

No. **317335**

STATE OF TENNESSEE v.
DAVID BRIAN EAVES

A TRUE BILL:

Jimmy Anderson
Foreman of the Grand Jury

SUMMONS FOR THE STATE:

Bond: 0/R

WITNESSES:

Were sworn before the grand jury to give evidence on the within indictment, this the 7th day of
May, 2024.

Jimmy Anderson
Foreman of the Grand Jury

By the Order of: *RL*
ROGER LAYNE

Joe Wamp
Coty Wamp, District Attorney General

Signatures of the Grand Jurors
(For Presentment Use Only)

Charles Coleman

Rosemary Shearn

Mark King

Jeffrey H. Hester

W. L. Haulley

William L. Hester

Antonio R. Cole

Freddie C. Smith

John C. Smith

Scott Ryan

Allen M. Lewis

Alan Britton

317335

STATE OF TENNESSEE
Criminal Court for Hamilton County, 2024

COUNT 1- THEFT OF PROPERTY (CF) P # 344999

The Grand Jurors upon their oath do present that

DAVID BRIAN EAVES

on or about the 20th day of March 2017, through June 3, 2022, in Hamilton County, Tennessee, and before the finding of this indictment, did knowingly with the intent to deprive the owner, the Hamilton County Schools Department of Transportation, obtain or exercise control over the property of the owner, to wit: misappropriation of time, resources, personal property, and cash valued at \$10,000.00 or more, but not more than \$60,000.00, belonging to the Hamilton County Schools Department of Transportation, without the owner's effective consent and with the intent to deprive the owner of said property in violation of Tennessee Code Annotated 39-14-103(a), against the peace and dignity of the State.

COUNT 2- FORGERY (CF) P # 345000

The Grand Jurors upon their oath do present that

DAVID BRIAN EAVES

on or about the 20th day of March 2017, through June 3, 2022, in Hamilton County, Tennessee, and before the finding of this indictment, did forge writings by making false entries into books or records with the intent to defraud or harm another, the Hamilton County Schools Department of Transportation, to wit: misappropriation of time, resources, personal property, and cash valued at \$10,000.00 or more, but not more than \$60,000.00 in violation of Tennessee Code Annotated 39-14-114, against the peace and dignity of the State.

**COUNT 3- VIOLATION OF THE TENNESSEE PERSONAL AND COMMERCIAL
COMPUTER ACT OF 2003 (CF) P # 345002**

The Grand Jurors upon their oath do present that

DAVID BRIAN EAVES

on or about the 20th day of March 2017, through June 3, 2022, in Hamilton County, Tennessee, and before the finding of this indictment, knowingly accessed a computer system with the purpose of obtaining money for himself by means of false or fraudulent representations, to wit: cash valued at \$10,000.00 or more, but not more than \$60,000.00 in violation of Tennessee Code Annotated 39-14-602, against the peace and dignity of the State.

317335

STATE OF TENNESSEE
Criminal Court for Hamilton County, 2023

**COUNT 4- DESTRUCTION OF AND TAMPERING WITH GOVERNMENTAL
RECORDS (EF) P # 345004**

The Grand Jurors upon their oath do present that

DAVID BRIAN EAVES

on or about the 1st day of April 2022, through May 31, 2022, in Hamilton County, Tennessee, and before the finding of this indictment, knowingly made false entries in a governmental record, to wit: false time recording of hours worked in a school record in violation of Tennessee Code Annotated 39-16-504, against the peace and dignity of the State.

COUNT 5- OFFICIAL MISCONDUCT (EF) P # 345005

The Grand Jurors upon their oath do present that

DAVID BRIAN EAVES

on or about the 1st day of April 2022, through May 31, 2022, in Hamilton County, Tennessee, and before the finding of this indictment, knowingly received payment and reported hours not worked in the course of his employment in violation of Tennessee Code Annotated 39-16-402, against the peace and dignity of the State.

