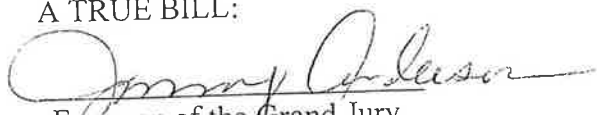


316806

No. \_\_\_\_\_



A TRUE BILL:

STATE OF TENNESSEE v.  
ANDREW WOODBURY 628605
  
 Foreman of the Grand Jury

SUMMONS FOR THE STATE:

Hamilton County Schools Department of School Nutrition

 Ct. 1 \$10,000  
 Bond: Ct. 2 \$5,000  
 Ct. 3 OK  
 WITNESSES: Ct. 4 \$5,000

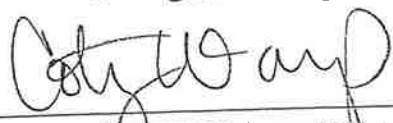
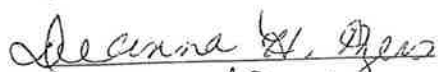
 Investigator Tennessee Comptroller of the Treasury  


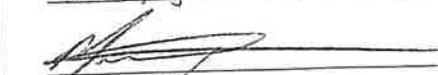
 Were sworn before the grand jury to give evidence on the within indictment, this the 12 day of  
February, 2024.

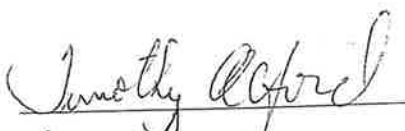
  
 Foreman of the Grand Jury

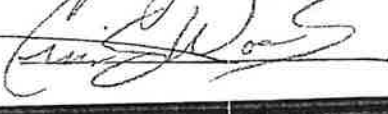
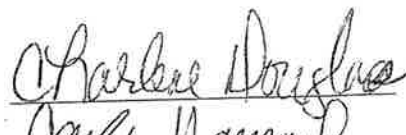
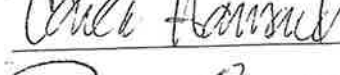
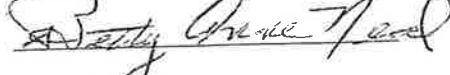
By the Order of:

  
 Kevin Loper

  
 COTY WAMP, DISTRICT ATTORNEY GENERAL
Signatures of the Grand Jurors  
(For Presentment Use Only)







## COUNT 4- OFFICIAL MISCONDUCT (EF)

ANDREW WOODBURY ¶

Between the 18<sup>th</sup> day of October, 2021, and the 18<sup>th</sup> day of February, 2022, in Hamilton County, Tennessee, and before the finding of this indictment did, as a public servant, with intent to obtain a benefit or to harm another, intentionally or knowingly violate a law relating to the public servant's office or employment, in violation of Tennessee Code Annotated 39-16-402, against the peace and dignity of the state.

316806

STATE OF TENNESSEE  
Criminal Court for Hamilton County, 2024

**COUNT 1- THEFT (DF) ¶**

The Grand Jurors upon their oath do present that

**ANDREW WOODBURY**

Between the 18<sup>th</sup> day of October, 2021, and the 18<sup>th</sup> day of February, 2022, in Hamilton County, Tennessee, and before the finding of this indictment did unlawfully and knowingly obtain or exercise control of property, valued more than \$2,5000.00 but less than \$10,000.00 belonging to Hamilton County School Department of School Nutrition, 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, against the peace and dignity of the State.

**COUNT 2- FORGERY (DF) ¶**

The Grand Jurors upon their oath do present that

**ANDREW WOODBURY**

Between the 18<sup>th</sup> day of October, 2021, and the 18<sup>th</sup> day of February, 2022, in Hamilton County, Tennessee, and before the finding of this indictment did unlawfully and knowingly authenticate a writing, to-wit: by writing with intent to defraud the victim by executing a document so reported to be the act of another who did not authorize that act, so that it purported to be the act of another who did not authorize that act, in violation of Tennessee Code Annotated 39-14-114, against the peace and dignity of the State.

