

9762

9767

DEFENDANT

PLEA OF GUILTY AND ACKNOWLEDGMENT AND WAIVER OF RIGHTS

\* JUDICIAL DIVISION

The above defendant, in his/her proper person and with his/her counsel, if represented, comes before the Court and represents and states that he/she has been fully advised by counsel, the Honorable Bayan Moss, of the following; and/or has read this document and fully understands the following:

1. The nature and elements of the charge(s) against him/her as set forth in the charging documents(s); the State's burden of proof; the defenses available to him/her, if any; and the range of possible punishment, if found guilty of said charge(s).
2. His/her right to the assistance of an attorney at all stages of this case, and if necessary, an attorney will be appointed to represent him/her.
3. His/her right to plead not guilty; his/her right to a speedy trial; his/her right to trial by jury, including the right to have a jury impose a fine in excess of \$50.00; his/her right to have a jury make a finding on applicable sentencing enhancement factors; and also the right to appeal any adverse verdict at trial.
4. His/her right to confront witnesses and cross-examine all witnesses who might testify against him/her at trial and to have compulsory process for obtaining witnesses in his/her favor.
5. His/her right to not testify and the fact that this right could not be held against him/her should he/she exercise the same, but that upon entry of a plea of guilty in this case, this right or privilege against self-incrimination is also waived.
6. That upon a plea of guilty in this case, there will not be a further trial of any kind except to determine the sentence, so that by pleading guilty he/she waives the right to a trial.
7. That upon a plea of guilty in this case, the Court may ask him/her questions under oath, and his/her answers may later be used against him/her in a prosecution for perjury.
8. That evidence of prior conviction(s) may be presented to the Judge for consideration in determining the punishment in this case, and that the conviction(s), resulting from the plea(s) of guilty to the offense(s) set forth below may be used to enhance the offense charged and/or the punishment for the same in subsequent criminal proceedings against him/her.
9. That upon a plea of guilty, a Judgment of guilt and/or an Order will be entered requiring the defendant to pay court costs, and possible fines/fees/taxes. If these assessments are not paid by the defendant within a year, the defendant's driver's license will be revoked by the Dept. of Safety.
10. That upon a plea of guilty to the offense of domestic violence assault or a plea of guilty to any felony, the possession or purchase of a firearm may henceforth be a federal criminal offense and may also be a state criminal offense.
11. That upon a guilty plea to a criminal offense, a non-citizen defendant's immigration or naturalization status may be affected and may subject the defendant to "deportation" from the United States.
12. That upon a plea of guilty to certain sex offenses, the defendant will be required to comply with requirements set out in the Tennessee Sexual Offender and Violent Sexual Offender Registration, Verification, and Tracking Act found at TCA 40-39-201, et seq. The defendant acknowledges that he/she has been informed whether the Sex Offender Registration law and requirements apply to this guilty plea.
13. That upon a plea of guilty to certain sex offenses, the defendant will be required to comply with requirements set out in the Community Supervision For Life statute found at TCA 39-13-524, et seq. The defendant acknowledges that he/she has been informed whether Community Supervision For Life applies to this guilty plea.
14. That upon a plea of guilty in this case, the defendant waives any right to be indicted on any factual issue which may establish the proper punishment in this case. The defendant waives any right to have a jury determine any factual issue that may establish the punishment in this case and waives any right to have any fact that may establish the punishment in this case proven by the State beyond a reasonable doubt. The defendant consents to have his/her sentence in this case determined by the Court, rather than a jury; and that the standard of proof that will apply is a "preponderance of the evidence".

