

# WARRANTS 101: THE GOOD THE BAD AND THE UGLY

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21<sup>st</sup> Judicial District-Williamson County



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- GOOD
- BAD
- UGLY

# THE WARRANT & AFFIDAVIT

# AFFIDAVIT—Rule 3

A statement alleging that a person has committed an offense. It must:

(a) be in writing;

(b) be made on oath before a magistrate or a neutral and detached court clerk authorized by [Rule 4](#) to make a probable cause determination; and

(c) allege the essential facts constituting the offense charged.

# WARRANT/SUMMONS—Rule 4

If the affidavit of complaint and any supporting affidavits filed with it establish that there is **probable cause** to believe that an offense has been committed and that the defendant has committed it, the magistrate or clerk shall issue an arrest warrant to an officer authorized by law to execute it or shall issue a criminal summons for the appearance of the defendant.

See TCA § 40-6-215 Summons instead of arrest warrant

What is the standard of proof?

**PROBABLE CAUSE**

# Probable Cause



- Probable cause is “a reasonable ground of suspicion, supported by circumstances sufficiently strong in themselves to warrant a cautious man in the belief that a crime has been committed.”

## EVIDENCE OF PROBABLE CAUSE—Rule 4(b)

PC shall be based on evidence which may be hearsay in whole or in part provided there is a substantial basis to believe:

- 1) The source of the hearsay is credible; and
- 2) There is a factual basis for the information furnished

# Probable Cause

## Levels of Proof



# Affidavit

- Four Corners Doctrine: When reviewed later, only the affidavit will be considered for the existence of probable cause. A court **will not** consider any other evidence known to the affiant or provided to or possessed by the issuing magistrate
- See *State v. Clark*, 160 S.W.3d (Tenn. 2005); *State v. Henning*, 975 S.W.2d 290 (Tenn. 1998)



# WARRANTS ARE BEING CHALLENGED!!





IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE  
AT NASHVILLE

Assigned on Briefs February 19, 2015 at Knoxville

STATE OF TENNESSEE v. BERTIN DEJESUS JIMENEZ

Direct Appeal from the Circuit Court for Williamson County  
No. II-CR037908 Timothy L. Easter, Judge

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No. M2014-01109-CCA-R3-CD – Filed October 5, 2015

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The Appellant, Bertin DeJesus Jimenez, pled guilty to stalking and received a sentence of ninety days in the workhouse. Thereafter, the Appellant filed a motion to vacate the judgment, contending that the arrest warrant was void ab initio because it failed to allege all of the elements of the offense. The trial court denied the motion, and the Appellant appealed. Upon review, we conclude that the appeal should be dismissed.

Tenn. R. App. P. 3 Appeal as of Right; Appeal Dismissed.

NORMA MCGEE OGLE, J., delivered the opinion of the court, in which D. KELLY THOMAS, JR., and ROBERT H. MONTGOMERY, JR., JJ., joined.

Venus Niner, Franklin, Tennessee, for the Appellant, Bertin DeJesus Jimenez.

Herbert H. Slatery III, Attorney General and Reporter; Sophia S. Lee, Senior Counsel; Kim R. Helper, District Attorney General; and Nichole Dusché, Assistant District Attorney General, for the Appellee, State of Tennessee.

OPINION

I. Factual Background

The record reflects that on October 25, 2011, a warrant was issued for the Appellant's arrest for aggravated stalking, a Class E felony. On November 11, 2011, the Appellant entered a best interest plea in the Williamson County General Sessions Court to the lesser-included offense of stalking, a Class A misdemeanor, for which he was sentenced to ninety days in the workhouse.

**Appellant filed a motion to vacate for failure to allege all the elements of the offense**

# THE AFFIDAVIT

Less is more unless its not enough

**Remember Rule 3(c)**

allege the essential facts  
constituting the offense charged.

**THE AFFIDAVIT IS NOT THE SUMMARY OF  
THE ENTIRE INVESTIGATION!!!!**

## AFFIDAVIT OF COMPLAINT

I the affiant named below, after being sworn, state under oath that on or about 03-15-2015  
in                      County, Tennessee, Dwight Allen committed the offense(s) of  
violation(s) of T.C.A. § POSSESSION OF BURGLARY TOOLS 39-14-701 I further state under oath  
that the essential facts constituting the offense(s), the sources of my information and the reasons why this information is believable  
and reliable are as follows: On 03-15-2015 Deputies were dispatched to 1169                      Hwy. where a passerby observed a white  
male pulling a long strand of electrical wire from the house. The caller stated she turned around to get the license plate number and  
the white male jumped in his car and drove North on Hwy 48. The caller stated it was a white Toyota Camry with the plate number  
176-ZBM. While Deputies were in the area we received another call from 170 Charles Talley Road stated a suspicious vehicle with  
a white male was sitting on the bridge lowering a gas can down with a rope. The caller then stated the vehicle was a white Toyota  
and it had come to the end of his drive way and backed in. When I Deputy                      arrived I observed a white male that I  
know as Dwight Allen in the vehicle pulled over on the side of the road of Charles Talley Road. When the tag was checked it  
matched the tag given from the caller at 1169                      Hwy. Mr. Allen was read his Miranda rights and he agreed to speak with  
his attorney present. Mr. Allen did admit to being at the house at 1169 Centerville Hwy. and taking the wire without permission of  
the owner and having the wire inside the trunk of his vehicle. A search of the vehicle was conducted and Deputies found the trunk  
stuffed full of electrical wire and numerous burglaries tools found inside the vehicle. Computer check of Mr. Allen's driver license  
showed suspended for failure to show ~~proof~~ of insurance on 12-2-2013.

