IN THE CRIMINAL COURT FOR MORGAN COUNTY, TENNESSEE

STATE OF TENNESSEE **CASE NO: 2018-CR-57**

v.

PAMELA VANESSE BYRD **D.O.B.:** [redacted]

WAIVER OF TRIAL BY JURY AND ACCEPTING OF PLEA OF GUILTY

ORDER

This cause came on for hearing before the Honorable Jeffrey H. Wicks, Judge of the Criminal Court of Morgan County, Tennessee, on the petition of the defendant, Pamela Byrd, for waiver of trial by jury and request for acceptance of a plea of guilty, said petition being attached hereto and incorporated by reference herein, upon statements made in open court by the defendant herein, his/her attorney of record, the District Attorney General representing the State of Tennessee, and from questioning by the Court of defendant and his/her counsel in open court; and

IT APPEARING TO THE COURT after careful consideration, that the defendant herein has been duly advised and understands his/her right to a trial by jury on the merits of the indictment against him/her, and that the defendant herein does not elect to have a jury determine his/her guilt or innocence under a plea of NOT GUILTY; and

IT FURTHER APPEARING TO THE COURT that the defendant voluntarily, intelligently, and knowingly waives his/her right to a trial by jury of his/her own free will and choice, without any threats or pressure of any kind or promises, other than the recommendation of the State as to punishment and desires to enter a plea of guilty and accept the recommendation of the State as to punishment.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the petition filed herein be and the same is hereby granted.

Entered this the 15th day of Aug., 2018.

Jeffery H. Wicks, Judge

IN THE CRIMINAL COURT FOR MORGAN COUNTY, TENNESSEE

STATE OF TENNESSEE **CASE NO: 2018-CR-57**

v. **SSN:** [redacted]

PAMELA VANESSE BYRD **D.O.B.:** [redacted]

WAIVER OF TRIAL BY JURY AND REQUEST FOR ACCEPTANCE OF PLEA OF GUILTY

The defendant in the above styled case moves the Court to accept his/her plea of guilty and acknowledges his/her understanding of his/her rights and the effects of his/her guilty plea as follows:

(1) My true full name is Pamela Vanesse Byrd and I assert that all proceedings against me should be had in the name, which I hereby declare to be my true name.

(2) My attorney in this case is Patrick Cooley, who was retained to represent me.

(3) I have told my attorney the facts and surrounding circumstances as known to me concerning the matters mentioned in this criminal charge, and I believe that my attorney is fully informed as to all such matters. I believe that my attorney has sufficiently investigated the facts of my case in order to be able to properly advise me whether or not I should plead guilty in this case and that he would be prepared to go to trial if I chose to plead not guilty. My attorney has informed me as to any and all possible defenses and alternatives I might have in this case and has advised me of any lesser included offenses to which I may be subject. I am completely satisfied with the legal advice and representation provided to me by my attorney in this case, and I have absolutely no complaints to make to the Court concerning his/her representation.

(4) I understand that I am charged with the offense(s) listed below. My attorney has discussed with me the possible punishments if I am found guilty, and I understand them to be as follows:

POSSIBLE PUNISHMENTS

DOCKET NO.	COUNT	OFFENSE	CLASS	MINIMUM	MAXIMUM
#1	**Theft of Property $10,000-$60,000**	**(Class C Felony)**		**3-15 Years TDOC**	**Up to $10,000**

(5) It has been fully explained to me and I understand that I may, if I so choose, plead "not guilty" to any offense charged against me, and that if I choose to plead "not guilty" the Constitution guarantees, and this Court will provide me, the right to a speedy and public trial by jury: that the State must prove to a jury my guilt beyond a reasonable doubt as to every element of the offense with which I am charged; the right to see and hear all witnesses against me, and these may be cross examined by my attorney; the right to use the power and process of the Court to compel the production of any evidence, including the attendance of any favorable witness, further that I may testify if I wish, but if I feel that it would be to my interest not to testify, I may remain silent, no comment may be made and I may not be forced to testify, also I need not make any statements or give testimony that may tend to incriminate me of this or any other offense; and the right to have the assistance of counsel in my defense at all stages of the proceedings; and that if I am indigent and cannot afford an attorney, the Court will appoint one to represent me.