AFTER being so informed of all of the foregoing and the same being fully explained by the Court in the presence of defendant's counsel, if represented; the defendant states that he/she understands all of his/her Constitutional Rights and/or other rights, he/she knowingly waives all of the above stated rights and still desires, with the agreement of his/her attorney, if represented, and with the concurrence of the District Attorney General, to freely, voluntarily and knowingly enter a plea of guilty to the offense(s) of:

Theft \$1,000 to \$10,000

and that he/she elects to waive a jury trial for any purpose and desires to submit the case to the Court without intervention of a jury pursuant to the applicable Tennessee statutes/rules as to the questions of guilt and punishment. The defendant further agrees to accept the punishment recommended by the State or to be imposed by the Court and agrees that the facts of this case as stated by the District Attorney General are to be stipulated as being the substantial facts and evidence in this case which establish a factual basis for the defendant's plea of guilty and may be considered by the Court as such facts and evidence. The defendant represents and states to the Court that he/she has entered this plea of guilty freely, knowingly and voluntarily; that he/she has not been promised anything to induce this guilty plea; nor has he/she been threatened, unduly pressured, intimidated or forced in any way to make him/her enter this guilty plea. The defendant also represents and states to the Court that he/she has considered, and if represented, he/she has discussed with his/her attorney of record, the facts and law relative to this case and all plea or settlement offers related to this case. The defendant, if represented, acknowledges that his/her attorney is thoroughly competent and has fully protected all of his/her rights. The defendant further represents and states to the Court that he/she does not desire to file a motion for a new trial or file an appeal in this case and agrees, upon conferring with counsel if represented; that there is no basis for an appeal as there are no errors in the record in this case.

This the 10 day of Feb, 2015

[Signature]  
Defendant

[Signature]  
Attorney for Defendant

[Signature]  
Assistant District Attorney

CERTIFICATE OF JUDGE

I hereby certify that the above named defendant, being represented by the above named attorney, a member in good standing of the Tennessee Bar, entered a plea of guilty disposing of this cause without intervention of a trial jury pursuant to the applicable statutes/rules to the offense(s) as shown above after a full explanation of his/her rights was made to him/her in open Court and a knowing and voluntary waiver of those rights.

This the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

[Signature]  
(Circuit Judge)

TBI Certification Number: 317809



# APPLICATION FOR CERTIFICATION OF ELIGIBILITY FOR DIVERSION



COUNTY MARION	COURT Circuit	DOCKET NO 9762	JUDGE CURTIS SMITH
DEFENDANT'S NAME VANDERGRIFF, LOIS ALENE			COURT DATE 11/3/2014
DATE OF BIRTH 6/2/1964	SEX/RACE (B/M/A/W/L) FEMALE WHITE	SOCIAL SECURITY NUMBER	TYPE OF DIVERSION JUDICIAL
OFFENSES TO BE DIVERTED:			
1. THEFT OF PROPERTY	Date of Arrest: 4/10/2014	Felony or Misd: FELONY	
2. VANDALISM	Date of Arrest: 4/10/2014	Felony or Misd: MISDEMEANOR	
3.	Date of Arrest: 1/1/1900	Felony or Misd:	
4.	Date of Arrest: 1/1/1900	Felony or Misd:	
NAME AND PHONE NUMBER OF DISTRICT ATTORNEY TO WHOM RESPONSE SHOULD BE SENT DAVE MCGOVERN PHONE: 4239428259 FAX: 4232660687			

CIRCUIT COURT CLERK  
15 FEB 10 AM 11 21

### CERTIFICATION OF ELIGIBILITY FOR DIVERSION

I hereby certify that, pursuant to Tenn. Code Ann. §38-6-118(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 had a prior disqualifying felony or misdemeanor conviction. The defendant has a prior arrest for which no disposition has been entered.
- The defendant has been granted diversion before.
- The defendant has a prior expunction due to a diversion.
- The defendant has a prior expunction due to 40-32-101 (g)

*[Handwritten Signature]*

10/17/2014 2:33:12 PM

Records Processing Unit, TBI

Date

PLEASE NOTE THAT THIS DOES NOT CONSTITUTE A CERTIFICATION THAT THE DEFENDANT IS ELIGIBLE OR INELIGIBLE FOR DIVERSION UNDER TCS 40-35-313 TO TCA 40-15-105. 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 Defendant with counsel of record for entry of judgement.

