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OFFICIAL MISCONDUCT T.C.A. 39-16-402 (a)(1)
ORIGINAL

STATE OF TENNESSEE

CIRCUIT COURT

Grundy County

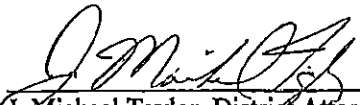
March Session 2019

NO. 6150

COUNT I

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

Hubert D. Hargis between March 5, 2017 and September 1, 2018, in Grundy County, Tennessee, and before the finding of this Indictment, and acting as a public servant, to wit: Grundy County Highway Superintendent, did unlawfully and knowingly, and with intent to obtain a benefit, commit an act relating to the servant's office that constitutes an unauthorized exercise of official power, to wit: the said **Hubert D. Hargis** did use the Grundy County Highway Department's equipment to improve or maintain real property in the possession of **Hubert D. Hargis** for the purpose of raising cattle for **Hubert D. Hargis's** benefit; all in violation of T.C.A. 39-16-402, all of which is against the peace and dignity of the State of Tennessee.


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

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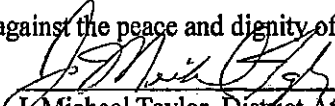
March Session 2019

NO. 6150

COUNT II

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

Hubert D. Hargis between March 5, 2017 and September 1, 2018, in Grundy County, Tennessee, and before the finding of this Indictment, and acting as a public servant, to wit: Grundy County Highway Superintendent, did unlawful and knowingly, and with intent to obtain a benefit, commit an act under color of office that exceeded the servant's official power, to wit: the said **Hubert D. Hargis** did use the Grundy County Highway Department's equipment to improve or maintain real property in the possession of **Hubert D. Hargis** for the purpose of raising cattle for **Hubert D. Hargis's** benefit; all in violation of T.C.A. 39-16-402, all of which is against the peace and dignity of the State of Tennessee.


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12th Judicial District

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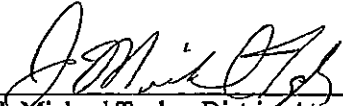
March Session 2019

NO. 12150

COUNT III

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

Hubert D. Hargis between March 5, 2017 and September 1, 2018, in Grundy County, Tennessee, and before the finding of this Indictment, and acting as a public servant, to wit: Grundy County Highway Superintendent, did unlawful and knowingly, and with intent to obtain a benefit, violated a law relating to the public servant's office, to wit: T.C.A. 54-7-202(d), as the said **Hubert D. Hargis** did use the Grundy County Highway Department's equipment to improve or maintain real property in the possession of **Hubert D. Hargis** for the purpose of raising cattle for **Hubert D. Hargis's** benefit and this use of Grundy County Highway Department equipment served no official county road purpose; all in violation of T.C.A. 39-16-402, all of which is against the peace and dignity of the State of Tennessee.


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

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OFFICIAL MISCONDUCT T.C.A. 39-16-402 (a)(1)
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STATE OF TENNESSEE

CIRCUIT COURT

Grundy County

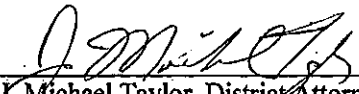
March Session 2019

NO. 6050

COUNT IV

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

Hubert D. Hargis between March 5, 2017 and September 1, 2018, in Grundy County, Tennessee, and before the finding of this Indictment, and acting as a public servant, to wit: Grundy County Highway Superintendent, did unlawful and knowingly, and with intent to obtain a benefit, the said **Hubert D. Hargis** received a benefit in his use of Grundy County Highway Department's equipment to improve or maintain real property in the possession of **Hubert D. Hargis** for the purpose of raising cattle for **Hubert D. Hargis's** benefit; all in violation of T.C.A. 39-16-402, all of which is against the peace and dignity of the State of Tennessee.


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

F-E
OFFICIAL MISCONDUCT T.C.A. 39-16-402 (a)(1)
ORIGINAL

STATE OF TENNESSEE

CIRCUIT COURT

Grundy County


March Session 2019

NO. 16150

COUNT V

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

Hubert D. Hargis between March 5, 2017 and September 1, 2018, in Grundy County, Tennessee, and before the finding of this Indictment, and acting as a public servant, to wit: Grundy County Highway Superintendent, did unlawfully and knowingly, and with intent to obtain a benefit, commit an act relating to the servant's office that constitutes an unauthorized exercise of official power, to wit: the said **Hubert D. Hargis** did use the Grundy County Highway Department's employees and equipment to improve the real property belonging to Lucretia Layne during which **Hubert D. Hargis** did cut and harvest timber/logs from the aforesaid property and he took possession of the logs for **Hubert D. Hargis's** benefit; all in violation of T.C.A. 39-16-402, all of which is against the peace and dignity of the State of Tennessee.


