

GENERAL SESSIONS COURT OF WASHINGTON COUNTY TENNESSEE

State of Tennessee vs. Dan A Nicolau

State Control # _____

County Case # 42345

Attorney for Def. _____

Address 3613 Honeywood Dr. Johnson City, TN
376041480Court Date 29 Aug 2016

Phone _____ DL# _____

State. Deft. To _____ at _____ am/pm

DOB 05/25/1980 SS# _____

State. Deft. To _____ at _____ am/pm

Sex M Race W Ht 600 Wt 210 Hair Brown Eyes Brown

Work _____

AFFIDAVIT OF COMPLAINT

Agency Case # W16009020

I, the affiant named below, after being sworn, under state oath that on or about the 27th day of August, 2016, in Washington County, Tennessee, Dan A Nicolau committed the offense(s) of violation(s) of: Burglary, Aggravated (T.C.A. 39-14-403), Stalking (T.C.A. 39-17-315)

I further state under oath that the essential facts constituting the offense(s), the sources of my information and the reason why this information is believable and reliable are as follows:

On 08/27/2016 at 23:10 hours, I, Officer Hull, E (434) responded to a domestic disturbance complaint at 1185 W Mountainview Rd, #3303. Upon arrival I found a male and female outside the apartment complex. The male, identified as Dan Nicolau, stated that he was just wanting to talk to his friend, and that she was his only contact in the area, but that she had blocked his text messages, which caused him to crash his car earlier today during a frustrated attempt to text her. So he came to see her. The woman, identified as victim Cynthia Barker, lives at the address. She stated that she and Nicolau had dated, but she had broken up with him months ago due to verbal and mental abuse. She stated that, despite her telling him on numerous occasions that she didn't want to see or speak to him, he repeatedly texted, called, and emailed. She said that most recently, about three weeks ago, he appeared behind her in a local eating establishment while she was out with friends, and she was forced to endure his company out of social politeness, but that the event scared her. She stated that Nicolau continued contacting her against her expressed wishes, so she began blocking his texts. She said that tonight she awoke to the sound of her front door slamming, and found Nicolau standing in her bedroom demanding to talk. This frightened her very much, she said, and she reiterated that Nicolau not only had no express permission to enter her apartment, but she had repeatedly told him to stay away from her. He let himself in by accessing her hidden key which he knew about. She said that he kept reaching out to touch her and kept trying to hug her, all while she was demanding that he leave her apartment. She said that she had developed the opinion that Nicolau was mentally unstable, and his obsessiveness over her and access to a large number of personally owned firearms in addition to his recent applications to obtain NFA firearms and suppressors scared her very much. Tonight, it was apparent to me that Dan Nicolau has repeatedly harassed his ex-girlfriend by phone and email in a manner that placed her and would have placed any reasonable person in fear of bodily harm, constituting the offense of Stalking. Furthermore, tonight he entered her home, not only without effective consent, but against her expressed wishes. While inside, his repeated attempts to touch and hug Cynthia Barker constituted an assault against her. By entering her home without consent and assaulting her, Dan Nicolau committed the offense of Aggravated Burglary, and this offense did occur in Washington County. This is a Domestic abuse statute-related incident.

Affiant's Signature: Off. Eric Hull 434Name (Printed): Eric HullAddress: 601 E. Main St., Johnson City, TN 37601Phone Number: 423-434-6160

Sworn to and subscribed before me this 27th day of August, 2016.

Karen Guinn, Clerk

Elizabeth Mommiee, D.C.

PROBABLE CAUSE DETERMINATION

Based on the affidavit of complaint, I find there is probable cause to believe that on the date set forth above in Washington County, Tennessee the defendant committed the offense(s) of violation(s) of TCA Burglary, Aggravated (T.C.A. 39-14-403), Stalking (T.C.A. 39-17-315).

(☒) defendant given citation or arrested without warrant () arrest warrant shall issue () criminal summons shall issue

Date 27th day of August, 2016

Judge/Clerk/Judicial Commissioner

Elizabeth Mommiee, D.C.

GENERAL SESSION COURT OF
WASHINGTON COUNTY,
TENNESSEE

STATE OF TENNESSEE

vs

Dan A Nicolau

Defendant

State Control #

County Case # 0118141 64-152

INFORMATION ABOUT DEFENDANT

Name: Dan A Nicolau

Address: 3613 Honeywood Dr, Johnson City, TN
376041480

DOB: 05/25/1980 Sex: M

Race: W Ht: 600

Wt: 210 Hair: Brown Eyes: Brown

Phone #: DL #:

Place of employment:

8-29-16 1:00

ADDA's 10-13-16 9:08

Status 11-3-16 1:30

Other: 12-6-16 130 trial A/H

WITNESSES

Summon as witnesses on the part of the State:

v- Cynthia Barker 914-1006

Summon as witnesses on the part of the Defendant:

FORM #1065

Stone Finney

ARREST WARRANT

TO THE DEFENDANT

() Based on the affidavit of complaint filed in this case, there is probable cause to believe that you have committed the offense(s) of violations(s) of TCA

Burglary, Aggravated (T.C.A. 39-14-403),
Stalking (T.C.A. 39-17-315)

() Defendant has failed to appear in court or to report to jail when required to do so.

()

TO ANY LAWFUL OFFICER:

You are therefore commanded in the name of the State of Tennessee to immediately ARREST the defendant named above and bring the defendant to this court to answer the charges.

Bail is set at \$ 21,000.

Conditions of Bond DNA, 12 hour hold

Must sign domestic order

Date: 08-28-2016

Karen Guinn, Clerk

Elizabeth Mommie D.C.

OFFICER'S RETURN

() Warrant served by arresting

defendant today or on

By Arrest

at 11:45 P.M.

()

Officer's Signature:

Off. Eric R. Hull 434

Officer's Name (Printed):

Off. Eric R. Hull 434

Officer's Agency (Printed):

Johnson City Police Dept

Date:

28 Aug 2016

IN THE GENERAL SESSIONS COURT OF WASHINGTON COUNTY, TENNESSEE
AT JONESBOROUGH

STATE OF TENNESSEE

V.

