

TRUE BILL

STATE OF TENNESSEE
MARSHALL COUNTY

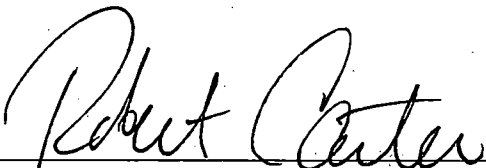
JANUARY SESSION 2023, CRIMINAL COURT
MARCH 22, 2023

COUNT ONE

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

JENNIFER FOSTER

On DIVERS DAYS between JULY 1, 2017 through JUNE 30, 2021, in MARSHALL County, Tennessee, and before the finding of this indictment, did unlawfully, intentionally, and knowingly obtain control over certain property, to-wit: UNITED STATES CURRENCY, of the value of TEN THOUSAND (\$10,000) DOLLARS OR MORE BUT LESS THAN SIXTY THOUSAND (\$60,000) DOLLARS, the property of OAK GROVE ELEMENTARY SCHOOL, without the effective consent of OAK GROVE ELEMENTARY SCHOOL, with the intent to deprive OAK GROVE ELEMENTARY SCHOOL of the property, all in violation of Tennessee Code Annotated §39-14-103, and against the peace and dignity of the State of Tennessee.


ROBERT CARTER,
District Attorney General
17th Judicial District

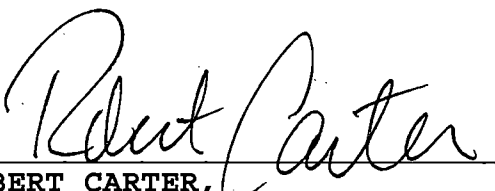
TRUE BILL

COUNT TWO

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

JENNIFER FOSTER

On DIVERS DAYS between JULY 1, 2017 through JUNE 30, 2021, in MARSHALL County, Tennessee, and before the finding of this indictment, did unlawfully, intentionally, and knowingly exercise control over certain property, to-wit: UNITED STATES CURRENCY, of the value of TEN THOUSAND (\$10,000) DOLLARS OR MORE BUT LESS THAN SIXTY THOUSAND (\$60,000) DOLLARS, the property of OAK GROVE ELEMENTARY SCHOOL, without the effective consent of OAK GROVE ELEMENTARY SCHOOL, with the intent to deprive OAK GROVE ELEMENTARY SCHOOL of the property, all in violation of Tennessee Code Annotated §39-14-103, and against the peace and dignity of the State of Tennessee.


ROBERT CARTER,
District Attorney General
17th Judicial District

TRUE BILL

COUNT THREE

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

JENNIFER FOSTER

On DIVERS DAYS between JULY 1, 2017 through JUNE 30, 2021, in MARSHALL County, Tennessee, and before the finding of this indictment, did unlawfully and intentionally forge a writing and JENNIFER FOSTER did intend to defraud or harm another by making false entries in books or records, all in violation of Tennessee Code Annotated §39-14-114, and against the peace and dignity of the State of Tennessee.



ROBERT CARTER,
District Attorney General
17th Judicial District


TRUE BILL

COUNT FOUR

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

JENNIFER FOSTER

On DIVERS DAYS between JULY 1, 2017 through JUNE 30, 2021, in MARSHALL County, Tennessee, and before the finding of this indictment, did unlawfully, intentionally, or knowingly, while acting as a public servant to wit: as an officer, employee, or agent of the government, did commit an act or obtain a benefit or harm another, and the benefit received was not authorized by law, all in violation of Tennessee Code Annotated §39-16-402 and the peace and dignity of the State of Tennessee.



ROBERT CARTER,
District Attorney General
17th Judicial District

SUMMONS WITNESSES FOR THE STATE

[REDACTED]

[REDACTED]

Affiant

FILED
MARSHALL COUNTY CIRCUIT
MIKE WILES, CLERK

2023 MAR 22 AM 10:36

Witnesses sworn during open Court and
sent before the Grand Jury to testify in
the above cause, this 22nd day of

March, 2023.

Ramona Maxwell
Foreman of Grand Jury.

No. 23CR28

STATE OF TENNESSEE

VS.