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

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ORIGINAL

STATE OF TENNESSEE

CIRCUIT COURT

Grundy County

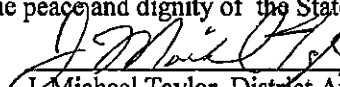
March Session 2019

NO. 6150

COUNT VI

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

Hubert D. Hargis between March 5, 2017 and September 1, 2018, in Grundy County, Tennessee, and before the finding of this Indictment, and acting as a public servant, to wit: Grundy County Highway Superintendent, did unlawfully and knowingly, and with intent to obtain a benefit, commit an act under color of office that exceeded the servant's official power, to wit: the said **Hubert D. Hargis** did use the Grundy County Highway Department's employees and equipment to improve the real property belonging to Lucretia Layne during which **Hubert D. Hargis** did cut and harvest timber/logs for the aforesaid property and he took possession of the logs for **Hubert D. Hargis**' benefit; all in violation of T.C.A. 39-16-402, all of which is against the peace and dignity of the State of Tennessee.


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

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STATE OF TENNESSEE

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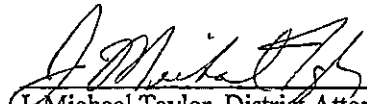
March Session 2019

NO. 6050

COUNT VII

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

Hubert D. Hargis between March 5, 2017 and September 1, 2018, in Grundy County, Tennessee, and before the finding of this Indictment, and acting as a public servant, to wit: Grundy County Highway Superintendent, did unlawfully and knowingly, and with intent to obtain a benefit, violated a law relating to the public servant's office, to wit: T.C.A. 54-7-202(d), as the said **Hubert D. Hargis** did use the Grundy County Highway Department's employees and equipment to improve the real property belonging to Lucretia Layne during which **Hubert D. Hargis** did cut and harvest timber/logs for the aforesaid property and he took possession of the logs for **Hubert D. Hargis**' benefit; and this use of Grundy County Highway Department's employees and equipment served no official county road purpose; all in violation of T.C.A. 39-16-402, all of which is against the peace and dignity of the State of Tennessee.


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

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OFFICIAL MISCONDUCT T.C.A. 39-16-402 (a)(1)
ORIGINAL

STATE OF TENNESSEE

CIRCUIT COURT

Grundy County

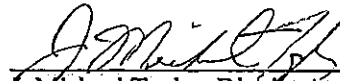
March Session 2019

NO. 6150

COUNT VIII

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

Hubert D. Hargis between March 5, 2017 and September 1, 2018, in Grundy County, Tennessee, and before the finding of this Indictment, and acting as a public servant, to wit: Grundy County Highway Superintendent, did unlawfully and knowingly, and with intent to obtain a benefit, the said **Hubert D. Hargis** did use the Grundy County Highway Department's employees and equipment to improve the real property belonging to Lucretia Layne during which **Hubert D. Hargis** did cut and harvest timber/logs for the aforesaid property and took possession of the logs for **Hubert D. Hargis'** benefit; all in violation of T.C.A. 39-16-402, all of which is against the peace and dignity of the State of Tennessee.


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

No. 6150

STATE OF TENNESSEE
VS. } OFFICIAL MISCONDUCT (8 COUNTS)
ORIGINALS

A TRUE BILL
Tricia Dickert
Foreman of the Grand Jury

Hubert D. Hargis

SUMMON FOR THE STATE:

WITNESSES



Were sworn during open Court before
the Grand Jury to give evidence on the within
indictment, this the 4th day of March, 2019.

By Order of J. Michael Taylor
District Attorney General

Tricia Dickert
Foreman of the Grand Jury

Filed this 4 day of Mar, 2019

Chip Andy, PROSECUTOR

Penny Sono/SM CLERK

IN THE CRIMINAL/CIRCUIT COURT FOR GRUNDY COUNTY, TENNESSEE

Case Number: 6150 Count#: 1 Counsel for the State: STEVEN STRAIN
 Judicial District: 12th Judicial Division: _____ Counsel for the Defendant: TIM PRIEST
 Co-Counsel for the Defendant: _____

☐ Retained ☐ Pub Def Appt ☐ Private Atty Appt
☐ Counsel Waived ☐ Pro Se

State of Tennessee
 vs.

