

#1

TB

INDICTMENT

PICK UP

CR 1891

STATE OF TENNESSEE

v.

LAURA ANN GARDNER

Charge(s):

Violation of Computer Act [C/F]
Theft over \$10,000.00 [C/F]

Date Presented: August 15, 2022

TRUE BILL NO TRUE BILL

George Elrod
Foreperson, Grand Jury

IG
Prosecutor: 

WITNESSES

 TCO

Here duly summoned as witnesses and sworn by me, and testified before the Grand Jury on this indictment.

George Elrod
Foreperson, Grand Jury

THE CLERK will issue summons for the following State Witnesses:

 TCO

BRYANT C. DUNAWAY
DISTRICT ATTORNEY GENERAL

STATE OF TENNESSEE, WHITE COUNTY
AUGUST TERM OF THE CRIMINAL COURT 2022

Count 1: [Violation of Computer Act]

THE GRAND JURORS of the State of Tennessee, duly selected, empaneled, sworn and charged to inquire for the body of the county of White, Tennessee, upon their oath, present that: LAURA ANN GARDNER between July 1, 2012 and June 30, 2019, in White County, Tennessee and before the finding of this indictment, did unlawfully and knowingly, by means of false or fraudulent pretenses, directly access a computer software, computer program, data, computer system or computer network for the purpose of obtaining money for herself and/or property for another, in an amount or value in excess of \$10,000.00, in violation of Tenn. Code Ann. § 39-14-602, and against the peace and dignity of the State of Tennessee.

Bryant C. Dunaway
Office of the District Attorney General

INDICTMENT

STATE OF TENNESSEE, WHITE COUNTY

Criminal Court of the said County, August Term, 2022

Count 2: [Theft over \$10,000.00]

THE GRAND JURORS of White County, Tennessee, duly selected, empaneled, sworn upon their oath that LAURA ANN GARDNER between July 1, 2012 and June 30, 2019, in White County, Tennessee and before the finding of this indictment, did unlawfully and knowingly, obtain or exercise control over property, including but not limited to: cash and checks with an aggregated value in excess of \$10,000.00, belonging to White County, TN, without consent and with intent to deprive the county of the property, in violation of *Tenn. Code Ann. § 39-14-103*, and against the peace and dignity of the State of Tennessee.



Office of the District Attorney General

IN THE CRIMINAL/CIRCUIT COURT FOR WHITE COUNTY, TENNESSEE

Case Number: CR11871 Count #: 1 Counsel for the State: Russell C. Tribble
 Judicial District: District 13 Judicial Division: II Counsel for the Defendant: Jon D. Slager
 State of Tennessee Retained Pub Def Appt Private Atty Appt
 vs. Counsel Waived Pro Se

Defendant: LAURA ANN GARDNER Alias: _____ Date of Birth: [REDACTED] Sex: F
 Race: _____ SSN: [REDACTED] Relationship to Victim: _____ Victim's Age: _____
 State ID #: [REDACTED] County Offender ID #(if applicable): _____ State Control #: [REDACTED]
 Arrest Date: 08-19-2022 Indictment Filing Date: 08-15-2022

ORDER OF DEFERRAL (JUDICIAL DIVERSION) Original Amended Corrected

On the 5th day of February, 2024, the defendant:

<input checked="" type="checkbox"/> Pled Guilty <input type="checkbox"/> Pled Nolo Contendere Was Found Guilty By: <input type="checkbox"/> Jury Verdict <input type="checkbox"/> Bench Trial	Indictment: Class (circle one) 1 st A B <input checked="" type="radio"/> C D E <input checked="" type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor Indicted Offense Name AND TCA §: <u>39-14-602 COMPUTER OFFENSE - \$10,000-\$60,000</u> Amended Offense Name AND TCA §: _____ Offense Date: <u>07-01-2012 - 06-30-2019</u> County of Offense: <u>White</u> Deferred Offense Name AND TCA §: <u>39-14-602 COMPUTER OFFENSE - \$10,000-\$60,000</u> Deferred Offense: Class (circle one) 1 st A B <input checked="" type="radio"/> C D E <input checked="" type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor
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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):

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

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

Probation Term: Total Length 6 years Beginning Date 02-05-2024 Ending Date 02-05-2030 Supervised Unsupervised

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

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

Costs \$ _____ 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: _____	Concurrent with: Count <u>2</u> Consecutive to:	Restitution Victim Name <u>White County</u> Address _____ Total Amount \$ <u>12,312.60</u> Per Month \$ _____	Pretrial Jail Credit Period(s): From <u>08-19-2022</u> To <u>08-20-2022</u> From _____ To _____ From _____ To _____ From _____ To _____
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x Laura Gardner
 Defendant