# Point A to point C

- Introduction



body

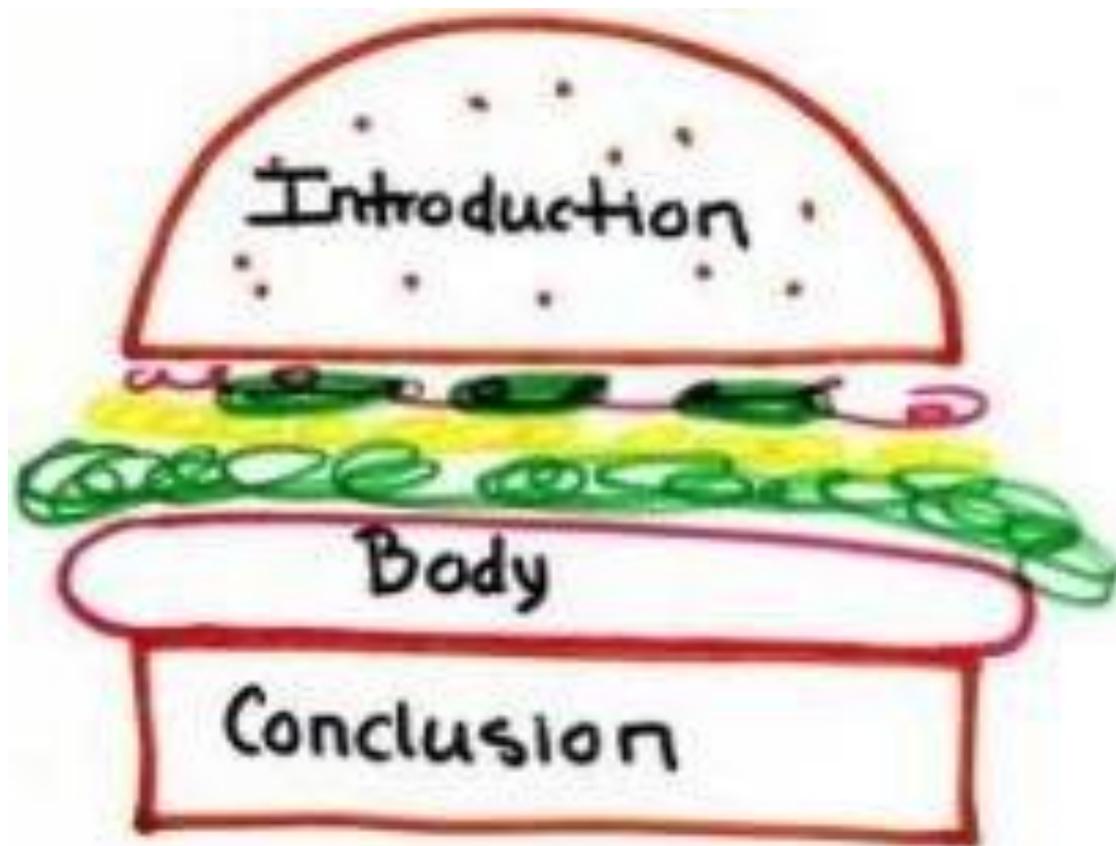


conclusion



used phrase "investigation used"

is a No No



## WARRANTS SHOULD BE:

- Clear
- Concise
- Complete
- Correct
- Not Conclusory

## AFFIDAVIT OF COMPLAINT

I, the affiant named below, after being sworn, state under oath that on or about 4/7/2015  
in the city of [REDACTED] County, Tennessee, 4009 Calvert, Harley  
committed the offense(s) of violation(s) of T.C.A. § 39-17-418 Simple Possession/Casual Exchange  
I Further state under oath that the essential facts constitution the offense(s), the sources of my information and the reasons why this  
information is believable and reliable are as follows:

On 04/07/2015 at approx. 22:50 hour, [REDACTED] observed a white Ford Ranger pickup traveling East on East 2nd Street with multiple light violations. A traffic stop was conducted and Harley B. Calvert was found to be the driver. A tin was found in the vehicle which contained a plastic baggy with a green leafy substance which field tested positive for Marijuana. The baggy weighed 3.9 Grams



REMEMBER,

YOUR NAME IS ON THIS WARRANT



# WHAT CRIME HAS OCCURRED?

- Apply the **FACTS** to the **LAW**
- Carefully examine the **ELEMENTS**

# THE AFFIDAVIT

Less is more unless its not enough

ESSENTIAL FACTS =  
ELEMENTS OF OFFENSE + DATE +  
IDENTITY + VENUE

## AFFIDAVIT OF COMPLAINT

The undersigned affiant, after being duly sworn according to the law, states that Defendant committed the offense of: Theft Over \$10,000/under \$60,000 in the above county on or about 12/20/2016.

Further, affiant makes oath that the essential facts constituting said offense, the sources of affiant's information, and the reasons why his/her information is believable concerning said facts are as follows:

TCA: 39-14-103

et al CLASS: C Felony

Between approximately July 2015 and December 2015 Thomas Entrekin removed at least \$10,000.00 worth of property from 1820 Savannah Springs in Williamson County, TN. Some of the property was pawned and some was offered for sale on social media by Mr. Entrekin.

# Info needed on the warrant?

1. Date of offense
2. Offense charged and elements
3. T.C.A. Code
4. Grade of Offense
5. Name of the defendant
6. Name of the victim **BUT FOR**
7. Name(s) of witness(es) necessary for GS Court
8. Contact info for victim and witness(es) **BUT FOR**
9. Venue

# THE AFFIDAVIT-BUT FOR

## MINOR VICTIMS

- ❑ initials
- ❑ Date of birth

## Date of Offense

Why is this important?

# State v. Joshua Dawson

The undersigned affiant, after being duly sworn according to the law, states that Detendant committed the offense of: **Aggravated Assault - D Felony** in the above county on or about **06/26/2015**.

Further, affiant makes oath that the essential facts constituting said offense, the sources of affiant's information, and the reasons why his/her information is believable concerning said facts are as follows:

**TCA: 39-13-102**

et al **CLASS: D Felony**

On 6/26/2015, approximately 2:47, [REDACTED] Deputy [REDACTED] was dispatched to the [REDACTED] Police Department on a citizen complaint.