IN THE CRIMINAL COURT FOR HAMILTON COUNTY, TENNESSEE

Case Number: 317335

Count #: 1

Counsel for the State: LAYNE, ROGER

Judicial District: Eleven

Judicial Division: 1

Counsel for Defendant: HOSS, BRYAN

State of Tennessee

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

vs.

Defendant: EAVES, DAVID BRIAN

Alias:

Date of Birth: [REDACTED]

Sex: M

Race: W

Relationship to Victim:

Victim's Age:

State ID #:

County Offender ID #(if applicable):

State Control # 330002816638

Arrest Date: 5/9/2024

Indictment Filing Date: 5/8/2024

ORDER OF DEFERRAL (JUDICIAL DIVERSION)

☒ Original ☐ Amended ☐ Corrected

On the 12 day of July, 24, the defendant:

☒ Pled Guilty ☐ Pled Nolo Contendere

Indictment Class: 1st A B C D E ☒ Felony ☐ Misdemeanor

Indicted Offense & TCA§: THEFT OF PROPERTY

39140103

Amended Offense Name & TCA§: Theft over \$1,000

39-13-105(a)(2)

Offense Date: 3/20/2017 County of Offense: Hamilton

Deferred Offense & TCA§: Theft over \$1,000

39140103

Deferred Class: 1st A B C D E ☒ Felony ☐ Misdemeanor

Was Found Guilty By:

☐ Jury Verdict

☐ Bench Trial

Upon review of the case, the court finds the facts stated above as well as the following

- 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 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;
- 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. 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 yr Beginning Date 7/12/24 Ending Date 7/12/25 ☐ 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)		Victim Name <u>HAMILTON City</u>	From _____ to _____
\$ _____ Sex Offender Fine (40-24-108)		Address <u>Dept of Education</u>	From _____ to _____
\$ _____ Drug Testing Fee (39-17-420)			From _____ to _____
\$ _____ Treatment Expenses (40-35-313)		Total Amount \$ <u>19,844.10</u>	From _____ to _____
\$ _____ Supervision Fees (40-35-313)		Per Month \$ _____	
\$ _____ Other: _____		<u>1ump sum</u>	
	Consecutive to:		

D. J. Eaves

Defendant

ENTER this the 12 day of July, 20 24

STEELMAN, BARRY A.

JUDGE'S NAME

JUDGE'S SIGNATURE

Counsel for the Defendant

Counsel for the State of Tennessee

IN THE CRIMINAL COURT FOR HAMILTON COUNTY, TENNESSEE

Case Number: 317335 Count # 2
 Judicial District: 11th Judicial Division: 1

Counsel for the State: LAYNE, ROGER
 Counsel for the Defendant: HOSS, BRYAN
 Co-Counsel for the Defendant: _____

State of Tennessee

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

vs.
Defendant: EAVES, DAVID BRIAN Alias: _____ Date of Birth: Sex:
 Race: Whit SSN: Driver License #: _____ Issuing State: _____
 State ID # _____ County Offender ID # (if applicable) _____ TOMIS/TDOC # _____
 Relationship to Victim: _____ Victim's Age: _____
 State Control # _____ Arrest Date: 5/9/2024 8:49 AM Indictment Filing Date: 05/08/2024

JUDGMENT

☒ Original ☐ Amended ☐ Corrected

Come the parties for entry of judgment.

On the 12 day of July, 24, 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
☐ Jury Verdict ☐ Not Guilty by Reason of Insanity
☐ Bench Trial Merged with Count: _____

Indictment: Class C ☒ Felony ☐ Misdemeanor
Indicted Offense Name: FORGERY
Indicted Offense TCA §: 39140114
Amended Offense Name: _____
Amended Offense TCA §: _____
Offense Date: 03/20/2017 **County of Offense:** Hamilton
Convicted Offense Name: _____
Convicted Offense TCA: _____
Conviction: Class (circle one) 1st A B C D E ☐ Felony ☐ Misdemeanor
Sentence Imposed Date: _____

