

THE STATE OF TENNESSEE

SUMMONS WITNESSES FOR THE STATE

VS.

MALISA GAIL SMITH

1. THEFT OF PROPERTY

T. C. A. §39-14-103(a)

2. FRAUDULENT USE OF A DEBIT CARD

T. C. A. §39-14-118(b)(4)

FILED
CASE # 23cr131
A.M. MAY 01 2023 P.M.
SARAH BRADBERRY
CARROLL CO. CIRCUIT COURT
BY [Signature]

Bail set at \$15,000.00
[Signature]

PROSECUTOR(S)

[Signature]
J. NEIL THOMPSON
DISTRICT ATTORNEY GENERAL

A TRUE BILL / NO TRUE BILL

[Signature]
FOREMAN OF THE GRAND JURY
CARROLL COUNTY, TENNESSEE

WITNESSES

WERE SWORN BY THE FOREMAN OF THE
GRAND JURY TO TESTIFY BEFORE THE
GRAND JURY ON THIS INDICTMENT THIS
THE 1ST DAY OF MAY 2023.

[Signature]
FOREMAN OF THE GRAND JURY
CARROLL COUNTY, TENNESSEE

**STATE OF TENNESSEE, CARROLL COUNTY
CIRCUIT COURT, MAY 2023 TERM**

FIRST COUNT:

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 Carroll, in the State aforesaid, upon their oath present:

That MALISA GAIL SMITH, heretofore, to-wit: DURING A PERIOD OF TIME BETWEEN APRIL 1, 2014 AND MARCH 1, 2020, before the finding of this indictment, in the County aforesaid, did knowingly or intentionally obtain or exercise control over property, to-wit: CASH, of the value of TEN THOUSAND DOLLARS (\$10,000) OR MORE BUT LESS THAN SIXTY THOUSAND DOLLARS (\$60,000), being the property of THE CARROLL COUNTY VOLUNTEER FIRE DEPARTMENT DISTRICT 8 - MIXIE, without the owner's effective consent, with the intent to deprive the said CARROLL COUNTY VOLUNTEER FIRE DEPARTMENT DISTRICT 8 - MIXIE thereof, thereby committing the offense of THEFT OF PROPERTY, in violation of T.C.A. §39-14-103(a), against the peace and dignity of the State of Tennessee.



J. NEIL THOMPSON
DISTRICT ATTORNEY GENERAL

**STATE OF TENNESSEE, CARROLL COUNTY
CIRCUIT COURT, MAY 2023 TERM**

SECOND COUNT

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 CARROLL, in the State aforesaid, upon their oath present:

That MALISA GAIL SMITH, heretofore, to-wit: DURING A PERIOD OF TIME BETWEEN APRIL 1, 2014 AND MARCH 1, 2020, before the finding of this indictment, in the County and State aforesaid, did knowingly or intentionally use a debit card issued to THE CARROLL COUNTY VOLUNTEER FIRE DEPARTMENT DISTRICT 8, in the amount of TEN THOUSAND DOLLARS (\$10,000) OR MORE BUT LESS THAN SIXTY THOUSAND DOLLARS (\$60,000); the said MALISA GAIL SMITH knowing at that time the use of the aforesaid debit card was not authorized by the said CARROLL COUNTY VOLUNTEER FIRE DEPARTMENT DISTRICT 8, thereby committing the offense of FRAUDULENT USE OF A DEBIT CARD, in violation of T.C.A. §39-14-118(b)(4), against the peace and dignity of the State of Tennessee.



J. NEIL THOMPSON
DISTRICT ATTORNEY GENERAL

IN THE CRIMINAL/CIRCUIT COURT FOR CARROLL COUNTY, TENNESSEE

Case Number: 23-CR-131 Count # 1 Counsel for the State: W. MICHAEL THORNE
 Judicial District: 24 Judicial Division: _____ Counsel for the Defendant: CHAD A. COX
State of Tennessee ☒ Retained ☐ Pub Def Appt ☐ Private Atty Appt
 vs. ☐ Counsel Waived ☐ Pro Se
 Defendant: MALISA GAIL SMITH Alias: _____ Date of Birth: [REDACTED] F
 Race: WHITE SSN: [REDACTED] Relationship to Victim: _____ Victim's Age: _____
 State ID #: _____ County Offender ID # (if applicable): _____ State Control #: _____
 Arrest Date: 05/03/2023 Indictment Filing Date: 05/01/2023

ORDER OF DEFERRAL (JUDICIAL DIVERSION) ☒ Original ☐ Amended ☐ Corrected

On the 4TH day of APRIL, 2024, 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(a) THEFT OF PROPERTY OVER \$10,000;
 Amended Offense Name AND TCA §:
 Offense Date: 04/01/2014 - 03/01/2020 County of Offense: CARROLL
 Deferred Offense Name AND TCA §: 39-14-103(a) THEFT OF PROPERTY OVER \$10,000
Deferred Offense: Class (circle one) A B C D E ☒ Felony ☐ Misdemeanor
 BY SARAH BRADBERRY
CARROLL CO. CIRCUIT COURT

