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor

Upon review of the case, the court finds the facts stated above as well as the following (For Item 3, Check ONE Of The Two Boxes):

- The defendant is eligible for deferral of the prosecution pursuant to Tennessee Code Annotated section (T.C.A.) 40-35-313;
- The Tennessee Bureau of Investigation has certified (per attached certificate) that the defendant does not have a prior felony or Class A misdemeanor conviction;
- The defendant was not charged with a violation of a criminal statute the elements of which constitute abuse, neglect or misappropriation of the property of a vulnerable person as defined in T.C.A. 68-11-1004; **OR**
 The defendant agrees without contest or any further notice or hearing that the defendant's name shall be permanently placed on the registry governed by 68-11-1004, whereupon a copy of this order shall be forwarded by the clerk to the department of health;
- The defendant consents to T.C.A. 40-35-313 deferral, as evidenced by the defendant's signature below; AND
- The defendant should be granted a deferral of charges pursuant to T.C.A. 40-35-313.

It is, therefore, **ORDERED** that the prosecution in this case is deferred pursuant to T.C.A. 40-35-313, and the defendant is placed on probation pursuant to T.C.A. 40-35-303. The terms of both statutes and of T.C.A. 40-35-304, -305, and -308 through -312 are incorporated herein by reference thereto. In addition, the following terms and conditions apply to the defendant's probation.

Probation Term: Beginning 01-09-2013 Ending 01-09-2015 Supervised Unsupervised
 Supervising Entity: State Board of Probation & Parole

Conditions of Probation (Deferral) (CHECK ALL BOXES WHICH APPLY):

- | | |
|---|---|
| <input checked="" type="checkbox"/> Submit to supervision by supervising entity | <input checked="" type="checkbox"/> Report as directed by supervising entity or court |
| <input checked="" type="checkbox"/> Obtain/Maintain gainful employment | <input checked="" type="checkbox"/> Meet defendant's family responsibilities |
| <input type="checkbox"/> Medical and/or mental health treatment | <input checked="" type="checkbox"/> Drug assessment and/or treatment |
| <input type="checkbox"/> Pay expenses for drug or alcohol treatment (T.C.A. 40-35-313) | <input checked="" type="checkbox"/> Alcohol assessment and/or treatment |
| <input checked="" type="checkbox"/> Refrain from possessing a firearm or other dangerous weapon | <input type="checkbox"/> Pursue secular course of study or vocational training |
| <input type="checkbox"/> Pay sex offender tax/fine (T.C.A. 39-13-709 / T.C.A. 40-24-108) | <input checked="" type="checkbox"/> Pay drug testing fund fee (T.C.A. 39-17-420) |
| <input checked="" type="checkbox"/> Notify the court or supervising entity of change of residential address or employment | <input checked="" type="checkbox"/> Uncompensated community service: <u>40</u> hours |
| <input checked="" type="checkbox"/> Remain within the boundaries of Tennessee unless supervising entity approves travel beyond | |
| <input checked="" type="checkbox"/> Remain within the following boundaries: <u>Per probation officer's approval</u> | |
| <input checked="" type="checkbox"/> Other conditions reasonably related to the purpose of the defendant's sentence and not unduly restrictive of the defendant's liberty or incompatible with the defendant's freedom of conscience, as specified in writing by the supervising agency. | |
| <input type="checkbox"/> Pay restitution: \$ <u>2801.44</u> Total (\$ _____ per month/week (circle one)) | |
| <input checked="" type="checkbox"/> Pay supervision fees (T.C.A. 40-35-313): \$ _____ Total (\$ <u>35.00</u> per month/week (circle one)) | |
| <input checked="" type="checkbox"/> Pay court costs <u>\$ 553.50</u> | |
| <input type="checkbox"/> ADDITIONAL CONDITIONS: Sentenced to (2) yrs. TDOC, supervised probation per T.C.A. 40-35-313, pay restitution to Warren County Band Boosters - Color Guard in the amount of \$2801.44 in full, pay \$75.00 to the Economic Crime Fund, plus court cost, perform (40) hrs. of public service work, plea as a Range 1 Offender. <u>Shall have restitution and all fees paid in fully upon completion of sentence.</u> | |