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
☐ Mitigated ☐ Standard ☐ Multiple ☐ Persistent ☐ Career

☐ 1st Degree Murder ☐ Drug Free Zone
☐ Pre 1989 ☐ Gang Related
☐ Reform Act 1989 ☐ Repeat Violent Off
☐ After July 1, 1995

Release Eligibility for Felony Offense * Early release eligibility not calculated in below percentages. (Check One)

- | | | | |
|---|---|--|---|
| <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"/> 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"/> 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"/> 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"/> 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 1st Degree Murder w/SBI 85% | |

Release Eligibility 100% Sentence to be Served for These Offenses Committed on or After July 1, 2022. *Credits earned may not go toward early release. (Check One)

- | | | | |
|--|--|--|---|
| <input type="checkbox"/> Att 1st Degree Murder | <input type="checkbox"/> 2nd Degree Murder | <input type="checkbox"/> Veh Homicide by Intox | <input type="checkbox"/> Agg Veh Homicide |
| <input type="checkbox"/> Esp Agg Kidnapping | <input type="checkbox"/> Esp Agg Robbery | <input type="checkbox"/> Carjacking | <input type="checkbox"/> Esp Agg Burglary |

Release Eligibility 85% Sentence to be Served for These Offenses Committed on or After July 1, 2022. *Credits earned may be used for up to 15% early release. (Check One)

- | | | |
|--|--|---|
| <input type="checkbox"/> Agg Assault w/ a Deadly Weapon | <input type="checkbox"/> Veh Homicide | <input type="checkbox"/> Agg Burglary |
| <input type="checkbox"/> Agg Assault w/ SBJ | <input type="checkbox"/> Reckless Homicide | <input type="checkbox"/> Agg Arson |
| <input type="checkbox"/> Agg Assault w/ Death | <input type="checkbox"/> Agg Kidnapping | <input type="checkbox"/> Crim Neg Homicide |
| <input type="checkbox"/> Agg Assault Against 1st Responder | <input type="checkbox"/> Invol Labor Servitude | <input type="checkbox"/> § 40-35-501 (cc) (2) (O) |
| <input type="checkbox"/> Vol Manslaughter | <input type="checkbox"/> Agg Robbery | <input type="checkbox"/> § 40-35-501 (cc) (2) (P) |

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.

Judge's Name STEELMAN, BARRY A.

Judge's Signature _____

Date 7-12-24

IN THE CRIMINAL COURT FOR HAMILTON COUNTY, TENNESSEE

Case Number: 317335 Count # 2
 Judicial District: 11th Judicial Division: 1

State of Tennessee
 vs.

Defendant: EAVES, DAVID BRIAN Alias: _____ Date of Birth: [REDACTED] Sex: _____
 Race: White SSN: [REDACTED]

CONTINUATION OF JUDGMENT ☒ Original ☐ Amended ☐ Corrected

Sentenced To: ☐ TDOC ☐ County Jail ☐ Workhouse

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

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

Minimum service prior to eligibility for work release, furlough, trusty status and rehabilitative programs: _____ % (Misdemeanor or Split Confinement Only)
 Defendant may be subject to an additional year of mandatory supervision pursuant to § 40-35-506

Alternative Sentence: ☐ Sup Prob ☐ Unsup Prob ☐ Comm Corr ☐ Prob Sup By Comm Corr (CHECK ONE BOX)
 _____ Years _____ Months _____ Days Effective: _____

Period of incarceration to be served prior to release on probation or Community Corrections: _____ Months _____ Days _____ Hours

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

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 \$ _____

Amount Per Month (if applicable) \$ _____

Pay Period _____

☐ Unpaid Community Service:

_____ Hours _____ Days _____ Weeks _____ Months

- ☐ The Defendant having been found guilty is rendered infamous and is ordered to provide a biological specimen for the purpose of DNA analysis.
☐ Pursuant to TCA § 39-13-521, the Defendant is ordered to provide a biological specimen for the purpose of HIV testing.
☐ Pursuant to TCA § 39-13-524 or § 39-13-518, the Defendant is sentenced to community supervision for life following sentence expiration.
☐ Pursuant to TCA § 68-11-1001 et. seq., § 71-6-117, or § 71-6-119, the clerk shall forward this judgment to the Department of Health.