DOCKET NO.: 0118141

Dan Nicolan

DEFENDANT

NOTICE OF NEXT COURT APPEARANCE

Comes now the undersigned and acknowledge by their signatures below that the docket numbers listed herein are set before this Honorable Court on 10-13-16 (date of next appearance) at 9:00 a.m. for the purpose of:

☐ Trial or Preliminary Examination

☒ Status

☐ Other _____

IF YOU ARE NOT PRESENT, A CAPIAS FOR YOUR ARREST MAY ISSUE. YOU
MAY ALSO BE CHARGED WITH FAILURE TO APPEAR. TENN. CODE ANN.

§39-16-609

8/29/16
The Honorable General Sessions Judge

X
Defendant

[Signature]
Attorney for Defendant (if applicable)

[Signature]
Assistant District Attorney General

☐ PUBLIC DEFENDER'S OFFICE
BURLINGTON BUSINESS PARK
1102 SUNSET DRIVE
JOHNSON CITY TN 37604
(423) 434-6845

29th day of August, 20 16

IN THE GENERAL SESSIONS COURT OF WASHINGTON COUNTY, TENNESSEE
AT JONESBOROUGH

STATE OF TENNESSEE

v.

DOCKET NO.:

0118141

Don A. Nicolau
DEFENDANT

NOTICE OF NEXT COURT APPEARANCE

Comes now the undersigned and acknowledge by their signatures below that the docket numbers listed herein are set before this Honorable Court on 11-3-16 (date of next appearance) at 1:30 a.m./p.m. for the purpose of:

☐ Trial or Preliminary Examination

☒ Status

☐ Other _____

IF YOU ARE NOT PRESENT, A CAPIAS FOR YOUR ARREST MAY ISSUE. YOU
MAY ALSO BE CHARGED WITH FAILURE TO APPEAR. TENN. CODE ANN.

§39-16-609

9-15-16
The Honorable General Sessions Judge

Don A. Nicolau
Defendant

[Signature]
Attorney for Defendant (if applicable)

Will Monk
Assistant District Attorney General

☐ PUBLIC DEFENDER'S OFFICE
BURLINGTON BUSINESS PARK
1102 SUNSET DRIVE
JOHNSON CITY TN 37604
(423) 434-6845

15 day of Sept, 2016

IN THE GENERAL SESSIONS COURT OF WASHINGTON COUNTY, TENNESSEE
AT JONESBOROUGH

STATE OF TENNESSEE

V.

DOCKET NO.: 011814 1

Dan A. Nicolau
DEFENDANT

NOTICE OF NEXT COURT APPEARANCE

Comes now the undersigned and acknowledge by their signatures below that the docket numbers listed herein are set before this Honorable Court on 12-6-16 (date of next appearance) at 130 a.m./p.m. for the purpose of:

☒ Trial or Preliminary Examination

☐ Status

☐ Other _____

IF YOU ARE NOT PRESENT, A CAPIAS FOR YOUR ARREST MAY ISSUE. YOU
MAY ALSO BE CHARGED WITH FAILURE TO APPEAR. TENN. CODE ANN.

§39-16-609

[Signature]
The Honorable General Sessions Judge

[Signature]
Defendant

[Signature]
Attorney for Defendant (if applicable)

[Signature]
Assistant District Attorney General

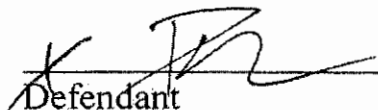
☐ PUBLIC DEFENDER'S OFFICE
BURLINGTON BUSINESS PARK
1102 SUNSET DRIVE
JOHNSON CITY TN 37604
(423) 434-6845

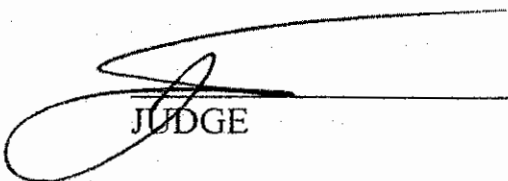
3 day of Nov, 20 16

NOTICE TO APPEAR IN CRIMINAL COURT

I understand that I have been bound over to the Grand Jury of Washington County, Tennessee and understand and agree to appear at the first day of the next term of Criminal Court at Jonesborough, Tennessee on the 10th day of APRIL, 2017, at 9:00 A.M. and to remain in that courtroom until my name is called, regardless of the action of the Grand Jury. If the Public Defender has represented you in General Sessions Court, they will not be representing you in Criminal Court until you have filled out a new affidavit of indigence, and the Criminal Court Judge finds that you qualify for the services of the Public Defenders Office. I further understand that this is not a bond.

This 6 day of Dec, 2016


Defendant


JUDGE

The Court has advised me that I have the right to esented by an attorney and if I find the D at understands and freely and voluntarily waives
indigent to have an attorney appointed to represer WAIVE MY RIGHT TO the right to me.
AN ATTORNEY AND WISH TO PROCEED IN THIS CASE WITHOUT AN

Date Defendant Date Judge

() I waive my right to a preliminary hearing and agree for my case to be bound over to the: Washington County Grand Jury.
() I waive my right to be tried only after being indicted by the Grand Jury and waive my right to a trial by jury and plead NOT GUILTY to violation(s) of TCA

Attorney for Defendant Date Defendant

I plead GUILTY to violation(s) of TCA

I have been advised by the Court of the following rights and I understand I waive each by pleading guilty: (1) the right to plead not guilty (2) the right to a jury trial (3) the right to confront and cross-examine the witnesses against me (4) the right to remain silent and not to be compelled to incriminate myself (5) the right to indictment or presentment by the Grand Jury (6) the right to subpoena witnesses to testify for me (7) the right to have any fine greater than \$50.00 be set by a jury and (8) the right to appeal if convicted after trial. I FULLY UNDERSTAND AND WAIVE EACH AND EVERY ONE OF THESE RIGHTS FREELY AND VOLUNTARILY and understand that I give up the right to remain silent and must answer questions asked by the judge or district attorney.

