

TENNESSEE

D-

Forfeiture
Law Grade

D

FINAL GRADE

C

State Law
Evasion Grade

FORFEITURE LAW

Tennessee has broad civil forfeiture laws that fail to protect the rights of property owners. There, the government must establish by only a preponderance of the evidence that property is related to a crime and subject to forfeiture. Tennessee also effectively presumes owners are guilty, as the property owner bears the burden of proof for innocent owner claims. And, while it cannot be used to supplement salaries, local drug enforcement nonetheless keeps 100 percent of property forfeited, and there is no requirement to collect or report data on the use of forfeiture or its proceeds in Tennessee.

EQUITABLE SHARING PROCEEDS *from the ASSETS* FORFEITURE FUND (AFF)

	Proceeds Returned to State
FY 2000	\$4,339,691
FY 2001	\$5,081,198
FY 2002	\$4,838,211
FY 2003	\$3,470,935
FY 2004	\$3,416,186
FY 2005	\$5,642,415
FY 2006	\$4,153,200
FY 2007	\$6,938,343
FY 2008	\$6,221,133
Total	\$44,101,312
Average per Year	\$4,900,146

FORFEITURES *as REPORTED to LEMAS (Drug-related only)*

	Total Assets Forfeited	Assets Forfeited per Law Enforcement Agency
1993	\$10,582,931	\$47,349
1997	\$19,894,405	\$47,255
2000	\$18,441,459	\$46,945
2003	\$15,675,257	\$49,327

FREEDOM *of* INFORMATION DATA

No Data Available; Not Required to Collect

7/15/2008	4598 95 BUICK RIV	April 2009 Auction	
5/6/2010	10739 05 DODGE DURANGO	Restore to petitioner	
4/1/2009	9912 04 FORD EXPEDITION	In use.....	Co-Def. Ricky Harper
1/24/2010	1206 96 CHEVY CORSICA	Restored to defendant	
5/13/2010	9343 01 CHEVY TAHOE	Restored to lien holder	
6/23/2010	4709 00 PONTIAC FIREBIRD	Restored to lien holder	
4/18/2006	2374 98 TOYOTA CAMRY	April 2009 Auction	
1/19/2009	1268 95 CHEVY S10	October 2009 Auction	
1/28/2009	8085 94 MAZDA MX-6	October 2009 Auction	
10/25/2007	4306 91 CHEVY CAPRICE	March 2008 Auction	
6/23/2010	2395 91 NISSAN PICKUP	Govdeals:	
6/3/2009	8220 99 MAZDA 626 LX	November 2010 Auction.....	
10/21/2011	9383 90 HONDA ACCORD	Govdeals:	
6/11/2009	2029 00 JEEP CHEROKEE	Restored to Petitioner	
4/18/2010	9281 99 JEEP CHEROKEE	Released to lien holder	
11/9/2009	90473 90 JEEP CHEROKEE	November 2010 AUCTION.....	
5/6/2009	1013 96 CHEROLET S-10	October 2009 Auction	
1/27/2010	31044 99 HONDA CIVIC	Crushed.....	
5/16/2010	8392 01 FORD EXPLORER	Restored to lien holder	
4/14/2010	30457 99 CHEVY SILVERADO	Restored to lien holder	
8/24/2009	2690 93 HONDA ACCORD	November 2010 Auction.....	
1/17/2006	01 CHEVROLET	Restored to claimant upon	
10/29/2008	3286 SILVERADO	payment of \$3000.00	
12/8/2008	5460 07 CHEVY MPALA	In use by Steve Bebb	
8/8/2007	40937 95 BUICK RIVIERA	October 2009 Auction	
7/23/2008	5590 01 MADZA MPV	April 2009 Auction	
6/9/2009	8034 91 TOYOTA TRUCK	Restored to claimant upon payment of \$2500.	
2/4/2008	8527 00 SATURN SL1	November 2010 Auction.....	
7/28/2010	8421 95TOYOTACORROLLE	Restored to lien holder	
2/16/2010	4398 04 FORD F-250	Restored to owner	
2/14/2010	4038 02 FORD EXPLORER	Restored to lien holder.....	
1/28/2010	8152 95 MITSUBISHI ECLIPSE	November 2010 Auction.....	
12/29/2006	7978 01 SUBRA OUTBACK	November 2010 Auction	
8/3/2010	5791 93 BUICK ROADMASTER	Restored to petitioner	
3/17/2009	50552 89 FORD BRONCO II	Govdeals	
	50800 96 NISSIAN MAXIMA	October 2009 Auction	

Picked up 10-25-2010

picked up 03-16-2010
picked up 3-4-2011
picked up 12-21-2010

Picked up 6-27-11

picked up 11-16-2011
picked up 3-15-2010
picked up 10-25-2010

Picked up 3-31-2011
Picked up 11-17-10

picked up 07-10-2006

picked up 12-30-2008

picked up 05-29-2008
Picked up 11-3-2010
Picked up 11-12-2010

picked up 05-14-2007
Picked up 7-6-11

T.P.I. -- CRIM. 26.07

IMPROPER INFLUENCE OF A JUROR

Any person who commits the offense of improper influence of a juror is guilty of a crime.