**COUNT 3- MISREPRESENTING INFORMATION TO STATE AUDITOR (CM) ¶**

The Grand Jurors upon their oath do present that

**ANDREW WOODBURY**

Between the 18<sup>th</sup> day of October, 2021, and the 18<sup>th</sup> day of February, 2022, in Hamilton County, Tennessee, and before the finding of this indictment did, with intent to deceive, knowingly misrepresent material information related to an audit conducted by an auditor in the department of audit, in violation of Tennessee Code Annotated 39-16-407, against the peace and dignity of the state

# IN THE CRIMINAL COURT FOR HAMILTON COUNTY, TENNESSEE

Case Number: 316806

Count #: 1

Counsel for the State: LOPER, KEVIN

Judicial District: Eleven

Judicial Division: 2

Counsel for Defendant: SPEEK, BILL

State of Tennessee

vs.

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

Defendant: WOODBURY, ANDREW

Alias: WOODBURY, ANDREW  
LEAVITT

Date of Birth: [REDACTED] Sex: M

Race: W SSN: [REDACTED] Relationship to Victim:

Victim's Age:

State ID #: County Offender ID # (if applicable):

State Control # 330002814025

Arrest Date: 4/22/2024

Indictment Filing Date: 2/14/2024

## ORDER OF DEFERRAL (JUDICIAL DIVERSION)

☒ Original ☐ Amended ☐ Corrected

On the 24<sup>th</sup> day of July, 24, the defendant:

<input checked="" type="checkbox"/> Pled Guilty <input type="checkbox"/> Pled Nolo Contendre	Indictment Class: 1st A B C D <u>E</u> <input checked="" type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor	39140103
Was Found Guilty By:	Indicted Offense & TCA§: THEFT	
<input type="checkbox"/> Jury Verdict	Amended Offense Name & TCA§:	
<input type="checkbox"/> Bench Trial	Offense Date: 10/18/2021 County of Offense: Hamilton	
	Deferred Offense & TCA§:	39140103
	Deferred Class: 1st A B C D <u>E</u> <input checked="" type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor	

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

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 yr Beginning Date 7/24/24 Ending Date 7/24/25 ☐ Supervised ☒ Unsupervised

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

Phone Number: 423-260-4239 Address: 538 Indian Mound Rd, Ringgold, GA 30736

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

Address

<b>Costs</b> \$ 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) \$ Other:	<b>Concurrent with:</b> <u>4</u> <b>Consecutive to:</b>	<b>Restitution</b> Victim Name <u>Hamilton Co School Nutrition</u> Address <u>2501 Dodds Ave.</u> <u>Chattanooga TN 37407</u> Total Amount \$ <u>6,000</u> Per Month \$ <u>500</u>	<b>Pretrial Jail Credit Period(s):</b> From _____ to _____ From _____ to _____ From _____ to _____ From _____ to _____
---	---	---	--

Defendant

DUNN, AMANDA

JUDGE'S NAME

Counsel for the Defendant

ENTER this the 24<sup>th</sup> day of July, 2024

JUDGE'S SIGNATURE

Counsel for the State of Tennessee

## IN THE CRIMINAL COURT FOR HAMILTON COUNTY, TENNESSEE

Case Number: 316806 Count # 2  
Judicial District: 11th Judicial Division: 2Counsel for the State: LOPER, KEVINCounsel for the Defendant: SPEEK, BILL

Co-Counsel for the Defendant: \_\_\_\_\_

State of Tennessee  
vs.☐ Retained ☐ Pub Def Appt ☐ Private Atty Appt. ☐ Counsel Waived ☐ Pro SeDefendant: WOODBURY, ANDREWAlias: WOODBURY, ANDREW LEAVITT 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: 4/22/2024 11:25 Indictment Filing Date: 02/14/2024

## JUDGMENT

☒ Original ☐ Amended ☐ Corrected

Come the parties for entry of judgment.

On the                      day of                     , 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 D ☒ Felony ☐ Misdemeanor  
Indicted Offense Name: FORGERY  
Indicted Offense TCA §: 39140114  
Amended Offense Name:                       
Amended Offense TCA §:                       
Offense Date: 10/18/2021 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 80% |
| <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 80%     | <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 <u>                    </u> To <u>                    </u>	From <u>                    </u> To <u>                    </u>
From <u>                    </u> To <u>                    </u>	From <u>                    </u> To <u>                    </u>
From <u>                    </u> To <u>                    </u>	From <u>                    </u> To <u>                    </u>

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

Judge's Name DUNN, AMANDAJudge's Signature Amanda P. Dunn Date 7/24/24

# IN THE CRIMINAL COURT FOR HAMILTON COUNTY, TENNESSEE

Case Number: 316806 Count # 2  
 Judicial District: 11th Judicial Division: 2

State of Tennessee  
 vs.

