

**THE U.S. DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE,
NORTHEASTERN DIVISION**

CHRISTOPHER SULLIVAN,)
NATHAN HASKELL, and)
WILLIAM GENTRY,)

Plaintiffs,)

v.)

Case No. 2:17-cv-00052

SAM BENNINGFIELD and)
ODDIE SHOUBE,)

Judge Crenshaw

Defendants.)

AMENDED COMPLAINT FOR INJUNCTIVE AND DECLARATORY RELIEF

I. INTRODUCTION

1. On May 15, 2017, White County General Sessions Judge Sam Benningfield instituted a formal eugenics program in White County, Tennessee.

2. Pursuant to a Standing Order transmitted to the White County Sheriff at 2:05 p.m., Defendant Benningfield ordered that the length of time that “any White County inmate serving a sentence for the General Sessions Court” would be required to spend in jail would depend on whether or not the inmate submitted to surgical sterilization.

3. Compared with similarly-situated inmates who agreed to be sterilized, Defendant Benningfield’s Standing Order provided that inmates who refused to relinquish their reproductive rights would be required to serve “an additional thirty (30) days” in the White County jail.

4. Eugenics is illegal in Tennessee and across the United States.

5. Tennessee law does not provide any authority to institute a sterilization-for-

early-release-from-jail program.

6. The Tennessee Constitution forbids judges from conditioning the length of defendants' sentences on their agreement to be sterilized.

7. The United States Constitution forbids judges from conditioning the length of defendants' sentences on their agreement to be sterilized.

8. International law declares enforced sterilization to be a crime against humanity. From mass sterilizations in Nazi Germany to eugenics experimentation in Tuskegee, Alabama, eugenics is anathema to any conception of morality and represents one of the most disturbing chapters in the dark history of human cruelty. Judge Benningfield's ongoing sterilization program should be—and must be—declared illegal and permanently enjoined as a result.

9. White County's sterilization program became public on July 19, 2017, after White County District Attorney Bryant Dunaway expressed concerns about the program's illegality and immorality to a reporter.

10. Thereafter, in response to intense national outrage and widespread condemnation, Judge Benningfield issued a Supplemental Order on July 26, 2017 that purported to rescind his May 15, 2017 Standing Order.

11. Despite claiming to be an "Order Rescinding [his May 15, 2017] Standing Order," however, Defendant Benningfield's July 26, 2017 Supplemental Order states unequivocally that inmates who fail to "demonstrate[] to the court their desire to improve their situations and take serious and considered steps toward their rehabilitation by having the [specified long-term surgical sterilization] procedures or agreeing to have same" will still be incarcerated for 30 days longer than similarly situated inmates who do acquiesce to surgical sterilization.

12. Even in its updated form, Defendants' sterilization program is patently and egregiously unconstitutional.

13. Although judicial in nature, both Defendant Benningfield's May 15, 2017 Standing Order and July 26, 2017 Supplemental Order were established in the absence of any lawful jurisdiction.

14. Further, Defendant Shoupe's enforcement of Defendant Benningfield's May 15, 2017 Standing Order and July 26, 2017 Supplemental Order exceeded their scope, and the Orders lack any legal basis or source of statutory authority.

15. Accordingly, Plaintiffs aver that this Court should:

(1) Declare Defendant Benningfield's May 15, 2017 Standing Order and July 26, 2017 Supplemental Order facially unconstitutional;

(2) Declare Defendant Benningfield's May 15, 2017 Standing Order and July 26, 2017 Supplemental Order unconstitutional as applied to the Plaintiffs;

(3) Enjoin the Defendants from enforcing Defendant Benningfield's May 15, 2017 Standing Order and July 26, 2017 Supplemental Order; and

(4) Enjoin the Defendants from subjecting White County inmates to an additional 30 days of incarceration for exercising their constitutional right to reproductive freedom.

II. PARTIES

16. Plaintiff Nathan Haskell is a citizen of Tennessee who is presently incarcerated in the White County jail.

17. Plaintiff Haskell is serving a sentence for the General Sessions Court of White County, Tennessee.

18. Plaintiff Haskell was in Defendant Benningfield's courtroom the day that Defendant Benningfield's May 15, 2017 Standing Order was issued.

19. At all times relevant to this Amended Complaint, Plaintiff Haskell has been subject to the jurisdiction of Defendant Benningfield and the General Sessions Court of White County, Tennessee.