On the 10 day of Feb, 2015:

OFFENSE INDICTED <u>A Felony Theft</u>	OFFENSE CLASS <u>C-F</u>
OFFENSE CONVICTED <u>D-Felony Theft</u>	OFFENSE CLASS <u>D-F</u>

The defendant is sentenced to  pretrial diversion  judicial version for the following period:  
6 years, \_\_\_\_\_ months, \_\_\_\_\_ days. Effective: \_\_\_\_\_ (Not to exceed 2 years)

J. Curtis Smith  
JUDGE (Printed)

*[Handwritten Signature]*  
JUDGE (Signature)

2, 10, 2015  
ENTRY OF JUDGMENT DATE

APPROVED FOR ENTRY:

*[Handwritten Signature]*  
DISTRICT ATTORNEY

*[Handwritten Signature]*  
ATTORNEY FOR DEFENDANT

IN THE CRIMINAL/CIRCUIT COURT OF Marion COUNTY, TENNESSEE

Case Number: 9762 Count #: 1 Counsel for the State: McGOVERN  
 Judicial District: 12th Judicial Division: \_\_\_\_\_ Counsel for the Defendant: WESS  
 State of Tennessee vs. Defendant: Lois Vandegriff  
 Date of Birth: X 6/2/64 Sex: F Race: W SSN: X [REDACTED]  
 Indictment Filing Date: 4/7/14 State Control # \_\_\_\_\_ State ID # \_\_\_\_\_  
 County Offender ID # (if applicable) \_\_\_\_\_

2015 FEB 10 AM 11 21  
 CLERK  
 2015 FEB 10 AM 11 21  
 CLERK

**ORDER OF DEFERRAL (JUDICIAL DIVERSION)**  Original  Amended  Corrected

On the 10 day of Feb, 2015, the defendant:

<input checked="" type="checkbox"/> Pled Guilty <input type="checkbox"/> Pled Nolo Contendere  Was Found Guilty By: <input type="checkbox"/> Jury Verdict <input type="checkbox"/> Bench Trial	Indictment: Class (circle one) 1 <sup>st</sup> A B <u>C</u> D E <input checked="" type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor Indicted Offense Name AND TCA #: <u>39-14-103 Theft</u> Amended Offense Name AND TCA #: _____ Offense Date: <u>7/1/2009</u> County of Offense: <u>MARION</u> Deferred Offense Name AND TCA #: <u>Theft 1,000 to 10,000</u> Deferred Offense: Class (circle one) A B C <u>D</u> E <input checked="" type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor
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- 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 2 year sentence, 6 year Probation 2/10/15 Ending 2/9/21  Supervised  Unsupervised  
 Supervising Entity: BOPPX

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

<input checked="" type="checkbox"/> Submit to supervision by supervising entity <input type="checkbox"/> Obtain/Maintain gainful employment <input type="checkbox"/> Medical and/or mental health treatment <input type="checkbox"/> Pay expenses for drug or alcohol treatment (T.C.A. 40-35-313) <input type="checkbox"/> Refrain from possessing a firearm or other dangerous weapon <input type="checkbox"/> Pay sex offender tax/fine (T.C.A. 39-13-709 / T.C.A. 40-24-108) <input checked="" type="checkbox"/> Notify the court or supervising entity of change of residential address or employment <input type="checkbox"/> Remain within the boundaries of Tennessee unless supervising entity approves travel beyond <input type="checkbox"/> Remain within the following boundaries: _____ <input 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 checked="" type="checkbox"/> Report as directed by supervising entity or court <input type="checkbox"/> Meet defendant's family responsibilities <input type="checkbox"/> Drug assessment and/or treatment <input type="checkbox"/> Alcohol assessment and/or treatment <input type="checkbox"/> Pursue secular course of study or vocational training <input type="checkbox"/> Pay drug testing fund fee (T.C.A. 39-17-420) <input type="checkbox"/> Uncompensated community service: _____ hours
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Pay restitution: \$ see attached (\$ \_\_\_\_\_ per month/week (circle one))  
 Pay supervision fees (T.C.A. 40-35-313): \$ \_\_\_\_\_ Total (\$ \_\_\_\_\_ per month/week (circle one)) → waive in order to pay restriction  
 Pay court costs  
 ADDITIONAL CONDITIONS: See attached order