JENNIFER FOSTER

Ct. 1, 2 – Theft \$10,000-\$60,000
§39-14-103

Ct. 3 – Forgery
§39-14-114

Ct. 4 – Official Misconduct
§39-16-402

A TRUE BILL

True Bill

Foreman of Grand Jury

Robert Carter

ROBERT J. CARTER
District Attorney General

1. [Signature]
2. [Signature]
3. [Signature]
4. [Signature]
5. [Signature]
6. [Signature]
7. [Signature]
8. [Signature]
9. [Signature]
10. [Signature]
11. [Signature]
12. [Signature]

IN THE CRIMINAL/CIRCUIT COURT FOR MARSHALL COUNTY, TENNESSEE

Case Number: 23CR28 Count: 1 Counsel for the State: [REDACTED]
 Judicial District: 17th Judicial Division: 1 Counsel for the Defendant: [REDACTED]
 State of Tennessee ☒ Retained ☐ Pub Def Appt ☐ Private Atty Appt
 vs. ☐ Counsel Waived ☐ Pro Se
 Defendant: JENNIFER LEIGH FOSTER Alias: _____ Date of Birth: [REDACTED] Sex: [REDACTED]
 Race: [REDACTED] SSN: [REDACTED] Relationship to Victim: _____ Victim's Age: [REDACTED]
 State ID #: [REDACTED] County Offender ID # (if applicable): _____ State Control #: _____
 Arrest Date: 04/15/2023 Indictment Filing Date: 03/22/2023

ORDER OF DEFERRAL (JUDICIAL DIVERSION)

On the 21 day of June, 2023, the defendant:

☒ Pled Guilty ☐ Pled Nolo Contendere

Was Found Guilty By:

☐ Jury Verdict
☐ Bench Trial

Indictment: Class (circle one) 1st A B C D E ☒ Felony ☐ Misdemeanor
 Indicted Offense Name AND TCA §: 39-14-103 ~ THEFT OF PROPERTY - \$10,000-\$60,000
 Amended Offense Name AND TCA §: 39-14-103 Theft 7500-10K
 Offense Date: 07/01/2017 County of Offense: Marshall
 Deferred Offense Name AND TCA §: 39-14-103 ~ THEFT OF PROPERTY - \$10,000-\$60,000 7500-10K
 Deferred Offense: Class (circle one) A B C D E ☒ Felony ☐ 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):

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 4 years Beginning Date 6-21-2023 Ending Date 6-21-2027 ☒ Supervised ☐ Unsupervised

Supervising Entity (unless otherwise provided to the defendant by the court): Name: TDCC Probation & Parole

Phone Number: _____ Address: _____

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

Address: _____

***To Pay Restitution of 8,896.05 to Marshall County Board of Education.**

Costs	Concurrent with:	Restitution	Pretrial Jail Credit Period(s):
\$ _____ Sex Offender Tax (39-13-709)	All counts of <u>23-CR-27</u>	Victim Name: <u>[REDACTED]</u>	From _____ to _____
\$ _____ Sex Offender Fine (40-24-108)		Address: <u>[REDACTED]</u>	From _____ to _____
\$ _____ Drug Testing Fee (39-17-420)	Consecutive to:	<u>[REDACTED]</u>	From _____ to _____
\$ _____ Treatment Expenses (40-35-313)		Total Amount \$ <u>8896.05</u>	From _____ to _____
\$ _____ Supervision Fees (40-35-313)		Per Month \$ <u>187.50</u>	From _____ to _____
\$ _____ Other: <u>Pay Court Costs</u>			

Defendant

FOREST A DURARD JR.

JUDGE'S NAME

Counsel for the Defendant

ENTER this the

21st

day of

June

2023

JUDGE'S SIGNATURE

Counsel for the State of Tennessee

IN THE CRIMINAL/CIRCUIT COURT FOR MARSHALL COUNTY, TENNESSEE

Case Number: 23CR28 Count#: 2 Counsel for the State: [REDACTED]
 Judicial District: 17th Judicial Division: I Counsel for the Defendant: [REDACTED]
 Co-Counsel for the Defendant: [REDACTED]
☒ Retained ☐ Pub Def Appt ☐ Private Atty Appt
☐ Counsel Waived ☐ Pro Se

State of Tennessee

vs.

Defendant: JENNIFER LEIGH FOSTER Alias: [REDACTED] Date of Birth: [REDACTED] Sex: [REDACTED]
 Race: [REDACTED] SSN: [REDACTED] Driver License #: [REDACTED] Issuing State: TN
 State ID #: [REDACTED] County Offender ID # (if applicable): [REDACTED] TDOC [REDACTED]
 Relationship to Victim: [REDACTED] Victim's Age: [REDACTED]
 State Control #: [REDACTED] Arrest Date: 04/15/2023 Indictment Filing Date: 06/22/2023

JUDGMENT

☒ Original ☐ Amended ☐ Corrected

Come the parties for entry of judgment.