20. At all times relevant to this Complaint, Plaintiff Haskell has been subject to the terms of Defendant Benningfield's May 15, 2017 Standing Order or July 26, 2017 Supplemental Order.

21. Plaintiff Haskell does not wish to become surgically sterilized.

22. If Plaintiff Haskell has a vasectomy, however, then he will be freed from jail 30 days earlier than he would be otherwise.

23. This "offer" is both illegal and profoundly coercive.

24. Plaintiff Haskell is constitutionally entitled to receive the same benefits as similarly-situated inmates regardless of whether or not he relinquishes his reproductive rights.

25. Plaintiff William Gentry is a citizen of Tennessee who is presently incarcerated in the White County jail.

26. While Plaintiff Gentry's charges were pending before Defendant Benningfield in White County General Sessions Court, Plaintiff Gentry was extended—and he accepted—Defendants' offer to receive a vasectomy in exchange for a 30-day sentence reduction.

27. Plaintiff Gentry does not actually wish to be sterilized, either.

28. Plaintiff Gentry accepted the offer and signed up for a vasectomy in the hopes of being released from jail early enough to witness the birth of his first grandchild.

29. Thereafter, despite confirming that he had been enrolled in Defendants' sterilization-for-early-release program on several occasions, Plaintiff Gentry did not

receive Defendants' promised 30-day sentence reduction.

30. Plaintiff Christopher Sullivan is a citizen of Tennessee who is presently incarcerated in the White County jail.

31. While incarcerated, Plaintiff Sullivan was subject to, but did not accept, Defendants' offer to become sterilized.

32. Defendant Sam Benningfield is the General Sessions Judge for White County, Tennessee. He is sued in his individual capacity.

33. Defendant Oddie Shoupe is the Sheriff of White County, Tennessee. He is sued in his official capacity only.

III. JURISDICTION, AUTHORITY, AND VENUE

34. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1331; 42 U.S.C. § 1983; and Tenn. Code Ann. § 29-14-102.

35. This Court is vested with the authority to declare rights and to issue injunctions with the force and effect of a final decree pursuant to 42 U.S.C. § 1983; 28 U.S.C. § 2201; Tenn. Code Ann. § 29-14-102; and Tenn. Code Ann. § 29-1-106.

36. As the jurisdiction where the causes of action giving rise to Plaintiffs' complaint arise and where the Defendants reside, venue is proper in this Court pursuant to 28 U.S.C. § 1391(b)(1); 28 U.S.C. § 1391(b)(2); and Tenn. Code Ann. § 20-4-101(a).

IV. FACTUAL ALLEGATIONS

37. On May 15, 2017, White County General Sessions Judge Sam Benningfield issued a Standing Order providing that White County male inmates who underwent a vasectomy, and White County female inmates who received a Nexplanon surgical implant, would receive jail sentences that were 30 days shorter than similarly-situated inmates

who declined to submit to surgical sterilization.

38. A genuine copy of Defendant Benningfield's May 15, 2017 Standing Order is attached hereto as **Exhibit A**.

39. A vasectomy is a form of long-term, surgical sterilization.

40. Both procedures set forth in Defendant Benningfield's May 15, 2017 Standing Order are long-term in nature, carry risks of severe complications, and can be irreversible.

41. Even so, dozens of White County inmates agreed to submit to surgical sterilization in order to reduce the length of their respective jail sentences.

42. After accepting Defendants' offer, one White County inmate attempted to cut her Nexplanon implant out of her arm with a razor blade while she was incarcerated.

43. Another White County inmate who did not submit to sterilization stated publicly that many of the inmates who had accepted Defendants' offer "were coming off drugs" and "weren't in clear judgment to make this decision" when they did so.

44. On July 19, 2017, Nashville News Channel 5's Chris Conte reported the existence of Defendant Benningfield's May 15, 2017 Standing Order. The broadcast noted that White County District Attorney Bryant Dunaway had "instructed [his] staff not to be involved in this type of arrangement in any way." The report generated intense and immediate national outrage, and Judge Benningfield's order was widely condemned as a version of a eugenics program.

45. On or about July 21, 2017, Tennessee's Department of Health issued a statement similarly condemning Defendant Benningfield's sterilization program.

46. The Department's statement declared:

Neither the Tennessee Department of Health nor the White

County Health Department was involved in developing any policy to offer sentence reductions to those convicted of crimes in exchange for their receiving family planning services. We do not support any policy that could compel incarcerated individuals to seek any particular health services.

