

THE STATE OF TENNESSEE

DOCKET: 23-CR-105  
SUMMONS WITNESSES FOR THE STATE

VS.

AMY McSWAIN

- 1. OFFICIAL MISCONDUCT – E Felony  
T.C.A. § 39-16-402 (a)(5)
- 2. THEFT < \$1,000 – A Misdemeanor  
T.C.A. § 39-14-103

PROSECUTOR(S)

BY ORDER OF

  
 \_\_\_\_\_  
 NEIL THOMPSON  
 DISTRICT ATTORNEY GENERAL

A TRUE BILL / NO TRUE BILL

WITNESSES

  
 \_\_\_\_\_  
 FOREMAN OF THE GRAND JURY  
 HARDIN COUNTY, TENNESSEE

WERE SWORN BY THE FOREMAN OF THE GRAND JURY TO TESTIFY BEFORE THE GRAND JURY ON THIS INDICTMENT THIS THE 17<sup>th</sup> DAY OF JULY, 2023.

FILED 17 DAY OF July, 2023 AT 7:00 AM/PM  
 BY Tammie Wolfe TAMIIE WOLFE, CLERK  
 BY Jamone Weep (CLERK)

  
 \_\_\_\_\_  
 FOREMAN OF THE GRAND JURY  
 HARDIN COUNTY, TENNESSEE

McSWAINR.DOC  
REVERSE.DOC

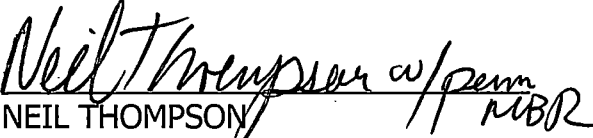
**STATE OF TENNESSEE, HARDIN COUNTY  
CIRCUIT COURT, JULY, 2023 TERM**

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The Grand Jurors of the State of Tennessee, duly elected, impaneled, sworn and charged to inquire in and for the body of the County of Hardin, in the State aforesaid, upon their oath present:

COUNT ONE:

That AMY McSWAIN, heretofore, to-wit: On or about AUGUST 2021 ~~2021~~ THROUGH MAY 2023, before the finding of this indictment, in the County and State aforesaid, did knowingly and intentionally commit the offense of OFFICIAL MISCONDUCT, by intentionally or knowingly receive benefits not otherwise lawfully authorized while employed as a teacher with Hardin County Schools to obtain a benefit, to wit: FAILING TO TURN IN SCHOOL SUPPLY & LOCKER FEES PAID BY STUDENTS, thereby committing the offense of OFFICIAL MISCONDUCT, in violation of T.C.A. § 39-16-402 (a)(5), against the peace and dignity of the State of Tennessee.

  
NEIL THOMPSON  
DISTRICT ATTORNEY GENERAL

**STATE OF TENNESSEE, HARDIN COUNTY  
CIRCUIT COURT, JULY, 2023 TERM**

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The Grand Jurors of the State of Tennessee, duly elected, impaneled, sworn and charged to inquire in and for the body of the County of Hardin, in the State aforesaid, upon their oath present:

COUNT TWO:

That AMY McSWAIN, heretofore, to-wit: On or about AUGUST 202~~1~~<sup>2</sup>, before the finding of this indictment, in the County and State aforesaid, did knowingly or intentionally obtain or exercise control over property, to-wit: SCHOOL SUPPLY AND LOCKER FEES, of the value of ONE THOUSAND DOLLARS (\$1,000.00) OR LESS, being the property of HARDIN COUNTY SCHOOLS, without the owner's effective consent, with the intent to deprive the said HARDIN COUNTY SCHOOLS thereof, thereby committing the offense of THEFT OF PROPERTY, in violation of T.C.A. § 39-14-103, against the peace and dignity of the State of Tennessee.