I have been fully advised by the Court and I understand: (9) the nature of the charge(s) against me (10) the minimum and maximum punishments for the charge(s) (11) that prior convictions and other factors may be considered in determining my sentence (12) that after my plea there will be no evidence presented and no trial but only sentencing (13) that it is perjury to falsely answer questions while under oath (14) that there must be facts to support the plea and (15) that THIS CONVICTION MAY BE USED IN THE FUTURE TO INCREASE THE PUNISHMENT FOR SUBSEQUENT OFFENSES.

I am guilty of the charge(s) because the facts which I know to exist equal the elements of the charge(s) as those elements have been explained to me by the court and there is a factual basis for my plea. I am pleading guilty freely and voluntarily and not as the result of force or threats or of promises apart from a plea agreement, in which my willingness to plead guilty results from discussions between the District Attorney's Office and me or my attorney. I ask the Court to accept my plea of guilty.

Attorney for Defendant Date Defendant

I have questioned the defendant personally about the matters and rights itemized above and about the defendant's waiver of those rights. I have concluded that the defendant understands the nature of the charge(s) and the rights which are given up by pleading guilty. I have concluded that there is a factual basis for defendant's plea of guilty and that the pleas is being entered freely, knowledgeably and voluntarily after freely, knowledgeably and voluntarily waiving the rights set out above and the plea of guilty is therefore accepted.

Date Judge

GENERAL SESSIONS COURT OF WASHINGTON COUNTY TENNESSEE

State of Tennessee vs. *Don A. Nicolau*

State Control # JUDGMENT Case # 0118141

() Dismissed () Not Guilty () Nolle Prosequi () Pretrial/Judicial Diversion () Affiant Did Not Appear

Costs taxed to the Prosecutor
() State's motion to not prosecute () after preliminary hearing () affiant did not appear () Defendant waived extradition

Cost taxed to the Defendant
() Costs and taxes () Cost

Found GUILTY of violation of TCA
fined \$, taxed with costs and taxes and sentenced to serve months days in the Washington County Jail (Class Misd.)

Found GUILTY of violation of TCA
fined \$, taxed with costs and taxes and sentenced to serve months days in the Washington County Jail (Class Misd.)

Found GUILTY of violation of TCA
fined \$, taxed with costs and taxes and sentenced to serve months days in the Washington County Jail (Class Misd.)

Jail sentence suspended except on condition of good behavior, payment of fines, costs and taxes and restitution of \$ to and () no contact with
() supervised probation for () unsupervised probation for () not drive in Tennessee for year(s) and completion of () DUI school () alcohol/drug evaluation and counseling () domestic abuse counseling
() hours of community service

To report to serve on at am/pm. Time served credit () Sentence may be served on consecutive weekends
() May apply for work release () May apply for restricted license or interlock device. () Anti-Theft Course
() May not possess or must surrender handgun permit, if applicable.

Release eligibility date is % of the term of imprisonment

() Appealed () Defendant bound over to Washington County Grand Jury after () preliminary hearing () waiving preliminary hearing and
() bail set at \$ () Defendant shall continue on current bond of \$

Other

12-6-16 Date Judge 12-6-16

INDICTMENT

CASE NO. 42345

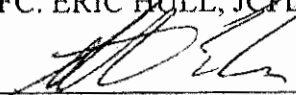
STATE OF TENNESSEE

VS.

DAN A. NICOLAU

**AGGRAVATED BURGLARY
STALKING**

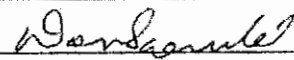
OFC. ERIC HULL, JCPD PROSECUTOR

 724


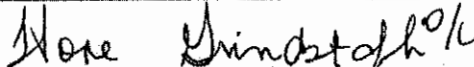
CLERK: Summon named witnesses
for the State of Tennessee.

Tony Clark
District Attorney General


Witnesses sworn by me in the presence
of the Grand Jury
3-10, 2017.


Foreperson of the Grand Jury

Filed this 10 day of March, 2017.


Clerk  ok

A TRUE BILL


Foreperson of the Grand Jury

ENTERED
MINUTEBOOK 1230 PAGE 17
CIR. CT. CLK

CASE NUMBER 42345

STATE OF TENNESSEE, COUNTY OF WASHINGTON

CRIMINAL COURT FOR WASHINGTON COUNTY, TENNESSEE

CHARGE: AGGRAVATED BURGLARY

The Grand Jurors for the State of Tennessee, upon their oaths, present that **DAN A. NICOLAU**, on or about the 27th day of August, 2016, in the State and County aforesaid, did commit the offense of aggravated burglary by knowingly entering the habitation of Cynthia Barker, without the owners effective consent and with the intent to commit an assault; a class C felony, in violation of Section 39-14-403 of the Tennessee Code Annotated, and against the peace and dignity of the State of Tennessee.

COUNT TWO

CHARGE: STALKING - MISD.

And the Grand Jurors aforesaid, upon their oaths aforesaid, do further present that **DAN A. NICOLAU**, between the 9th day of July, 2016 and the 27th day of August, 2016, in the State and County aforesaid, did unlawfully, commit the offense of stalking by intentionally engaging in a willful course of conduct involving repeated or continuing harassment of Cynthia Barker that caused her to feel terrorized, frightened, intimidated, threatened, harassed, or molested and the contact is unconsented; a class A misdemeanor, in violation of Section 39-17-315 of the Tennessee Code Annotated, and against the peace and dignity of the State of Tennessee.


DISTRICT ATTORNEY GENERAL

ENTERED
723C PAGE 18
MINUTEBOOK
CIR. CLK

IN THE CRIMINAL COURT FOR WASHINGTON COUNTY
AT JONESBOROUGH, TENNESSEE

STATE OF TENNESSEE

Filed 10 day of April 2017 CASE NO: 42345

VS.