47. On July 26, 2017, Defendant Benningfield issued a Supplemental Order styled as an “Order Rescinding Previous Standing Order.”

48. A genuine copy of Defendant Benningfield’s Supplemental Order is attached hereto as **Exhibit B**.

49. Defendant Benningfield’s Supplemental Order purported to rescind his prior May 15, 2017 Standing Order on the basis that: “the State of Tennessee, Department of Health has indicated to the court through its representatives that it will no longer offer free vasectomies to White County inmates serving a sentence for the General Sessions Court and will not provide the free Nexplanon implant to White County inmates”

50. Notwithstanding Defendant Benningfield’s claim to have rescinded his May 15, 2017 Standing Order, Defendant Benningfield’s Supplemental July 26, 2017 Order states that inmates who do not “demonstrate[] to the court their desire to improve their situations and take serious and considered steps toward their rehabilitation by having the [surgical sterilization] procedures or agreeing to have same” will serve jail sentences that are 30 days longer than similarly situated-inmates who do submit to surgical sterilization.

51. Defendant Benningfield provided 30-day sentencing credits to “encourage and reward” inmates who relinquished their reproductive freedom, which he believed would help them avoid “obligations [that] complicate their lives and make their reintegration into society more difficult.”

52. Defendant Shoupe is a final policy maker for White County, Tennessee.

53. Defendant Shoupe has claimed that he did not have any communications

with Defendant Benningfield about his decision to enter the May 15, 2017 Standing Order.

54. Defendant Shoupe enforced the terms of Defendant Benningfield's May 15, 2017 Standing Order and Defendant Benningfield's July 26, 2017 Supplemental Order in his official capacity as the White County Sheriff.

55. Lieutenant Donna Daniels enforced the Standing Order and Supplemental Order issued by Defendant Benningfield in her official capacity as a White County correctional officer under the purview of Defendant Shoupe.

56. Defendant Shoupe is responsible for, and had the authority to control, the acts of Lieutenant Daniels undertaken in her official capacity as a correctional officer.

57. Lieutenant Daniels is obliged to follow the orders of Defendant Shoupe.

58. Lieutenant Daniels helped enforce the May 15, 2017 Standing Order and July 26, 2017 Supplemental Order with respect to both male and female inmates.

59. Lieutenant Daniels escorted female inmates who agreed to receive Nexplanon implants to a medical office where the procedures were performed.

60. In her official capacity as a correctional officer, Lieutenant Daniels signed up inmates for Defendants' sterilization program and helped schedule physicals for male inmates who agreed to undergo vasectomies.

61. Defendant Shoupe's and Lieutenant Daniels' enforcement of Defendant Benningfield's May 15, 2017 Standing Order and Defendant Benningfield's July 26, 2017 Supplemental Order exceeded the scope of the Orders' written terms.

62. Defendant Benningfield's sterilization-for-early-release offers were extended by Defendant Shoupe, by or through Lieutenant Daniels, to White County inmates who were not serving sentences for the White County General Sessions Court.

63. Lieutenant Daniels maintained a sign-up sheet reflecting White County

inmates who had accepted the sterilization-for-early-release offers.

64. The sign-up sheet includes White County inmates, like Plaintiff Gentry, who were not serving sentences for the White County General Sessions Court.

65. Pamphlets describing Defendants' sterilization-for-early-release offers were placed in the White County jail's general population areas, where many inmates who were not serving sentences for the White County General Sessions Court resided.

66. Plaintiff Gentry and Plaintiff Sullivan were subject to Defendants' sterilization-for-early-release Orders as enforced even though they were not presently serving sentences for the White County General Sessions Court.

67. Plaintiff Gentry accepted Defendants' offer to become sterilized while his charges were pending before Defendant Benningfield.

68. Plaintiff Gentry was not serving a sentence for the White County General Sessions Court at the time that he was offered and accepted Defendants' sterilization-for-early-release offer.

69. After Plaintiff Gentry accepted Defendants' sterilization-for-early-release offer, Lieutenant Daniels placed Plaintiff Gentry on a sign-up sheet to receive a vasectomy.

70. Plaintiff Gentry's name appears on the sign-up sheet maintained by Lieutenant Daniels even though he was not—and is not presently—serving a sentence for the General Sessions Court.

71. Plaintiff Gentry confirmed with Lieutenant Daniels on several occasions that he had accepted, and that she had scheduled him to receive, Defendants' sterilization-for-early-release offer.

