

IN THE CIRCUIT COURT FOR GRAINGER COUNTY, TENNESSEE

STATE OF TENNESSEE

VS.

STEVEN DALE KITTS

:  
:  
NO. 6531  
:  
:

Defendant.

CIRCUIT COURT  
FILED  
HOUR \_\_\_\_\_ M

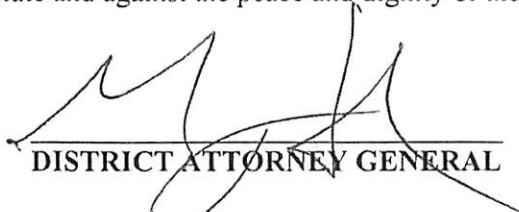
JAN 20 2021

*Sherry Clayton*  
CIRCUIT COURT CLERK  
GRAINGER COUNTY, TN

INFORMATION

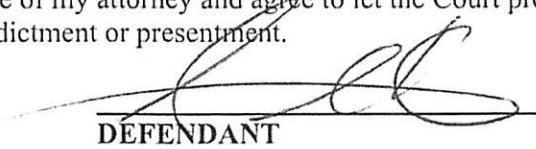
COUNT 1- THEFT OVER \$1,000  
CLASS E FELONY

The District Attorney General on behalf of the State of Tennessee charges that from on or about January 2018 to January 2020, in Grainger County, the defendant STEPHEN DALE KITTS unlawfully, feloniously and knowingly obtained or exercised control over approximately \$1,980 belonging to the City of Bean Station, the victim, without the victim's effective consent and with the intent to deprive the victim of the property in violation of Tennessee Code Annotated § 39-14-102, contrary to the statute and against the peace and dignity of the State of Tennessee.

  
\_\_\_\_\_  
DISTRICT ATTORNEY GENERAL

WAIVER OF CONSTITUTIONAL RIGHTS

I, STEPHEN DALE KITTS, acknowledge that I have been advised by the Court in the presence of my attorney, of my constitutional right to be tried only upon presentment or indictment of a Grand Jury of my peers and I hereby consent to being prosecuted by information and waive these rights in the presence of my attorney and agree to let the Court proceed in all respects as in cases prosecuted by indictment or presentment.

  
\_\_\_\_\_  
DEFENDANT

  
\_\_\_\_\_  
ATTORNEY FOR DEFENDANT

*O. Duane Slone*  
\_\_\_\_\_  
CIRCUIT COURT JUDGE

IN THE CIRCUIT COURT FOR GRAINGER COUNTY, TENNESSEE

STATE OF TENNESSEE

VS.

STEPHEN DALE KITTS

NO.:

6531

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Sherry Ceylan  
CIRCUIT COURT CLERK  
GRAINGER COUNTY, TN

WAIVER OF JURY TRIAL AND GUILTY PLEA

Comes the Defendant, STEPHEN DALE KITTS, and voluntarily waives <sup>his</sup> her right to a trial by jury and asks this Court to try <sup>his</sup> her case both as to guilt and punishment. The right to a jury trial has been fully explained to him and she understands the consequences in giving up this right. Further, the Defendant acknowledges that he has been fully advised of all the elements of the crime(s) charged against him. He understands that the State must prove each element beyond a reasonable doubt to a moral certainty before he can be found guilty. He understands that he has the right to confront and cross-examine witnesses against him. Also, he understands the range of penalties for the crime(s). He knows that he has a Constitutional Right to stand on his plea of not guilty and make the State prove his guilt. That if he is found guilty, he has a right to appeal the decision; at which time it could be reversed or dismissed. All of these rights he gives up if he pleads guilty. He further understands that by entering a plea by Information or on Arraignment Day, his attorney has not been provided with formal Discovery in this case, and thus has not reviewed all of the State's evidence against him. He wishes to proceed with his case and waives his right to review Discovery.

Understanding all of this, the Defendant voluntarily pleads guilty to the offense(s) of:

Theft over \$1,000, a class E felony; and requests the Court to accept it. He has not been forced to make this plea, nor has he been threatened or promised anything that would cause him to enter this plea. He understands that there may or may not be a recommendation made to the Court about sentencing which the Court may accept or refuse.

The defendant's attorney, Evan Newman agrees to this waiver and plea.