(6) I understand that if I plead guilty to the offenses listed in paragraph eleven, I am waiving my right to a trial to determine my guilt or innocence and there will not be a further trial of any kind except as to the appropriate sentence. I further understand that if I plead guilty, the Court may ask me questions under oath, on the record, and in the presence of counsel about the offenses to which I am pleading guilty, and my answers may later be used against me in a prosecution for perjury or false statement, and that if necessary, any convictions on my record may be used in determining the proper sentence.

(7) I understand that by pleading guilty, I am waiving or giving up my right to appeal all non-jurisdictional defects or errors in these proceedings, including any complaints I might have that I was unlawfully arrested, that my property or possessions were unlawfully searched or seized, that my right against self-incrimination or right to counsel were violated, or that I was denied a right to a speedy trial. However, if I am tried on a plea of not guilty and am dissatisfied with the jury's verdict or the judgment of the Court, I may appeal to the Court of Criminal Appeals, be furnished counsel and if necessary have the transcript furnished by the State at no cost to me.

(8) (a)I understand that if the Court accepts my plea of guilty and if I am convicted of the offenses to which I am pleading guilty, these convictions will be public record, may render me infamous, denying me access to the elective process and making my sworn testimony subject to attack; and may be used to increase the punishment I might receive if I am later convicted of any crime and may be used in combination with other felony convictions to establish the status of career criminal if I am later convicted of another felony.

(b) (Applicable in DUI/Adult DWI cases). I understand that if I enter a plea of guilty to the offense of Driving Under the Influence of Intoxicants or Adult Driving While Impaired and have a later charge of the same kind, that this conviction may be used to enhance or increase my punishment on these future convictions for Driving Under the Influence of Intoxicants. I understand that the penalties for a First, Second, Third, Fourth and subsequent convictions under the DUI Act are as follows:

First Conviction: not less than 48 hours nor more than 11 months 29 days in the jail and a fine of not less than $350.00 nor more than $1,500.00, and prohibition from driving a vehicle in the State of Tennessee for 1 year; for an offense committed after July 1, 1998, the minimum period of confinement shall be seven (7) consecutive days if at the time of the offense the defendant's alcohol

concentration was .20% or higher;

Second Conviction: not less than 45 days nor more than 11 months and 29 days in the jail and a fine of not less than $600.00 nor more than $3,500 and prohibition from driving a vehicle in the State of Tennessee for 2 years;

Third Conviction: not less than 120 days nor more than 11 months and 29 days in the jail and a fine of not less than $1,100.00 nor more than $10,000 and prohibition from driving a vehicle in the State of Tennessee for a period of time of not less than 6 years nor more than 10 years;

Fourth or Subsequent Conviction: not less than 150 days, to be served day for day, nor more than the maximum punishment authorized for the appropriate range of a Class E Felony, and a fine not less than $3,000.00 nor more than $15,000.00 and prohibition from driving a vehicle in the State of Tennessee for a period of 8 years.

I understand that the penalties under the Adult DWI Act are as follows:
First Conviction: Class B misdemeanor punishable by a fine of $500.00; Second or Subsequent Conviction: punishable as a second or subsequent violation; Respectively, of DUI.

I understand that if the Court accepts my plea of guilty and I am convicted of the DUI/DWI offense(s), this conviction may be used in determining my eligibility to be declared a Habitual Motor Vehicle Offender and I may be subject to the restitutions, punishment and penalties thereto. Further, this conviction may be considered in the sentencing for any subsequent criminal offense.

(9) LICENSE REVOCATION FOR FAILURE TO PAY LITIGATION TAXES, COSTS AND FINES

I understand that the Commissioner of Safety shall revoke any operator or chauffeur license issued under Title 55 of the Tennessee Code Annotated if the licensee fails to pay all litigation taxes, court costs and fines assessed as a result of disposition of any criminal offense under the criminal laws of Tennessee within one year of the date of disposition of the offense. The license will remain revoked until the Commission of Safety is provided with proof that all litigation taxes, fines and costs have been paid.

Persons unable to pay any portion of the litigation taxes, fines and costs due to extreme hardship may request the Court to stay the license revocation for purposes of travel for employment or serious illness of the person or an immediate family member. The one-time stay cannot exceed 180 days.

Persons who can pay a portion of litigation taxes, fines and costs, may petition the Court to set up a payment plan for the taxes, fines and costs. The stay of the license revocation shall remain in place as long as the person is current and in compliance with the payment plan. If the person fails to make payments according to the plan for three consecutive months, the Court may revoke the stay order.