Special Conditions

STEELMAN, BARRY A.

Judge's Name

Judge's Signature

7-12-24
 Date of Entry of Judgment

Counsel for the 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 COURT FOR HAMILTON COUNTY, TENNESSEE

Case Number: 317335 Count # 3
Judicial District: 11th Judicial Division: 1Counsel for the State: LAYNE, ROGER
Counsel for the Defendant: HOSS, BRYAN
Co-Counsel for the Defendant: _____

State of Tennessee

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

vs.

Defendant: EAVES, DAVID BRIAN Alias: _____ Date of Birth: [REDACTED] Sex: _____Race: Whit SSN: [REDACTED] Driver License #: _____ Issuing State: _____

State ID # _____ County Offender ID # (if applicable) _____ TOMIS/TDOC # _____

Relationship to Victim: _____ Victim's Age: _____

State Control # _____ Arrest Date: 5/9/2024 8:49 AM Indictment Filing Date: 05/08/2024

JUDGMENT

☒ Original ☐ Amended ☐ Corrected

Come the parties for entry of judgment.

On the 12 day of July, 24, 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
☐ Jury Verdict ☐ Not Guilty by Reason of Insanity
☐ Bench Trial Merged with Count: _____

Indictment: Class C☒ Felony ☐ MisdemeanorIndicted Offense Name: VIOLATION OF THE TENNESSEE PERSONAL ANDIndicted Offense TCA §: 39140602

Amended Offense Name: _____

Amended Offense TCA §: _____

Offense Date: 03/20/2017 County of Offense: Hamilton

Convicted Offense Name: _____

Convicted Offense TCA: _____

Conviction: Class (circle one) 1st A B C D E

☐ Felony ☐ Misdemeanor

Sentence Imposed Date: _____

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

☐ Mitigated ☐ Standard ☐ Multiple ☐ Persistent ☐ Career☐ 1st Degree Murder☐ Drug Free Zone☐ Pre 1989☐ Gang Related☐ Reform Act 1989☐ Repeat Violent Off☐ After July 1, 1995

Release Eligibility for Felony Offense

* Early release eligibility not calculated in below percentages.
(Check One)

- | | | | |
|---|---|--|---|
| <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"/> 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"/> 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"/> 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"/> 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 1st Degree Murder w/SBI 85% | |

Release Eligibility 100% Sentence to be Served for These Offenses Committed on or After July 1, 2022.

*Credits earned may not go toward early release.
(Check One)

- | | | | |
|--|--|--|---|
| <input type="checkbox"/> Att 1st Degree Murder | <input type="checkbox"/> 2nd Degree Murder | <input type="checkbox"/> Veh Homicide by Intox | <input type="checkbox"/> Agg Veh Homicide |
| <input type="checkbox"/> Esp Agg Kidnapping | <input type="checkbox"/> Esp Agg Robbery | <input type="checkbox"/> Carjacking | <input type="checkbox"/> Esp Agg Burglary |

Release Eligibility 85% Sentence to be Served for These Offenses Committed on or After July 1, 2022.

*Credits earned may be used for up to 15% early release.
(Check One)

- | | | |
|--|--|---|
| <input type="checkbox"/> Agg Assault w/ a Deadly Weapon | <input type="checkbox"/> Veh Homicide | <input type="checkbox"/> Agg Burglary |
| <input type="checkbox"/> Agg Assault w/ SBJ | <input type="checkbox"/> Reckless Homicide | <input type="checkbox"/> Agg Arson |
| <input type="checkbox"/> Agg Assault w/ Death | <input type="checkbox"/> Agg Kidnapping | <input type="checkbox"/> Crim Neg Homicide |
| <input type="checkbox"/> Agg Assault Against 1st Responder | <input type="checkbox"/> Invol Labor Servitude | <input type="checkbox"/> § 40-35-501 (cc) (2) (O) |
| <input type="checkbox"/> Vol Manslaughter | <input type="checkbox"/> Agg Robbery | <input type="checkbox"/> § 40-35-501 (cc) (2) (P) |

Concurrent With:

Pretrial Jail Credit Period(s):

From _____ To _____

From _____ To _____

From _____ To _____

From _____ To _____

From _____ To _____

From _____ To _____

Consecutive To:

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

Judge's Name STEELMAN, BARRY A.