APPROVAL:

DISTRICT ATTORNEY GENERAL

DEFENDANT

DEFENDANT'S ATTORNEY

ORDER

In this case it appearing to the Court that the Defendant is charged with the above stated crime(s) and that he/she through his counsel made a motion that he/she waive his trial by jury upon the said charge(s) and that he submit his case to the Court for decision, both as to guilt and punishment, and it further appearing to the Court that the motion in this case was seasonably made and concurred in by the District Attorney General.

**IT IS THEREFORE ORDERED** that said motion be granted and spread on the Criminal Minutes of this Court, and that in the event conviction results after such waiver, that this Court will fix punishment in accordance with Section 40-20-107 Tennessee Code Annotated which covers Jury Trials.

ENTERED this the 20 day of January, 2021.

O. Duane Stone  
CIRCUIT COURT JUDGE



IN THE CIRCUIT COURT FOR GRAINGER COUNTY, TENNESSEE

STATE OF TENNESSEE

VS.

STEPHEN DALE KITTS

:  
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JAN 20 2021

PLEA AGREEMENT

*Sherry C. Cason*  
CIRCUIT COURT CLERK  
GRAINGER COUNTY, TN

The above named Defendant and the State of Tennessee enter into the following agreement:

The Defendant agrees to plead guilty as a **Range 1 offender (parole release eligibility of 30%)** to:

Theft over \$1,000 [2 years TDOC]

and the State agrees to recommend to the Court the following Sentence:

2 years TDOC, suspended to unsupervised probation; costs. Restitution obligation fulfilled prior to any charges being filed. Parties agree this may be heard by the Court by videoconference.

The above terms represent the full agreement between the parties.

SIGNED this the 20 day of January, 2021.

STATE OF TENNESSEE

  
DISTRICT ATTORNEY GENERAL

I agree to this freely and voluntarily. I understand that if this agreement is not accepted by the Court, I can withdraw my guilty plea. The individual parts of the pleas involved in this package agreement are severable. The parties agree that, should any sentence involved in this negotiation be found to be void, its invalidity shall affect only that individual sentence. The plea of guilty as to that conviction and the pleas for the remaining convictions and sentence involved in the plea agreement shall remain intact.

  
DEFENDANT

  
DEFENDANT'S ATTORNEY

**IN THE CRIMINAL/CIRCUIT COURT FOR GRAINGER COUNTY, TENNESSEE**

Case Number: 6531 Count#: 1 Counsel for the State: GEORGE IOANNIDES  
 Judicial District: 4th Judicial Division: IV Counsel for the Defendant: EVAN NEWMAN  
 Co-Counsel for the Defendant: \_\_\_\_\_  
 Retained  Pub Def Appt  Private Atty Appt  
 Counsel Waived  Pro Se

**State of Tennessee**

**vs.**  
**Defendant:** STEPHEN DALE KITTS Alias: \_\_\_\_\_ Date of Birth: \_\_\_\_\_ Sex: Male  
 Race: White SSN: \_\_\_\_\_ Driver License #: \_\_\_\_\_ Issuing State: TN  
 State ID #: \_\_\_\_\_ County Offender ID # (if applicable): \_\_\_\_\_ TDOC \_\_\_\_\_  
 Relationship to Victim: \_\_\_\_\_ Victim's Age: \_\_\_\_\_  
 State Control #: \_\_\_\_\_ Arrest Date: \_\_\_\_\_ Indictment Filing Date: 1-20-2021 (Info)

**JUDGMENT**

Original  Amended  Corrected

**Come the parties for entry of judgment.**

On the 20 day of January, 2021, 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  
            Not Guilty by Reason of Insanity  
 Jury Verdict  
 Bench Trial Merged with Count: \_\_\_\_\_

**Indictment:** Class (circle one) 1<sup>st</sup> A B C D E  Felony  Misdemeanor  
 Indicted Offense Name: THEFT OVER \$1,000.00  
 Indicted Offense TCA §: 39-14-103  
 Amended Offense Name: \_\_\_\_\_  
 Amended Offense TCA §: \_\_\_\_\_  
 Offense Date: 01/01/2018 County of Offense: GRAINGER  
 Conviction Offense Name: THEFT OVER \$1,000.00  
 Conviction Offense TCA §: 39-14-103  
**Conviction:** Class (circle one) 1<sup>st</sup> A B C D E  Felony  Misdemeanor  
 Sentence Imposed Date: 1-20-2021

