

**IN THE CIRCUIT COURT OF HARDEMAN COUNTY, TENNESSEE**

STATE OF TENNESSEE

VS.

NO. 35CC1-2010-CR- 139

TRACEY WILSON

**CRIMINAL INFORMATION**

Comes now D. Michael Dunavant, District Attorney General for the 25<sup>th</sup> Judicial District of Tennessee, pursuant to T.C.A. 40-3-103, and charges by Criminal Information that Tracey Wilson on or about September 14, 2009, in Hardeman County, Tennessee, did unlawfully feloniously and knowingly, while a public servant, i.e. Town of Whiteville Deputy City Recorder, with intent to obtain a benefit, commit an act relating to the servant's employment that exceeded the servant's official power by taking money from the Town of Whiteville, <sup>thereby</sup> receiving a benefit i.e. cash, not otherwise authorized by law, in violation of T.C.A. 39-16-402, against the peace and dignity of the State of Tennessee.

D. MICHAEL DUNAVANT BY JLV  
District Attorney General

This 20<sup>th</sup> day of August 2010.

IN THE CIRCUIT COURT OF HARDEMAN COUNTY, TENNESSEE

STATE OF TENNESSEE

VS.

NO. 35CC1-2010-CR-139

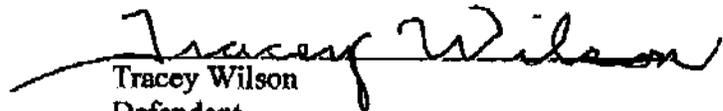
TRACEY WILSON

WAIVER OF INDICTMENT AND CONSENT TO CRIMINAL INFORMATION

Comes now the defendant, Tracey Wilson, who would respectfully show to the Court as follows:

1. That she has consulted with her attorney, Drew Johnston, and has been advised that she has a constitutional right to indictment or presentment by the Grand Jury concerning the above-styled cause.
2. That she believes that it would be in her manifest best interest to waive said right to indictment or presentment and allow this cause to be prosecuted by Criminal Information pursuant to T.C.A. 40-3-103(a) and she consents to the aforementioned Criminal Information to which this waiver is attached.

This 20<sup>th</sup> day of August 2010.

  
 Tracey Wilson  
 Defendant

APPROVED FOR ENTRY:

D. MICHAEL DUNAVANT BY JLV  
 D. Michael Dunavant  
 District Attorney General

Drew Johnston *in consent*  
 Drew Johnston  
 Attorney for the Defendant

IN THE CIRCUIT COURT OF HARDEMAN COUNTY, TENNESSEE  
TWENTY-FIFTH JUDICIAL DISTRICT

STATE OF TENNESSEE  
VS.  
TRACEY WILSON

DOCKET NO. 35-CC1-2010-CR-139

PLEA OF GUILTY and  
MOTION TO WAIVE TRIAL BY JURY AND WAIVE APPEAL

My full name is TRACEY WILSON and I am represented by Hon. Drew Johnston, Attorney at Law.

I am charged with

Ct. 1: Official Misdemeanor (B-Fel) for which the minimum penalty is 1 year @ 30% and a \$0.00 fine as a Range I offender, and the maximum penalty is 2 years @ 30% before RED and a \$3,000.00 fine as a Range I offender;

1. Having received a copy of the indictment / information and discussed it with my attorney, I understand the nature of the charges against me and any defenses that could be raised in my behalf. I have discussed all defenses with my attorney, and am satisfied that proper investigation of my case has been made. I have met with my attorney and am satisfied with my attorney's representation of me.
2. I know the State's charges against me and have been told the penalties each carries.
3. I have discussed with my attorney and fully understand that I have a right to plead not guilty or to persist in that plea if it has already been made; that if I plead not guilty, I am entitled to a speedy and public trial by a jury, or by a judge sitting without a jury; that I have a right to assistance of counsel, the right to confront and cross-examine witnesses testifying against me, and the right to compel witnesses to appear and testify on my behalf; that at trial I could not be compelled to take the witness stand and incriminate myself, and that if I wanted to testify at trial, I would have that right.
4. I understand that if I plead guilty and the guilty plea is accepted by the Court, there will not be a further trial of any kind, other than imposing sentence on me, so that by pleading guilty, I waive the right to a trial.
5. I understand that in accepting this plea, the court or the State may ask me questions and require that I answer under oath on the record, and that my answers must be truthful, and if not truthful, may later be used against me in a prosecution for perjury.
6. I understand that my plea of guilty will result in a conviction which may be used to enhance punishment if I should be found guilty of another criminal offense in the future.