Defendant: WOODBURY, ANDREW Alias: WOODBURY, ANDREW LEAVITT Date of Birth: [REDACTED] Sex:         
 Race: White SSN: [REDACTED]

## CONTINUATION OF JUDGMENT ☒ Original ☐ Amended ☐ Corrected

Sentenced To: <input type="checkbox"/> TDOC <input type="checkbox"/> County Jail <input type="checkbox"/> Workhouse	
Sentence Length: <u>      </u> Years <u>      </u> Months <u>      </u> Days <u>      </u> Hours <input type="checkbox"/> Life <input type="checkbox"/> Life w/ out Parole <input type="checkbox"/> Death	
Mandatory Minimum Sentence Length: <u>      </u> §§ 39-17-417, 39-13-513, 39-13-514	
<u>      </u> § 55-10-401 DUI 4th Offense	
<u>      </u> § 39-17-1324 Possession/Employment of Firearm	
<u>      </u> § 40-39-208, 40-39-211 Violation of Sex Offender Registry	
<u>      </u> § 39-17-434, 39-17-417, 39-17-418 Meth	
Minimum service prior to eligibility for work release, furlough, trusty status and rehabilitative programs: <u>      </u> % (Misdemeanor or Split Confinement Only)	
Defendant may be subject to an additional year of mandatory supervision pursuant to § 40-35-506	
Alternative Sentence: <input type="checkbox"/> Sup Prob <input type="checkbox"/> Unsup Prob <input type="checkbox"/> Comm Corr <input type="checkbox"/> Prob Sup By Comm Corr (CHECK ONE BOX)	
<u>      </u> Years <u>      </u> Months <u>      </u> Days Effective: <u>      </u>	
Period of incarceration to be served prior to release on probation or Community Corrections: <u>      </u> Months <u>      </u> Days <u>      </u> Hours	
WAS DRUG/RECOVERY COURT ORDERED AS A CONDITION OF THE ALTERNATIVE SENTENCE? <input type="checkbox"/> Yes <input type="checkbox"/> No	

<b>Court Ordered Fees and Fines:</b> \$ <u>      </u> Court Costs <input type="checkbox"/> Defendant <input type="checkbox"/> State \$ <u>      </u> Fine Assessed \$ <u>      </u> Traumatic Brain Injury Fund(68-55-301 et seq.) \$ <u>      </u> Drug Testing Fund (TN Drug Control Act) \$ <u>      </u> CICF \$ <u>      </u> Sex Offender Tax \$ <u>      </u> Other	<b>Restitution: Victim Name:</b> <u>      </u> <b>Address:</b> <u>      </u> <b>Total Amount \$</b> <u>      </u> <b>Amount Per Month (if applicable) \$</b> <u>      </u> <b>Pay Period</b> <u>      </u> <input type="checkbox"/> Unpaid Community Service: <u>      </u> Hours <u>      </u> Days <u>      </u> Weeks <u>      </u> 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

<u>DUNN, AMANDA</u> Judge's Name	 Judge's Signature	<u>7/24/24</u> 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: 316806 Count # 3  
Judicial District: 11th Judicial Division: 2Counsel for the State: LOPER, KEVINCounsel for the Defendant: SPEEK, BILL

Co-Counsel for the Defendant: \_\_\_\_\_

State of Tennessee  
vs.☐ Retained ☐ Pub Def Appt ☐ Private Atty Appt ☐ Counsel Waived ☐ Pro SeDefendant: WOODBURY, ANDREWAlias: WOODBURY, ANDREW LEAVITT 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: 4/22/2024 11:25 Indictment Filing Date: 02/14/2024

## JUDGMENT

☒ Original ☐ Amended ☐ Corrected

Come the parties for entry of judgment.

On the            day of           , the defendant:

<input type="checkbox"/> Pled Guilty
<input type="checkbox"/> Pled Nolo Contendere
<input type="checkbox"/> Pled Guilty - Certified Question Findings Incorporated by Reference
<input checked="" type="checkbox"/> Dismissed
<input type="checkbox"/> Nolle Prosequi with costs
<input type="checkbox"/> Nolle Prosequi without costs
Is Found: <input type="checkbox"/> Guilty <input type="checkbox"/> Not Guilty
<input type="checkbox"/> Jury Verdict <input type="checkbox"/> Not Guilty by Reason of Insanity
<input type="checkbox"/> Bench Trial <input type="checkbox"/> Merged with Count: <u>          </u>