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)	Release Eligibility for Felony Offense (Check One)			1 <sup>st</sup> Degree Murder	
<input type="checkbox"/> Mitigated	<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"/> Pre-1989
<input checked="" type="checkbox"/> Standard	<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"/> Reform Act 1989
<input type="checkbox"/> Multiple	<input checked="" 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"/> Drug Free Zone
<input type="checkbox"/> Persistent	<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"/> Gang Related
<input type="checkbox"/> Career	<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"/> Repeat Violent Off
	<input type="checkbox"/> Career 60%	<input type="checkbox"/> § 39-13-518 100%	<input type="checkbox"/> Att 1 <sup>st</sup> Deg Murder w/SBI 85%		

Concurrent with: HOUR \_\_\_\_\_ M  
FILED  
JAN 20 2021  
Sherry Ceylan  
 CIRCUIT COURT CLERK  
 GRAINGER COUNTY

**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**

**Sentenced To:**  TDOC  County Jail  Workhouse  
**Sentence Length:** 2 Years \_\_\_\_\_ Months \_\_\_\_\_ Days \_\_\_\_\_ Hours  Life  Life w/out Parole  Death  
 Mandatory Minimum Sentence Length: \_\_\_\_\_  
     §§ 39-17-417, 39-13-513, 39-13-514, or 39-17-432 in Prohibited Zone  
     § 55-10-401 DUI 4<sup>th</sup> Offense  
     § 39-17-1324 Possession/Employment of Firearm  
     §§ 40-39-208, -211 Violation of Sex Offender Registry  
     Meth §§ (39-17-434, -417, -418)  
 Period of incarceration to be served prior to release on probation or Community Corrections: \_\_\_\_\_ Months \_\_\_\_\_ Days \_\_\_\_\_ Hours  
 Minimum service prior to eligibility for work release, furlough, trusty status and rehabilitative programs: \_\_\_\_\_% (Misdemeanor Only)  
**Alternative Sentence:**  Sup Prob  Unsup Prob  Comm Corr  Prob Sup By Comm. Corr (CHECK ONE BOX)  
2 Years \_\_\_\_\_ Months \_\_\_\_\_ Days Effective: 1-20-2021  
 WAS DRUG/RECOVERY COURT ORDERED AS A CONDITION OF THE ALTERNATIVE SENTENCE?  Yes  No  
O. DUANE SLONE Judge's Name O. Duane Slone Judge's Signature



IN THE CRIMINAL/CIRCUIT COURT FOR GRAINGER COUNTY, TENNESSEE

Case Number: 6531 Count#: 1
Judicial District: 4th Judicial Division: IV

State of Tennessee

vs.

Defendant: STEPHEN DALE KITTS Alias: Date of Birth: Sex: Male
Race: White SSN:

CONTINUATION OF JUDGMENT [X] Original [ ] Amended [ ] Corrected

Table with 2 columns: Court Ordered Fees and Fines, Costs to be Paid by. Rows include Court Costs, Fine Assessed, Traumatic Brain Injury Fund, Drug Testing Fund, CICF, Sex Offender Tax, and Other.

Restitution: Victim Name City of Bean Station
Address
Total Amount \$ Per Month \$

[ ] Unpaid Community Service:
Hours Days Weeks Months

- [X] The Defendant having been found guilty is rendered infamous and ordered to provide a biological specimen for the purpose of DNA analysis.
[ ] Pursuant to 39-13-521, the defendant is ordered to provide a biological specimen for the purpose of HIV testing.
[ ] Pursuant to 39-13-524 or 39-13-518, the defendant is sentenced to community supervision for life following sentence expiration.
[ ] Pursuant to Title 68, Chapter 11, Part 10, 71-6-117, or 71-6-119, the clerk shall forward this judgment to the Department of Health.

Special Conditions:

2 years TDOC, suspended to unsupervised probation; costs. Restitution obligation fulfilled prior to any charges being filed. Parties agree this may be heard by the Court by videoconference.

CIRCUIT COURT FILED
HOUR M
JAN 20 2021
Circuit Court Clerk Grainger County, TN

O. DUANE SLONE
Judge's Name

Handwritten signature of O. Duane Slone
Counsel for State/Signature (optional)

Judge's Signature

1-20-2021
Date of Entry of Judgment

O. Duane Slone
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.