(10) POSSIBILITY OF NON-CITIZEN DEPORTATION

I understand that if I am a non-citizen defendant that this plea and conviction may have negative consequences on my status in this country and may carry a risk of deportation. I have discussed the possible impact on my immigration status with my attorney.

(11) WAIVER OF JURY TRIAL AND ENTRY OF GUILTY PLEA BEING
AWARE OF MY CONSTITUTIONAL AND STATUTORY RIGHTS, I HEREBY WAIVE MY RIGHT TO A JURY TRIAL AND THOSE OTHERS LISTED ABOVE AND PLEAD GUILTY TO THE OFFENSE LISTED BELOW.

My decision to plead guilty is voluntary and not the result of force or threats or of promises apart from the plea agreement. I am pleading guilty because I committed the acts constituting the offenses to which I plead guilty. I understand that the possible punishments for the offenses to which I am pleading guilty are as follows

and that as a result of my plea of guilty, the District Attorney General or his representative will recommend the following sentence as to each offense. I understand that this is only a recommendation and that the Court is not bound by this recommendation in any way.

DOCKET NO.	COUNT	OFFENSE	MIN. & MAX. PUNISHMENTS	RECOMMENDED SENTENCE (Offense Class)
#1	**Theft of Property $10,000-$60,000**	**(Class C Felony)**		**3-15 Years TDOC Up to $10,000**

Recommended Sentence:

#1 Theft of Property $10,000 to $60,000

Three (3) Years-C Felony- TDOC as Range I/SO

All time suspended to state probation until restitution, fines, and costs paid in full

$22,036 in restitution to Brookwood Terrace Apartments, which shall be paid first in time

$1,000 fine

Court costs

***The State will not oppose diversion, if eligible and successful

CERTIFICATE OF DEFENDANT

I hereby certify that I have read the foregoing document or that it has been read to me. I understand what it says and I am in agreement that it is in my best interest to give up my right to a jury trial and enter a plea of guilty to the charges listed in this document. I understand that the District Attorney General may make a recommendation to the Court about what my sentence should be. I understand that the Court is not bound to follow this recommendation.

Enter this the 15th day of August, 2018.

Bernie V. Byrd
Defendant

Address:

106 Lakeshore Dr.
Wartburg, TN

County of Residence: Morgan
Phone: (423) 539-3166

CERTIFICATE OF DEFENSE ATTORNEY

I hereby certify and declare that my client has advised me he/she has read the foregoing document. I am satisfied that my client understands the contents of this document and that his/her decision to waive his/her right to a trial by jury and to enter a plea of guilty has been made by him/her voluntarily, knowingly and intelligently.

Attorney for Defendant

The District Attorney General joins in this motion for the purpose of waiving trial by jury.

Jonathan S. Edwards
Assistant District Attorney

IN THE CRIMINAL/CIRCUIT COURT FOR MORGAN COUNTY, TENNESSEE

Case Number: 2018-CR-57 Count: 1 Counsel for the State: JONATHAN S. EDWARDS
Judicial District: 9th Judicial Division: _____ Counsel for the Defendant: PATRICK C. COOLEY
State of Tennessee ☑ Retained ☐ Pub Def Appt ☐ Private Atty Appt
vs. ☐ Counsel Waived ☐ Pro Se
Defendant: PAMELA VANESSE BYRD Alias: _____ Date of Birth: [redacted] Sex: Female
Race: White SSN: [redacted] Relationship to Victim: _____ Victim's Age: _____
State ID #: _____ County Offender ID # (if applicable): _____ State Control #: _____
Arrest Date: _____ Indictment Filing Date: _____

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

On the 15th day of August, 2018, the defendant:

☒ Pled Guilty ☐ Pled Nolo Contendere

Was Found Guilty By:
☐ Jury Verdict
☐ Bench Trial

Indictment: Class (circle one) 1st A B C D E ☑ Felony ☐ Misdemeanor
Indicted Offense Name AND TCA §: 39-14-103 ~ THEFT OF PROPERTY - $10,000-$60,000
Amended Offense Name AND TCA §: _____
Offense Date: _____ County of Offense: Morgan
Deferred Offense Name AND TCA §: 39-14-103 ~ THEFT OF PROPERTY - $10,000-$60,000
Deferred Offense: Class (circle one) A B C D E ☑ Felony ☐ Misdemeanor

Upon review of the case, the court finds the facts stated above as well as the following (**For Item 3, Check ONE Of The Two Boxes**):