FILED

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 6 Year Beginning Date 04/04/2024 Ending Date 04/04/2030 ☒ 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 [REDACTED]

Address [REDACTED]

Costs \$ _____ Sex Offender Tax (39-13-709) \$ _____ Sex Offender Fine (40-24-108) \$ _____ Drug Testing Fee (39-17-420) \$ _____ Treatment Expenses (40-35-313) \$ _____ Supervision Fees (40-35-313) \$ <u>30,150.86</u> Other: <u>RESTITUTION</u>	Concurrent with: Consecutive to:	Restitution Victim Name <u>Carroll Co. VFD</u> Address <u>Dist 8</u> Total Amount \$ <u>30,150.86</u> Per Month \$ <u>418.76</u>	Pretrial Jail Credit Period(s): From _____ to _____ From _____ to _____ From _____ to _____ From _____ to _____
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Malisa Smith
 Defendant
Bruce Griffey
 JUDGE'S NAME
Chad Cox
 Counsel for the Defendant

ENTER this the 4th day of April, 2024
[Signature]
 JUDGE'S SIGNATURE
[Signature]
 Counsel for the State of Tennessee

THE STATE OF TENNESSEE

SUMMONS WITNESSES FOR THE STATE

VS.

WILLIAM LINDEN SMITH, II

1. THEFT OF PROPERTY

T. C. A. §39-14-103(a)

2. FRAUDULENT USE OF A DEBIT CARD

T. C. A. §39-14-118(b)(4)

FILED
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A.M. MAY 01 2023 P.M.
SARAH BRADBERRY
CARROLL CO. CIRCUIT COURT
BY [Signature]

Bail set at \$15,000
[Signature]

PROSECUTOR(S)

[Signature]
J. NEIL THOMPSON
DISTRICT ATTORNEY GENERAL

A TRUE BILL / NO TRUE BILL

WITNESSES

[Signature]
FOREMAN OF THE GRAND JURY
CARROLL COUNTY, TENNESSEE

WERE SWORN BY THE FOREMAN OF THE
GRAND JURY TO TESTIFY BEFORE THE
GRAND JURY ON THIS INDICTMENT THIS
THE 1ST DAY OF MAY 2023.

[Signature]
FOREMAN OF THE GRAND JURY
CARROLL COUNTY, TENNESSEE

**STATE OF TENNESSEE, CARROLL COUNTY
CIRCUIT COURT, MAY 2023 TERM**

FIRST COUNT:

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 Carroll, in the State aforesaid, upon their oath present:

That WILLIAM LINDEN SMITH, II, heretofore, to-wit: DURING A PERIOD OF TIME BETWEEN APRIL 1, 2014 AND MARCH 1, 2020, before the finding of this indictment, in the County aforesaid, did knowingly or intentionally obtain or exercise control over property, to-wit: CASH, of the value of TEN THOUSAND DOLLARS (\$10,000) OR MORE BUT LESS THAN SIXTY THOUSAND DOLLARS (\$60,000), being the property of THE CARROLL COUNTY VOLUNTEER FIRE DEPARTMENT DISTRICT 8 - MIXIE, without the owner's effective consent, with the intent to deprive the said CARROLL COUNTY VOLUNTEER FIRE DEPARTMENT DISTRICT 8 - MIXIE thereof, thereby committing the offense of THEFT OF PROPERTY, in violation of T.C.A. §39-14-103(a), against the peace and dignity of the State of Tennessee.



J. NEIL THOMPSON
DISTRICT ATTORNEY GENERAL

**STATE OF TENNESSEE, CARROLL COUNTY
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SECOND COUNT

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J. NEIL THOMPSON
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IN THE CRIMINAL/CIRCUIT COURT FOR CARROLL COUNTY, TENNESSEE

Case Number: 23-CR-132 Count # 1 Counsel for the State: W. MICHAEL THORNE
 Judicial District: 24 Judicial Division: _____ Counsel for the Defendant: CHAD A. COX
State of Tennessee ☒ Retained ☐ Pub Def Appt ☐ Private Atty Appt
 vs. ☐ Counsel Waived ☐ Pro Se
 Defendant: WILLIAM LIN SMITH, II Alias: _____ Date of Birth: Sex: M
 Race: WHITE SSN: Relationship to Victim: _____ Victim's Age: _____
 State ID #: _____ County Offender ID # (if applicable): _____ State Control #: _____
 Arrest Date: 05/03/2023 Indictment Filing Date: 05/01/2023

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 Amended Offense Name AND TCA §:
 Offense Date: 04/01/2014 - 03/01/2020 County of Offense: CARROLL
 Deferred Offense Name AND TCA §: 39-14-103(a) THEFT OF PROPERTY OVER \$10,000
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 BY SARAH BRADBERRY
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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;
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William L Smith II
 Defendant

JUDGE'S NAME Chad Cox
 Counsel for the Defendant

ENTER this the 4th day of April, 2024
[Signature]
 JUDGE'S SIGNATURE
[Signature]
 Counsel for the State of Tennessee