ENTER this the 5 day of March, 20 13

LARRY B. STANLEY, JR.
JUDGE'S NAME

Hilton Conger
Counsel for the Defendant

JUDGE'S SIGNATURE

Matthew T. Colvard
Counsel for the State of Tennessee

MB 459 P 19

APPLICATION FOR CERTIFICATION OF ELIGIBILITY FOR DIVERSION

COUNTY Warren	COURT <input checked="" type="checkbox"/> Circuit <input type="checkbox"/> District <input type="checkbox"/> Sessions	DIVISION	JUDGE Stanley
DEFENDANT'S NAME Jennifer Danyne Fisher		COURT DATE August 22, 2012	
DATE OF BIRTH November 4, 1980	SEX/RACE F/W	SOCIAL SECURITY NUMBER	TYPE OF DIVERSION <input type="checkbox"/> Pretrial <input checked="" type="checkbox"/> Judicial
OFFENSES TO BE DIVERTED: Theft of property over \$1,000.00 1. but less than \$10,000.00 Date of Arrest 5-18-12 <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 OF PERSON TO WHOM RESPONSE SHOULD BE SENT J. Hilton Conger			
FAX NUMBER (615) 597-7549	ADDRESS 208 East Public Square Smithville, TN 37166		
CERTIFICATION OF ELIGIBILITY FOR DIVERSION			
I hereby certify that, pursuant to Tenn. Code Ann. §38-6-110(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. <input checked="" type="checkbox"/>	The defendant has not had a prior disqualifying felony or misdemeanor conviction.		
2. <input checked="" type="checkbox"/>	The defendant has not previously been granted diversion.		
3. <input checked="" type="checkbox"/>	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.		
<input type="checkbox"/>	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.		
<i>Curt Black</i> Professional Standards Unit, FBI		<i>asb/ka</i> Date	
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 40-18-105. 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 counsel of record for entry of judgment, On the 9th day of JAN , 2012 :			
OFFENSE INDICTED Theft > \$1000	OFFENSE CLASS D/F		
OFFENSE CONVICTED Theft > \$1000	OFFENSE CLASS D/F		
The defendant is sentenced to <input type="checkbox"/> pretrial diversion <input type="checkbox"/> judicial diversion for the following period: 2 years, _____ months, _____ days, effective: _____ (Not to exceed 2 years)			
<i>Stanley</i> JUDGE (Printed)	<i>[Signature]</i> JUDGE (Signature)		1.9.2013 ENTRY OF JUDGMENT DATE
APPROVED FOR ENTRY:	<i>[Signature]</i> DISTRICT ATTORNEY		<i>[Signature]</i> ATTORNEY FOR DEFENDANT

277061

FILED

JAN 09 2013

Time _____ Initials
BERNADETTE W. MORRIS
CIRCUIT COURT CLERK

FAX APPLICATION TO: (615) 744-4657 AND/OR (615) 744-4652



State of Tennessee
BOARD OF PROBATION AND PAROLE
Field Services Division
Probation Order



FILED
JAN 17 2013
Time
BERNADETTE W. MORRIS
Initials
COURT CLERK

State of Tennessee

In the _____ Circuit Court, Division _____

vs.

of Warren County, TN

Jennifer Fisher

No. F-13719/Judicial Diversion

THIS CAUSE, COMING ON TO BE HEARD before the undersigned Judge, and the above defendant named, having on the 9th day of January, 2013 BEEN CONVICTED of the OFFENSE OF Theft of Property of \$1,000/less than \$10,000 and on said date having been sentenced to serve a term of 2 years in the TDOC

IT APPEARING, however, to the satisfaction of the Court that the defendant is not likely again to engage in a criminal course of conduct and that the ends of justice and the welfare of society do not require that the Defendant shall presently suffer the penalty imposed by law by incarceration. IT IS THEREFORE, ORDERED and adjudged that imposition of sentence is hereby suspended and the said Defendant is hereby placed on Probation for a period of 2 years, under the supervision of the Tennessee Board of Probation and Parole and its supervisors, such supervision being subject to the provision of the laws of this State

IT IS FURTHER ORDERED that the aforesaid Defendant shall comply with the following general and specific conditions of Probation:

- 1. I will obey the laws of the United States, or any State in which I may be, as well as any municipal ordinances.
- 2. I will report all arrests, including traffic violations, immediately, regardless of the outcome, to my Probation Officer.
- 3. I will not receive, own, possess, ship or transport any firearms, ammunition or illegal weapon.
- 4. I will work at a lawful occupation and support my dependents, if any, to the best of my ability.
- 5. I will inform my Probation Officer before changing my residence or employment. I will get the permission of my Probation Officer before leaving my county of residence or the State. I will report immediately within 72 hours, after release from my sentencing hearing, to my Probation Officer: Megan Stone, PPOII, 931-473-7213, ext.109
- 6. I will allow my Probation Officer to visit my home, employment site, or elsewhere, will carry out all lawful instructions he or she gives, will report to my Probation Officer as instructed, will comply with mandates of the Administrative Case Review Committee, if the use of that process is approved by the Court; will comply with a referral to Resource Center programs, if available, by attending, and will submit to electronic monitoring and community service, if required.
- 7. I agree to a search, without a warrant, of my person, vehicle, property, or place of residence by any Probation/Parole officer or law enforcement officer, at any time.
- 8. I will not use intoxicants (beer, whiskey, wine, etc.) of any kind to excess, or use or have in my possession illegal drugs. I will not enter an establishment whose prime purpose is to sell alcoholic beverages (bars, taverns, clubs, etc.). I will submit to random drug screens as directed.
- 9. I agree to pay all required fees to the Supervision and Criminal Injuries fund unless waived by appropriate authorities. Additionally, if so ordered by the court, I will pay all imposed fines, court costs, and restitution.
- 10. I will observe any special conditions imposed by the Court as listed below:

Judicial Diversion. Pay Restitution to victim, Warren County Band Boosters- Color Guard, in the amount of \$2,801.44. Pay \$75.00 to ~~EEF~~ & court costs. Perform 40 hrs of public service work.