Judge's Signature _____

Date 7-12-24

IN THE CRIMINAL COURT FOR HAMILTON COUNTY, TENNESSEE

Case Number: 317335 Count # 3
 Judicial District: 11th Judicial Division: 1

State of Tennessee

vs.

Defendant: EAVES, DAVID BRIAN Alias: _____ Date of Birth: [REDACTED] Sex: _____
 Race: White SSN: [REDACTED]

CONTINUATION OF JUDGMENT ☒ Original ☐ Amended ☐ Corrected

Sentenced To: ☐ TDOC ☐ County Jail ☐ Workhouse

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

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

Minimum service prior to eligibility for work release, furlough, trusty status and rehabilitative programs: _____ % (Misdemeanor or Split Confinement Only)
 Defendant may be subject to an additional year of mandatory supervision pursuant to § 40-35-506

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

_____ Years _____ Months _____ Days Effective: _____

Period of incarceration to be served prior to release on probation or Community Corrections: _____ Months _____ Days _____ Hours

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

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 \$ _____

Amount Per Month (if applicable) \$ _____

Pay Period _____

☐ Unpaid Community Service:

_____ Hours _____ Days _____ Weeks _____ Months

- ☐ The Defendant having been found guilty is rendered infamous and is ordered to provide a biological specimen for the purpose of DNA analysis.
☐ Pursuant to TCA § 39-13-521, the Defendant is ordered to provide a biological specimen for the purpose of HIV testing.
☐ Pursuant to TCA § 39-13-524 or § 39-13-518, the Defendant is sentenced to community supervision for life following sentence expiration.
☐ Pursuant to TCA § 68-11-1001 et. seq., § 71-6-117, or § 71-6-119, the clerk shall forward this judgment to the Department of Health.

Special Conditions

STEELMAN, BARRY A.

Judge's Name

Judge's Signature

7-12-24
 Date of Entry of Judgment

Counsel for the 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 COURT FOR HAMILTON COUNTY, TENNESSEE

Case Number: 317335 Count # 4
Judicial District: 11th Judicial Division: 1Counsel for the State: LAYNE, ROGERCounsel for the Defendant: HOSS, BRYAN

Co-Counsel for the Defendant: _____

State of Tennessee

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

vs.

Defendant: EAVES, DAVID BRIANAlias: _____ Date of Birth: Sex: Race: Whit SSN: Driver License #: _____ Issuing State: _____

State ID # _____ County Offender ID # (if applicable) _____ TOMIS/TDOC # _____

Relationship to Victim: _____ Victim's Age: _____

State Control # _____ Arrest Date: 5/9/2024 8:49 AM Indictment Filing Date: 05/08/2024

JUDGMENT

☒ Original ☐ Amended ☐ Corrected

Come the parties for entry of judgment.

On the 12 day of July, 24, 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
☐ Jury Verdict ☐ Not Guilty by Reason of Insanity
☐ Bench Trial Merged with Count: _____

Indictment: Class E☒ Felony ☐ MisdemeanorIndicted Offense Name: DESTRUCTION OF AND TAMPERING WITH GOVERNMENTALIndicted Offense TCA §: 39160504