  
NEIL THOMPSON  
DISTRICT ATTORNEY GENERAL

**IN THE CRIMINAL/CIRCUIT COURT FOR HARDIN COUNTY, TENNESSEE**

Case Number: 23-CR-105 Count: 1 Counsel for the State: MORGAN B. REYNOLDS  
 Judicial District: 24<sup>th</sup> Judicial Division: \_\_\_\_\_ Counsel for the Defendant: BEN HARMON  
**State of Tennessee**  Retained  Pub Def Appt  Private Atty Appt  
 vs.  Counsel Waived  Pro Se  
 Defendant: AMY MCSWAIN Alias: \_\_\_\_\_ Date of Birth: [REDACTED] Sex: Female  
 Race: White SSN: [REDACTED] Relationship to Victim: \_\_\_\_\_ Victim's Age: \_\_\_\_\_  
 State ID #: \_\_\_\_\_ County Offender ID # (if applicable): \_\_\_\_\_ State Control #: \_\_\_\_\_  
 Arrest Date: 07/21/2023 Indictment Filing Date: July 27, 2023

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

On the 14<sup>th</sup> day of February, 2024, 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	<b>Indictment:</b> Class (circle one) 1 <sup>st</sup> <input type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> C <input type="checkbox"/> D <input type="checkbox"/> E <input type="checkbox"/> Felony <input checked="" type="checkbox"/> Misdemeanor Indicted Offense Name <u>AND TCA §: 39-14-103 - THEFT OF PROPERTY - \$1,000 or LESS</u> Amended Offense Name <u>AND TCA §:</u> _____ Offense Date: <u>08/01/2023 - 08/31/2023</u> County of Offense: <u>Hardin County</u> Deferred Offense Name <u>AND TCA §: 39-14-103 - THEFT OF PROPERTY - \$1,000 or LESS</u> <b>Deferred Offense:</b> Class (circle one) <input type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> C <input type="checkbox"/> D <input type="checkbox"/> E <input type="checkbox"/> Felony <input checked="" 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):
1. The defendant is eligible for deferral of the prosecution pursuant to Tennessee Code Annotated section (T.C.A.) 40-35-313;
  2. The Tennessee Bureau of Investigation has certified (per attached certificate) that the defendant does not have a prior felony or Class A misdemeanor conviction;
  3.  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 Title 68, Chapter 11, Part 10; **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 Title 68, Chapter 11, Part 10, whereupon a copy of this order shall be forwarded by the clerk to the department of health;
  4. The defendant consents to T.C.A. 40-35-313 deferral, as evidenced by the defendant's signature below; AND
  5. 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. The terms and conditions ordered by this court apply to the defendant's probation and are incorporated herein by reference thereto.

**Probation Term:** Total Length 11 Months 29 Days Beginning Date 02/14/2024 Ending Date 02/14/2025  Supervised  Unsupervised

**Supervising Entity (unless otherwise provided to the defendant by the court):** Name: State Probation

Phone Number: \_\_\_\_\_ Address: \_\_\_\_\_

**Defendant's Contact Information (unless otherwise provided to the probation officer by the court):** Phone Number: Amy McSwain

Address: [REDACTED]

**\*\*\*Special Conditions:** Sentence is suspended. Defendant shall pay restitution in the amount of \$370.00 to the Hardin County School Board. Probation is supervised by State Probation until all fines, costs, and restitution are paid in full. Defendant agrees to a suspension of her teaching license for 8 years, after which her license will be reinstated.

Costs	Concurrent with:	Restitution	Pretrial Jail Credit Period(s):
\$ _____ Sex Offender Tax (39-13-709)		Victim Name: <u>Hardin County Board of Education</u>	From <u>07/21/2023</u> to <u>07/21/2023</u>
\$ _____ Sex Offender Fine (40-24-108)		Address: <u>155 Guinn Street</u>	From _____ to _____
\$ _____ Drug Testing Fee (39-17-420)	Consecutive to:	<u>Savannah, Tennessee 38372</u>	From _____ to _____
\$ _____ Treatment Expenses (40-35-313)		Total Amount \$ <u>370.00</u>	From _____ to _____
\$ _____ Supervision Fees (40-35-313)		Per Month \$ _____	
\$ <u>370.00</u> Other: <u>Restitution</u>			
<u>100.00 Fine</u>			

[Signature]  
 Defendant  
 J. BRENT BRADBERRY  
 JUDGE'S NAME  
[Signature]  
 Counsel for the Defendant

ENTERED this the 14<sup>th</sup> day of February, 2024.  
[Signature]  
 JUDGE'S SIGNATURE  
[Signature]  
 Counsel for the State of Tennessee

FILED 14 DAY OF Feb., 2024 AT 10:30 AM PM  
 TAMMIE WOLFE, CLERK  
 BY [Signature] (CLERK)