Dan Nikolau
DEFENDANT

12:45 o'clock PM
Karen Cunniff, Clerk

DISCOVERY ORDER

On Motion of the Defendant for discovery under Tennessee Rules of Criminal Procedure Rule 16 and the State's Motion for reciprocal discovery under the same;

IT IS THEREFORE ORDERED BY THE COURT:

1. The files of the District Attorney's office will be available pursuant to that office's open-file policy and the State shall make any evidence intended to be used at trial and discoverable under Rule 16 of the Tennessee Rules of Criminal Procedure available to the Defendant;
2. The Defendant shall make known to the District Attorney's Office any documents, tangible objects, reports of examination and tests intended to be used and make such available to the State which are discoverable under Rule 16(b) of the Tennessee Rules of Criminal Procedure;
3. Pursuant to rule 26.2 of the Tennessee Rules of Criminal Procedure, the parties shall provide the opposing counsel with a copy of statements of any witness that is in their possession and that related to the subject matter concerning which the witness has testified;
4. This Order is to be continuing in effect and the parties are required to promptly notify the opposing counsel of additional evidence or material discovered prior to, or during, trial; and
5. Any disputes between the parties as to what evidence is discoverable shall be brought immediately to the attention of the Court for further hearings on the merits.

ENTER, this the 10 day of April, 2016.

APPROVED FOR ENTRY:

[Signature]
ATTORNEY FOR THE STATE

[Signature]
CRIMINAL COURT JUDGE

ATTORNEY FOR THE DEFENDANT

ENTERED
724C 124
CR. CT. CLK

IN THE CRIMINAL COURT FOR WASHINGTON COUNTY
AT JONESBOROUGH, TENNESSEE

STATE OF TENNESSEE

vs.

DAN A. NICOLAU

Case No. 42345

Filed 10 day of
April 20, 17 at
9:13 o'clock A M.
Karen Guinn, Clerk TT

REQUEST FOR DISCOVERY AND/OR INSPECTION

The Defendant, by and through his Attorney, and pursuant to the Tennessee Rules of Criminal Procedure, Article One, Section Eight of the Tennessee Constitution, the Due Process Clause of the Fourteenth Amendment of the United States Constitution, the A.B.A. Standards of Discovery Sections 2.1-2.4, and in accordance with the case law interpreting these provisions, respectfully moves that the District Attorney General and/or its agents, comply with the following requests:

1. That the defendant, through his attorney, be provided a copy of any relevant written or recorded statement by the Defendant, within the possession, custody or control of the State, the existence of which is known, or by the exercise of due diligence, may become known to the District Attorney General T.R.Cr.P. 16(a) (1) (A). As used in this request, "written" statements of the defendant, but also written interpretations or summaries of statements made by the defendant to any individual concerning any relevant aspect of this case, including the relevant portion of any memoranda or police report containing what purports to be a statement of the defendant. See State vs. Hicks, 618 S.W. 2d 510, 514 (Tenn. Crim. App. 1981).
2. That the Defendant, through his attorney, be provided with the substance of any oral statement which the State intends to offer in evidence at the trial made by the defendant whether before or after arrest in response to interrogations by any person then known to the Defendant to be a law enforcement officer. T.R.Cr.P. 16(a)(1)(A).

3. That the Defendant, through his attorney, be provided with substance of any testimony by the defendant before the Grand Jury where such testimony relates to the offense(s) charged. T.R.Cr.P. 16(a)(1)(A).
4. That the defendant, through his attorney, be provided with any written and/or oral statements and Grand Jury testimony, as defined in paragraphs one through three supra, of any and all co-defendants. T.R.Cr.P. 16(a)(1)(A).
5. That the Defendant, through his attorney, be provided with a copy of the Defendant's prior criminal record. T.R.Cr.P. 16(a)(1)(B).
6. That the Defendant, through his attorney, be allowed to inspect and/or copy all books, papers, photographs, documents, tangible objects, buildings, or places, or copies or portions thereof, which are within the possession, custody or control of the State and which are material to the preparation of a defense in this matter. T.R.Cr.P. 16 (a)(1)(C).
7. That the Defendant, through his attorney, be allowed to inspect and/or copy all books, papers, documents, photographs, tangible objects, buildings or places, or copies or portions thereof, which are within the possession, custody or control of the State and which are intended for use by the State as evidence in chief at the trial of this cause. T.R.Cr.P. 16 (a)(1)(C).
8. That the Defendant, through his attorney, be allowed to inspect and/or copy all books, papers, documents, photographs, tangible objects buildings or places, or copies or portions thereof, which are within the possession, custody or control of the State and which are obtained from or belonged to the Defendant. T.R.Cr.P. 16 (a)(1)(C).
9. That the Defendant, through his attorney, be allowed to inspect and/or copy any results or reports of physical or mental examinations, and of scientific tests or experiments, or copies thereof, which are within the possession, custody or control of the State, the existence of which is known, or by the exercise of due diligence may become known, to the District Attorney, and which are material to the preparation of the defense. T.R.Cr.P. 16 (a)(1)(D).
10. That the Defendant, through his attorney, be allowed to inspect and/or copy or photograph any results or reports of physical or mental examinations, and of scientific tests or experiments, or copies thereof which are within the possession, custody or control of the State, the existence of which is known or by the exercise of due diligence may become known, to

the District Attorney General and which are intended for use by the State as evidence in chief at the trial. T.R.Cr.P. 16 (a)(1)(D).

11. That the Defendant, through his Attorney, be notified of any intention by the State to introduce into evidence in its case-in-chief, any evidence covered by paragraphs 1-10, 13 and 15 herein.
12. That the Defendant, through his Attorney, be furnished the names and addresses of all persons known to the District Attorney General or other law enforcement officers to have been present at the time and place of the alleged offense. See Roberts v. State, 489 S.W. 2d 263 (Tenn. Crim. App. 1972).
13. That the Defendant, through his Attorney, be furnished with the current addresses of all witnesses listed on the indictment as well as the names and addresses of any witnesses the State intends to call to testify which are not listed on the indictment. T.C.A. 43-17-106; McBee v. State, 372 S.W. 2d 173 (Tenn. 1963).
14. That the Defendant, through his Attorney, be notified as to whether there has been any electronic surveillance of any type, including wiretapping, conducted in connection with investigation of this case; in the event of any such electronic surveillance, the Defendant further requests an inventory of all telephonic, radio and/or recorded information which has been intercepted and/or recorded by law enforcement or any other person acting on behalf of or in conjunction with any law enforcement officers during the investigation of this case. Rules 16 (a)(1)(A), 16 (a)(1)(C), 12 (d)(2); 18 U.S.C. Section 25.18 (8) and (9); A.B.A. Standards Relating to Discovery, Section 2.1.
15. That in the event there has been any illegal electronic surveillance, see 18 U.S.C. Section 25.10, et seq., the Defendant, through his Attorney, be provided with the contents of all such illegally intercepted communications. See Alderman vs. United States, 394 U.S. 165 (1969).
16. That in the event the State intends to offer any "eyewitnesses identification testimony," the Defendant, through his attorney, be informed as to whether any such witness has any time been asked to make any pre-trial, extrajudicial identification of the Defendant, whether by means of a live line-up, a photographic spread, or other type of confrontation; in the event such an extrajudicial identification has taken place, the Defendant further requests the date of such identification, and all persons present at the identification. If such identification occurred as a result of a line-up, show-up or