Upon arrival, Deputy [REDACTED] met with victim, Aaron Ruff. Aaron advised he went to his estranged wife's residence at 7304 Valley Road, Fairview, Williamson County, TN. Aaron was there to pick up his children from Mrs. Ruff. While doing so, Mr Ruff dropped a couple of sandwich wrappers in the yard. Joshua W. Dawson came out of the residence with a handgun in his right hand. He approached Mr. Ruff at his vehicle, parked in the driveway. Ruff's two juvenile children were in the car. Dawson pointed the hand gun at Aaron Ruff, arguing with him over the wrappers in the yard. Dawson then continued to argue while waving the handgun in the air. Aaron Ruff was in fear of his and his children's safety as a result of Dawson's actions.

Deputy [REDACTED] did interview Mr. Dawson regarding him having and waving the handgun toward Mr Ruff at Ruff's

## Date of offense

- ❑ Include the date of offense
  - ❑ date range when appropriate
  - ❑ Not just the date reported

## TCA Code, Grade and Name of Offense

Why is this important?

# AFFIDAVIT OF COMPLAINT

The undersigned affiant, after being duly sworn according to the law, states that Defendant committed the offense of: Criminal Simulation in the above county on or about 03/11/2016.

**CRIMINAL SIMULATION**

Further, affiant makes oath that the essential facts constituting said offense, the sources of affiant's information, and the reasons why his/her information is believable concerning said facts are as follows:

**B misdemeanor**

TCA: 39-14-115 **39-14-115** et al CLASS: B Misdemeanor

On March 11, 2016, at approx 4:44pm, B [REDACTED] observed a vehicle traveling with improperly displayed tags on Franklin Rd in Brentwood, TN. Ofc Isiminger initiated a traffic stop and identified the driver as Ashley Pratt. Ms Pratt failed to produce a valid driver's license.

During the stop, Ofc [REDACTED] also made contact with four passengers later identified as Ashley Chappell, Ross Widenhofer, Rachel Holt and Bryan Lyle. The driver and owner of the vehicle, Ms Pratt, gave Ofc [REDACTED] consent to search the vehicle.

Ms Chappell provided Ofc [REDACTED] with a false name, "Blair Brown," a false birthdate, "04/28/1984," and a false social security number, "414-65-6634." Ofc Isiminger located Ms Chappell's true identity after finding her official identification during a search of the vehicle. Inside of Ms Chappell's purse, Ofc [REDACTED] located four hyperdermic needles, a spoon with an unknown residue, a scale known to be used in weighing drugs, and an unidentified white powdery substance.

Mr Widenhofer provided Ofc [REDACTED] with a false name, "Ryan Widenhofer," and a false birth date, "06/14/1983." Mr Widenhofer's identity was also discovered during a search of the vehicle via his Social Security government card.

This constitutes Criminal Simulation per TCA 39-16-301, a Class B Misdemeanor.

**39-16-301**

## Grade of offense and name

- Theft – misdemeanor or felony?
- DOSL – B misdemeanor or A misdemeanor?
- Vandalism – misdemeanor or felony?
- Aggravated Assault – D felony or C felony?
- Assault – B misdemeanor or A misdemeanor?

## Grade of offense and name

- Drug offenses - misdemeanor or felony?
- Child Abuse – misdemeanor or felony?
- Which felony?



**CHILD ABUSE and  
CHILD NEGLECT or  
Endangerment**

# Abuse/Neglect/Endangerment



## § 39-15-401 Child Abuse and child neglect or endangerment

(a) Any person who knowingly, other than by accidental means, treats a child under eighteen (18) years of age in such a manner as to inflict injury commits a **Class E felony**; provided, however, that, if the abused child is eight (8) years of age or less, the penalty is a **Class D felony**.

(b) Any person who knowingly abuses or neglects a child under eighteen (18) years of age, so as to adversely affect the child's health and welfare, commits a **Class A misdemeanor**; provided, that, if the abused or neglected child is eight (8) years of age or less, the penalty is a **Class E felony**.

(c)(1) A parent or custodian of a child eight (8) years of age or less commits child endangerment who knowingly exposes such child to or knowingly fails to protect such child from abuse or neglect resulting in physical injury to the child. **Class A misdemeanor**

# Child Abuse and Neglect or Endangerment



## § 39-15-401(a)

Any person who knowingly treats a child under 18 in such a manner to inflict a physical injury

\*other than accidental means

## Child Abuse and Child Neglect or Endangerment

### § 39-15-401(a)

- 8 years of age or less = D felony
  - 9-17 years of age = **E felony**
- If Date of Offense is on or after July 1, 2025



## Child Abuse and Corporal Punishment

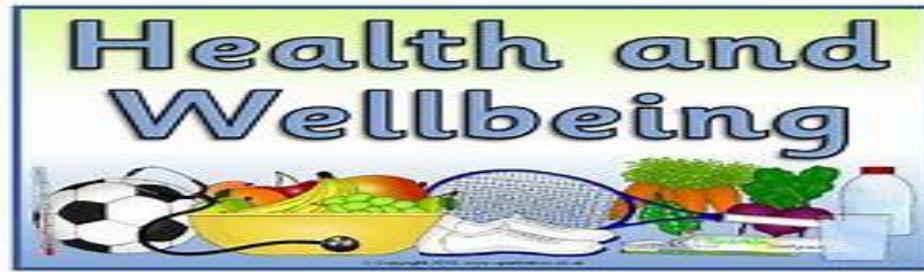
§ 39-15-401(e)

- ❑ NO WARRANT SHALL BE ISSUED
- ❑ Against a PARENT, GUARDIAN OR CUSTODIAN for a violation of (a)
- ❑ Based upon UNREASONABLE CORPORAL PUNISHMENT

# Child Abuse and Corporal Punishment

## § 39-15-401(e)

- ❑ UNLESS attach a copy of law enforcement report;  
or
- ❑ Independent medical verification of injury to the  
child



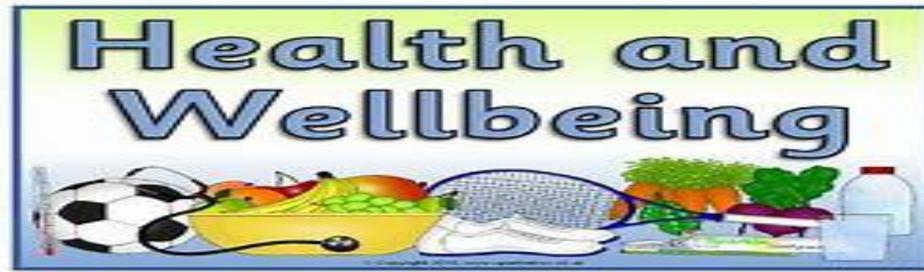
## Child Abuse and Child Neglect or Endangerment

### § 39-15-401(b)

Any person who knowingly abuses or neglects a child under 18 so as to adversely affect the child's health and welfare

\*other than accidental means

\*how to prove adversely affect health and welfare?