On the 21 day of June 2023, 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: [REDACTED]

Indictment: Class (circle one) 1st A B C D E ☐ Felony ☐ Misdemeanor
 Indicted Offense Name: THEFT OF PROPERTY - \$10,000-\$60,000
 Indicted Offense TCA §: 39-14-103
 Amended Offense Name: [REDACTED]
 Amended Offense TCA §: [REDACTED]
 Offense Date: 7/1/2017 - 6/30/21 County of Offense: MARSHALL
 Conviction Offense Name: [REDACTED]
 Conviction Offense TCA §: [REDACTED]
Conviction: Class (circle one) 1st A B C D E ☐ Felony ☐ Misdemeanor
 Sentence Imposed Date: [REDACTED]

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)				
<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"/> 1 st Degree Murder <input type="checkbox"/> Pre-1989 <input type="checkbox"/> Reform Act 1989 <input type="checkbox"/> Drug Free Zone <input type="checkbox"/> Gang Related <input type="checkbox"/> Repeat Violent Off
<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"/> 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"/> 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"/> 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"/> Career 60%	<input type="checkbox"/> § 39-13-518 100%	<input type="checkbox"/> Att 1 st Deg Murder w/SBI 85%		

Concurrent with:

Consecutive to:

Pretrial Jail Credit Period(s):

From [REDACTED] to [REDACTED] From [REDACTED] to [REDACTED]
 From [REDACTED] to [REDACTED] From [REDACTED] to [REDACTED]
 From [REDACTED] to [REDACTED] From [REDACTED] to [REDACTED]
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: [REDACTED] Years [REDACTED] Months [REDACTED] Days [REDACTED] Hours ☐ Life ☐ Life w/out Parole ☐ Death

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

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

Alternative Sentence: ☐ Sup Prob ☐ Unsup Prob ☐ Comm Corr ☐ Prob Sup By Comm. Corr (CHECK ONE BOX)
[REDACTED] Years [REDACTED] Months [REDACTED] Days Effective: [REDACTED]

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

FOREST A DURARD JR.
 Judge's Name

[Signature]
 Judge's Signature

IN THE CRIMINAL/CIRCUIT COURT FOR MARSHALL COUNTY, TENNESSEE

Case Number: 23CR28 Count#: 2
Judicial District: 17th Judicial Division: I

State of Tennessee

vs.

Defendant: JENNIFER LEIGH FOSTER 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 ☐ Defendant ☐ 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 \$

☐ 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:

Alt. Therapy Count 1

FOREST A DURARD JR.

Judge's Name

Judge's Signature

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.

IN THE CRIMINAL/CIRCUIT COURT FOR MARSHALL COUNTY, TENNESSEE

Case Number: 23CR28 Count: 3 Counsel for the State: [REDACTED]
 Judicial District: 17th Judicial Division: I Counsel for the Defendant: [REDACTED]
 State of Tennessee ☒ Retained ☐ Pub Def Appt ☐ Private Atty Appt
 vs. ☐ Counsel Waived ☐ Pro Se
 Defendant: JENNIFER LEIGH FOSTER Alias: _____ Date of Birth: [REDACTED] Sex: [REDACTED]
 Race: [REDACTED] SSN: [REDACTED] Relationship to Victim: _____ Victim's Age: 2023 JUN 21 PM 9:05
 State ID #: _____ County Offender ID # (if applicable): _____ State Control #: _____
 Arrest Date: 04/15/2023 Indictment Filing Date: 03/22/2023

ORDER OF DEFERRAL (JUDICIAL DIVERSION)

On the 21 day of June, 2023, the defendant:

☒ Pled Guilty ☐ Pled Nolo Contendere

Was Found Guilty By:

☐ Jury Verdict
☐ Bench Trial

Indictment: Class (circle one) 1st A B C D E ☒ Felony ☐ Misdemeanor
 Indicted Offense Name AND TCA §: 39-14-114 ~ FORGERY
 Amended Offense Name AND TCA §: _____
 Offense Date: 07/01/2017 County of Offense: Marshall
 Deferred Offense Name AND TCA §: 39-14-114 ~ FORGERY
 Deferred Offense: Class (circle one) A B C D E ☒ Felony ☐ 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):