Amended Offense Name: _____

Amended Offense TCA §: _____

Offense Date: 04/01/2022 County of Offense: Hamilton

Convicted Offense Name: _____

Convicted Offense TCA: _____

Conviction: Class (circle one) 1st A B C D E

☐ Felony ☐ Misdemeanor

Sentence Imposed Date: _____

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

☐ Mitigated ☐ Standard ☐ Multiple ☐ Persistent ☐ Career☐ 1st Degree Murder☐ Drug Free Zone☐ Pre 1989☐ Gang Related☐ Reform Act 1989☐ Repeat Violent Off☐ After July 1, 1995

Release Eligibility for Felony Offense

* Early release eligibility not calculated in below percentages.
 (Check One)

- | | | | |
|---|---|--|---|
| <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"/> 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"/> 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"/> 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"/> 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 1st Degree Murder w/SBI 85% | |

Release Eligibility 100% Sentence to be Served for These Offenses Committed on or After July 1, 2022.

*Credits earned may not go toward early release.
 (Check One)

- | | | | |
|--|--|--|---|
| <input type="checkbox"/> Att 1st Degree Murder | <input type="checkbox"/> 2nd Degree Murder | <input type="checkbox"/> Veh Homicide by Intox | <input type="checkbox"/> Agg Veh Homicide |
| <input type="checkbox"/> Esp Agg Kidnapping | <input type="checkbox"/> Esp Agg Robbery | <input type="checkbox"/> Carjacking | <input type="checkbox"/> Esp Agg Burglary |

Release Eligibility 85% Sentence to be Served for These Offenses Committed on or After July 1, 2022.

*Credits earned may be used for up to 15% early release.
 (Check One)

- | | | |
|--|--|---|
| <input type="checkbox"/> Agg Assault w/ a Deadly Weapon | <input type="checkbox"/> Veh Homicide | <input type="checkbox"/> Agg Burglary |
| <input type="checkbox"/> Agg Assault w/ SBJ | <input type="checkbox"/> Reckless Homicide | <input type="checkbox"/> Agg Arson |
| <input type="checkbox"/> Agg Assault w/ Death | <input type="checkbox"/> Agg Kidnapping | <input type="checkbox"/> Crim Neg Homicide |
| <input type="checkbox"/> Agg Assault Against 1st Responder | <input type="checkbox"/> Invol Labor Servitude | <input type="checkbox"/> § 40-35-501 (cc) (2) (O) |
| <input type="checkbox"/> Vol Manslaughter | <input type="checkbox"/> Agg Robbery | <input type="checkbox"/> § 40-35-501 (cc) (2) (P) |

Concurrent With:

Pretrial Jail Credit Period(s):

From _____ To _____

From _____ To _____

From _____ To _____

From _____ To _____

From _____ To _____

From _____ To _____

Consecutive To:

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

Judge's Name STEELMAN, BARRY A.

Judge's Signature _____

Date 7-12-24

IN THE CRIMINAL COURT FOR HAMILTON COUNTY, TENNESSEE

Case Number: 317335 Count # 4
 Judicial District: 11th Judicial Division: 1

State of Tennessee

vs.

Defendant: EAVES, DAVID BRIAN Alias: _____ Date of Birth: [REDACTED] Sex: _____
 Race: White SSN: [REDACTED]

CONTINUATION OF JUDGMENT ☒ Original ☐ Amended ☐ Corrected

Sentenced To: ☐ TDOC ☐ County Jail ☐ Workhouse

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

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

Minimum service prior to eligibility for work release, furlough, trusty status and rehabilitative programs: _____ % (Misdemeanor or Split Confinement Only)
 Defendant may be subject to an additional year of mandatory supervision pursuant to § 40-35-506

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

_____ Years _____ Months _____ Days Effective: _____

Period of incarceration to be served prior to release on probation or Community Corrections: _____ Months _____ Days _____ Hours

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

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 \$ _____

Amount Per Month (if applicable) \$ _____

Pay Period _____

☐ Unpaid Community Service:

_____ Hours _____ Days _____ Weeks _____ Months

- ☐ The Defendant having been found guilty is rendered infamous and is ordered to provide a biological specimen for the purpose of DNA analysis.
☐ Pursuant to TCA § 39-13-521, the Defendant is ordered to provide a biological specimen for the purpose of HIV testing.
☐ Pursuant to TCA § 39-13-524 or § 39-13-518, the Defendant is sentenced to community supervision for life following sentence expiration.
☐ Pursuant to TCA § 68-11-1001 et. seq., § 71-6-117, or § 71-6-119, the clerk shall forward this judgment to the Department of Health.