Understanding these rights, I do voluntarily and freely petition to be allowed to waive a trial by jury and to enter a plea of guilty, and to waive appeal. I voluntarily plead guilty to the offense(s) of:

Ct. 1: Official Misdemeanor (B-Fel) for which the minimum penalty is 1 year @ 30% and a \$0.00 fine as a Range I offender, and the maximum penalty is 2 years @ 30% before RED and a \$3,000.00 fine as a Range I offender;

I understand that the Court will impose sentence. The District Attorney General will (not recommend a sentence) (recommend a sentence of):  
Ct. 1: 1 year(s) @ 30% before RED. Diversion. Supervision by State Probation. Defendant understands and agrees that the payment of fines / restitution is a strict condition of any alternative sentencing and agrees to pay and is able to pay a fine / restitution of \$2700.00.

I certify that my plea of guilty is voluntary and not the result of force or threats or promises apart from a plea agreement. I acknowledge that there have been no promises or guarantees made to me as to release or parole date of my sentence and there are no other promises other than as stated herein or in Open Court. I am pleading guilty because I am guilty.

I fully understand my right to appeal and have my case reviewed by an Appellate Court, but hereby expressly and knowingly waive my right to appeal and agree that there is no basis for appeal.

This the 20th day of August 2010

Defendant: Tracey Wilson  
SS#: \_\_\_\_\_  
Date of Birth: 1-8-28

[Signature]  
Assistant District Attorney General  
Drew Johnston  
Attorney for the Defendant

ORDER

The defendant having been fully advised in person of his rights in Open Court, and after a full explanation of those rights, voluntarily entered a plea of guilty which is accepted by the Court; the motions to waive trial by jury and appeal are granted.

[Signature]  
Judge

IN THE CRIMINAL/CIRCUIT COURT OF HARDEMAN COUNTY, TENNESSEE

Case Number: 35CC1-2010-CR-137 Count # 1 Attorney for the State: JOE L. VANDYKE
Judicial District: 25th Judicial Division: 1 Counsel for Defendant: DREW JOHNSTON

State of Tennessee vs. Defendant: TRACEY WILSON
Date of Birth: 1/8/1958 Sex: Female Race: White SSN:
Indictment Filing Date: 8/17/2010 TDOC # State Control # County Offender ID #

State of Tennessee vs. Defendant: TRACEY WILSON
Date of Birth: 1/8/1958 Sex: Female Race: White SSN:
Indictment Filing Date: 8/17/2010 TDOC # State Control # County Offender ID #

JUDGMENT

Original Amended Corrected

Comes the District Attorney General for the State and the defendant with counsel of record for entry of judgment.
On the 20 of AUG, 2010, the defendant:

Form with checkboxes for Pled Guilty, Dismissed/Nolle Prosequi, Nolo Contendere, Retired/Unapprehended Defendant, Guilty Plea, Is found: Guilty/Not Guilty, Jury Verdict, Bench Trial, Indictment Class, Felony/Misdemeanor, Amended Charge, Offense Date, Conviction Offense, TCA #, Sentence Imposed Date, Conviction Class.

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 & rulings are:

Sentence Reform Act of 1989 form with checkboxes for Mitigated, Standard, Multiple, Persistent, Career, Repeat Violent, Release Eligibility, Concurrent/Consecutive, Pretrial Jail Credit Period.

Sentenced To: TDOC, County Jail, Workhouse. Sentence Length: 1 Year. Mandatory Minimum Sentence Length. Period of incarceration to be served prior to release on probation. Alternative Sentence: Diversion.

Court Ordered Fees and Fines: Court Costs, Fine Assessed, Traumatic Brain Injury Fund, Drug Testing Fund, CKCF, Sex Offender Tax. Restitution: Victim Name TOWN OF WHITEVILLE, Total Amount \$2700, Per Month \$300.

The Defendant having been found guilty is rendered infamous and ordered to provide a biological specimen for the purpose of DNA analysis. Pursuant to 39-13-521 the defendant is ordered to provide a biological specimen for the purpose of HIV testing. Pursuant to 39-13-524 the defendant is sentenced to community supervision for life following sentence expiration.