Indictment: Class <u>C</u> <input type="checkbox"/> Felony <input checked="" type="checkbox"/> Misdemeanor
Indicted Offense Name: <u>MISREPRESENTING INFORMATION TO STATE AUDITOR</u>
Indicted Offense TCA §: <u>39160407</u>
Amended Offense Name: <u>          </u>
Amended Offense TCA §: <u>          </u>
Offense Date: <u>10/18/2021</u> County of Offense: <u>Hamilton</u>
Convicted Offense Name: <u>          </u>
Convicted Offense TCA: <u>          </u>
Conviction: Class (circle one) 1st A B C D E <input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor
Sentence Imposed Date: <u>          </u>

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)

<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 <u>          </u> To <u>          </u>	From <u>          </u> To <u>          </u>
From <u>          </u> To <u>          </u>	From <u>          </u> To <u>          </u>
From <u>          </u> To <u>          </u>	From <u>          </u> To <u>          </u>

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

Judge's Name DUNN, AMANDAJudge's Signature Amanda B. Dunn Date 7/24/24

# IN THE CRIMINAL COURT FOR HAMILTON COUNTY, TENNESSEE

Case Number: 316806 Count # 3  
 Judicial District: 11th Judicial Division: 2

State of Tennessee  
 vs.

Defendant: WOODBURY, ANDREW Alias: WOODBURY, ANDREW LEAVITT Date of Birth: [REDACTED] Sex:         
 Race: White SSN: [REDACTED]

## CONTINUATION OF JUDGMENT ☒ Original ☐ Amended ☐ Corrected

Sentenced To: <input type="checkbox"/> TDOC <input type="checkbox"/> County Jail <input type="checkbox"/> Workhouse	
Sentence Length: <u>      </u> Years <u>      </u> Months <u>      </u> Days <u>      </u> Hours <input type="checkbox"/> Life <input type="checkbox"/> Life w/ out Parole <input type="checkbox"/> Death	
Mandatory Minimum Sentence Length: <u>      </u> §§ 39-17-417, 39-13-513, 39-13-514 <u>      </u> § 55-10-401 DUI 4th Offense <u>      </u> § 39-17-1324 Possession/Employment of Firearm <u>      </u> § 40-39-208, 40-39-211 Violation of Sex Offender Registry <u>      </u> § 39-17-434, 39-17-417, 39-17-418 Meth	
Minimum service prior to eligibility for work release, furlough, trusty status and rehabilitative programs: <u>      </u> % (Misdemeanor or Split Confinement Only) Defendant may be subject to an additional year of mandatory supervision pursuant to § 40-35-506	
Alternative Sentence: <input type="checkbox"/> Sup Prob <input type="checkbox"/> Unsup Prob <input type="checkbox"/> Comm Corr <input type="checkbox"/> Prob Sup By Comm Corr (CHECK ONE BOX) <u>      </u> Years <u>      </u> Months <u>      </u> Days Effective: <u>      </u>	
Period of incarceration to be served prior to release on probation or Community Corrections: <u>      </u> Months <u>      </u> Days <u>      </u> Hours	
WAS DRUG/RECOVERY COURT ORDERED AS A CONDITION OF THE ALTERNATIVE SENTENCE? <input type="checkbox"/> Yes <input type="checkbox"/> No	

<b>Court Ordered Fees and Fines:</b> \$ <u>      </u> Court Costs <input type="checkbox"/> Defendant <input type="checkbox"/> State \$ <u>      </u> Fine Assessed \$ <u>      </u> Traumatic Brain Injury Fund(68-55-301 et seq.) \$ <u>      </u> Drug Testing Fund (TN Drug Control Act) \$ <u>      </u> CICF \$ <u>      </u> Sex Offender Tax \$ <u>      </u> Other	<b>Restitution: Victim Name:</b> <u>      </u> <b>Address:</b> <u>      </u> <b>Total Amount \$</b> <u>      </u> <b>Amount Per Month (if applicable) \$</b> <u>      </u> <b>Pay Period</b> <u>      </u> <input type="checkbox"/> Unpaid Community Service: <u>      </u> Hours <u>      </u> Days <u>      </u> Weeks <u>      </u> Months
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- ☐ 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

DUNN, AMANDA  
 Judge's Name

*Amanda B. Dunn*  
 Judge's Signature

7/24/24  
 Date of Entry of Judgment

*[Signature]*  
 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: 316806

Count #: 4

Counsel for the State: LOPER, KEVIN

Judicial District: Eleven

Judicial Division: 2

Counsel for Defendant: SPEEK, BILL

State of Tennessee

vs.