 Wesley T. Bray
 JUDGE'S NAME
[Signature]
 Counsel for the Defendant

ENTER this the 5 day of Feb 2024
[Signature]
 JUDGE'S SIGNATURE

 Counsel for the State of Tennessee

IN THE CRIMINAL/CIRCUIT COURT FOR WHITE COUNTY, TENNESSEE

Case Number: CR11871 Count #: 2 Counsel for the State: Russell C. Tribble
 Judicial District: District 13 Judicial Division: II Counsel for the Defendant: Jon D. Slager
 State of Tennessee Retained Pub Def Appt Private Atty Appt
 vs. Counsel Waived Pro Se
 Defendant: LAURA ANN GARDNER Alias: _____ Date of Birth: ██████████ Sex: F
 Race: _____ SSN: ██████████ Relationship to Victim: _____ Victim's Age: _____
 State ID #: ██████████ County Offender ID #(if applicable): _____ State Control #: ██████████
 Arrest Date: 08-19-2022 Indictment Filing Date: 08-15-2022

ORDER OF DEFERRAL (JUDICIAL DIVERSION)

Original Amended Corrected

On the 5th day of February, 2024, 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 §: 39-14-602 COMPUTER OFFENSE - \$10,000-\$60,000
 Amended Offense Name AND TCA §: 39-14-103 theft over \$10k
 Offense Date: 07-01-2012 - 06-30-2019 County of Offense: _____ White
 Deferred Offense Name AND TCA §: _____ 39-14-103 THEFT OVER \$10,000
 Deferred Offense: Class (circle one) 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 (For Item 3, Check ONE OF THE TWO BOXES):

- The defendant is eligible for deferral of the prosecution pursuant to Tennessee Code Annotated section (T.C.A.) 40-35-313;
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 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;
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Costs
 \$ _____ 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: _____

Concurrent with:
 Count 1

Consecutive to:

Restitution
 Victim Name White County
 Address _____
 Total Amount \$ 12,312.60
 Per Month \$ _____

Pretrial Jail Credit Period(s):
 From 08-19-2022 To 08-20-2022
 From _____ To _____
 From _____ To _____
 From _____ To _____

+ Laura Gardner
 Defendant
Wesley T. Bray
 JUDGE'S NAME
Wesley T. Bray
 Counsel for the Defendant

Wesley T. Bray 5th day of February 2024
 ENTER this the _____ day of _____, 20____
 JUDGE'S SIGNATURE
 Counsel for the State of Tennessee



APPLICATION FOR CERTIFICATION OF ELIGIBILITY FOR DIVERSION



COUNTY White	COURT CRIMINAL	DISTRICT Thirteen	JUDGE
DEFENDANT'S NAME LAURA GARDNER		DOCKET # 11871	COURT DATE 11/09/2022
DATE OF BIRTH [REDACTED]	SEX/RACE F/W	SOCIAL SECURITY NUMBER	TYPE OF DIVERSION Judicial

OFFENSES TO BE DIVERTED
violation of computer act - DOA: 08/15/2022 - Felony
Theft over 10,000 - DOA: 08/15/2022 - Felony

NAME AND PHONE NUMBER OF DISTRICT ATTORNEY OR ASSISTANT DISTRICT ATTORNEY TO WHOM RESPONSE SHOULD BE SENT
JON SLAGER [REDACTED]

FAX NUMBER **6156246485** EMAIL

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

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:

<p>1. <input type="checkbox"/> The defendant has not had a prior disqualifying felony or misdemeanor conviction. <input type="checkbox"/> The defendant has a prior disqualifying felony or misdemeanor conviction. <input type="checkbox"/> The defendant has a prior arrest for which no disposition has been entered.</p> <p>2. <input checked="" type="checkbox"/> The defendant has not previously been granted diversion. <input type="checkbox"/> The defendant has been granted diversion before.</p> <p>3. <input type="checkbox"/> The defendant has a prior expunction due to a diversion. <input checked="" type="checkbox"/> The defendant has a prior expunction due to 40-32-101(g).</p>	<p>The defendant has not had a prior disqualifying felony or misdemeanor conviction</p>
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08/11/2023 Date
 Criminal Records Unit, TBI

PLEASE NOTE THAT THIS DOES NOT CONSTITUTE A CERTIFICATION THAT THE DEFENDANT IS ELIGIBLE OR 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 5 day of February, 2024

OFFENSE INDICTED <u>Violation Computer Act & Theft over 10,000</u>	OFFENSE CLASS <u>C-F X 2</u>
OFFENSE DIVERTED <u>Violation Computer Act & Theft over 10,000</u>	OFFENSE CLASS <u>C-F X 2</u>

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

6 years, 0 months, 0 days. Effective: 2-5-24

<p><u>W. Bray</u> JUDGE (Printed)</p>	<p> JUDGE (Signature)</p>	<p style="text-align: center;"><u>2, 5, 2024</u> ENTRY OF JUDGEMENT DATE</p>
<p> DISTRICT ATTORNEY</p>	<p> ATTORNEY FOR DEFENDANT</p>	