photographic identification, the Defendant requests the names and addresses of all persons attending and all persons who may have appeared in such line-up or photo spread with the Defendant, as well as any written memorandum or documentation of such. Rules 12 (d)(2) and 16 (a)(1)(C), Tennessee Rules of Criminal Procedure; Clemons vs. United States, 408 F.2d 1230 (D.C. Cir. 1968); United States v. Cranston, 453 F.2d 123 (4th Cir. 1971); A.B.A. Standards Relating to Discovery Section 2.1.

17. Pursuant to Brady vs. Maryland, 373 U.S. 83 (1963), and United States vs. Agurs, 427 U.S. 97 (1976), the Defendant requests that he be furnished any and all evidence in possession of the State or in the possession of any governmental agency that might fairly be termed "favorable," whether that evidence either be completely exculpatory in nature or simply tend to reduce the degree of the offense or punishment therefore, or whether that evidence might be termed "favorable" in the sense that it might be fairly used by the Defendant to impeach the credibility of any witness the government intends to call in this matter. See generally Williams vs. Dutton, 400 F. 2d 797 (5th Cir. 1968). Specifically, the Defendant seeks, but does not limit, his request to the following:

- a. The nature and substance of any agreement, promise or understanding between the government or any agent thereof, and any witness relating to that witness' expected testimony, including but not limited to, understandings or agreements relating to pending or potential prosecutions. Giglio v. United States, 405 U.S. 150 (1972).
- b. The nature and substance of any preferential treatment given at any time by any state agency whether or not in connection to this case to any potential witness, including, but not limited to, letters from State Attorneys or other law enforcement personnel to governmental agencies, state agencies, creditors, etc., setting out that witness' cooperation or status with the State, and which letter or communication might fairly be said to have been an attempt to provide some benefit or help the witness. See United States v. McCrane, 527 F.2d 906 (3rd Cir. 1975).
- c. Any money or other remuneration paid to any witness by the State, including, but not limited to, rewards, subsistence payments, expenses or other payment made for specific information supplied to the State.
- d. The F.B.I. and State arrest and conviction records of each witness the State intends to call in this matter. T.C.A. Section 4-32-101 (c)(3);

United State vs. Mocerj, 359 F. Supp. 431 (N.D. Ohio 1973);

- e. Any and all information in the possession of the State regarding the mental condition of the State's witnesses which would reflect or bring into question the witness' credibility. State v. Brown, 552 S.W. 2d 383 (Tenn.).
- f. The original statement and any amendment thereto of any individuals who have provided the government with a statement inculcating the Defendant, who later retracted all or any portion of that statement where such retraction would raise a conflict in the evidence which the State intends to introduce. See United States v. Enright, 579 F. 2d 980 (6th Cir. 1978).
- g. Any and all interview memoranda or reports which contain any information, whatever the sources, which might fairly be said to contradict or be inconsistent with any evidence (United States vs. Enright, supra.) the government intends to introduce in this matter.
- h. The names and addresses of any witnesses whom the State believes would give testimony favorable to the defendant in regard to the matters alleged in the indictment, even though the State may not be in possession of a statement of this witness and regardless of whether the State intends to call this witness. See United States vs. Eley, 335 F. Supp. 353 (N.D. Ga. 1972).
- i. The results of any scientific tests or analysis done on any person or object in connection with this case where the result of that test or analysis did not implicate or was neutral to the Defendant. See Barbee vs. Warden of Maryland Penitentiary, 331 F. 2d 842 (4th Cir. 1964); Norris vs. Slayton, 540 F. 2d (4th Cir. 1976).
- j. Any documentary evidence in the possession of the State, which contradicts or is inconsistent with any testimony that State intends to introduce in this case.
- k. The statement of any individual who has given a description to any person of an individual involved in the perpetration of the charged offense, which person the State alleges to be the Defendant, where such description might fairly be said not to match the Defendant in characteristics such as height weight, body build, or color of hair, etc. See Jackson v. Wainwright, 390 F. 2d 288 (5th Cir. 1968).

1. The name and address of any individual who has been requested to make an identification of the Defendant in connection with this case, and failed to make such identification. Grant vs. Aldredge, 498 F. 2d 376 (2d Cir. 1974)

As used in the above request, the term "State" is meant to include not only the Office of the District Attorney General, the Police Department, and the Sheriff's Department, but any other State agency as defined in State vs. Brown, *supra*, as well as any other law enforcement agency which has participated in the investigation and/or preparation of any aspect of this case.

The Defendant further requests that the District Attorney General promptly respond to this request, and also invokes the continuing disclosure provisions of Rule 16 (c), Tennessee Rules of Criminal Procedure.

Respectfully submitted,

DAN A. NICOLAU



STEVEN R. FINNEY (B.P.R. No. 014307)
STEVEN R. FINNEY & ASSOCIATES
Attorney for Defendant
302 Sunset Drive, Suite 111
Johnson City, TN 37604
(423) 282-8271 / (423) 282-8273(Fax)
email: sfinney@slagleandfinney.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and exact copy of this pleading has been forwarded by hand-delivery, facsimile or by placing the same in the U.S. Mail, postage-prepaid, and addressed as follows:

Mr. Tony Clark
District Attorney General
P. O. Box 38
Jonesborough, TN 37659

THIS the 10th day of April, 2017.