## Child Abuse and Child Neglect or Endangerment

### § 39-15-401(h)

may include, but is not limited to, adverse effects on the emotional and mental health and welfare of the child, the natural effects of starvation or dehydration, or acts of female genital mutilation, as defined in § 39-13-110

## Child Abuse and Neglect or Endangerment

### § 39-15-401(b)

- 8 years of age or less = E felony
- 9-17 years of age = A misdemeanor

GENERAL SESSIONS COURT OF WILLIAMSON COUNTY TENNESSEE

ORIGINAL

State of Tennessee

vs.

Brandon Montel McLemore

DOB: 4/4/1983

Court File #

Agency Case #

BPD / BPD 23 03062

Warrant #

2023120457

AFFIDAVIT OF COMPLAINT

**Ms. House's 3 year old daughter was inside the hotel room**

This affidavit is made by me, \_\_\_\_\_, a peace officer in Williamson County, Tennessee, who has personally observed the defendant, Brandon Montel McLemore, committed the offense(s) of violation(s) of T.C.A. § 39-15-401(d)(1); Child Abuse/Neglect 8, class D Felony.

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

On 12/24/2023 at 0305 hrs. Officers A [redacted] responded to 9020 Church St East room #140 (Extended Stay hotel) in response to a domestic disturbance.

Upon our arrival, Officer [redacted] if I made contact with a male with blood on his face laying on the floor of room #140. Officer Hallman assisted the male while I contacted the female half who had a cut on her right eye and scrapes on her shin. I identified the female through DMV information as Ms. Ruth House. Ms. House stated that she was drinking tonight with her boyfriend Mr. Brandon McLemore. Ms. House stated that Mr. McLemore went through her phone and saw a phone call from 10/28/2023 from Ms. House' supervisor causing him to get angry and start arguing with Ms. House.

I asked Ms. House how she got the injuries in which she replied that when Mr. McLemore got angry about the call from her supervisor he started choking her with his hands. Ms. House stated that she then grabbed a glass candle from the counter inside of the bathroom where they were arguing and struck Mr. McLemore in the face with it causing a cut to his face. Ms. House stated that both of them continued striking each other and at one point Mr. McLemore started biting her thigh. I observed two bite marks that broke the skin on Ms. House' thigh. I also observed cuts on Ms. House's knuckle and hand.

Ms. House' three year old daughter was inside of the hotel room during the physical altercation. There was glass all over the floor in the bathroom where both parties were fighting. Due to severity of the injuries on both parties, and both parties continuing to assault each other officers determined both parties as mutual combatants.

This incident occurred in Brentwood TN, Williamson County.

**There was glass all over the floor in the bathroom where both parties were fighting**

## Child Abuse/Neglect/Endangerment



Non-accidental injury = crime  
Accidental injury = NO CRIME

adversely affect health **and** welfare = Crime  
Adversely affect health but not welfare = NO CRIME

**MAY BE AN ATTEMPT**

## Child Abuse and Neglect or Endangerment

### § 39-15-401(c)

A **parent or custodian** of a child **8** years of age or less commits child endangerment who **knowingly** exposes child to or knowingly fails to protect from abuse or neglect resulting in physical injury or imminent danger to the child

# Child Abuse and Neglect or Endangerment



## § 39-15-401(c)

- ❑ 8 years of age or less = A misdemeanor
  - ❑ Must be parent or custodian
- ❑ Must be physical injury or imminent danger
  - ❑ Must be knowingly

## IMMINENT DANGER MEANS = (c)

The existence of **any condition or practice** that **could reasonably** be expected to cause death or serious bodily injury

## KNOWINGLY MEANS = (c)

Knowingly” means the person **knew, or should have known** upon a reasonable inquiry, that abuse to or neglect of the child would occur which would result in physical injury to the child. The risk must be of such a nature and degree that **the failure to perceive it constitutes a gross deviation from the standard of care that an ordinary parent or legal custodian** of a child eight (8) years of age or less **would exercise under all the circumstances** as viewed from the defendant's standpoint

## Child Abuse and Neglect or Endangerment-SEX OFFENDER

### § 39-15-401(c)(2)

Unless § 40-39-211(c) applies, a parent or guardian of a child under eighteen (18) years of age who **knowingly** allows the child to be **under the care or supervision** of a person who is an offender, as defined in § 40-39-202, and required to register pursuant to title 40, chapter 39, part 2, **or allows** the child to be **unaccompanied** with a person who is required to register as a sexual offender pursuant to title 40, chapter 39, part 2, commits a Class A misdemeanor.

Effective July 1, 2024

## Child Abuse and Neglect or Endangerment

§ 39-15-401(d)

Any person who **negligently**, by act or omission, **engages in conduct** that places a child in imminent danger of death, bodily injury, or physical or mental impairment.