72. On each occasion, Lieutenant Daniels acknowledged to Plaintiff Gentry that

he had successfully signed up for—and was scheduled to receive—Defendants’ sterilization-for-early-release offer.

73. Plaintiff Gentry accepted the offer because he hoped that doing so would allow him to witness the birth of his first grandchild and permit him to return home earlier to care for his ailing mother, who is extremely ill. He did not actually wish to receive a vasectomy.

74. Plaintiff Gentry never received his 30-day jail credit despite accepting Defendants’ offer of long-term, surgical sterilization.

75. Despite accepting Defendants’ offer of a 30-day reduction in jail time in exchange for undergoing a vasectomy, Plaintiff Gentry does not actually want—and he has never actually wanted—to undergo a vasectomy.

76. Plaintiff Haskell does not want to undergo a vasectomy, either.

77. Plaintiff Haskell was and remains subject to the terms of the May 15, 2017 Standing Order and July 26, 2017 Supplemental Order, both as written and as applied.

78. Plaintiff Haskell wishes to receive the same benefits as other White County inmates who accepted Defendants’ offer without having to become sterilized.

79. Plaintiff Sullivan has been incarcerated in the White County jail since July 2017.

80. Plaintiff Sullivan remains unwilling to submit or to agree to submit to surgical sterilization.

81. As a result—and for no other reason—Plaintiff Sullivan will be imprisoned by Defendants for 30 days longer than he would be if he agreed to submit to surgical sterilization.

82. Defendant Benningfield’s May 15, 2017 Standing Order was in effect when

the Plaintiffs' terms of incarceration began.

83. Defendant Benningfield's July 26, 2017 Supplemental Order still remains in effect today.

84. The Plaintiffs were or are presently subject to the May 15, 2017 Standing Order and July 26, 2017 Supplemental Order as applied to them and as enforced by the White County Sheriff's Department.

85. All Plaintiffs wish to receive a 30-day reduction in their sentences without having to undergo a vasectomy.

86. Several additional male inmates were extended Defendants' sterilization-for-early-release offer who were not serving sentences for the White County General Sessions Court.

87. All male inmates to whom Defendant Benningfield's May 15, 2017 Standing Order and Defendant Benningfield's July 26, 2017 Supplemental Order applied are required to serve 30 more days in the White County jail than they would serve if they had agreed to permit a Government doctor to give them a vasectomy.

88. At all times relevant to this Complaint, Defendants acted under color of state law.

89. Upon information and belief, inmates in the White County jail believe that institutional staff members have been opening and reading their mail, chilling the exercise of their constitutional rights.

90. Upon information and belief, White County inmates are afraid to exercise their rights because they fear that Defendants will retaliate against them.

91. Upon information and belief, Defendant Benningfield has in fact retaliated against litigants because they exercised their rights before him. For example, within a day

of issuing his May 15, 2017 Standing Order, Defendant Benningfield threatened to revoke the house arrest status of a litigant and every other defendant who was on house arrest in White County because the litigant registered a valid hearsay objection to evidence that had been presented regarding GPS monitoring equipment. *See Exhibit C*, p. 11, line 23 – p. 12, line 3 (“I sustain your objection. Everybody we got on house arrest, bring them immediately to court, they’re going back to jail. And they can thank Ms. Tollison for it. And – and her house arrest is also over. She’s back in custody.”). Thereafter, Defendant Benningfield withdrew his threat only after the litigant agreed to withdraw her valid hearsay objection. *See id.* at p. 14, line 23 – p. 15, line 9.

92. Accordingly, Plaintiffs respectfully anticipate seeking this Court’s leave to re-amend their Complaint as justice requires to add additional plaintiffs pending assurance that they will not be subject to retaliation.

V. CAUSES OF ACTION

Claim 1: 14th Amendment—Equal Protection

93. Plaintiffs reincorporate and reallege the foregoing allegations as if fully set forth herein.

94. By incarcerating inmates who refuse to undergo a vasectomy or receive a Nexplanon implant for 30 days longer than other similarly situated inmates who do agree to have such procedures, Defendants have adopted and enforced a program that denies Plaintiffs the equal protection of the laws.

Claim 2: 14th Amendment—Substantive Due Process

95. Plaintiffs reincorporate and reallege the foregoing allegations as if fully set forth herein.

96. By conditioning the length of Plaintiffs' jail sentences on their decisions to exercise or relinquish their constitutional right to reproductive freedom, and by subjecting White County inmates to an additional 30 days in jail based on their refusal to relinquish their constitutional right to procreational autonomy, the implementation and enforcement of Defendant Benningfield's May 15, 2017 Standing Order and July 26, 2017 Supplemental Order violate Plaintiffs' rights to substantive due process.

