

COVER SHEET
STATE OF ARKANSAS
CRIMINAL INFORMATION

FILED
SALINE COUNTY
CIRCUIT CLERK
2014 MAY 16 AM 9:50
BY: *[Signature]*

This criminal information cover sheet or the standard criminal information form is required by Supreme Court Administration Order Number 8 to be completed for every defendant and filed by the prosecutor. The data contained herein shall not be admissible as evidence in any court proceeding or replace or supplement the filing and service of pleadings, orders, or other papers as required by law or Supreme Court rule.

County SALINE

District 22

Case Number 63CR-14-312

Judge *Arnold*

Division 2

Filing Date 5-16-14

Style of Case **State of Arkansas v. Jo Nell Mallory**

Special Prosecutor Providing Information: Cody Hiland

Is This an Amended Information ☐ Yes

Is D being charged as a Habitual? ☐ Yes

If Yes, are you

Are multiple D's Charged in the information? ☐ Yes

Adding Offense(s)? ☐ Yes

Dropping Offense(s)? ☐ Yes

Changing Offense(s)? ☐ Yes

Is victim under the age of 14? ☐ Yes

CO-Defendants:

Defendant's Full Name	Date of Birth	Race	Sex	SID#	Arrest Date
Jo Nell Mallory	11/5/1953	W	Female		

Address (Street, City, State, Zip)	SS#	Driver's License No.
522 River Street Benton, AR	Arrest Tracking # 0	Prosecutor's File 13681

KNOWN ALIASES:
NOT AVAILABLE

The attached information accuses the above named defendant of the following crime(s):

Code #	Offense	A/C/S	Offense Date	Counts	F/M	Class
5-52-101(a)&(c)	Abuse of Public Trust		7/13/2011	1	F	D
5-36-103(b)(3)(A)	Theft of Property Value > \$1,000 but =< \$5,000		1/1/2013 thru 11/6/2013	1	F	D

Circuit Clerk/Deputy Clerk

[Signature]
Special Prosecuting Attorney

IN THE SALINE CIRCUIT COURT

STATE OF ARKANSAS

V.

JO NELL MALLORY

522 River Street
Benton, AR

DOB 11/5/1953
RACE W
SEX Female

NO. CR 63CR-14-312-2

FILED
SALINE COUNTY
CIRCUIT CLERK
2014 MAY 16 AM 9:56
BY: SAR
PLAINTIFF
DEFENDANT

FELONY INFORMATION

Cody Hiland, Special Prosecuting Attorney, in the name and by the authority, and on behalf of the State of Arkansas charges Jo Nell Mallory with the crime(s) of Abuse of Public Trust and Theft of Property Value > \$1,000 but =< \$5,000 as follows:

COUNT 1: Abuse of Public Trust ARK. CODE ANN. § 5-52-101(a)&(c). The said defendant in SALINE COUNTY, did unlawfully and feloniously on or about July 13, 2011, solicit, accept, or agree to accept on behalf of any person, political party, or other organization any benefit from another person upon an agreement or understanding that the other person will or may be appointed a public servant or designated or nominated as a candidate for public office; or offer, confer, or agree to confer any benefit and the receipt of the benefit is prohibited by this section; or solicit, accept, or agree to accept any benefit as compensation or consideration for having as a public servant given a decision, opinion, recommendation, or vote favorable to another or for having otherwise exercised his or her discretion in favor of another; or offers, confer, or agree to confer any benefit upon a public servant and the receipt of the benefit is prohibited by this section,

Thereby committing the offense of Abuse of Public Trust, said offense being a CLASS D FELONY against the peace and dignity of the State of Arkansas.

COUNT 2: Theft of Property Value > \$1,000 but =< \$5,000 ARK. CODE ANN. § 5-36-103(b)(3)(A). The said defendant in SALINE COUNTY, did unlawfully and feloniously on or about January 1, 2013 thru November 6, 2013, Take or exercise unauthorized control over or make an unauthorized transfer of an interest in the property of another person with the purpose of depriving the owner of the property, or did obtain the property of another person by deception or by threat with the purpose of depriving the owner of the property, said property being valued at more than \$1,000 but less than \$5,000,

Thereby committing the offense of Theft of Property Value > \$1,000 but =< \$5,000, said offense being a CLASS D FELONY against the peace and dignity of the State of Arkansas.

CODY HILAND
SPECIAL PROSECUTING ATTORNEY

By: 

Subscribed and sworn to before me this ____ day of _____, 20__.

Circuit Clerk

By: _____
Deputy Circuit Clerk

TO THE CLERK OF THE CIRCUIT COURT OF SALINE COUNTY, ARKANSAS

Based upon the sworn testimony of SA Rick Newton and other materials presented therewith, I am satisfied that there is probable cause to believe that the offense alleged in the above Felony Information was committed by the person above described and that there exist probable cause for the issuance of a Warrant for Arrest.

Dated this 16 day of May, 2014.