\*8 years of age or less = **B felony**

(effective July 1, 2024)

\*9-17 years of age = A misdemeanor

## IMMINENT DANGER MEANS = (d)

If the person's conduct related to methamphetamine or any controlled substance but Sch VI, exposes the child to the **controlled substance** and an **analysis** of a specimen of the child's blood, hair, fingernail, urine, or other bodily substance indicated the present of meth or other controlled substance, **except Sch VI**, in the child's body

# Aggravated Child \_\_\_\_\_

§ 39-15-402(a) = Class B felony

Begins with a violation of:

Child Abuse under 401(a);

Child Neglect under 401(b) or

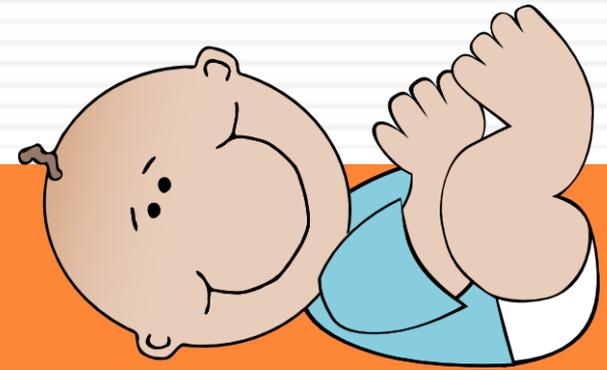
Child Endangerment under 401(c)

# Aggravated Child Abuse

§ 39-15-402(a) = Class B felony

- (1) Serious bodily injury
- (2) deadly weapon, dangerous instrumentality, controlled substance used to accomplish the act
- (3) especially heinous, atrocious act or cruel or infliction of torture
- (4) knowing exposure to the **initiation process** intended to result in meth

# Aggravated



All listed above **and**

- age 8 or less **or**
- vulnerable due to mental defect, mentally incapacitated or suffers from a physical disability = **A Felony**

## Aggravated - Class A felony

- ❑ 8 years of age or less
- ❑ Vulnerable Victim
  - ❑ Mentally Defective
  - ❑ Mentally Incapacited
  - ❑ Suffers from Physical Disability

# Elements

Small words can  
make a huge difference!

# Elements

## And v. Or

Small words that make a huge difference!

# State v. Samuel Garza

## AFFIDAVIT OF COMPLAINT

The undersigned affiant, after being duly sworn according to the law, states that Defendant committed the offense of: **Sexual Battery** BY AUTHORITY FIGURE in the above county on or about 09/03/2015.

Further, affiant makes oath that the essential facts constituting said offense, the sources of affiant's information, and the reasons why his/her information is believable concerning said facts are as follows:

TCA: 39-13-502  
505

et al CLASS: C **Felony**

On 9/2/15 Mr. Garza was at 2657            Blvd in            County TN in what he presented as his official capacity as an IRS agent involved in a tax audit of the company. Mr. Garza was dealing with the owner, Ms. Inman. Mr. Garza made sexual overtures and implied that the business could be lost without cooperation. Mr. Garza requested that Ms. Inman wear a dress the next day. Ms. Inman feared the loss of the business. Mr. Garza fondled her breasts and place his head in her lap and although Ms. Inman was uncomfortable and asked him to stop, the conduct continued.

Mr. Garza returned to 2657            TN on 9/3/15. Mr. Garza place a hand under Ms. Inman's shirt and touched her inappropriately on her breasts. Mr. Garza placed his head in her lap. Ms. Inman was fearful, upset and uncomfortable with Mr. Garza's actions.

T. C. A. § 39-13-527

§ 39-13-527. Authority figure; sexual battery; penalty

(a) Sexual battery by an authority figure is unlawful sexual contact with a victim by the defendant or the defendant by a victim accompanied by the following circumstances:

(1) The victim was, at the time of the offense, thirteen (13) years of age or older but less than eighteen (18) years of age; **or**

**AGE**

(2) The victim was, at the time of the offense, mentally defective, mentally incapacitated or physically helpless, regardless of age; **and,**

**MENTAL STATE**

(3)(A) The defendant was at the time of the offense in a position of trust, or had supervisory or disciplinary power over the victim by virtue of the defendant's legal, professional or occupational status and used the position of trust or power to accomplish the sexual contact; or

(B) The defendant had, at the time of the offense, parental or custodial authority over the victim and used the authority to accomplish the sexual contact.

**POSITION/RELATIONSHIP AND USE OF THAT**

(b) Sexual battery by an authority figure is a Class C felony.

GENERAL SESSIONS COURT OF [REDACTED] COUNTY TENNESSEE

ORIGINAL

State of Tennessee vs. Kenrick Richard Bennett Jr DOB: 6/10/1996

Court File # \_\_\_\_\_ Agency Case # [REDACTED] Warrant # 2024030294

AFFIDAVIT OF COMPLAINT

I, the affiant named below, after being sworn, state under oath that on or about 3/15/2024 [REDACTED] County, Tennessee, Kenrick Richard Bennett Jr committed the offense(s) of violation(s) of T.C.A. § 39-15-401: Child Abuse, Neglect & Endangerment, class D Felony

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

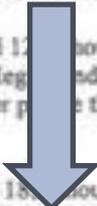
On 3/14/2024, around 12:00 hours in the area of Pinkerton Park, Megan Bennett and Palmer Bennett were in the back seat of their car with Kenrick Bennett Jr. driving. Megan and Kenrick were arguing and Megan told Kenrick to pull over so she could call her parents to pick up her and their baby. Megan reached for her phone that was in her purse in the front seat, Kenrick grabbed her right wrist causing bruising and shoved her back into the back seat.

On 3/15/2024 around 18:00 hours, at 1111 Adams St. in Franklin, Kenrick and Megan were arguing again in their home. Kenrick had been drinking and Megan believed him to be drunk. Megan had a C-section on 3/9/2024 and was still healing, Kenrick pushed her by the stomach onto the couch in their living where PB (6 days old) was sleeping in her bassinet, and held Megan by the stomach. Megan told Kenrick she was on top of the baby and to get off of her. Kenrick replied, "She's not crying, she's fine." Kenrick held Megan there for another 10 seconds before Megan was able to push herself off of PB. During this altercation, PB received a scratch on her left cheek and a bruise on her right leg.

Kenrick picked up PB and attempted to take her outside to his car. Megan tried to get Kenrick to give her PB but Kenrick pushed Megan by the throat into a stroller, hitting a wall and making a hole in the wall and a scrape on Megan's neck. Megan ran out to the car to get the baby from Kenrick but he would not give her up. Megan said she was going inside to call the police. Kenrick ran past her, and took her phone, preventing her from calling 911.