PLEA & SENTENCE HELD IN ABYSSANCE PENDING SUCCESSFUL COMPLETION OF DIVERSION
IF INVESTIGATION SHOWS OTHER PARTIES TOOK A PORTION OF THE MONEY, RESTITUTION WILL BE ADJUSTED

J. Weber McCraw Judge

Judge's Name [Signature]

Judge's Signature [Signature]

8/20/10

Date of Entry of Judgment

Drew Johnston w/counsel [Signature]

IN THE CIRCUIT COURT OF HARDEMAN COUNTY, TENNESSEE

STATE OF TENNESSEE

VS.

Case # 35-cc1-2010-cr- 139

TRACEY WILSON, Defendant

ORDER OF DEFERRED PROBATION & POST PLEA EXPUNGEMENT

The Defendant came before the Court on this date and plead (guilty) (no contest) to the charge(s) of:

Official Misconduct (E-Fel)

Based on this plea, the defendant is found guilty and sentenced to:

CL 1: 1 year(s) @ 30% before RED. Diversion. Supervision by State Probation. Defendant understands and agrees that the payment of fines / restitution is a strict condition of any alternative sentencing and agrees to pay and is able to pay a fine / restitution of \$2700.00.

Based on the certification provided by the TBI and the testimony received in Court, the Defendant's diversion request is granted and the plea and sentence shall be held in abeyance pending his/her deferred probation for 1 years, 0 months. The Defendant is to pay a total fine of \$0.00\*, plus all court costs. The Defendant is also to pay restitution in the amount of \$2700.00. The Defendant is ordered to pay fines, court costs, and restitution at the rate of \$300.00 per month / in full beginning September 1, 2010. This deferred probation is to be supervised by State Probation.

Defendant is to abide by the provisions of probation of this Court, to obey all laws of this State and the community in which he or she resides, and cooperate with authorities. Upon any violation of the conditions of probation, the Court shall enter an adjudication of guilt and impose sentence. If no violations of probation occur, and upon motion by the Defendant, the Court will consider an Order of Dismissal at the end of the probation period and further consider an order that the official public records be expunged at that time pursuant to T.C.A. 40-35-313.

Ordered, this the 20th day of August 2010.

  
J. Weber McCraw, Judge  
25<sup>th</sup> Judicial District

\*Restitution to Town of Whiteville

225739



# APPLICATION FOR CERTIFICATION OF ELIGIBILITY FOR DIVERSION



COUNTY <b>HARDEMAN</b>		COURT <input type="checkbox"/> Circuit <input type="checkbox"/> Criminal <input checked="" type="checkbox"/> Sessions		DIVISION		JUDGE <b>Charles M. Cary</b>	
DEFENDANT'S NAME <b>TRACEY COOKE WILSON</b>						COURT DATE <b>08-19-10</b>	
DATE OF BIRTH <b>01-08-58</b>		SEX/RACE (B / I / A / W) <b>FAW</b>		SOCIAL SECURITY NUMBER		TYPE OF DIVERSION <input type="checkbox"/> Pretrial <input checked="" type="checkbox"/> Judicial	
OFFENSES TO BE DIVERTED:							
1. <b>OFFICIAL MISCONDUCT</b>				Date of Arrest: <b>09-25-2009</b>		<input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor	
2. <b>THEFT \$1,000 - \$10,000</b>				Date of Arrest: <b>09-25-2009</b>		<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 <b>ANDREW S. JOHNSTON, ESQ. (901) 465-3117</b>							
FAX NUMBER <b>(901) 465-4466</b>		ADDRESS <b>124 EAST MARKET STREET, SOMERVILLE, TN 38068</b>					

## CERTIFICATION OF ELIGIBILITY FOR DIVERSION

I hereby certify that pursuant to Tenn. Code Ann. §39-6-118(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.

*Amber Blackman*  
Records Processing Unit, TBI

*08/18/10*  
Date

PLEASE NOTE THAT THIS DOES NOT CONSTITUTE A CERTIFICATION THAT THE DEFENDANT IS ELIGIBLE OR INELIGIBLE FOR DIVERSION UNDER TCA 40-26-613 OR TCA 40-15-106. 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

Come now the District Attorney General for the State and Defendant with consent of record for entry of judgment.