For you to find the defendant guilty of this offense, the state must have proven beyond a reasonable doubt the existence of the following essential elements:¹

(1) that the defendant privately communicated with a juror;

and

(2) that the defendant did so with the intent to influence the outcome of

the proceedings on the basis of considerations other than those

authorized by law.

"Juror" means any person who is a member of a jury, including a grand jury, impaneled by any court of this state or by any public servant authorized by law to impanel a jury. The term "juror" also includes any person who has been summoned or whose name has been drawn to attend as a prospective juror.²

"Intentionally" means that a person acts intentionally with respect to the nature of the conduct or to a result of the conduct when it is the person's conscious objective or desire to engage in the conduct or cause the result.³

FOOTNOTES

1. Tenn. Code Ann. § 39-16-509(a).

LAW OFFICES OF
JOLLEY & ELDRIDGE
AN ASSOCIATION OF ATTORNEYS
800 S. GAY STREET, SUITE 2100
KNOXVILLE, TN 37929

Jim
Miller
Killing

ROBERT L. JOLLEY, JR.
JOHN E. ELDRIDGE*
JOSEPH A. FANDUZZ
JENNIFER L. GOWER

Telephone: 865 521-0963
865 523-7731
Facsimile: 865 521-0606

September 6, 2011

Marty Cook, Clerk
Monroe County Criminal Court
Monroe County Courthouse
105 College Street, Suite 3
Madisonville, TN 37354

FILED
TIME 9:45 AM PM
SEP 09 2011
MARTHA M. COOK
CIRCUIT COURT CLERK

RE: **State of Tennessee v. Jessica Kennedy**
Monroe County Criminal Court No. 11058

Dear Ms. Cook:

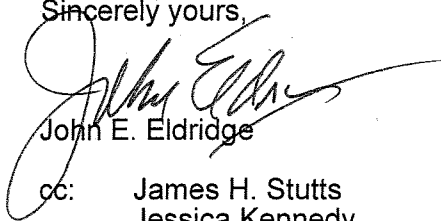
Please file the enclosed pleadings on behalf of the Defendant in the above captioned cases. They are as follows:

1. Motion *In Limine* No. 1: Restriction of Prosecutor's Argument;
2. Motion *In Limine* No. 2: To Prohibit Display of Photographs of the Deceased Either Before or After his Death;
3. Memorandum in Support of Motion *In Limine* No. 2: To Prohibit Display of Photographs of the Deceased Either Before or After his Death;
4. Motion to Compel Disclosure of Exculpatory Evidence;
5. Memorandum of Law in Support of Motion to Compel Disclosure of Exculpatory Evidence;
6. Motion to Compel Written Responses to Defendant's Motions;
7. Motion Relative to the State's Intention to Use Evidence;
8. Motion to Place All Bench Conferences and In-chambers Conferences on the Record;
9. Specific Brady Motion No. 1;
10. Motion to Compel Disclosure of the Existence and Substance of Promises of Immunity, Leniency or Preferred Treatment;

11. Memorandum of Law in Support of Motion to Compel Disclosure of the Existence and Substance of Promises of Immunity, Leniency or Preferred Treatment;
12. Motion for Reasonable, Written Pretrial Notice of Any Impeaching Conduct Relating to the Accused;
13. Motion for Pretrial Written Notice of Any Impeaching Conviction Relating to the Accused;
14. Motion for State Agents to Retain Rough Notes;
15. Motion for Pretrial Disclosure of Any and All Video and/or Audio Taped Statements;
16. Motion for Disclosure of All Statements which the State will Seek to Attribute to the Defendant;
17. Memorandum of Law in Support of Motion for Disclosure of All Statements which the State will Seek to Attribute to the Defendant;
18. Motion for Uncharged Conduct on Which the State Intends to Rely at Trial;
19. Memorandum in Support of Motion for Uncharged Conduct on Which the State Intends to Rely at Trial;
20. Motion for Leave to File Further Motions;
21. Motion for Early Production of "Jencks" Statements;
22. Defendant's Motion for Change of Venue;
23. Motion to Suppress; and
24. Motion for Specific Discovery #1.

Thank you for your attention to these matters.