Claim 3: 14th Amendment—Procedural Due Process

97. Plaintiffs reincorporate and reallege the foregoing allegations as if fully set forth herein.

98. The establishment of sentencing ranges, classes of criminal offenses, and permissible considerations for sentencing determinations, modifications, and reductions are the exclusive prerogative of the General Assembly.

99. No statute permits a judge to modify the length of an inmate's sentence based on whether or not the inmate has agreed to relinquish his or her constitutional right to reproductive freedom.

100. The inequalities created by the implementation and enforcement of Defendant Benningfield's May 15, 2017 Standing Order and July 26, 2017 Supplemental Order are unrelated to any recognized sentencing principle or purpose contained in Tenn. Code Ann. § 40-35-102 or Tenn. Code Ann. § 40-35-103.

101. Tenn. Code Ann. § 40-35-113 sets forth several expressly defined mitigating factors that a judge may consider when determining an appropriate sentence. Whether a defendant has agreed to relinquish his or her constitutional right to reproductive freedom is not among them.

102. Tennessee Code Annotated § 40-35-114 sets forth several expressly defined

enhancement factors that a judge may consider when determining an appropriate sentence. Whether a defendant has agreed to relinquish his or her constitutional right to reproductive freedom is not among them.

103. Tenn. Code Ann. § 40-35-314(c) does not provide authority to modify an inmate's sentence based on his or her agreement to have a vasectomy or a Nexplanon implant.

104. Defendant Benningfield's May 15, 2017 Standing Order and July 26, 2017 Supplemental Order were instituted in the complete absence of all jurisdiction and lack any lawful basis.

105. Defendants' May 15, 2017 Standing Order and July 26, 2017 Supplemental Order were implemented and enforced without meaningful procedural safeguards.

106. Defendants' implementation and enforcement of legally invalid orders against Plaintiffs that carry extreme coercive potential and the potential for irreversible consequences violated Plaintiffs' rights to procedural due process.

Claim 4: Tenn. Const. art. I, § 8

107. Plaintiffs reincorporate and reallege the foregoing allegations as if fully set forth herein.

108. The implementation and enforcement of Defendant Benningfield's May 15, 2017 Standing Order and July 26, 2017 Supplemental Order violate the law of the land pursuant to Tenn. Const. art. I, § 8.

Claim 5: Tenn. Const. art. I, § 3

109. Plaintiffs reincorporate and reallege the foregoing allegations as if fully set forth herein.

110. The implementation and enforcement of Defendant Benningfield's May 15, 2017 Standing Order and July 26, 2017 Supplemental Order contravene the Plaintiffs' rights of conscience under Tenn. Const. art. I, § 3.

VI. CLAIMS FOR RELIEF

WHEREFORE, the Plaintiff respectfully requests that this Court:

1. Declare both Defendant Benningfield's May 15, 2017 Standing Order and July 26, 2017 Supplemental Order unconstitutional;
2. Enjoin the Defendants from enforcing Defendant Benningfield's May 15, 2017 Standing Order and July 26, 2017 Supplemental Order;
3. Enjoin the Defendants from subjecting White County inmates to an additional 30 days of incarceration for declining to be sterilized and exercising their constitutional right to reproductive freedom;
4. Award Plaintiffs their reasonable costs and attorney's fees pursuant to 42 U.S.C. § 1988(b), and direct that undersigned counsels' fee award be donated to the United States Holocaust Memorial Museum and the Tuskegee History Center; and
5. Grant Plaintiffs any and all other relief to which it appears they are entitled.

Respectfully submitted,

By: /s/Daniel A. Horwitz
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Pro Bono Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on this 9th day of October, 2017, a copy of the foregoing was sent via CM/ECF, and to the following parties:

Michael T. Schmitt, BPR #026573
330 Commerce Street, Suite 110
Nashville, TN 37201
mschmitt@ortalkelley.com
615-256-9999

Counsel for Defendants

By: /s Daniel A. Horwitz

Exhibit A

IN THE GENERAL SESSIONS COURT OF WHITE COUNTY, TENNESSEE

IN RE: Services of the State of Tennessee
Department of Health;
NAS Education Program

FILED

MAY 15 2017

TIME 2:05 PM
BEVERLY F. JOLLEY
CIRCUIT COURT CLERK

STANDING ORDER

For good cause shown including judicial economy and the administration of justice, it is **ORDERED** any White County inmate serving a sentence for the General Sessions Court who satisfactorily completes the State of Tennessee, Department of Health Neonatal Syndrome Education (NAS) Program be given two (2) days credit toward completion of his/her jail sentence. Any such female inmate who receives the free nexplanon implant or any such male inmate who has the free vasectomy as a result thereof shall be given an additional thirty (30) days credit toward completion of his/her jail sentence.