1. The defendant is eligible for deferral of the prosecution pursuant to Tennessee Code Annotated section (T.C.A.) 40-35-313;
2. The Tennessee Bureau of Investigation has certified (per attached certificate) that the defendant does not have a prior felony or Class A misdemeanor conviction;
3. ☑ The defendant was not charged with a violation of a criminal statute the elements of which constitute abuse, neglect or misappropriation of the property of a vulnerable person as defined in Title 68, Chapter 11, Part 10; **OR**
   ☐ The defendant agrees without contest or any further notice or hearing that the defendant's name shall be permanently placed on the registry governed by Title 68, Chapter 11, Part 10, whereupon a copy of this order shall be forwarded by the clerk to the department of health;
4. The defendant consents to T.C.A. 40-35-313 deferral, as evidenced by the defendant's signature below; AND
5. The defendant should be granted a deferral of charges pursuant to T.C.A. 40-35-313.

It is, therefore, **ORDERED** that the prosecution in this case is deferred pursuant to T.C.A. 40-35-313, and the defendant is placed on probation. The terms and conditions ordered by this court apply to the defendant's probation and are incorporated herein by reference thereto.

Probation Term: Total Length 3 years Beginning Date 8-15-2018 Ending Date 8-15-2021 ☒ Supervised ☐ Unsupervised

Supervising Entity (unless otherwise provided to the defendant by the court): Name: Probation an Parole
Phone Number: _____ Address: _____

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

*Supervised until paid in full.

Costs	Concurrent with:	Restitution	Pretrial Jail Credit Period(s):
$_____ Sex Offender Tax (39-13-709)		Victim Name: Brookwood Terrace Apt	From _____ to _____
$_____ Sex Offender Fine (40-24-108)		Address: _____	From _____ to _____
$_____ Drug Testing Fee (39-17-420)			
$_____ Treatment Expenses (40-35-313)	**Consecutive to:**		From _____ to _____
$_____ Supervision Fees (40-35-313)		Total Amount $ 22,036	From _____ to _____
$ 1,000 Other: Fine		Per Month $ _____	
Pay Court costs _____			

Pamela Byrd
Defendant

JEFFERY H. WICKS
JUDGE'S NAME

Counsel for the Defendant

ENTER this the _____ day of _____, _____.

JUDGE'S SIGNATURE

Jonathan S. Edwards
Counsel for the State of Tennessee

Rev. 4/1/13

APPLICATION FOR CERTIFICATION OF ELIGIBILITY FOR DIVERSION

COUNTY	COURT	DIVISION	JUDGE
Morgan	CRIMINAL	Nine	JEFFERY H. WICKS

DEFENDANT'S NAME	DOCKET #	COURT DATE
PAMELA VANEESE BYRD	2018-CR-57	

DATE OF BIRTH	SEX/RACE	SOCIAL SECURITY NUMBER	TYPE OF DIVERSION
[redacted]	F/W	[redacted]	Judicial

OFFENSES TO BE DIVERTED
theft over $10,000 - DOA: 12/30/1899 - Felony

NAME AND PHONE NUMBER OF DISTRICT ATTORNEY OR ASSITANT DISTRICT ATTORNEY TO WHOM RESPONSE SHOULD BE SENT
PATRICK C. COOLEY 8653769100

FAX NUMBER **8653767189** ADDRESS

NAME AND PHONE NUMBER OF DEFENSE ATTORNEY OR PRO SE DEFENDANT TO WHOM RESPONSE SHOULD BE SENT

FAX NUMBER ADDRESS

CERTIFICATION OF ELIGIBILITY FOR DIVERSION

I hereby certify that, pursuant to Tenn. Code Ann. 38-6-118(b), a query of the TBI Expunged Criminal Offender and Pretrial Diversion Database has been conducted pursuant to the above authorized request, and based upon the results of that query:

The defendant has not had a prior disqualifying felony or misdemeanor conviction
NO RECORD

Heather Hurley — Record Processing Unit, TBI

05/22/2018 — Date

PLEASE NOTE THAT THIS DOES NOT CONSTITUTE A CERTIFICATION THAT THE DEFENDANT IS ELIGIBLE OF INELIGIBLE FOR DIVERSION UNDER TCA 40-35-313 OR TCA 40-15-105. THIS IS ONLY A CERTIFICATION THAT A RECORDS CHECK OF THE TBI EXPUNGED CRIMINAL OFFENDER AND PRETRIAL DIVERSION DATABASE HAS REVEALED QUALIFYING OR DISQUALIFYING INFORMATION UNDER THE CRITERIA SET OUT IN THE DIVERSION STATUTES REFERENCED ABOVE.