On the \_\_\_\_\_ day of \_\_\_\_\_

OFFENSE INDICTED	OFFENSE CLASS
OFFENSE DIVERTED	OFFENSE CLASS

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

JUDGE (Printed) \_\_\_\_\_ JUDGE (Signature) \_\_\_\_\_ ENTRY OF JUDGMENT DATE \_\_\_\_\_

APPROVED FOR ENTRY \_\_\_\_\_ DISTRICT ATTORNEY \_\_\_\_\_ ATTORNEY FOR DEFENDANT \_\_\_\_\_

GENERAL SESSIONS COURT OF HARDEMAN COUNTY, TENNESSEE

STATE OF TENNESSEE VS. Tracey Wilson DOCKET # 10-CR-739

AFFIDAVIT OF COMPLAINT

I, the affiant named below, after being sworn, state under oath that on or about 09-14-2009 in HARDEMAN COUNTY, TENNESSEE, Tracey Wilson committed the offense of Official Misconduct, a violation of T.C.A. 39-16-402. I further state under oath that the essential facts constituting the offense, the sources of my information and the reasons why this information is believable and reliable are as follows:

On September 25, 2009, the Whiteville Police Department began investigating a possible theft of money at the Town of Whiteville City Hall. Ms. Patricia Randolph, City Recorder, reported that she had discovered monies missing from the deposits that were being made. On September 23, 2009 Ms. Randolph conducted an audit of Ms. Wilson's cash drawer and found that monies had been received but not documented and that the drawer was \$380.00 short. According to Ms. Randolph, Ms. Wilson was unable to explain the shortage. Ms. Randolph then notified the Whiteville PD, Mayor James Bellar and Mr. David Jones, CPA for the Town of Whiteville. On September 24, 2009 Mr. Jones discovered a loss of at least \$800.00 and Mr. Jones then contacted the State Comptrollers Office. The State Comptrollers Office conducted a complete audit of the City Hall's financial records and discovered that \$2,700.00 was missing. The auditor noted that he had found a deposit slip that had been filled out and deposited by Ms. Wilson that had been altered. The auditor stated that the deposit slip amount had been whited out and a smaller amount was entered. On December 10, 2009, I contacted Ms. Wilson to set up an interview concerning the missing funds. Ms. Wilson stated that she was ashamed of what she had done and she wanted to know what she needed to do to take care of it. On December 8, 2009, I received the Investigative Audit from the Comptroller's Office. The auditor noted that a number of general, utility and police collections that were recorded but not deposited. The Whiteville Police Department executed search warrants on Ms. Wilson's personal checking accounts and discovered that there was a probable correlation between some of the Ms. Wilson's deposits into her account and the missing money from the city. During the investigation Ms. Wilson made statements to Ms. Randolph that when she started taking money it was only \$20.00 at a time and that Ms. Wilson did not want to disappoint Ms. Randolph. The auditor concluded that it appeared that Ms. Wilson had in the "Check for Cash Swap method to steal at least \$2,700.00. Ms. Wilson used his position as a city government worker to obtain monies illegally from the citizens of the Town of Whiteville.

THIS HAPPENED IN HARDEMAN COUNTY, TENNESSEE

Signature of Steven Stanley, Affiant's Signature

Name: Captain Steven Stanley
Address: Whiteville Police Department
Phone No.: 731-254-9450

Sworn to and subscribed before me this,

Signature of Linda K. Tulshus, Judge/Clerk, dated 5-7-2010

PROBABLE CAUSE DETERMINATION

Based on the affidavit of complaint, I find there is probable cause to believe that on the date set forth above in Hardeman County, Tennessee, the defendant committed the offense of Official Misconduct, a violation of T.C.A. § 39-16-402.

TO ANY LAWFUL OFFICER:

You are therefore commanded in the name of the State of Tennessee to immediately ARREST the defendant named above and bring the defendant to this court to answer the charges.

Warrant Issued: 5-7-10

Signature of Linda K. Tulshus, Judge/Clerk

**WAIVER**

**BILL OF COST**

PERSONS CHARGED WITH CRIMES HAVE RIGHTS TO:  
 (1) Be prosecuted only upon indictment or presentment to a Grand Jury; (2) Be tried by a jury of peers; (3) Have trial in excess of 120 days by a jury; (4) Have a preliminary hearing; (5) Be represented by counsel at all stages of the proceedings; (6) Have counsel appointed if unable to hire one; (7) Have their own witnesses subpoenaed; (8) Remain silent, and not have their silence used against them; (9) The right to plead not guilty; (10) The right to confront and cross examine the witnesses against you.  
**WAIVER OF RIGHTS:** I understand my rights, the charges against me and the contents of the affidavit of complaint. I voluntarily waive my rights necessary to permit the Court to enter judgment in this case. Specifically, if the name of an attorney is not shown on the waiver, I waive my right to have an attorney. Further, I waive my right to:  
 a preliminary hearing, knowing my case will be bound to the Grand Jury, or  
 a jury trial, and want the General Sessions Court Judge to decide if I am guilty, and, if found guilty, fix my punishment, which may include a fine in excess of \$50.