Megan flagged down a landscaper nearby who finally convinced Kenrick to give the baby back. Kenrick brought PB inside, laid her in her bassinet, and took off in his car. Both Megan and PB were transported to Williamson Medical Center for their injuries.

This did occur in Williamson County, Tennessee.



Initials and age

injury

injury

# Elements

## Imminent v. Immediate

Words matter and make a difference

# State v. Brandon Arnold

GENERAL SESSIONS COURT OF WILLIAMSON COUNTY TENNESSEE

State of Tennessee vs. Brandon J Arnold

Court File # 2015CR3019

Agency Case # [REDACTED] / 2015-7725

Warrant # 2015070308

**AFFIDAVIT OF COMPLAINT**

The undersigned affiant, after being duly sworn according to the law, states that Defendant committed the offense of: **Assault** in the above county on or about **07/21/2015**.

Further, affiant makes oath that the essential facts constituting said offense, the sources of information, and the reasons why his/her information is believable concerning said facts are as follows:

**TCA: 39-13-101**

et al CLASS: A Misdemeanor

On 7-21-15 at approximately 5:54 PM Andrew Lively received a voice mail from his former boss B threatening to hunt him down. The voicemail also stated that law enforcement could not stop him from severe bodily harm to him. The message caused Mr Lively to fear for his immediate safety.

This constitutes the offense of Assault, per TCA 39-13-101.

GENERAL SESSIONS COURT OF WILLIAMSON COUNTY TENNESSEE

State of Tennessee vs. Brandon J Arnold

Court File # 2015CR3019

Agency Case # [REDACTED] / 2015-7725

Warrant # 2015070308

**AFFIDAVIT OF COMPLAINT**

The undersigned affiant, after being duly sworn according to the law, states that Defendant committed the offense of: Assault in the above county on or about 07/21/2015.

Further, affiant makes oath that the essential facts constituting said offense, the sources of information, and the reasons why his/her information is believable concerning said facts are as follows:

**TCA: 39-13-101**

et al CLASS: A Misdemeanor

On 7-21-15 at approximately 5:54 PM Andrew Lively received a voice mail from his former boss B threatening to hunt him down. The voicemail also stated that law enforcement could not stop him from severe bodily harm to him. The message caused Mr Lively to fear for his immediate safety.

This constitutes the offense of Assault, per TCA 39-13-101.



## § 39-13-101

# Assault

- Intentionally, knowingly or recklessly causes bodily injury to another;
- Intentionally or knowingly causes another to reasonably fear imminent bodily injury;
- Intentionally or knowingly causes physical contact with another and a reasonable person would regard the contact as extremely offensive or provocative (B Misdemeanor)

Domestic Assault (TCA 39-13-111)- assault against Domestic Abuse Victim

**IMMINENT** means:

Near at hand

On the point of happening



## § 39-13-111 DV priors- bodily injury

- 2<sup>nd</sup> Conviction: Bodily injury; \$350.00 fine + minimum 30 days in jail (day for day)- A Misdemeanor
- 3<sup>rd</sup> Conviction: Bodily Injury; \$1100.00 fine + minimum 90 days in jail (day for day)- A Misdemeanor
- 2 Prior Convictions (bodily injury) + Dating/Sexual Relationship, (Ex) spouses, child= E Felony

### Keys:

- **Applicable to 39-13-101(a)(1) ONLY! (Bodily Injury)**
- **Include priors in Affidavit**

# FEAR based assault

Assaults based on fear require a victim “to have a well-grounded apprehension of personal injury of violence”

The element of fear is satisfied “if the circumstances of the incident, within reason and common experience, are of such a nature as to cause a person to reasonably fear **imminent** bodily injury”

## Grade of offense and name

# Attempt, Solicitation, and Conspiracy

TCA §39-12-101: Attempt

One class below

TCA §39-12-102: Solicitation

Two classes below

TCA §39-12-103: Conspiracy

One class below

**These statutes must be paired with the actual criminal offense that was attempted, solicited or conspired to commit.**

Court File # 2015CR-2004 Agency Case # [REDACTED] / 15-0727 Warrant # 2015050160

## AFFIDAVIT OF COMPLAINT

The undersigned affiant, after being duly sworn according to the law, states that Defendant committed the offense of: **Criminal Attempt (d Felony)** in the above county on or about 03/08/2015.

Further, affiant makes oath that the essential facts constituting said offense, the sources of affiant's information, and the reasons why his/her information is believable concerning said facts are as follows:

**TCA: 39-12-101**

et al CLASS: **D Felony**

On 3/8/15 at approximately 4:30 p.m. a subject later identified as John Paul Beers attempted to pull Ms. Fowler's purse from her arm. Ms. Fowler resisted the attempt to take her property and Mr. Beers hit her in the arm to attempt to force her to relinquish the purse. This did occur at [REDACTED] TN.

# CRIMINAL RESPONSIBILITY

## TCA §39-11-402: Criminal Responsibility for Conduct of Another Same class

A person is criminally responsible for an offense committed by the conduct of another, if:

- (1) Acting with the culpability required for the offense, the person causes or aids an innocent or irresponsible person to engage in conduct prohibited by the definition of the offense;
- (2) Acting with intent to promote or assist the commission of the offense, or to benefit in the proceeds or results of the offense, the person solicits, directs, aids, or attempts to aid another person to commit the offense; **or**
- (3) Having a duty imposed by law or voluntarily undertaken to prevent commission of the offense **and** acting with intent to benefit in the proceeds or results of the offense, or to promote or assist its commission, the person fails to make a reasonable effort to prevent commission of the offense.

# FACILITATION OF A FELONY

## TCA §39-11-403: Facilitation of a Felony One class below

- (a) A person is criminally responsible for the facilitation of a **felony**, if, knowing that another intends to commit **a specific felony**, but without the intent required for criminal responsibility under § 39-11-402(2), the person knowingly furnishes substantial assistance in the commission of the felony.
- (b) The facilitation of the commission of a felony is an offense of the class next below the felony facilitated by the person so charged.