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 1 year Beginning Date 6-21-2023 Ending Date 6-21-2024 ☒ Supervised ☐ Unsupervised

Supervising Entity (unless otherwise provided to the defendant by the court): Name: TDAC Probation & Parole

Phone Number: _____ Address: _____

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

Address: _____

Costs	Concurrent with:	Restitution	Pretrial Jail Credit Period(s):
\$ _____ Sex Offender Tax (39-13-709)	<u>All counts of</u> <u>23-CR-28</u>	Victim Name: _____	From _____ to _____
\$ _____ Sex Offender Fine (40-24-108)		Address: _____	From _____ to _____
\$ _____ Drug Testing Fee (39-17-420)	Consecutive to:	_____	From _____ to _____
\$ _____ Treatment Expenses (40-35-313)		Total Amount \$ _____	From _____ to _____
\$ _____ Supervision Fees (40-35-313)		Per Month \$ _____	From _____ to _____
\$ _____ Other: <u>Pay Court Costs</u>			

Defendant: Jennifer Foster

FOREST A DURARD JR.
 JUDGE'S NAME

Counsel for the Defendant

ENTER this the 21st day of June, 2023

JUDGE'S SIGNATURE

Counsel for the State of Tennessee

IN THE CRIMINAL/CIRCUIT COURT FOR MARSHALL COUNTY, TENNESSEE

Case Number: 23CR28 Count: 4 Counsel for the State: [REDACTED]
 Judicial District: 17th Judicial Division: I Counsel for the Defendant: [REDACTED]
 State of Tennessee ☒ Retained ☐ Pub Def Appt ☐ Private Atty Appt
 vs. ☐ Counsel Waived ☐ Pro Se
 Defendant: JENNIFER LEIGH FOSTER Alias: _____ Date of Birth: [REDACTED] Sex: [REDACTED]
 Race: [REDACTED] SSN: [REDACTED] Relationship to Victim: _____ Victim's Age: _____
 State ID #: _____ County Offender ID # (if applicable): _____ State Control #: _____
 Arrest Date: 04/15/2023 Indictment Filing Date: 03/22/2023

ORDER OF DEFERRAL (JUDICIAL DIVERSION)

On the 21 day of June, 2023, the defendant:

☒ Pled Guilty ☐ Pled Nolo Contendere

Was Found Guilty By:

☐ Jury Verdict
☐ Bench Trial

Indictment: Class (circle one) 1st A B C D E ☒ Felony ☐ Misdemeanor
 Indicted Offense Name AND TCA §: 39-16-402 ~ OFFICIAL MISCONDUCT
 Amended Offense Name AND TCA §: _____
 Offense Date: 07/01/2017 County of Offense: Marshall
 Deferred Offense Name AND TCA §: 39-16-402 ~ OFFICIAL MISCONDUCT - Misdemeanor version
 Deferred Offense: Class (circle one) A B C D E ☒ Felony ☒ 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):

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 6-21-2023 Ending Date 6-18-2024 ☒ Supervised ☐ Unsupervised

Supervising Entity (unless otherwise provided to the defendant by the court): Name: _____

Phone Number: _____ Address: _____

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

Address: _____

Costs	Concurrent with:	Restitution	Pretrial Jail Credit Period(s):
\$ _____ Sex Offender Tax (39-13-709)	<u>All counts of 23-CR-28</u>	Victim Name: _____	From _____ to _____
\$ _____ Sex Offender Fine (40-24-108)		Address: _____	From _____ to _____
\$ _____ Drug Testing Fee (39-17-420)	Consecutive to:	_____	From _____ to _____
\$ _____ Treatment Expenses (40-35-313)		Total Amount \$ _____	From _____ to _____
\$ _____ Supervision Fees (40-35-313)		Per Month \$ _____	From _____ to _____
\$ _____ Other: <u>Pay Court Costs</u>			

Defendant

FOREST A DURARD JR.

JUDGE'S NAME

Counsel for the Defendant

ENTER this the

day of

21st June, 2023

JUDGE'S SIGNATURE

Counsel for the State of Tennessee

SEVENTEENTH JUDICIAL DISTRICT
MARSHALL COUNTY, TENNESSEE

STATE OF TENNESSEE

VS.