JUDGEMENT OF PRETRIAL DIVERSION OR JUDICIAL DIVERSION

Comes now the District Attorney General for the State and Defendant with counsel of record for entry of judgement.

On the 15 day of August, 2018

OFFENSE INDICTED	OFFENSE CLASS
Theft of Property $10,000 to $60,000	C felony
OFFENSE DIVERTED	OFFENSE CLASS
Theft of Property $10,000 to $60,000	C felony

The defendant is sentenced to [ ] pretrial diversion [ ] judicial diversion for the following period:

3 years, _____ months, _____ days. Effective: 8-15-18

Jeffery H. Wicks		08, 15, 2018
JUDGE (Printed)	JUDGE (Signature)	ENTRY OF JUDGEMENT DATE
	Jonathan S. E	
APPROVED FOR ENTRY	DISTRICT ATTORNEY	ATTORNEY FOR DEFENDANT

BI-0200 Rev. 08/12

IN THE CRIMINAL COURT FOR MORGAN COUNTY, TENNESSEE

STATE OF TENNESSEE

vs. NO: 2018-CR-57

PAMELA VANESSE BYRD

WAIVER OF INDICTMENT AND/OR PRESENTMENT

Comes the Defendant, PAMELA VANESSE BYRD who heretofore has been charged with the offense(s) of Theft of Property $10,000 up to $60,000 in person and with his Attorney in open court, and who in writing after having been advised of the nature of the charge by the Court of his/her right to waive indictment and/or presentment by the Court, waives his/her right to be tried only upon presentment and/or indictment of a Grand Jury of his/her peers, and who in the presence of his/her Attorney agrees in writing to waive said right to presentment and/or indictment by the Grand Jury and consents and agrees that the said prosecution may be by INFORMATION instead of presentment and/or indictment. The Waiver of Indictment and/or Presentment is executed pursuant to the provisions of Chapter Number 258 of the Public Acts of 1975.

This Written Waiver shall be attached to and become part of the Information filed by the District Attorney General.

This 15th day of AUGUST, 2018.

Pamela V. Byrd
DEFENDANT

ATTORNEY FOR DEFENDANT

APPROVED FOR ENTRY:

JUDGE

Jonathan S. Edwards
DISTRICT ATTORNEY GENERAL

INFORMATION

No. 2018-CR-57

WITNESSES
THE CLERK will issue summons for the following State Witnesses:

STATE OF TENNESSEE
VS.

PAMELA VANESSE BYRD
106 Lake Shore Drive
Wartburg, TN 37887
SSN: [redacted]
DOB: [redacted]
Race: White Sex: Female
Driver's License: [redacted] TN

1 COUNT(S) OF THEFT OF PROPERTY - $10,000-$60,000

Michael Jarreau
Comptroller of the Treasury
Division of County Audit
5401 Kingston Pike
Building 2, Suite 3000
Knoxville, TN 37919
(865) 594-6134

Russell Johnson
District Attorney General

INFORMATION

Michael Jarreau
Prosecutor

An information was returned this _____ day of _____, 20___.

Filed this the _____ day of _____, 20___.

_____

INFORMATION **INFORMATION NO.** 2018-CR-57

STATE OF TENNESSEE, COUNTY OF MORGAN

CRIMINAL COURT

The District Attorney General of the State of Tennessee, elected impaneled, sworn, and charged to prosecute in and for the body of the County aforesaid, in the State aforesaid, upon information and belief does present charge and say that **PAMELA VANESSE BYRD**, on or about October 01, 2012, through July 31, 2017, in the County and State aforesaid and before the finding of this Information, did unlawfully and knowingly obtain or exercise control over property, to wit: $22,036 of United States currency, of a value of $10,000 (Ten Thousand Dollars) or more but less than $60,000 (Sixty Thousand Dollars), the property of Brookwood Terrace Apartments without the effective consent of the owner, and with the intent to deprive the owner of the property, in violation of Tennessee Code Annotated 39-14-103, a class C felony, and against the peace and dignity of the State of Tennessee.

RUSSELL JOHNSON
DISTRICT ATTORNEY GENERAL