- 11. I will provide a biological specimen for the purpose of DNA analysis, such specimen to be collected and forwarded by the approved agency to TBI, pursuant to TCA 40-35-321.
- 12. If convicted of a sex offense, I will abide by the Specialized Probation Conditions for Sex Offenders as adopted by the Board of Probation and Parole.
- 13. If convicted of an offense or an attempt to commit an offense under TCA 39-13-502, 39-13-503, 39-13-504, or 39-13-522, such offense being committed on or after July 1, 1996, I shall be sentenced to and agree to abide by the provisions of Community Supervision for Life, pursuant to TCA 39-13-524.
- 14. I will not engage in any assaultive, abusive, threatening or intimidating behavior. Nor will I participate in any criminal street gang related activities as defined by TCA 40-35-121. I will not behave in a manner that poses a threat to others or myself

I have read or have had read to me, the conditions of my Probation. I fully understand them and agree to comply with them. I hereby waive all extradition rights and process and agree to return to Tennessee if at any time during my probation the Trial Judge directs me to do so.

Jennifer Fisher PROBATIONER SIGNATURE
Megan Stone WITNESS SIGNATURE
1/16/13 DATE

31 Wedgewood Court PROBATIONER ADDRESS
11-4-1980 DOB
McMinnville TN 37110 CITY STATE ZIP CODE
(931)808-2643 TELEPHONE
00516306 SS#
F SEX
W RACE

Violation of any of the terms of Probation may be sufficient cause for revocation of Probation. The expiration date of this probationary sentence is the 9th day of January, 2015.
DONE AND ORDERED IN OPEN COURT, this, the 9th day of January, 2013

[Signature]
Signature of the Trial Judge

**STATE OF TENNESSEE, WARREN COUNTY
MAY SESSION OF THE GRAND JURY, 2012**

FILED

MAY 11 2012

NO. (PU) F- 13719

STATE OF TENNESSEE

VS.

JENNIFER MICHELLE FISHER ^{Time} ^{Initials}
BERNADETTE W. MORRIS
CIRCUIT COURT CLERK

PROSECUTOR: Lewis Robbins

CHARGES:

COUNT 1: Theft of Property over \$1,000.00
But less than \$10,000.00

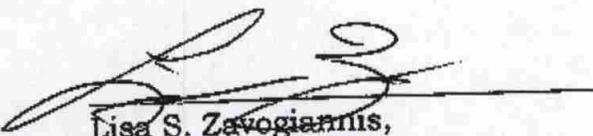
The clerk will issue subpoenas for the
Following:

Lew Robbins, Tonja Dykes, Duane Farnham
Charlene Jones, Dr. Jerry Hale
Phillip Job _____

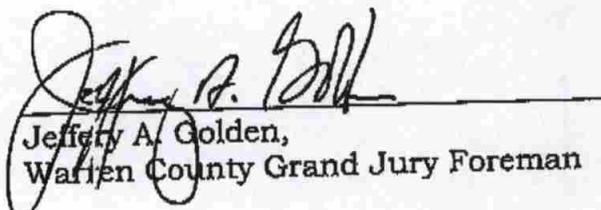
The following Witness(es) appeared before
This Grand Jury, were duly sworn, and
gave testimony:

Lewis Robbins ✓ _____

TRUE BILL ✓ NO TRUE BILL _____



Lisa S. Zavogiannis,
District Attorney General
Thirty-First Judicial District



Jeffrey A. Golden,
Warren County Grand Jury Foreman

MB440 P248

COUNT ONE

THE GRAND JURORS of Warren County, Tennessee, duly impaneled and sworn, upon their oath, present that:

JENNIFER MICHELLE FISHER

Between the dates of August 25, 2009 and July 8, 2010, in Warren County, Tennessee, and before the finding of this indictment, knowingly did obtain or exercise control over certain property, to wit: Cash, over the value of \$1,000.00, but less than \$10,000.00 the property of Warren County High School Band Boosters without the effective consent of any authorized agent for the said Warren County High School Band Boosters and with the intent to deprive Warren County High School Band Boosters of said property, constituting the offense of Theft of Property over \$1,000.00, but less than \$10,000.00, a Class "D" Felony in violation of Tennessee Code Annotated § 39-14-103, and against the peace and dignity of the State of Tennessee.



Lisa S. Zavogiannis,
District Attorney General
Thirty-First Judicial District

MB440 P249