Defendant: HUBERT HARGIS Alias: _____ Date of Birth: _____ Sex: M
 Race: White SSN: _____ Driver License #: _____ Issuing State: TN
 State ID #: _____ County Offender ID # (if applicable): _____ TDOC _____
 Relationship to Victim: _____ Victim's Age: _____
 State Control #: _____ Arrest Date: _____ Indictment Filing Date: _____

JUDGMENT

☒ Original ☐ Amended ☐ Corrected

Come the parties for entry of judgment.

On the 24 day of March 20 23 The defendant:

- ☒ Pled Guilty
☐ Pled Nolo Contendere
☐ Pled Guilty - Certified Question Findings
 Incorporated by Reference

- ☐ Dismissed
☐ Nolle Prosequi with costs
☐ Nolle Prosequi without costs
 Is found: ☒ Guilty ☐ Not Guilty
☐ Not Guilty by Reason of Insanity
☐ Jury Verdict
☐ Bench Trial Merged with Count: _____

Indictment: Class (circle one) 1st A B C D E E
 Indicted Offense Name: OFFICIAL MISCONDUCT
 Indicted Offense TCA §: 39-16-402
 Amended Offense Name: _____
 Amended Offense TCA §: _____
 Offense Date: 03/05/2017 County of Offense: GRUNDY
 Conviction Offense Name: Criminal Att: Official Misconduct
 Conviction Offense TCA §: Same
 Conviction: Class (circle one) 1st A B C D E ☐ Felony ☒ Misdemeanor
 Sentence Imposed Date: 3-4-2023

FILED IN MY OFFICE 1244 A.M. PM
 24 DAY OF March
 Penn State
 CLERK

After considering the evidence, the entire record, and in the case of sentencing, all factors in Tennessee Code Annotated Title 40, Chapter 35, all of which are incorporated by reference herein, it is ORDERED and ADJUDGED that the conviction described above is imposed hereby and that a sentence and costs are imposed as follows:

Offender Status (Check One)	Release Eligibility for Felony Offense (Check One)				1 st Degree Murder
<input type="checkbox"/> Mitigated	<input type="checkbox"/> Mitigated 20%	<input type="checkbox"/> § 40-35-501(i) 100%	<input type="checkbox"/> Agg Rob 85%	<input type="checkbox"/> Agg Child Neg/En 70%	<input type="checkbox"/> Pre-1989
<input type="checkbox"/> Standard	<input type="checkbox"/> Mitigated 30%	<input type="checkbox"/> Multiple Rapist 100%	<input type="checkbox"/> Agg Rob w/Prior 100%	<input type="checkbox"/> Agg Child Neg/En 85%	<input type="checkbox"/> Reform Act 1989
<input type="checkbox"/> Multiple	<input type="checkbox"/> Standard 30%	<input type="checkbox"/> Child Rapist 100%	<input type="checkbox"/> § 39-17-1324(a), (b) 100%	<input type="checkbox"/> Agg Vehicular Homicide 60%	<input type="checkbox"/> Drug Free Zone
<input type="checkbox"/> Persistent	<input type="checkbox"/> Multiple 35%	<input type="checkbox"/> Agg Rapist 100%	<input type="checkbox"/> Mult § 39-17-1324(j) 100%	<input type="checkbox"/> Carjacking 75%	<input type="checkbox"/> Gang Related
<input type="checkbox"/> Career	<input type="checkbox"/> Persistent 45%	<input type="checkbox"/> Child Predator 100%	<input type="checkbox"/> Agg Assault w/Death 75%	<input type="checkbox"/> §40-35-501(u) 85%	<input type="checkbox"/> Repeat Violent Off
	<input type="checkbox"/> Career 60%	<input type="checkbox"/> § 39-13-518 100%	<input type="checkbox"/> Att 1 st Dcg Murder w/SBI 85%		

Concurrent with:

Consecutive to:

Pretrial Jail Credit Period(s):

From _____ to _____ From _____ to _____
 From _____ to _____ From _____ to _____
 From _____ to _____ From _____ to _____

It is not the intent of the court for duplication of Jail Credit to be applied to consecutive sentences

Sentenced To: ☐ TDOC ☒ County Jail ☐ Workhouse

Sentence Length: _____ Years 11 Months 14 Days _____ Hours ☐ Life ☐ Life w/out Parole ☐ Death