JUDGE

BENCH WARRANT

SALINE COUNTY CIRCUIT COURT

STATE OF ARKANSAS)
) ss.
COUNTY OF SALINE)

TO ANY SHERIFF, CORONER, JAILER, CONSTABLE, MARSHALL, OR POLICEMAN IN THE STATE:

You are hereby commanded forthwith to arrest:

Jo Nell Mallory

522 River Street
Benton, AR

SEX : Female

RACE : W

DOB : 11/5/1953

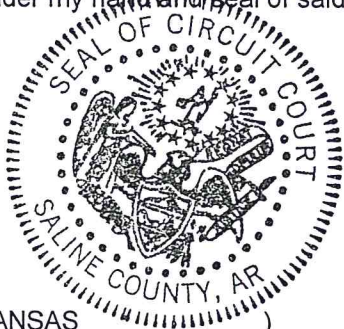
ATN : 0

and bring him or her before the SALINE County Circuit Court, to answer an Information in that court against him or her for VIOLATION OF ARKANSAS CRIMINAL CODE :

Code #	Offense	A/C/S	Offense Date	Counts	F/M	Class
5-52-101(a)&(c)	Abuse of Public Trust		7/13/2011	1	F	D
5-36-103(b)(3)(A)	Theft of Property Value > \$1,000 but =< \$5,000		1/1/2013 thru 11/6/2013	1	F	D

or if the court be adjourned for that term, that you deliver him or her to the custody of the jailer of SALINE County.

Given under my hand and seal of said court this 16 day of May, 2014.



Circuit Clerk

By: C. Roberts D.C.

STATE OF ARKANSAS)
) ss.
COUNTY OF SALINE)

I have this _____ day of _____, A.D. 20____ duly served the within by _____

Sheriff

By: _____ D.S.

AFFIDAVIT FOR WARRANT OF ARREST

JO NELL MALLORY
DEFENDANT'S NAME

W/F/DOB: 11/05/53
RACE/SEX/DOB

FILED
JALINE COUNTY
CIRCUIT CLERK
2014 MAY 16 AM 10:10
BY: CARZ

522 RIVER STREET BENTON, AR
ADDRESS

501-317-5661
TELEPHONE

Pursuant to Rule 7.1 of the Arkansas Rules of Criminal Procedure, the undersigned Affiant (s) being duly sworn, deposes and says that he had reason to believe that the above named person has committed the offense of violating Arkansas Code:

ABUSE OF PUBLIC TRUST CLASS (D) FELONY

5-52-101

On or about the 13th Day of July 2011, _____, committed by:

A PERSON COMMITS THE OFFENSE OF ABUSE OF PUBLIC TRUST IF THE PERSON:

- (1) SOLICITS, ACCEPTS, OR AGREES TO ACCEPT ON BEHALF OF ANY PERSON, POLITICAL PARTY, OR OTHER ORGANIZATION ANY BENEFIT FROM ANOTHER UPON AN AGREEMENT OR UNDERSTANDING THAT THE OTHER PERSON WILL OR MAY BE APPOINTED A PUBLIC SERVANT OR DESIGNATED OR NOMINATED AS A CANDIDATE FOR PUBIC OFFICE;
- (2) OFFERS, CONFERS, OR AGREES TO CONFER ANY BENEFIT AND THE RECEIPT OF THE BENEFIT IS PROHIBITED BY THIS SECTION;
- (3) SOLICITS, ACCEPTS, OR AGREES TO ACCEPT ANY BENEFIT AS COMPENSATION OR CONSIDERATION FOR HAVING AS A PUBLIC SERVANT GIVEN A DECISION, OPINION, RECOMMENDATION, OR VOTE FAVORABLE TO ANOTHER OR FOR HAVING OTHERWISE EXERCISED HIS OR HER DISCRETION IN FAVOR OF ANOTHER

(4) OFFERS, CONFERS, OR AGREES TO CONFER ANY BENEFIT UPON A PUBLIC SERVANT AND THE RECEIPT OF THE BENEFIT IS PROHIBITED BY THIS SECTION.

In Saline County, Arkansas against the peace and dignity of the State of Arkansas.

FACTS CONSTITUTING REASONABLE CAUSE

During this investigation information was obtained regarding fines owed by a Rickey Billingsley through Saline County Circuit Court. The documents seized for this matter Evidence item E-1A (Saline County Circuit Court Collection Record) indicates Rickey Billingsley was sentenced to seventy two (72) months probation and order to pay fifty dollars (\$50.00) each month for his fines. On the document in the bottom left corner states (07/13/11 Per Sheriff waive balance owed). In an interview with Rickey Billingsley he stated Jo Nell Mallory approached his brother Dan Billingsley who is in the flooring business. Mallory asked Dan Billingsley to allow his brother Rickey Billingsley to install some tile in her residence. The agreement Mallory made with the Billingsley's would be if Rickey Billingsley installed the tile and not charge her labor she would pay off his fines owed to the Saline County Circuit Court due to his firearms conviction. Rickey Billingsley stated he did perform the tile work on the residence of Jo Nell Mallory. Rickey Billingsley stated he was not paid for the two and one half days of labor on the project by his brother or Jo Nell Mallory. Rickey Billingsley said he was given a receipt from the Saline County Sheriff's Office by Mallory indicating his fines were paid in full. In the interview with Jo Nell Mallory she stated she had a conversation with then Sheriff Bruce Pennington about the issue. Due to the fact Billingsley had performed the personal work in the residence of Mallory and per the conversation Mallory said she had with Bruce Pennington she decided to zero out the balance of the fines imposed on Rickey Billingsley.