Lois Vandegriff  
 Defendant  
  
S Curtis Smith  
 JUDGE'S NAME  
[Signature]  
 Counsel for the Defendant

ENTER this the 10th day of February, 2015  
[Signature]  
 JUDGE'S SIGNATURE  
 Counsel for the State of Tennessee

FILED  
LORNA B. JOHNSON  
CIRCUIT COURT CLERK

2014 APR 7 PM 3 24

F-C  
THEFT OF PROPERTY - T.C.A. 39-14-103  
ORIGINAL

STATE OF TENNESSEE

CIRCUIT COURT

MARION County

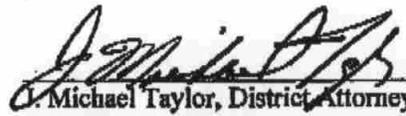
APRIL Session 2014

COUNTY 1

NO. 9762

The Grand Jurors of Marion County, Tennessee, duly impaneled and sworn upon their oath, present that:

LOIS VANDERGRIFF from July 1, 2009 thru October 31, 2010 in Marion County, Tennessee, and before the finding of this indictment, did unlawfully, knowingly obtain control of or exercise control over good and lawful U. S. currency, being the personal goods and property of Whitwell High School, without the owner's effective consent and with the intent to deprive the true owner thereof, the value of said personal goods and property being at least \$10,000.00 but less than \$60,000.00, in violation of T.C.A. 39-14-103, and the said Lois Vandergriff by means of a continuing scheme of fraud, misrepresentation and deception and with the intent to avoid detection, did conceal the fact of the aforesaid Theft until the month of October of 2010, all of which is against the peace and dignity of the State of Tennessee.

  
Michael Taylor, District Attorney General  
12th Judicial District

FILED  
LONNA HEARERSON  
CIRCUIT COURT CLERK  
2014 APR 7 PM 3 24

M-A  
VANDALISM T.C.A. 39-14-408  
**ORIGINAL**

**STATE OF TENNESSEE**

**CIRCUIT COURT**

**MARION County**

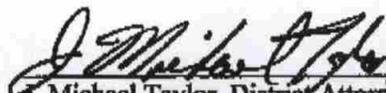
**APRIL Session 2014**

**NO. 9762**

*COUNT IT*

The Grand Jury of Marion County, Tennessee, duly impaneled and sworn upon their oath, present that:

**LOIS VANDERGRIF** from July 1, 2009 thru October 31, 2010 in Marion County, Tennessee, and before the finding of this indictment, did unlawfully and knowingly cause damage to computer property, the personal property of Whitwell High School, without the owner's effective consent, the amount of damage having a value of less than \$500.00, in violation of T.C.A. 39-14-408, all of which is against the peace and dignity of the State of Tennessee.

  
J. Michael Taylor, District Attorney General  
12th Judicial District

No. 9762

**ORIGINAL**

**A TRUE BILL**  
*Cheryl L. Ketterman*  
Foreman of the Grand Jury

STATE OF TENNESSEE  
vs. } **THEFT OF PROPERTY**  
*vandalism under 500*

**SUMMON FOR THE STATE:**

**LOIS VANDERGRIF**

**MARK WILSON, TBI**

**WITNESSES**  
*Michael Mayhan*

Were sworn during open Court before  
the Grand Jury to give evidence on the within  
indictment, this the 7th day of April, 2014.

By Order of J. Michael Taylor  
District Attorney General

*Cheryl L. Ketterman*  
Foreman of the Grand Jury

Filed this 5th day of April, 2014.

**MARK WILSON, PROSECUTOR**

*Laura Henderson* **CLERK**