Special Conditions

STEELMAN, BARRY A.

Judge's Name

Judge's Signature

7-12-24
 Date of Entry of Judgment

Counsel for the 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 COURT FOR HAMILTON COUNTY, TENNESSEE

Case Number: **317335** Count # **5**
 Judicial District: **11th** Judicial Division: **1**

Counsel for the State: LAYNE, ROGER
 Counsel for the Defendant: HOSS, BRYAN
 Co-Counsel for the Defendant: _____

State of Tennessee

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

vs. Defendant: **EAVES, DAVID BRIAN**

Alias: _____ Date of Birth: [REDACTED] Sex: _____

Race: **Whit** SSN: [REDACTED] Driver License #: _____ Issuing State: _____

State ID # _____ County Offender ID # (if applicable) _____ TOMIS/TDOC # _____

Relationship to Victim: _____ Victim's Age: _____

State Control # _____ Arrest Date: **5/9/2024 8:49 AM** Indictment Filing Date: **05/08/2024**

JUDGMENT

☒ Original ☐ Amended ☐ Corrected

Come the parties for entry of judgment.

On the 12 day of July, 24, 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
☐ Jury Verdict ☐ Not Guilty by Reason of Insanity
☐ Bench Trial Merged with Count: _____

Indictment: Class **E** ☒ Felony ☐ Misdemeanor
 Indicted Offense Name: **OFFICIAL MISCONDUCT**
 Indicted Offense TCA §: **39160402**
 Amended Offense Name: _____
 Amended Offense TCA §: _____
 Offense Date: **04/01/2022** County of Offense: **Hamilton**
 Convicted Offense Name: _____
 Convicted Offense TCA: _____
 Conviction: Class (circle one) 1st A B C D E ☐ Felony ☐ Misdemeanor
 Sentence Imposed Date: _____

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				
<input type="checkbox"/> Mitigated	<input type="checkbox"/> Standard	<input type="checkbox"/> Multiple	<input type="checkbox"/> Persistent	<input type="checkbox"/> Career

<input type="checkbox"/> 1st Degree Murder	<input type="checkbox"/> Drug Free Zone
<input type="checkbox"/> Pre 1989	<input type="checkbox"/> Gang Related
<input type="checkbox"/> Reform Act 1989	<input type="checkbox"/> Repeat Violent Off
<input type="checkbox"/> After July 1, 1995	

Release Eligibility for Felony Offense * Early release eligibility not calculated in below percentages. (Check One)

- | | | | |
|---|---|--|---|
| <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"/> 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"/> 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"/> 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"/> 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 1st Degree Murder w/SBI 85% | |

Release Eligibility 100% Sentence to be Served for These Offenses Committed on or After July 1, 2022. *Credits earned may not go toward early release. (Check One)

- | | | | |
|--|--|--|---|
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Concurrent With:

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From _____ To _____ From _____ To _____
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Consecutive To:

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Judge's Name **STEELMAN, BARRY A.**

Judge's Signature _____

Date **7-12-24**

IN THE CRIMINAL COURT FOR HAMILTON COUNTY, TENNESSEE

Case Number: 317335 Count # 5
 Judicial District: 11th Judicial Division: 1

State of Tennessee
 vs.

Defendant: EAVES, DAVID BRIAN Alias: _____ Date of Birth: [REDACTED] Sex: _____
 Race: White SSN: [REDACTED]

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Special Conditions

STEELMAN, BARRY A.

Judge's Name

Judge's Signature

7-12-24
 Date of Entry of Judgment

Counsel for the 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.