I swear that the allegations contained herein are the truth, the whole truth, and nothing but the truth.

S.A. Rick Newton
AFFIANT

SPECIAL AGENT RICK NEWTON
ARKANSAS STATE POLICE
SPECIAL INVESTIGATION UNIT (SIU)

SIGNED BEFORE ME THIS _____ DAY OF _____, 2014.

Ag. I. Arnold
NOTARY/JUDGE

COMMISSION EXPIRES _____

REVIEWED BY PROSECUTOR: Ag. I. Arnold

ARREST: YES ☒ NO ☐

I HEREBY FIND THAT THIS SWORN AFFIDAVIT DEMONSTRATES REASONABLE AND PROBABLE CAUSE FOR THE ISSUANCE OF A WARRANT (S) FOR THE ABOVE NAMED PERSON FOR THE ABOVE STATED OFFENSE (S). I FURTHER DIRECT THE DISTRICT/CIRCUIT CLERK OF SALINE COUNTY TO ISSUE AN ARREST WARRANT FOR THE ABOVE NAMED DEFENDANT.


Ag. I. Arnold
CIRCUIT/DISTRICT JUDGE

5-16-14
DATE

AFFIDAVIT FOR WARRANT OF ARREST

JO NELL MALLORY
DEFENDANT'S NAME

W/F/DOB: 11/05/53
RACE/SEX/DOB

FILED
SALINE COUNTY
CIRCUIT CLERK
2014 MAY 16 AM 10:11
BY: 

522 RIVER STREET BENTON, AR
ADDRESS

501-317-5661
TELEPHONE

Pursuant to Rule 7.1 of the Arkansas Rules of Criminal Procedure, the undersigned Affiant (s) being duly sworn, deposes and says that he had reason to believe that the above named person has committed the offense of violating Arkansas Code:

THEFT OF PROPERTY CLASS (D) FELONY OVER \$1,000.00 5-36-103

On or about the 1st Day of __January 2013 thru 6th November 2013, _____,
committed by:

A PERSON COMMITS THE OFFENSE OF THEFT OF PROPERTY IF HE OR SHE KNOWINGLY:

- (1) TAKES OR EXERCISES UNAUTHORIZED CONTROL OVER OR MAKES AN UNAUTHORIZED TRANSFER OF AN INTEREST IN THE PROPERTY OF ANOTHER PERSON WITH THE PURPOSE OF DEPRIVING THE OWNER OF THE PROPERTY

In Saline County, Arkansas against the peace and dignity of the State of Arkansas.

FACTS CONSTITUTING REASONABLE CAUSE

During this investigation information was obtained from an audit that Legislative Audit had conducted regarding the Saline County Sheriff's Office. Their findings indicated that monies were missing from the two telephone kiosks located in the sheriff's office and jail. These machines are the property of the Saline County Sheriff's Office and proceeds from these machines belong to Saline County. The time frame for this period is from January 01, 2013 thru November 06, 2013. The total amount of monies missing was five thousand six hundred and ten dollars (\$5,610.00). In the interview with Mallory she stated she was the individual responsible for the safekeeping of the monies from the two machines. Mallory stated she would remove and the count the money from the machines. She stated the monies were kept in her credenza in her office. In her statement Mallory admitted she took anywhere from twenty five hundred dollars (\$2,500.00) to three thousand dollars (\$3,000.00) and used the money for her own personal use .

I swear that the allegations contained herein are the truth, the whole truth, and nothing but the truth.

S.A. Rick Newton
AFFIANT

SPECIAL AGENT RICK NEWTON
ARKANSAS STATE POLICE
SPECIAL INVESTIGATION UNIT (SIU)

SIGNED BEFORE ME THIS 16 DAY OF May, 2014.

A. J. Arnold
NOTARY/JUDGE

COMMISSION EXPIRES

REVIEWED BY PROSECUTOR: [Signature]

ARREST: YES (☒) NO (☐)

I HEREBY FIND THAT THIS SWORN AFFIDAVIT DEMONSTRATES REASONABLE AND PROBABLE CAUSE FOR THE ISSUANCE OF A WARRANT (S) FOR THE ABOVE NAMED PERSON FOR THE ABOVE STATED OFFENSE (S). I FURTHER DIRECT THE DISTRICT/CIRCUIT CLERK OF SALINE COUNTY TO ISSUE AN ARREST WARRANT FOR THE ABOVE NAMED DEFENDANT.

As J. Arnold
CIRCUIT/DISTRICT JUDGE

5-16-14
DATE