DOCKET NO. 23CR28

JENNIFER LEIGH FOSTER

PETITION TO ENTER PLEA OF GUILTY

I, the above-named defendant, pursuant to Rule 11 of the Tennessee Rules of Criminal Procedure, respectfully state to the court as follows:

1. My full legal name is JENNIFER LEIGH FOSTER.
2. I am represented in this case by a lawyer and the name of my attorney is WILLIAM POMEROY, ESQ.
3. I received a copy of the indictment or information, which states the charge(s) against me, before I was required to plead to the charge(s), I have read and discussed the indictment or information with my attorney.
4. I have told my lawyer everything I know about the facts and circumstances surrounding the charge(s) against me.
5. My lawyer has told me, and I understand the definitional elements of the crime(s) I am charged with; that is, my lawyer has explained to me what the State has to prove beyond a reasonable doubt to convict a person of the offense(s). My attorney has also informed me in detail, and I understand what the State's evidence against me would be in regard to the charge(s). My lawyer has explained all possible defenses. I might have. My attorney has counseled and advised me on all these matters, and I understand them. Thus, I believe I presently understand every charge against me.
6. My attorney has told me, and I understand that the punishment I could receive, including both possible incarceration and/or fine, is: [Set out range of punishment for offense(s) charged and pleaded to, if different.]

CT. 1, 2 39-14-103 THEFT \$10,000 - \$60,000
 CLASS C FELONY - 3 TO 15 YEARS AND UP TO \$10,000 FINE (3-6) (6-10) (10-15) (15)

CT. 3 39-14-114 FORGERY
 CLASS E FELONY - 1 TO 6 YEARS AND UP TO \$3,000 FINE (1-2) (2-4) (4-6) (6)

CT. 4 39-16-402 OFFICIAL MISCONDUCT
 CLASS A MISDEMEANOR - 11 MONTHS 29 DAYS AND/OR UP TO \$2,500 FINE

7. My attorney has explained that the Court will consider each count of each indictment or information to which I plead "GUILTY" as a separate offense and may order that I serve the sentences for multiple offenses consecutively, that is, one after the other.

8. I understand that in making its sentencing determination the Court will consider all my prior criminal convictions.

9. I understand that the Court's authority to impose punishment is the same if I plead "GUILTY" as it is if I plead "NOT GUILTY", have a jury trial, and am convicted.

10. My attorney has discussed with me whether I am eligible for alternative sentencing, including probation. I understand my attorney's statements on this issue. Although, if eligible, I hope to receive probation or other alternative sentencing, I agree to accept any punishment, which the law permits the court to impose.

11. I understand that the Tennessee Constitution guarantees me the right to have any fine greater than fifty dollars (\$50.00) set by a jury. I wish to give up that right and want the Court to set any fine, which is part of my punishment.

12. My attorney has explained enhanced sentencing to me, and I understand that if I am presently eligible for enhanced sentencing, I have a statutory right to a delay of ten (10) days after the State files a notice of intent to seek enhanced punishment before the Court accepts my plea of "GUILTY". I hereby acknowledge that I am subject to enhanced sentencing as a multiple, persistent and/or career criminal, and give up my right to the filing of such notice and/or to some or all of the ten (10) day waiting period before conviction.

13. I understand that my plea of "GUILTY" will be a criminal conviction on my record, and that if I am convicted of any crimes in the future, this conviction may be used against me as a basis for giving me greater punishment for the future conviction(s) as a multiple, persistent and/or career offender.

14. I understand that I am presumed innocent of the charge(s) against me, and if I went to trial, that presumption would remain with me throughout the trial unless and until overcome by all the evidence presented by the State.

15. I understand that I have the right to plead "NOT GUILTY" to any offense(s) charged against me and to persist in that plea, and that if I choose to plead "NOT GUILTY" the Constitution guarantees me (a) the right to a speedy and public trial by jury; (b) the right to see, hear and cross-examine all witnesses against me; (c) the right to use the power and process of the Court to compel the production of any evidence, including the attendance of any witnesses, in my favor; (d) the right to have the assistance of counsel in my defense at all stages of the proceedings; and (e) the right to remain silent and not testify, and that my silence cannot be used against me. I understand that if I plead "GUILTY" I will be waiving my right to a jury trial and to the other rights set out above.

16. I understand that by pleading "GUILTY", I am giving up the right I would have if I were convicted by a jury to have an appellate court review the basis of my conviction.