Mandatory Minimum Sentence Length: _____
 § 39-17-417, 39-13-513, 39-13-514, or 39-17-432 in Prohibited Zone
 § 55-10-401 DUI 4th Offense
 § 39-17-1324 Possession/Employment of Firearm
 § 40-39-208, -211 Violation of Sex Offender Registry
 Meth §§ (39-17-434, -417, -418)

Period of incarceration to be served prior to release on probation or Community Corrections: _____ Months _____ Days _____ Hours
 Minimum service prior to eligibility for work release, furlough, trusty status and rehabilitative programs: _____ % (Misdemeanor Only)

Alternative Sentence: ☒ Sup Prob ☐ Unsup Prob ☐ Comm Corr ☐ Prob Sup By Comm. Corr (CHECK ONE BOX)

_____ Years 11 Months 14 Days

Effective: Supervised probation until Defendant pays fines & costs.

WAS DRUG/RECOVERY COURT ORDERED AS A CONDITION OF THE ALTERNATIVE SENTENCE? ☐ Yes ☒ No

Boudley D. Shuman
 Judge's Name

[Signature]
 Judge's Signature

IN THE CRIMINAL/CIRCUIT COURT FOR GRUNDY COUNTY, TENNESSEE

Case Number: 6150 Count#: 1
 Judicial District: 12th Judicial Division: _____

State of Tennessee

vs.
 Defendant: HUBERT HARGIS Alias: _____ Date of Birth: _____ Sex: _____
 Race: _____ SSN: _____

CONTINUATION OF JUDGMENT ☒ Original ☐ Amended ☐ Corrected

Court Ordered Fees and Fines:	Costs to be Paid by
\$ _____ Court Costs	<input checked="" type="checkbox"/> Defendant <input type="checkbox"/> State
\$ _____ Fine Assessed	
\$ _____ Traumatic Brain Injury Fund (68-55-301 et seq.)	
\$ _____ Drug Testing Fund (TN Drug Control Act)	
\$ _____ CICF	
\$ _____ Sex Offender Tax	
\$ _____ Other: _____	

Restitution:	Victim Name _____
	Address _____
	Total Amount \$ _____ Per Month \$ _____
<input type="checkbox"/> Unpaid Community Service:	
_____ Hours _____ Days _____ Weeks _____ Months	

- ☐ 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 or 39-13-518, the defendant is sentenced to community supervision for life following sentence expiration.
- ☐ Pursuant to Title 68, Chapter 11, Part 10, 71-6-117, or 71-6-119, the clerk shall forward this judgment to the Department of Health.

Special Conditions:

- Remaining counts dismissed.
 Deft shall not hold public office during the
 period of probation
 SETARA until costs paid
 - The defendant shall be on supervised probation until fines &
 costs are paid.

 Judge's Name	 Judge's Signature	<u>3/24/2023</u> Date of Entry of Judgment
 Counsel for State/Signature (optional)	 Defendant/Defendant's Counsel/Signature (optional)	

I _____, clerk, hereby certify that, before entry by the court, a copy of this judgment was made available to the party or parties who did not provide a signature above.

STATE OF TENNESSEE
VS.
HUBERT HARGIS
DEFENDANT

IN THE CIRCUIT COURT OF GRUNDY COUNTY, TENNESSEE
CASE NO. 6150

PLEA OF GUILTY AND ACKNOWLEDGEMENT AND WAIVER OF RIGHTS

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 Tim Priest, of the following: and/or has read this document and fully understands the following:

1. The nature of the charge(s) against (him)(her) as set forth in the charging document(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 assistance of any 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 and (his)(her) right to trial by jury, including the right to have a jury impose a fine in excess of \$50.00 and (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 will henceforth be a federal criminal offense and may also be a state criminal offense.
11. That upon a 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 to certain sex offenses, the defendant will be required to comply with the requirements set out in the Tennessee Sexual Offender and Violent Sexual Offender Registration, Verification, and Tracking Act found at TCA 69-28-201, et seq. The defendant acknowledges he/she has been informed whether the Sexual Offender Registration law and requirements apply to this guilty plea.
13. That upon a plea to certain sex offenses the defendant will be required to comply with the requirements set out in the Community Supervision for Life statute found at TCA 39-13-524 et seq. The defendant acknowledges 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 waive 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 proof that will apply is a "preponderance of the evidence".

AFTER being so informed of all 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:

Criminal Attempt, Official Misconduct - Class A misdemeanor
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. 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 cause 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 24 day of March, 2023

Hubert Hargis
Defendant

Justin Smith
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 knowing and voluntary waiver of those rights.

This the 24 day of March, 2023

[Signature]
Circuit Judge