STEVEN R. FINNEY (B.P.R. No. 014307)
STEVEN R. FINNEY & ASSOCIATES
Attorney for Defendant
302 Sunset Drive, Suite 111
Johnson City, TN 37604
(423) 282-8271 / (423) 282-8273 (Fax)
email: sfinney@slagleandfinney.com

IN THE CRIMINAL COURT FOR WASHINGTON COUNTY
AT JONESBOROUGH, TENNESSEE

STATE OF TENNESSEE

vs.

DAN A. NICOLAU

Case No. 42345

Filed

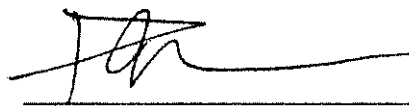
9th
June 20 17 day of

8:50 at o'clock A M

Karen Guinn, Clerk

DEFENDANT'S ACKNOWLEDGMENT OF COURT DATE

COMES NOW THE defendant, Dan A. Nicolau, and acknowledges that the court date for motion hearing in the above-referenced matter has been rescheduled until August 4, 2017 at 9:00 a.m. in the Washington County Criminal Court in Jonesborough, Tennessee. The defendant further acknowledges that the court date on August 4, 2017 is a mandatory appearance.



DAN A. NICOLAU

Date:

6/7/2017

STATE OF TENNESSEE

vs.

Docket No. 42345

DAN A Nicolau
DEFENDANT

Filed 23 day of
August 2017 at _____
10:08 o'clock A M
Karen Guinn, Clerk TT

**PETITION FOR ACCEPTANCE OF
PLEA OF GUILTY BY DEFENDANT AND WAIVER OF RIGHTS**

Comes the Defendant who states that he/she has been advised by the Court of the following rights which the Defendant fully understands that he/she is giving up by this guilty plea.

1. The right to plead not guilty
2. If not represented by an attorney, that he/she has a right to be represented by an attorney at every stage of the proceeding against him/her, and if necessary, one will be appointed to represent him/her.
3. The right to a jury trial
4. The right to confront and cross-examine the witnesses against him/her.
5. The right not to incriminate himself/herself.
6. The right to indictment or presentment by the Grand Jury.
7. The right to compulsory process to secure attendance of witnesses in his/her behalf.
8. The right to appellate review if convicted by trial.

Defendant further states that he/she fully understands and waives each and every one of these rights freely and voluntarily.

Further, Defendant states that he/she has been fully advised by the Court and fully understands:

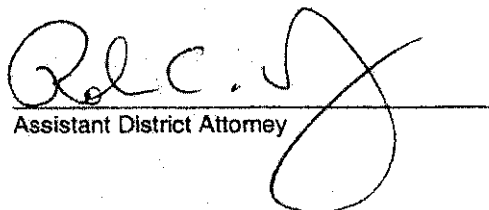
1. The nature of the charge(s) against him/her.
2. The minimum punishment for said charge(s).
3. The maximum punishment for said charge(s).
4. That prior convictions or other factors may be considered in determining his/her sentence.
5. That no trial will follow this plea but only sentencing.
6. That it is perjury to falsely answer questions while under oath.
7. That there must be facts to support the plea.
8. That this conviction may be used in the future to increase the punishment for subsequent offenses.

Further, the Defendant states that he/she is guilty of the charge(s) because the facts which he/she knows to exist equal the elements of the charge(s) as those elements have been explained to him/her by the Court. Defendant therefore states that there is a factual basis for his/her plea.

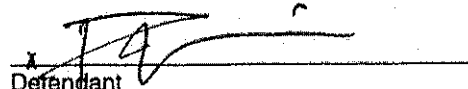
Further, the Defendant states that he/she is pleading guilty freely and voluntarily and not as the result of force of threats or of promises apart from a plea agreement, wherein his/her willingness to plead guilty results from discussions between the District Attorney's Office and the Defendant or his attorney.

Further, Defendant has been advised by the Court that the Judge is required to interrogate the Defendant personally concerning the facts and waivers herein set out and make a verbatim transcript of said interrogation. Defendant having been fully advised of this requirement does now freely and voluntarily waive said interrogation and verbatim recording and petitions the Court to accept his plea of guilty without said interrogation and verbatim recording.

SUBMITTED, APPROVED AND CONCURRED IN:


Assistant District Attorney


Attorney for Defendant


Defendant

ENTERED
MINUTEBOOK 728C PAGE 211
CIR. CL. CLK

ORDER ACCEPTING PLEA OF GUILTY

After reviewing the Petition set out herein, the Court did then interrogate the Defendant personally as to the following matters.

1. The nature of the charge(s) against Defendant;
2. The minimum punishment for said charge(s);
3. The maximum punishment for said charge(s);
4. Prior convictions and other factors may be considered in determining his/her sentence;
5. The fact that no trial will follow this plea but only sentencing;
6. The fact that it is perjury for the Defendant while under oath to answer the Court's questions falsely;
7. That there must be facts to support the plea;
8. Any plea negotiations which may have taken place;
9. The fact that this conviction may be used to increase the punishment for any subsequent offenses.

Further, the Court did interrogate the Defendant as to the intelligent and voluntary waiver of the following rights:

1. The right to plead not guilty;
2. The right to assistance of counsel, if the Defendant is unrepresented, including the right to appointment of counsel if indigent;
3. The right to jury trial;
4. The right to confront and cross-examine the witnesses against him/her;
5. The right to compulsory process to secure attendance of witnesses in his/her behalf;
6. The right not to be compelled to incriminate himself/herself;

Based upon this personal interrogation, the Court concludes that the Defendant understands the nature of the charge(s) against him/her and the rights which he/she is giving up by this guilty plea.

The Court concludes that there is a factual basis for the Defendant's plea of guilty and therefore, the Defendant's plea is being entered freely, knowledgeable and voluntarily after freely, knowledgeably and voluntarily waiving the above set-out rights.