☐ Retained

☐ Pub Def Appt

☐ Private Atty Appt

☐ Counsel Waived

☐ Pro Se

Defendant: WOODBURY, ANDREW

Alias: WOODBURY, ANDREW  
LEAVITT

Sex: M

Race: W

Relationship to Victim:

Victim's Age:

State ID #:

County Offender ID #(if applicable):

State Control #

Arrest Date: 4/22/2024

Indictment Filing Date: 2/14/2024

## ORDER OF DEFERRAL (JUDICIAL DIVERSION)

☒ Original

☐ Amended

☐ Corrected

On the 24<sup>th</sup> day of July, 2024, the defendant:

☒ Pled Guilty ☐ Pled Nolo Contendere

Was Found Guilty By:

☐ Jury Verdict

☐ Bench Trial

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

Indicted Offense & TCA§: OFFICIAL MISCONDUCT

39160402

Amended Offense Name & TCA§:

Offense Date: 10/18/2021 County of Offense: Hamilton

Deferred Offense & TCA§:

39160402

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

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

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 yr Beginning Date 7/24/24 Ending Date 7/24/25 ☐ 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 423 - 260 - 4239 - 538 India Mond Rd. Dryoid GA 30736

Costs	Concurrent with:	Restitution	Pretrial Jail Credit Period(s):
\$ Sex Offender Tax (39-13-709)	51	Victim Name	From to
\$ Sex Offender Fine (40-24-108)		Address	From to
\$ Drug Testing Fee (39-17-420)	Consecutive to:	Total Amount \$	From to
\$ Treatment Expenses (40-35-313)		Per Month \$	From to
\$ Supervision Fees (40-35-313)			
\$ Other:			

Defendant

DUNN, AMANDA

JUDGE'S NAME

Counsel for the Defendant

ENTER this the 24<sup>th</sup> day of July, 2024

JUDGE'S SIGNATURE

Counsel for the State of Tennessee

\* 40 - 39 - 313

IN THE CRIMINAL COURT OF HAMILTON COUNTY, TENNESSEE

STATE OF TENNESSEE,

Plaintiff,

vs.

~~State~~ Andrew Woodbury,

Defendant.

DIVISION

II

NO(s).

316806

FILED JUL 24 PM 3:49

2024 JUL 24 PM 3:49

**PETITION TO WAIVE RIGHT TO TRIAL BY JURY AND  
TO ENTER A PLEA OF GUILTY**

I, the above-named defendant, respectfully petition the Court as follows:

1. My true full name is: Andrew Woodbury  
My birth date is: [REDACTED]  
My Social Security Number is: [REDACTED]  
My home address is: [REDACTED]
2. I am represented by counsel, and the name of my attorney is: Bill Speck

**REPRESENTATIONS BY THE DEFENDANT**

3. **My Right to Plead Not Guilty:** I understand that I have the absolute right to plead "not guilty" to any offense charged. However, I choose instead to PLEAD "GUILTY."
4. **My Plea as a Voluntary Act:** I enter this guilty plea voluntarily. No one has forced or coerced me to plead guilty.

In addition, no one has made any promise or suggested in any way that, if I would plead guilty, I would receive a lighter sentence, probation, or any other form of benefit or leniency, other than what is specifically set forth in writing in this petition. AW (Initials)

5. **My Decision to Plead Guilty:** Although my attorney has advised me as to various alternatives and of the consequences of those alternatives, *I understand that the decision to plead guilty to any charge is ultimately my decision, and my decision alone.* AW (Initials)
6. **My Ability to Understand the Plea:** I am not now under the influence of any drug, alcohol, medication, or other intoxicant that impairs my ability to fully understand the important constitutional and statutory rights I am giving up by pleading guilty. AW (Initials)