Sincerely yours,



John E. Eldridge

cc: James H. Stutts
Jessica Kennedy

Enclosures

THIS FORM IN TRIPLICATE. SEND FIRST TWO COPIES TO DIRECTOR OF FINANCE. RETAIN THIRD COPY FOR YOUR FILES.

Director of Finance Office
McMinn County Courthouse
6 East Madison Avenue
Athens, Tennessee 37303

FUND Economic Crime Fund

DEPARTMENT District Attorney

DEPARTMENTAL REQUISITION
TO PURCHASING AGENT

REQUISITION NO.
DATE ISSUED 12-21-09
DATE WANTED _____
APPROPRIATION ITEM 126-58400-353
SEND TO _____
AT _____
VIA _____

I HEREBY CERTIFY THAT THE ARTICLES NAMED IN THIS REQUISITION ARE NECESSARY FOR USE OF THIS DEPARTMENT OR OFFICE

W. L. Smith REQUISITIONER
R. St. Bell DEPARTMENT HEAD

[Signature] APPROVING OFFICIAL

ITEM NO.	DESCRIPTION	QUANTITY AND UNIT WANTED	ESTIMATED COST		DO NOT USE THIS COLUMN	
			PRICE	AMOUNT	ORDER NO.	VENDOR
	DA's office Annual Meeting & Dinner Make payable to: Robert E. Lee Restaurant 3 North Jackson St. Athens, TN 37303			\$1,507.00		

THIS SPACE RESERVED FOR PURCHASING AGENT - DIRECTOR OF FINANCE

I certify to the best of my knowledge that there is in the County Treasury to the credit of the appropriation, bond fund or loan authorization form which is to be paid or otherwise unencumbered balance in a sum sufficient to cover such expenditures

[Signature]
Signature

SEND FIRST TWO COPIES TO DIRECTOR OF FINANCE. RETAIN THIRD COPY FOR YOUR FILES.

Director of Finance Office
McMinn County Courthouse
6 East Madison Avenue
Athens, Tennessee 37303

FUND Economic Crime Fund
DEPARTMENT District Attorney

**DEPARTMENTAL REQUISITION
TO PURCHASING AGENT**

I HEREBY CERTIFY THAT THE ARTICLES NAMED IN THIS REQUISITION ARE NECESSARY FOR USE OF THIS DEPARTMENT OR OFFICE

Robert L. Scott REQUISITIONER R St B M DEPARTMENT HEAD [Signature] APPROVING OFFICIAL

REQUISITION NO. _____
DATE ISSUED 12-15-08
DATE WANTED _____
APPROPRIATION ITEM 126-58400-499
SEND TO _____
AT _____
VIA _____

ITEM NO.	DESCRIPTION	QUANTITY AND UNIT WANTED	ESTIMATED COST		DO NOT USE THIS COLUMN	
			PRICE	AMOUNT	ORDER NO.	VENDOR
	DA Office Annual Meeting/ Christmas Dinner on December 19, 2008 Robert E. Lee Restaurant 3 North Jackson St. Athens, TN 37303			\$1,309.77 \$1,217.50		

THIS SPACE RESERVED FOR PURCHASING AGENT - DIRECTOR OF FINANCE
I certify to the best of my knowledge that there is in the County Treasury to the credit of the appropriation, bond fund or loan authorization form which is to be paid or otherwise unencumbered balance in a sum sufficient to cover such expenditures.

[Signature]
Signature

Director of Finance Office
 McMinn County Courthouse
 6 East Madison Avenue
 Athens, Tennessee 37303

FUND Economic Crime Fund
 DEPARTMENT District Attorney

DEPARTMENTAL REQUISITION
 TO PURCHASING AGENT

REQUISITION NO.
 DATE ISSUED 12-13-10
 DATE WANTED _____
 APPROPRIATION ITEM 126-58400-499
 SEND TO _____
 AT _____
 VIA _____

I HEREBY CERTIFY THAT THE ARTICLES NAMED IN THIS REQUISITION ARE NECESSARY FOR USE OF THIS DEPARTMENT OR OFFICE

[Signature] REQUISITIONER R S B M DEPARTMENT HEAD [Signature] APPROVING OFFICIAL

ITEM NO.	DESCRIPTION	QUANTITY AND UNIT WANTED	ESTIMATED COST		DO NO USE THIS COLUMN	
			PRICE	AMOUNT	ORDER NO.	VENDOR
	DA's office annual Meeting Make check payable to: Robert E. Lee Restaurant 3 North Jackson Street Athens, TN 37303			\$1,435.00		

THIS SPACE RESERVED FOR PURCHASING AGENT - DIRECTOR OF FINANCE

I certify to the best of my knowledge that there is in the County Treasury to the credit of the appropriation, bond fund or loan authorization form which is to be paid or otherwise unencumbered balance in a sum sufficient to cover such expenditures

[Signature]
 Signature