Finally, the Court accepts the Defendant's plea of guilty.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the Defendant's plea of guilty, heretofore entered, ought to be and is hereby accepted by the Court. The Defendant is therefore found to be guilty of the offense(s) as set forth in the judgment form(s) attached hereto.

ENTER, this the 23 day of August, 2017.


CRIMINAL COURT JUDGE

IN THE CRIMINAL CIRCUIT COURT FOR WASHINGTON COUNTY, TENNESSEE

Case Number: 42345 Count # 1 Counsel for the State: ROBIN RAY/ERIN MCARDLE
 Judicial District: 1st Judicial Division: I Counsel for the Defendant: Steve Finney
 State of Tennessee ☒ Retained ☐ Pub Def Appt ☐ Private Atty Appt
 vs. ☐ Counsel Waived ☐ Pro Se
 Defendant: DAN A. Nicolau Alias: _____ Date of Birth: 5-25-80 Sex: M
 Race: W SSN: _____ Relationship to Victim: _____ Victim's Age: _____
 State ID #: _____ County Offender ID # (if applicable): _____ State Control #: _____
 Arrest Date: _____ Indictment Filing Date: 3-10-17

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

On the 23 day of August, 20 17, the defendant:

<input type="checkbox"/> Pled Guilty <input checked="" type="checkbox"/> Pled Nolo Contendere Was Found Guilty By: <u>Alford</u> <input type="checkbox"/> Jury Verdict <input type="checkbox"/> Bench Trial	Indictment: Class (circle one) 1 st A B <u>C</u> D E <input checked="" type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor Indicted Offense Name AND TCA #: <u>Aggr. Burglary 39-14-403</u> Amended Offense Name AND TCA #: <u>Aggr. Crim. Trespass 39-14-406</u> Offense Date: <u>8-27-16</u> County of Offense: <u>WASHINGTON</u> Deferred Offense Name AND TCA #: <u>Aggr. Criminal Trespass 39-14-406</u> Deferred Offense: Class (circle one) <u>A</u> B C D E <input type="checkbox"/> Felony <input checked="" type="checkbox"/> 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 11 months 29 days Beginning Date 8/23/17 Ending Date 8/22/18 ☒ Supervised ☐ Unsupervised

Supervising Entity (unless otherwise provided to the defendant by the court): Name CCI Filed 23 day of August
 Phone Number _____ Address _____ 2017

Defendant's Contact Information (unless otherwise provided to the probation officer by the court): Phone Number _____
 Address _____ 10:08 o'clock M

* must complete treatment plan established by medical Board of Guinn, Clerk 7
 * NO contact w/ victim Cynthia Barker

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) \$ <u>25</u> Other: <u>Fine</u>	Concurrent with: Consecutive to:	Restitution Victim Name _____ Address _____ Total Amount \$ _____ Per Month \$ _____	Pretrial Jail Credit Period(s): From <u>8-28-16</u> to <u>8-28-16</u> From _____ to _____ From _____ to _____ From _____ to _____
---	---	---	--

IR Do pay fines/costs 4 wks 90 days.
 Defendant _____ ENTER this the 23 day of August, 20 17
 Hon. Lisa N. Rice JUDGE'S NAME
 _____ JUDGE'S SIGNATURE
 Counsel for the Defendant _____
 MINUTEBOOK 728C PAGE 208
 CIR. CT. CLK

IN THE CRIMINAL CIRCUIT COURT FOR WASHINGTON COUNTY, TENNESSEE

Case Number: 42345 Count # 2 Counsel for the State: ROBIN RAY/ERIN MCARDLE
 Judicial District: 1st Judicial Division: I Counsel for the Defendant: Steve Finney
 State of Tennessee ☒ Retained ☐ Pub Def Appt ☐ Private Atty Appt
 vs. ☐ Counsel Waived ☐ Pro Se
 Defendant: DAN A. NICOLAW Alias: _____ Date of Birth: 5-25-80 Sex: M
 Race: W SSN: _____ 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 23 day of August, 20 17, the defendant:

<input type="checkbox"/> Pled Guilty <input checked="" type="checkbox"/> Pled Nolo Contendere Was Found Guilty By: <u>Alford</u> <input type="checkbox"/> Jury Verdict <input type="checkbox"/> Bench Trial	Indictment: Class (circle one) 1 st <u>A</u> B C D E <input type="checkbox"/> Felony <input checked="" type="checkbox"/> Misdemeanor Indicted Offense Name AND TCA §: <u>STALKING</u> Amended Offense Name AND TCA §: _____ Offense Date: _____ County of Offense: <u>WASHINGTON</u> Deferred Offense Name AND TCA §: <u>Stalking</u> Deferred Offense: Class (circle one) <u>A</u> B C D E <input type="checkbox"/> Felony <input checked="" type="checkbox"/> 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;
- 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 11 mos. 29 days Beginning Date 8/23/18 Ending Date 8/22/19 ☒ Supervised ☐ Unsupervised CCI

Supervising Entity (unless otherwise provided to the defendant by the court): Name _____ Filed 23 day of August 2017 at _____
 Phone Number _____ Address _____

Defendant's Contact Information (unless otherwise provided to the probation officer by the court): Phone Number 10:08 o'clock PM
 Address _____ Karen Quinn, Clerk

* Must complete treatment plan established by medical Board, * NO contact w/

victim Cynthia Baker

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) \$ <u>25</u> Other: <u>Fine</u>	Concurrent with: Consecutive to: <u>C1</u>	Restitution Victim Name _____ Address _____ Total Amount \$ _____ Per Month \$ _____	Pretrial Jail Credit Period(s): From <u>8-28-16</u> to <u>8-28-16</u> From _____ to _____ From _____ to _____ From _____ to _____
---	--	---	--

[Signature]
 Defendant
Hon. Lisa N. Rice
 JUDGE'S NAME
[Signature]
 Counsel for the Defendant

ENTER this the 23 day of August, 20 17
[Signature]
 JUDGE'S SIGNATURE
[Signature]
 Counsel for the State of Tennessee