7. **The Nature of My Charges:** I have received a copy of the indictment, and I have read and discussed the charge(s) with my attorney. If I am unable to read, I acknowledge that my lawyer has read the indictment to me word for word. I understand the nature of the charge(s), and my attorney has advised me what the State must prove beyond a reasonable doubt before I may be found guilty of any of the charges. AW (Initials)
8. **My Attorney's Representation:** I have had sufficient time to speak with my attorney about my case. My attorney has counseled and advised me regarding the nature and elements of the charge(s) against me; the possible penalties; the consequences of my guilty plea; and any and all possible defenses. Except as to anything that I tell the Court, I am satisfied with my attorney's representation. AW (Initials)
9. **Questioning by the Court:** I understand that the Court will question me about my plea of guilty and may also question me about the crime and my involvement. As to this questioning, I understand:
- a. that I have a privilege against self-incrimination and that I do not have to answer any questions, unless I voluntarily choose to do so; and
  - b. that, if I decide to answer the Court's questions, then I am required to be truthful, and that any answers I give may be used against me in any subsequent proceeding. I understand that, if I answer falsely, I may be prosecuted for perjury or aggravated perjury. AW (Initials)
10. **My Liability for Court Costs:** I understand that there will be court costs and/or fines in each case. Even if some costs are waived by the Court due to indigence, I understand that I may still be responsible for payment of other court costs and fines. I agree to contact the Criminal Court Clerk's Office, at (423) 209-7500, to find out about these court costs and/or fines and to make arrangements for payment of these amounts. AW (Initials)

#### WAIVER OF TRIAL RIGHTS AND OTHER CLAIMS

11. **My Constitutional Right to a Jury Trial:** I understand that I have a constitutional right to have my case tried before a jury of my peers at a speedy and public trial.
12. **State's Burden of Proof at Trial:** I understand that the State bears the burden of proving my guilt beyond a reasonable doubt and that I have no obligation, or burden, to prove my innocence. I understand that I cannot be convicted by the jury of any offense unless the jury unanimously finds me guilty of that offense beyond a reasonable doubt.
13. **My Rights at a Trial:** At a jury trial, I understand that I also have the following constitutional rights:
- a. the right to be presumed to be innocent of each and every charge against me unless, and until, that presumption is overcome by proof at trial establishing my guilt beyond a reasonable doubt;

- b. the right to have the assistance of a lawyer in my defense at all stages of the proceedings;
- c. the right to see, hear, confront, and cross-examine all witnesses against me;
- d. the right to present evidence in my defense, including issuing subpoenas for the production of any evidence or witnesses in my favor;
- e. the right to testify or not to testify, as I choose. I understand that I cannot be compelled to incriminate myself, and, if I choose not to testify, the jury will be instructed that it cannot infer any guilt from this fact;
- f. the right to have a jury impose any fine greater than \$50.00; and
- g. the right to appeal any conviction or sentence.

14. **Waiver of My Rights:** I understand that, by pleading guilty:

- a. I will waive—or give up, relinquish, and abandon—my right to a trial by jury, as well as each of the other rights that are identified in this agreement.
- b. I will also waive, or give up, the right to appeal my conviction and sentence, except to the extent that Tenn. R. Crim. P. 37(b)(2) permits an appeal from a conviction or sentence following a guilty plea.

*I choose to waive, or give up, each of these rights.*

AW (Initials)

15. **My Waiver of Other Claims I May Have:** Except to the extent that I do not waive the right to appeal pursuant to Tenn. R. Crim. P. 37(b)(2), I understand that, by pleading guilty, I also waive and give up any other complaints or claims that I may have about my case concerning any of the following matters:

- a. any claim challenging how law enforcement or others investigated the case, or how they questioned me or obtained a confession or statement from me;
- b. any claim challenging how I was identified, including any lineup in which I or my photograph appeared;
- c. any claim challenging a search of me or my property; the manner in which I was arrested; or the manner in which any evidence used against me was seized; and
- d. any claim challenging any issues involving a preliminary hearing; the grand jury proceedings; the indictment; and any delay in the prosecution of my case.

*I choose to waive, or give up, each of these other claims that I may have.*

AW (Initials)

### SENTENCING CONSIDERATIONS

16. **General Sentencing Considerations:** I understand that, if the State and I have not agreed to a sentence, the Court will hold a hearing to determine the length, order, and manner of service of my sentence. At the hearing, I understand that the Court will consider my entire record, including evidence of any prior criminal convictions or criminal behavior. I also understand that, if I am eligible for probation or a suspended sentence, the Court will decide whether to grant or deny probation or a suspended sentence.
17. **Sentencing Ranges:** I understand that my Offender Classification is Range I. Based upon this Offender Classification, I understand the minimum and maximum penalties provided by law for each charge are as follows:

Charges	Minimum penalty	Maximum penalty
316806 Ct #1 Theft	<del>2-4 years</del> 2 yrs	4 yrs
Ct #2 Forgery	<del>2-4 yrs</del> 2 yrs	<del>30</del> 4 yrs
Ct #3 misrepresenting information to state Auditor	1 day	30 days
Ct #4 Official Misconduct	1 year	2 years

18. **First Degree Murder Sentencing Principles, if Applicable:** I understand that, if I am convicted of first-degree murder, there is no range of punishment, and the law authorizes only three possible sentences: life imprisonment, life imprisonment without the possibility of parole, and death.