Defendant: \_\_\_\_\_  
 I explained Defendant's rights to him and he said he understood them.  
 Judge of General Sessions Court of Hardean County, Tennessee, & DATE \_\_\_\_\_

**GUILTY PLEA**  
 I do voluntarily and freely enter a plea of guilty and waive a trial by jury and waive any appeal. I voluntarily plead guilty to the offense of \_\_\_\_\_  
 and that the Court will impose sentence.  
 and my plea of guilty is voluntary and not the result of force or threats or promises apart from my plea agreement. I may have made with the District Attorney General. I am pleading guilty because I am guilty.  
 I fully understand my right to appeal and have my case reviewed by an Appellate Court, but hereby expressly and knowingly waive my right to appeal and agree that there is no basis for appeal.  
 This the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

Attorney for Defendant: \_\_\_\_\_ Defendant: \_\_\_\_\_  
**ORDER**  
 The defendant, having been fully advised in person of his rights to Open Court, and after a full explanation of those rights, voluntarily entered a plea of guilty which is accepted by the Court; the motion to waive trial by jury and appeal is granted.  
 Judge \_\_\_\_\_

**JUDGMENT**

- Dismissed  Dismissed cost taxed to defendant
- Fined \$ \_\_\_\_\_ and costs on a plea of \_\_\_\_\_ and sentenced to serve \_\_\_\_\_ months and \_\_\_\_\_ days in the county jail.
- Release eligibility date is \_\_\_\_\_ %.
- Jail sentence suspended except \_\_\_\_\_
- Supervised probation for \_\_\_\_\_
- Supervised probation for \_\_\_\_\_
- DUI School
- Anger Management
- Alcohol/Drug Evaluation and Counseling
- Bound over and held to the Grand Jury of \_\_\_\_\_ County; Bail bond set at \$ \_\_\_\_\_
- Waived preliminary hearing, bound over and held to the Grand Jury; Bail bond set at \$ \_\_\_\_\_
- Time to pay, By \_\_\_\_\_
- Restitution: \_\_\_\_\_
- OTHER: \_\_\_\_\_

Judge of General Sessions Court of Hardean County, Tennessee & DATE \_\_\_\_\_

FINE .....	\$	_____
CLERK .....		60.00
CLERK DATA .....		2.00
STATE LIT. ....		29.50
M. V. TAX .....		_____
OTHER STATE TAX .....		_____
OFFICER .....		40.00
SHERIFF DATA .....		2.00
SUBPOENA @ 28.00 .....		_____
JAIL FEES .....		_____
Co. Tax @ 10.00 .....		_____
C. I. C. ....		28.50
Co. Lit. ....		59.50
LAB FEES .....		_____
STATE TREASURY @ 5.00 .....		_____
B. I. ....		_____
A. G. F. ....		_____
CAPAS @ 82.00 .....		_____
Victim Assistance .....		_____
OTHER <i>Cont.</i> .....		146.00
RESTRICTION .....		_____
TOTAL .....		_____
TIME TO PAY .....		_____
TOTAL .....		_____

10-CR-739  
 Docket Number  
**GENERAL SESSIONS COURT OF HARDEMAN COUNTY TENNESSEE**  
**STATE OF TENNESSEE**  
 VS.  
**Tracey Wilson**  
 Defendant  
**1325 Mt. Moriah**  
 Defendant's Address & Phone Number  
**Whiteville / TN / 38075**  
 City / State / Zip Code  
**01-08-1958 / White / Female**  
 Race / Sex  
 [Redacted] / **046151607**  
 B. B. # / DL #

**Official Misconduct**  
 Charge  
**39-16-402 / E / Felony**  
 T. C. A. Code / Classification / Fel / Misd  
**S-11-10 6/8/10**  
 Initial Appearance - Court Date  
**7/13/10**  
 Continued - or - Recast  
**8/17/10**  
**Philly**  
**Johnston**  
 Bond / Bonding Company  
 Attorney

**OFFICER'S RETURN**  
**MAY 7 2010**  
 Date Warrant Served  
**Charles Woodard**  
 Officer's Signature  
**Charles Woodard**  
 Officer's Name (Printed)  
**HKSD**  
 Officer's Agency