# Elements in the Alternative

## Which one?

Statutes with alternative elements

Public Intoxication

Assault

Trespass

Burglary

and the list goes on . . . .

## § 39-17-310. Public intoxication

(a) A person commits the offense of public intoxication who appears in a public place under the influence of a controlled substance, controlled substance analogue or any other intoxicating substance to the degree that:

(1) The offender may be endangered;

(2) There is endangerment to other persons or property;

**or**

(3) The offender unreasonably annoys people in the vicinity.

(b) A violation of this section is a Class C misdemeanor.



# Theft and Vandalism

**SHOW ME THE \$\$\$\$\$**



**Shoplifting v. Theft?**

**Misdemeanor v. Felony?**



State of Tennessee vs. David Myres Brantley

Court File # 2015CR-715 Agency Case # [REDACTED] / 15-000239

Warrant # 201502069

## AFFIDAVIT OF COMPLAINT

The undersigned affiant, after being duly sworn according to the law, states that Defendant committed the offense of: Theft Over \$500/under \$1,000 in the above county on or about 01/20/2015.

Further, affiant makes oath that the essential facts constituting said offense, the sources of affiant's information, and the reasons why his/her information is believable concerning said facts are as follows:

TCA: 39-14-103

et al CLASS: E Felony per magistrate

On 1/7/15 and 1/20/15, a subject later identified as David Brantley took televisions from Wal Mart, 3600 Mallory Lane in Franklin, TN without making payment. The televisions are valued at approximately \$756.00.

## AFFIDAVIT OF COMPLAINT

I, the affiant named below, after being sworn, state under oath that on or about 11/18/2014  
in the city of                      County, Tennessee, 7044 Archibald, Amber  
committed the offense(s) of violation(s) of T.C.A. § 39-14-146 Shoplifting

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

On 11/18/14 Amber Archibald was observed shoplifting from Wal-Mart by James King (Loss Prevention Agent). She also admitted to taking the miscellaneous items on 2 separate dates. Total cost of all the items taken is \$485.13.

## AFFIDAVIT OF COMPLAINT

I, the affiant named below, after being sworn, state under oath that on or about 1/19/2015  
in the city of [REDACTED] County, Tennessee, 4100 Warden, Ellariene  
committed the offense(s) of violation(s) of T.C.A. § 39-14-103D Theft Of Property  
I Further state under oath that the essential facts constitution the offense(s), the sources of my information and the reasons why this information is believable and reliable are as follows:

On 1-19-2015 at 7:19 PM, a female identified as Ellariene C Warden went into Wal Mart and attempted to buy groceries, but the payment was declined. She then removed a plastic bag containing 2 packages of ground beef from the shopping cart. She then goes to register 10 and buys two packs of cigarettes, but does not pay for the items in the bag. After paying for the cigarettes she leaves the store carrying the plastic bag containing the ground beef. Ellariene C Warden committed the crime of theft by leaving the store without paying for the items which were valued at \$9.96. Wal Mart asset protection employee James King also asks that she be banned from Wal Mart.

## § 39-14-146. Shoplifting

(a) For purposes of § 39-14-103, a person commits theft of property if the person, with the intent to deprive a merchant of the stated price of merchandise, knowingly commits any of the following acts:

(1) **Conceals** the merchandise;

(2) **Removes, takes possession of, or causes the removal** of merchandise;

(3) **Alters, transfers or removes any price marking**, or any other marking which aids in determining value affixed to the merchandise;

(4) **Transfers** the merchandise from one (1) **container** to another;

(5) **Causes** the cash register or other sales recording device to reflect **less than the merchant's stated price** for the merchandise;

(6) **Removes, destroys, deactivates**, or evades any component of an anti-shoplifting or inventory control device to commit or facilitate a theft;

(7) **Uses** any artifice, instrument, container, device, or other article to commit or

facilitate a theft; **Or**

(8) **Activates or interferes** with a **fire alarm** system to commit or facilitate a theft.

## § 39-14-146. Shoplifting

(b) In a theft prosecution under this section, unless applicable, the state is not required to prove that the defendant obtained or exercised control over the merchandise as required in a prosecution under § 39-14-103.

(c) Notwithstanding any other law, a **fifth or subsequent conviction** in a two-year period shall be punished one (1) classification higher than provided by § 39-14-105, and subject to a fine of not less than three hundred dollars (\$300) nor more than the maximum fine established for the appropriate offense classification.

# Simple v. Resale



Weight is not enough!



# Simple v. Resale



## § 39-17-418

Possess

Casually Exchange

Distribute mary jane not in excess of ½ ounce

## § 39-17-417

Manufacture

Deliver

Sell

Possess with INTENT to manufacture, deliver or sell

# Methamphetamine

§ 39-17-434

Include as your last sentence  
that this is a simple  
possession.



## AFFIDAVIT OF COMPLAINT

I, the affiant named below, after being sworn, state under oath that on or about 3/31/2015  
in the city of [REDACTED] County, Tennessee, 3805 Runions, Jennie  
committed the offense(s) of violation(s) of T.C.A. § 39-17-434 Methamphetamine-Manufacture, Deliver, Sell, Possess  
I Further state under oath that the essential facts constitution the offense(s), the sources of my information and the reasons why this  
information is believable and reliable are as follows:

On 03-31-15 I was patrolling on South Walnut when I noticed the vehicle in front me was in violation of tag display. I made a traffic stop. On my approach I found Jennie Runions to be the driver. Sheena Frazier was in the front passenger seat and Ashley Bridge was in the back seat. I asked Runions for her drivers license, proof of insurance and registration. Runions handed me her license and informed me she did not have the other documents in her possession. K-9 officer Dunn arrived along with officer Bates. K-9 officer Dunn asked the suspects to exit the vehicle so he could run his narcotics sniffing K-9 around the vehicle. K-9 officer Dunn informed me that K-9 Minnie gave a positive alert to a narcotic odor coming from inside of the vehicle. Myself and officer Bates searched the suspect vehicle. I searched a black purse, which contained a make-up bag that had a clear bag with a white powder substance (.7 grams), which field tested positive for meth. Also located in the make-up bag was needle. Runions identification was located in the purse that the make-up bag was located in. Runions was read Miranda and stated everything in the purse was hers.