To seek a sentence of death or of life imprisonment without the possibility of parole, the State must file a notice of intent to seek such a sentence, and, in such a case, the jury will decide the appropriate punishment. However, if the State does not serve a notice of its intent to seek a sentence other than life imprisonment, the Court *must impose* a sentence of life imprisonment upon my conviction for first-degree murder.

19. **Felony Sentencing Principles, if Applicable:** I understand that, if I am convicted of a felony other than first-degree murder committed after June 7, 2005, and if the State and I have not agreed to the sentence, the Court may impose any sentence within the range of

punishment for my offense and offender classification. In doing so, the Court must consider, **but is not bound by**, the following factors:

- a. that the minimum sentence within the applicable range of punishment should be imposed because it reflects the legislature's assessment of the relative seriousness of the offense; and
- b. that the sentence length should be adjusted to reflect the presence or absence of mitigation and enhancement factors.

Nevertheless, I understand that the Court is granted broad discretion to impose a sentence anywhere within the applicable range, regardless of the presence or absence of enhancement or mitigation factors. I also understand that the Court may impose the *maximum* sentence within the range—even if no enhancement factors are applicable and one or more mitigation factors are present—if the Court finds that such a sentence is consistent with the statutory purposes and principles of sentencing.

20. **Misdemeanor Sentencing Principles, if Applicable:** I understand that, if I am convicted of a misdemeanor, and if the State and I have not agreed to the sentence, the Court may set my punishment anywhere within the applicable sentencing range for the misdemeanor.

#### **SIGNIFICANT CONSEQUENCES OF MY CONVICTION(S)**

21. **Consequences of a *Felony* Conviction, if Applicable:** I understand that, whether I plead guilty or not, if I am convicted of a felony, the following considerations apply:

- a. **Loss of the Right to Vote:** If I am convicted of a felony, I understand that I will be adjudged infamous, which means I will be disqualified from voting.
- b. **Loss of Additional Rights Upon a Felony Conviction:** If I am convicted of a felony, I understand that I will lose the rights to hold public office, to sit on a jury, and to be employed in certain occupations in Tennessee. I also understand that I will lose the right to use, own, or possess a firearm under state and federal law. *See* Tenn. Code Ann. § 39-17-1307(b), (c); 18 U.S.C. § 922(g)(1).
- c. **Conditional Restoration of Voting and Other Rights of Citizenship:** Whether and when I may apply for a voter registration card is set forth in Tenn. Code Ann. §§ 40-29-201, *et. seq.*

Whether and when I may petition the circuit court in this county, or the county of my residence, for restoration of full rights of citizenship and a certificate of employability is set forth in Tenn. Code Ann. §§ 40-29-101. Petitions to restore full rights of citizenship and for a certificate of employability may or may not be granted.

Even if full rights of citizenship are restored, I will still be ineligible to engage in certain occupations or to possess a handgun. If I am convicted of a felony drug

offense or a felony involving use or attempted use of force, violence, or a deadly weapon or am prohibited from possessing a firearm under any other provision of state or federal law, I understand that I will still be ineligible to possess a firearm.

- d. **Parole and Parole Eligibility:** If I am sentenced to incarceration, I understand that, except for a sentence of life imprisonment without the possibility of parole, I will have to serve a certain percentage of the sentence before I become eligible for release. This release percentage is determined by the agreements herein or, if there is no agreement, the release percentage will be determined by my offense and offender classification, less sentence credits earned and retained.

Even if I become eligible for early release, I understand that I am not guaranteed parole and that I may not be released early. I understand that I may have to serve every day of my sentence.

