INDICTMENT

INDICIMENT				
No. CC19 CR135				
Pick-up	WITNESSES:			
STATE OF TENNESSEE	Gary Green ~ CCSO			
vs	Here duly summoned as witnesses and sworn by me, and testified before the Grand Jury on this indictment.			
JAMES CHARLES BOTBYL	Lang Sheill			
Charge(s):	Foreman, Grand Jury			
Theft over \$60,000 (B/F)	THE CLERK will issue summons for the following State witnesses:			
Date Presented: April 29, 2019	Gary Green ~ CCSO Terry McCarthy ~ FFG Fire Dept Vince Peters ~ FFG Fire Dept			
VTRUE BILLNO TRUE BILL	Bobby Smith ~ FFG Fire Dept			
Foreman, Grand Jury	Bryant C. Dunaway DISTRICT ATTORNEY GENERAL			
Brossoving Witness				

STATE OF TENNESSEE, CUMBERLAND COUNTY SPECIAL APRIL TERM OF THE CRIMINAL COURT 2019

The Grand Jurors of Cumberland County, Tennessee, duly impaneled and sworn upon their oath present that **James Charles Botbyl**, between the 1st day of October, 2017 and the 13th day of September, 2018, in Cumberland County, Tennessee, and before the finding of this indictment, did unlawfully and knowingly exercise control over property, to-wit: \$239,559.78, of the value of over \$60,000.00, belonging to the Fairfield Glade Fire Department, without the effective consent of the owner, with the intent to deprive the owner thereof, in violation of T.C.A. §39-14-103, and against the peace and dignity of the State of Tennessee.