# Defendant, Victim, Witnesses, Contact Information

Why is this important?

# State v. Dejuan Ligon

Court File # 2014CR-7245 Agency Case # FP [REDACTED] 014-4175 Warrant # 2014120170

## AFFIDAVIT OF COMPLAINT

The undersigned affiant, after being duly sworn according to the law, states that Defendant committed the offense of: Theft Over \$1000/under \$10,000 in the above county on or about 12/09/2014.

Further, affiant makes oath that the essential facts constituting said offense, the sources of affiant's information, and the reasons why his/her information is believable concerning said facts are as follows:

**TCA: 39-14-103**

et al CLASS: **D Felony**

On 12/9/2014, approximately 3:50 p.m., [REDACTED] Officers [REDACTED] observed a vehicle, described in a BOLO for a Bank Fraud call, at 1316 Mu [REDACTED] ad (Shell Station). Officer [REDACTED] initiated a traffic stop and made contact with Dejuan Ligon.

Officer [REDACTED] responded to the scene and interviewed Mr. Ligon. His investigation revealed Mr. Ligon had used a fraudulent Visa card today and obtained \$1,000. in cash at the Wells Fargo Bank, 210 South Royal Oaks, Franklin, TN. Mr. Ligon gave details to officer [REDACTED] as to how he obtained the cards and used them at banks to obtain advances. The cards are made in Ligon's name with obtained account numbers.

This occurred in [REDACTED]

T.C.A. 39-16-502

## False Reports

§ 39-16-502. False reports

(a) It is unlawful for any person to:

(1) **Initiate a report or statement to a law enforcement officer** concerning an offense or incident within the officer's concern knowing that:

(A) The offense or incident reported did not occur;

(B) The person has no information relating to the offense or incident reported; **or**

(C) The information relating to the offense reported is false; **or**

(2) **Make a report or statement in response to a legitimate inquiry by a law enforcement officer** concerning a material fact about an offense or incident within the officer's concern, knowing that the report or statement is false and with the intent to obstruct or hinder the officer from:

(A) Preventing the offense or incident from occurring or continuing to occur; **or**

(B) Apprehending or locating another person suspected of committing an offense; **or**

(3) Intentionally initiate or circulate a report of a past, present, or impending bombing, fire or other emergency, knowing that the report is false or baseless and knowing:

(A) It will cause action of any sort by an official or volunteer agency organized to deal with those emergencies;

(B) It will place a person in fear of imminent serious bodily injury; **or**

(C) It will prevent or interrupt the occupation of any building, place of assembly, form of conveyance, or any other place to which the public has access.

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## AFFIDAVIT OF COMPLAINT

I, the affiant named below, after being sworn, state under oath that on or about 4/25/2015  
in the                      Lewis County, Tennessee, 5466 Davis, Cheyenne  
committed the offense(s) of violation(s) of T.C.A. § 39-16-502A False Reports

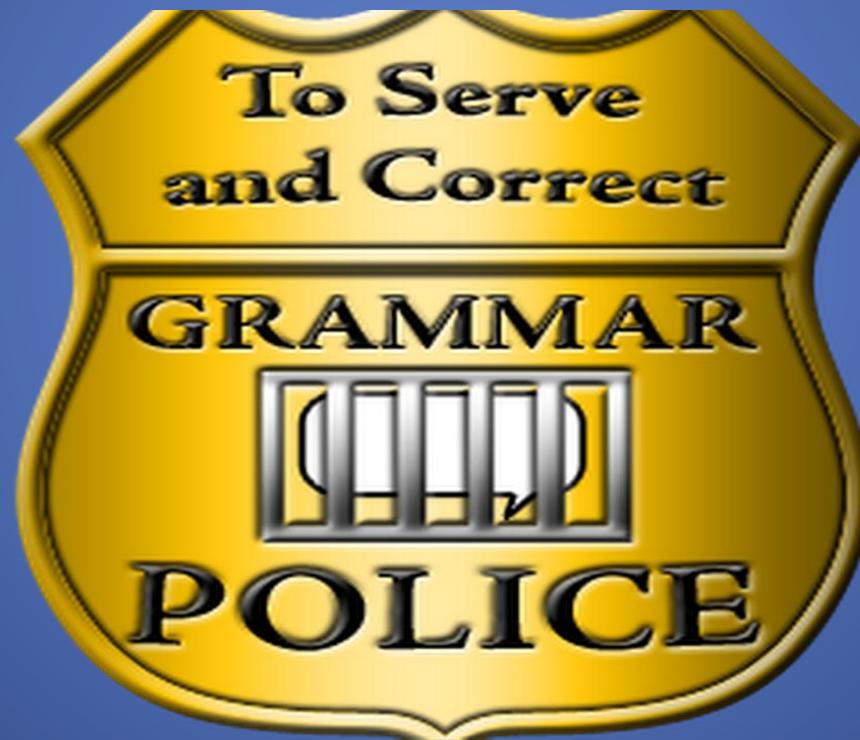
I Further state under oath that the essential facts constitution the offense(s), the sources of my information and the reasons why this information is believable and reliable are as follows:

Cheyenne John Dillon Chapin Davis did make a written statement, at 111 West Main Street, in response to a legitimate inquiry by a law enforcement officer concerning a material fact about an offense or incident within the officer's concern, knowing that the statement was false and with the intent to obstruct or hinder the officer from preventing the offense from continuing to occur or apprehending or locating another person suspected of committing an offense.

REMEMBER!!!!

PROOFRAED!

# CHECK SPELLING AND GRAMMAR



**SWUPER  
STAR!**





QUESTIONS?



# WARRANTS 101: THE GOOD THE BAD AND THE UGLY

Senior Assistant District Attorney Mary Katharine Evins  
21<sup>st</sup> Judicial District-Williamson County



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