22. **Consequences of All Convictions:** I understand that the following consequences may apply to all conviction(s), whether or not the conviction is for a felony or misdemeanor:

- a. **Use of Conviction to Enhance a Future Sentence:** I understand that, if I am later convicted of another offense, my guilty plea and conviction in this case may be used to enhance, or increase, my punishment in that later case. In addition, if I am later convicted of a federal offense, my conviction in this state case may be used to increase any federal sentence as well.
- b. **Immigration Consequences:** I understand that, if I plead guilty or no contest to any criminal offense, and I am not a citizen of the United States of America, the conviction may have an effect on my immigration or naturalization status. These effects could include deportation, exclusion of admission into the United States; or denial of naturalization pursuant to the laws of the United States.

If the offense is one that, under federal law presumptively mandates removal from the United States and federal officials decide to seek removal, it is extremely likely that the plea will result in deportation, exclusion from admission, or denial of naturalization under federal law. My attorney has advised me that immigration consequences may result from my plea and has recommended that I speak with a lawyer specializing in immigration law if my lawyer is unable to advise me fully.

- c. **DNA Sample:** I understand that I may be required by law to submit a DNA sample for inclusion in a databank for use by law enforcement.
- d. **Loss of Handgun Carry Permit:** If my plea today is to a Class A misdemeanor, I understand that it will be unlawful for me to carry a handgun for the term of my sentence. See Tenn. Code Ann. § 39-17-1352(f)(2).

23. **Consequences of Particular Convictions, if Applicable:** I understand that the following consequences may apply to a conviction for certain types of offenses:

- a. **Offense Involving Domestic Violence:** If I am convicted of an offense involving domestic violence, whether as a misdemeanor or as a felony, I will be prohibited from using, owning, or possessing a firearm for as long as I remain subject to the disabilities of the conviction.
- b. **Offense Involving Community Supervision for Life:** If I am convicted of a sexual offense that requires community supervision for life, I understand that even *after* I have served my sentence, I will still be under the supervision and control of the Department of Correction in the same manner as a person under parole supervision.

I also understand that any violation of that supervision is either a Class A misdemeanor or a Class E felony, depending upon whether I have only violated a condition of supervision or have committed a new offense.

### RECOMMENDED SENTENCE

24. **Recommended Sentence, if Applicable:** I respectfully request that the Court accept my plea and fix the punishment. The crime(s) to which I am pleading guilty and any punishment(s) to which I have agreed is (are) as follows:

\* 40-35-313 \* *Diversión Plea*

Docket No.	Offense	Recommended Sentence
316806	ct#1 Theft	1 year unsupervised, \$6,000 restitution to Hamilton County School Authority 2501 Dodds Ave Chattanooga TN 37407
	ct#4 official misconduct	1 year unsupervised
	ct#2 > dismissed	
	ct#3 > dismissed	

☐ Additional charges and/or or sentencing recommendations are attached on a separate page.

Signed by me, in the presence of my attorney, this the 24 day of July, 2024

Defendant



**CERTIFICATE OF COUNSEL**

The undersigned, as attorney and counselor for the above-named defendant, hereby certifies as follows:

1. I have discussed with the defendant in detail the facts in this case, any defenses, and any plea recommendations made by the State.
2. I have advised the defendant of all matters within the scope of Tenn. R. Crim. P. 11 relating to this plea, including the relinquishment of all trial rights and defenses, and the nature and consequences of the plea, including possible enhancement of future sentences as a result of this plea and conviction.
3. If the defendant is not a citizen of the United States, I have advised the defendant that there may be adverse immigration consequences resulting from the plea, including possible deportation; exclusion of admission into the United States; and denial of naturalization pursuant to the laws of the United States.
4. If the defendant's plea involves a sentence of community supervision for life, I have advised the defendant of this fact and of the consequences of community supervision for life.
5. I am satisfied the defendant has understood my explanation of the plea and the consequences of the plea. I am also satisfied the defendant does not appear to be under the influence of any intoxicant, drug, alcohol, and/or medication that would impair the defendant's ability to fully understand the statutory, constitutional and other rights the defendant is waiving by entering into this plea.
6. The defendant has personally expressed to me the desire to enter this plea, rather than to exercise his or her right to trial by jury.
7. The defendant signed this document in my presence, and I believe that the signing was the defendant's free, willing and voluntary act.
8. I have made no changes or alterations to the form petition used by the Court without first notifying the Court and all other parties.

Signed, this 24 day of July, 2024.

  
\_\_\_\_\_  
Attorney for Defendant

**CONSENT OF DISTRICT ATTORNEY GENERAL**

The undersigned Assistant District Attorney General consents to the defendant's waiver of trial by jury and approves and concurs in the preceding petition.

  
\_\_\_\_\_  
Assistant District Attorney General