ENTERED

JESSIGA BURGESS

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APR 2 9 2019

CIRCUIT COURT CLERK

Office of the District Attorney General

IN THE CRIMINAL/CIRCUIT COURT FOR CUMBERLAND COUNTY, TENNESSEE

Case Numb	er: 19-135	Count#:	1	Counsel for the	State:	PHILIP	A. HATCH
Judicial Dis	strict: 13th	Judicial Division:			Defendant:		
				Co-Counsel for the			
State of Te	nnessee			✓ Retained		Appt	Private Atty Appt
Defendant:	JAMES CH	ARLES BOTBYL	Alias:		Date of Bi	rth: 01/	20/1976 Sex: Male
		SN:		License #:	Issuing		
State ID #:		County Offender ID			TDOC		114
	p to Victim:		,	Victim's Age	:	-	
State Contro	ol #:	Arrest Da	te: 04		ndictment Filing D	ate:	04/29/2019
	JU	DGMENT	Original	☐ Amended			
Come the	parties for entry	of judgment.					
	19th day of		The defenda	int:			
			1				
✓ Pled Guilty			Indictmen	t: Class (circle one) 1st A B C D	E AE	elony Misdemeanor
Pled Nolo C				ffense Name: THEF		E V F	elony Misdemeanor
☐ Pled Guilty	- Certified Question			ffense TCA §: 39-14			
_	Incorporated by	Reference					
☐ Dismissed				Offense TCA §:			
	qui with costs			ate: 10/01/2017-09	Committee Commit	nty of Offer	nse: CUMBERLAND
	qui without costs	_	Conviction	Offense Name: TH	EFT OVER \$60,000		1
Is found:		□ Not Guilty	Conviction	Offense TCA §: 39-	14-103		
☐ Jury Verdic		by Reason of Insanity	Conviction	n: Class (circle one) 1st A <u>B</u> C D	E ✓ Fe	elony Misdemeanor
Bench Trial		Count:	Sentence I	mposed Date: 06/1	19/2019		
of which are in	ing the evidence, the accorporated by references costs are imposed as	entire record, and in the ence herein, it is ORDER follows:	ne case of sent RED and ADJ	tencing, all factors i UDGED that the co	in Tennessee Code Ar nviction described ab	nnotated Toove is imp	itle 40, Chapter 35, all osed hereby and that a
Offender			50 Tariff Ton. 195				
Offender Status (Check One)		Release Eligibil	lity for Felon neck One)	y Offense			☐ 1st Degree Murder ☐ Pre-1989
Status (Check One) Mitigated Standard Multiple Persistent	☐ Mitigated 30% ☐ Standard 30% ☐ Multiple 35% ☐ Persistent 45% ☐	[Child Rapist 100%	Agg Rob 85% Agg Rob w/l \$ 39-17-132 Mult § 39-17 Agg Assault	% Prior 100% 24(a), (b) 100% 7-1324(j) 100%	☐ Agg Child Neg/En 7 ☐ Agg Child Neg/En 8 ☐ Agg Vehicular Hom ☐ Carjacking 75% ☐ §40-35-501(u) 85%	35% icide 60%	
Status	Mitigated 30% □ Standard 30% □ Multiple 35% □ Persistent 45% □ Career 60% □	[Child Rapist 100%	Agg Rob 85% Agg Rob w/l \$ 39-17-132 Mult § 39-17 Agg Assault	% Prior 100% 24(a), (b) 100% 7-1324(j) 100% w/Death 75%	☐ Agg Child Neg/En 8☐ Agg Vehicular Hom☐ Carjacking 75%☐ §40-35-501(u) 85%	35% icide 60%	☐ Pre-1989 ☐ Reform Act 1989 ☐ Drug Free Zone ☐ Gang Related
Status (Check One) Mitigated Standard Multiple Persistent Career	Mitigated 30% □ Standard 30% □ Multiple 35% □ Persistent 45% □ Career 60% □	[Child Rapist 100%	Agg Rob 85% Agg Rob w/l \$ 39-17-132 Mult § 39-17 Agg Assault	% Prior 100% 24(a), (b) 100% 7-1324(j) 100% w/Death 75% Murder w/SBI 85% Pretrial Jail Cre	☐ Agg Child Neg/En 8☐ Agg Vehicular Hom☐ Carjacking 75%☐ §40-35-501(u) 85%☐ dit Period(s):	35% icide 60%	☐ Pre-1989 ☐ Reform Act 1989 ☐ Drug Free Zone ☐ Gang Related ☐ Repeat Violent Off
Status (Check One) Mitigated Standard Multiple Persistent Career	Mitigated 30% Standard 30% Multiple 35% Persistent 45% Career 60% with:	[Child Rapist 100%	Agg Rob 85% Agg Rob w/l \$ 39-17-132 Mult § 39-17 Agg Assault	% Prior 100% 24(a), (b) 100% 7-1324(j) 100% w/Death 75% Murder w/SBI 85% Pretrial Jail Cre From	Agg Child Neg/En 8 Agg Vehicular Hom Carjacking 75% \$40-35-501(u) 85% dit Period(s):	35% icide 60%	☐ Pre-1989 ☐ Reform Act 1989 ☐ Drug Free Zone ☐ Gang Related ☐ Repeat Violent Off
Status (Check One) Mitigated Standard Multiple Persistent Career	Mitigated 30% Standard 30% Multiple 35% Persistent 45% Career 60% with:	[Child Rapist 100%	Agg Rob 85% Agg Rob w/l \$ 39-17-132 Mult § 39-17 Agg Assault	% Prior 100% 24(a), (b) 100% 7-1324(j) 100% w/Death 75% Murder w/SBI 85% Pretrial Jail Cre From From From	☐ Agg Child Neg/En 8 ☐ Agg Vehicular Hom ☐ Carjacking 75% ☐ §40-35-501(u) 85% dit Period(s):toFroFroFro	om	☐ Pre-1989 ☐ Reform Act 1989 ☐ Drug Free Zone ☐ Gang Related ☐ Repeat Violent Off to to
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Status (Check One) Mitigated Standard Multiple Persistent Career Concurrent	Mitigated 30% Standard 30% Stan	[Child Rapist 100%	Agg Rob 859 Agg Rob w/l § 39-17-132 Mult § 39-1' Agg Assault Att 1st Deg M	% Prior 100% 24(a), (b) 100% 7-1324(j) 100% w/Death 75% Murder w/SBI 85% Pretrial Jail Cre From From From From It is not the inte	☐ Agg Child Neg/En 8 ☐ Agg Vehicular Hom ☐ Carjacking 75% ☐ §40-35-501(u) 85% dit Period(s): to Fro to Fro fro Fro fro fro fro Fro	omomduplicatio	☐ Pre-1989 ☐ Reform Act 1989 ☐ Drug Free Zone ☐ Gang Related ☐ Repeat Violent Off to to to
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Status (Check One) Mitigated Standard Multiple Persistent Career Concurrent Concurrent Sentenced To Sentence Len Mandator Period of i Minimum	Mitigated 30% Standard 30% Multiple 35% Persistent 45% Career 60% with: to: TDOC ngth: Minimum Sentence incarceration to be se service prior to eligit	S 40-35-501(i) 100% Multiple Rapist 100% Child Rapist 100% Agg Rapist 100% Child Predator 100% S 39-13-518 100% Wears	Agg Rob 859 Agg Rob w/l § 39-17-132 Mult § 39-1′ Agg Assault Att 1st Deg M Workhouse Days 1-17-417, 39-1 10-401 DUI 41 17-1324 Posse 1-39-208, -211 S\$ (39-17-434) In probation or urlough, trust	Prior 100% 24(a), (b) 100% 7-1324(j) 100% w/Death 75% Murder w/SBI 85% Pretrial Jail Cre From From From It is not the inte be applied to co Hours 13-513, 39-13-514, th Offense ession/Employmen Violation of Sex Of 4, -417, -418) Community Correct ty status and rehab	Agg Child Neg/En 8 Agg Vehicular Hom Carjacking 75% \$40-35-501(u) 85% dit Period(s): to Fro to Fro to Fro ent of the court for insecutive sentences Life	omomomout Parole nibited Zon	☐ Pre-1989 ☐ Reform Act 1989 ☐ Drug Free Zone ☐ Gang Related ☐ Repeat Violent Off
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IN THE CRIMINAL/CIRCUIT COURT FOR CUMBERLAND COUNTY, TENNESSEE