17. I understand that in conjunction with my plea of "GUILTY" I may be asked questions about the offense(s) and if I answer those questions under oath, on the record, and in the presence of my attorney, and do not tell the truth, my answers could later be used against me in a prosecution for perjury or false statement.

18. I declare that no government officer or agent (federal, state or local), or any other person, has made any promise or suggestion of any kind exchange for my plea of "GUILTY", with the exception of the

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MIKE WILES, CLERK
2023 JUN 21 PM 3:00

agreement between me and the State's attorney to recommend to the Court the plea and punishment set out in paragraph twenty-three (23) below.

19. I declare that no person has pressured, forced, threatened, or intimidated me into pleading "GUILTY".

20. I believe my lawyer has done everything any lawyer could have done to represent me and I am satisfied with my legal representation and assistance in this case. I have had no problem communicating with my attorney.

21. I declare that during my discussions with my lawyer about this case, and while I read and/or discussed this petition with my lawyer, I was not under the influence of any alcoholic beverage or intoxicating drug.

22. I know that the court will not ordinarily accept a plea of "Guilty" from any one who claims to be innocent. Either I am making no claim of innocence or after having discussed the plea agreement with my attorney, I believe that a plea of "Guilty" to be in my best interest.

23. My attorney has reached an agreement with the State, which is contained in the "Judgement" form(s) and attached to this petition. I have read the form(s) and declare that it contains the entire agreement which I have reached with the State. I understand that if the court considers me for probation, the court will complete the form and this form may be filed as the Judgement order in my case(s).

*Diversion Plea pursuant to 40-35-313. Plea to Count 1 Theft 2500-10K
A Class D Felony Taking a 4 year Sentence Suspended to Probation for 4 years Pay Court Costs
Pay 8896.05 to the Marshall County Board of Education. Count 2 is Dismissed (CAH) Tho
Count 3 Plea to Forgery. A Class E Felony Taking a 1 year Sentence, All Suspended to
Probation. Pay Court Costs.
Count 4 Plea guilty to Official Misconduct - A Class A Misdemeanor Taking an 11/29 sentence
Pay Court Costs*

On the basis of my statements in this petition, I request that the Court accept my plea of "GUILTY".

I agree that the Assistant District Attorney General may summarize what the State's witnesses would say if called to testify in this case, and I give up my right to confront and cross-examine those witnesses.

Signed by me in the presence of my attorney, this 21 day of June, 2023.

Suspended to Probation

*Counts 1, 3 & 4 are All Concurrent
w/each other*

DEFENDANT

Jennifer Foster

CERTIFICATE OF DEFENDANT'S COUNSEL

The undersigned, as attorney for the foregoing named defendant, JENNIFER LEIGH FOSTER, in Criminal Case No. 23CR28, hereby certifies as follows:

1. I have read and fully explained to the defendant the charge(s) against him/her as set out in the indictment or information. I have discussed with the defendant the defendant's knowledge of the facts and circumstances surrounding the charge(s). I have also discussed all possible defenses with the defendant.

2. To the best of my knowledge and belief each statement set forth in the foregoing petition is in all respects accurate and true.

3. The plea of "GUILTY" as offered by the defendant in paragraph twenty-three (23) of the foregoing petition, accords with my understanding of the facts as related to me by the defendant, and is consistent with my advice to the defendant.

4. In my opinion, the defendant's waiver of his/her constitutional and statutory rights is voluntarily and understandingly made; and I recommend to the Court that the plea of "GUILTY" be now accepted and entered on behalf of the defendant as requested in paragraph twenty-two (22) of the foregoing petition.

5. I have explained to the defendant any/all potentially applicable forms of alternative sentencing, including probation.

6. I have read and discussed the foregoing Petition to enter a Plea of Guilty with the defendant in its entirety in detail.

7. I have discussed in detail the plea agreement with the defendant.

Signed by me in the presence of the defendant, this the 21 day of June, 2023.

ATTORNEY FOR DEFENDANT

CERTIFICATE OF DISTRICT ATTORNEY GENERAL

I, WILLIAM BOTTOMS, am the Assistant District Attorney General assigned to represent the State in the subject case. I certify that I have read the recommendation for the guilty plea and punishment set forth in paragraph twenty-three (23) in the foregoing Petition to Enter a Plea of Guilty and find that it accurately states the terms and scope of the plea agreement.

ATTORNEY FOR STATE