ENTERED
 MINUTEBK 728C PAGE 209
 CIR. CT. CLK

17V011437



APPLICATION FOR CERTIFICATION OF ELIGIBILITY FOR DIVERSION



COUNTY Washington	COURT CRIMINAL	DIVISION One	JUDGE LISA RICE
DEFENDANT'S NAME DAN A NICOLAU		DOCKET # 42345	COURT DATE 08/04/2017
DATE OF BIRTH 05/25/1980	SEX/RACE M/W	SOCIAL SECURITY NUMBER	TYPE OF DIVERSION Judicial
OFFENSES TO BE DIVERTED aggravated burglary - DOA: 08/27/2016 - Felony stalking - DOA: 08/27/2016 - Misdemeanor			
NAME AND PHONE NUMBER OF DISTRICT ATTORNEY OR ASSISTANT DISTRICT ATTORNEY TO WHOM RESPONSE SHOULD BE SENT ROBIN RAY 4237535020			
FAX NUMBER 4232828273 423-753-4803		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

Filed 23 day of
August 2017 at
10:08 o'clock A M
Karen Guinn, Clerk 77

07/26/2017

Date

Record Processing Unit, TBI

PLEASE NOTE THAT THIS DOES NOT CONSTITUTE A CERTIFICATION THAT THE DEFENDANT IS ELIGIBLE OR INELIGIBLE FOR DIVERSION UNDER TCA 40-35-319 OR TCA 40-35-105. 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 23 day of August, 2017

OFFENSE INDICTED <u>Aggravated Burglary / Stalking</u>	OFFENSE CLASS <u>C / A misd.</u>
OFFENSE DIVERTED <u>Agg. Crim. Trespass / Stalking</u>	OFFENSE CLASS <u>A misd.</u>

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

11 years, 29 months, 29 days, effective 8/23/17 to 8/22/19

Lisa Rice
JUDGE (Printed)

[Signature]
JUDGE (Signature)

8, 23, 17
ENTRY OF JUDGEMENT DATE

APPROVED FOR ENTRY

[Signature]
DISTRICT ATTORNEY

[Signature]
ATTORNEY FOR DEFENDANT

STATE OF TENNESSEE

IN THE CRIMINAL COURT

VS

OF Washington COUNTY, TN

Dan A. Nicolau

DOCKET (S) # 42345

ALTERNATIVE SENTENCING ORDER

The defendant was convicted in the Criminal Court of Washington County on the 23rd day of August, 20 17, and sentenced to two(2) term(s) of Eleven Months and Twenty-Nine days (11/29) in the Washington County jail. Which court suspended the imposition of the sentence and placed the defendant in the Correctional Counseling Institute Misdemeanor Probation Program for a two(2) term(s) of 11 months and 29 days. Said defendant will serve his/her sentence in the Misdemeanor Probation Program from 8/23/17 to 8/22/19, under the following conditions:

1. Meet all provisions set forth in the Probation Rules and Contract executed with the Misdemeanor Probation Program as administered by the First Tennessee Human Resource Agency.
 2. The defendant shall not use or possess any controlled substance drugs unless prescribed for you by a licensed physician.
 3. The defendant shall pay all court costs, restitution and shall perform 0 hours of Community Service per term (minimum of 0 hours per month.)
 4. The defendant shall be required to attend any counseling ordered by the court or specified by the Misdemeanor Probation Program Case Officer at the defendant's expense.
 5. The defendant shall submit to random drug screens as administered by the Misdemeanor Probation Program.
 6. The defendant shall obtain and maintain full time employment. When not employed, the defendant is subject to community service hours which will not apply to condition 3 above.
 - Must complete treatment plan established with Medical Board
 7. Special Conditions of the Court:
 - NO contact with Cynthia Barker, violation to be filed by CCI if offer contacts victim and victim provides proof.
 - Under DIVERSION
 - To pay fines and costs within 90 days.
- The Misdemeanor Probation Program will file an annual written report with this court stating in detail the compliance of or lack of compliance of the defendant with the terms and conditions of this sentencing order.

Enter this 25 day of August, 20 17

30 day of August 20 17 at 12:08 o'clock PM
Katie D. [Signature], Clerk

Judge of the Criminal Court

Prepared by: Katie D. [Signature]
Date: 8/23/17

ENTERED
INDEXED
FILED
368
CLERK

IN THE CRIMINAL COURT FOR WASHINGTON COUNTY
AT JONESBOROUGH, TENNESSEE

STATE OF TENNESSEE

vs.

DAN A. NICOLAU

Case No. 42345

Filed 30 day of
August 2018 at 12:40
o'clock
Karen Quinn, Clerk PSD

AGREED ORDER

On August 23, 2017, the defendant was placed on two consecutive 11 months and twenty nine days of supervised probation. The plea was entered under judicial diversion.

Both the State and defense agreed at that time if the defendant successfully completed the first term of eleven months and twenty nine days of probation, then the defendant would only have to report for the first and last month of his second term of eleven months and twenty nine days of probation.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED:

1. That the defendant shall physically report to CCI probation for the month of September 2018 and August of 2019.
2. That the defendant shall abide by all rules of probation, pay all fines, court costs and probation fees.
3. That the defendant shall abide by all State and Federal laws.
4. That upon successful completion of the second term of eleven months and twenty nine days of probation, the defendant shall be allowed to complete the expungement process.

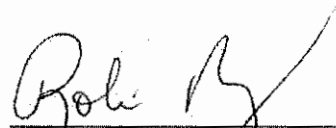
ENTERED
746C 318
JANUARY PAGE
JP CLERK

ENTER this the 30TH day of August, 2018.




STACY L. STREET
Criminal Court Judge

APPROVED FOR ENTRY:



ROBIN RAY
Assistant District Attorney General
P. O. Box 38
Jonesborough, TN 37659
(423) 753-5020



STEVEN R. FINNEY (B.P.R. No. 014307)
STEVEN R. FINNEY & ASSOCIATES
Attorney for Defendant
302 Sunset Drive, Suite 111
Johnson City, TN 37604
(423) 282-8271 / (423) 282-8273 (Fax)
email: sfinney@slagleandfinney.com

ENTERED
MINUTEX 740C PAGE 319
CIR. CL. CLK