Case Number: 19-135 Count#: 1	
The same is already to the same in the sam	
Judicial District:13thJudicial Division:Crimin	nal II
State of Tennessee	
vs.	
Defendant: JAMES CHARLES BOTBYL Alias:	Date of Birth: _01/20/1976 Sex: Male
Race: Caucasian SSN:	
CONTINUATION OF JUDGMENT	✓ Original ☐ Amended ☐ Corrected
Court Ordered Fees and Fines: Costs to be Paid by	Restitution: Victim Name Farifield Glade Fire Department
\$ Court Costs	
\$ Fine Assessed	Address
\$ Traumatic Brain Injury Fund (68-55-301 et seq.)	
\$ Drug Testing Fund (TN Drug Control Act)	Total Amount \$ 239559.78 Per Month \$1,800 - \$1,900
\$ CICF	
\$Sex Offender Tax	☐ Unpaid Community Service:
\$Other:	House Dove Weeks Months
vouter.	HoursDaysWeeksMonths
made at the time of this plea. Pursuant to State	pr \$1,900.00 monthly; and a payment of \$65,000.00 was v. Price and Sims, 2018 Tenn. Crim. App. LEXIS 615, the cive review process mandated by T.C.A. \$40-28-301, et seq. DATE FILED July 12 2019 Describer Buggs Ub
	Circuit Court Clerk
	Jessica Burgess
	JUN 1 9 2019
6	CIRCUIT COURT CLERK
DAVID A. PATTERSON Judge's Name Counsel for State/Signature (optional)	Judge's Signature Defendant/Defendant's Counsel/Signature (optional)
I, clerk, hereby certify that, before entroparties who did not provide a signature above.	ry by the court, a copy of this judgment was made available to the party or

CR-3419 (Rev. 02-19)

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RDA 1167