ORDERED this the 15th day of May, 2017.


Sam Benningfield, Judge

Cc: White County Circuit Court Clerk
White County Sheriff
White County Jail Administrator

Exhibit B

IN THE GENERAL SESSIONS COURT OF WHITE COUNTY, TENNESSEE**FILED**

IN RE: Services of the State of Tennessee
Department of Health;
NAS Education Program

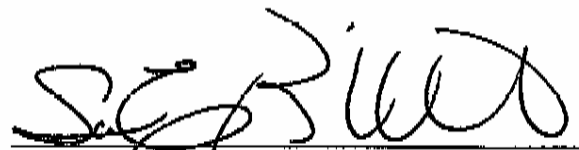
JUL 26 2017
TIME 3:02 PM
BEVERLY F. JOLLEY
CIRCUIT COURT CLERK

ORDER RESCINDING PREVIOUS STANDING ORDER

Whereas the State of Tennessee, Department of Health has indicated to the court through its representatives that it will no longer offer free vasectomies to White County inmates serving a sentence for the General Sessions Court and will not provide the free nexplanon implant to White County inmates serving a sentence for the General Sessions Court who receives any credit toward the completion of their jail sentence as a result thereof; it is hereby **ORDERED** the previous order in this regard is hereby rescinded.

Those inmates who have demonstrated to the court their desire to improve their situations and take serious and considered steps toward their rehabilitation by having the procedures or agreeing to have same will not be denied the credit. You will be awarded the 30 days jail credit promised whether you ultimately receive the procedures or not. All inmates shall remain eligible for the two (2) days credit for completing the State of Tennessee, Department of Health Neonatal Syndrome Education (NAS) Program satisfactorily.

ORDERED this the 26th day of July, 2017.



Sam Benningfield, Judge

Cc: White County Circuit Court Clerk
White County Sheriff
White County Jail Administrator

Exhibit C

IN THE GENERAL SESSIONS COURT
FOR WHITE COUNTY, TENNESSEE

STATE OF TENNESSEE,

Plaintiff,

vs.

DEONNA ANNETTE TOLLISON,

Defendant.

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*
* Case No. _____
*
*
* Sparta, Tennessee
* May 16, 2017

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TRANSCRIPT OF HEARING
BEFORE THE HONORABLE SAM E. BENNINGFIELD
UNITED STATES BANKRUPTCY COURT

Transcript of proceedings

Transcriber:

LAURIE MCCLAIN
607 River Ridge Court
Nashville, TN 37221
615-649-8473, cell: 615-351-6293

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A P P E A R A N C E S

BRUCE MACLEOD, ESQ.
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I N D E X

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DEONNA ANNETTE TOLLISON

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Cross by Mr. MacLeod.....	32

ALANNA TOLLISON

Direct by Mr. Griffin.....	40
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RICK TOLLISON

Direct by Mr. Griffin.....	44
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1 THE COURT: What else do we have left?

2 MR. MACLEOD: We've got a hearing, Your Honor.

3 MR. GRIFFIN: That's correct, Your Honor. I
4 have Ms. Tollison.

5 THE COURT: Oh.

6 MR. GRIFFIN: (Unintelligible). It's on a
7 violation of probation, Your Honor.

8 THE COURT: State versus Deonna Tollison.

9 MR. GRIFFIN: Your Honor, I have three --
10 three witnesses to call -- to call on this morning.

11 THE COURT: All right.

12 MR. GRIFFIN: I mean, I (Unintelligible)--

13 THE COURT: Is the Rule demanded?

14 COURT CLERK: Yes, sir.

15 THE COURT: All right. Those witnesses will
16 have to step outside the courtroom until called to
17 testify.

18 (Unintelligible voices.).

19 THE COURT: All right. (Unintelligible) how
20 many witnesses do you have?

21 MR. MACLEOD: Just one, Your Honor.

22 THE COURT: All right. Call your first one.

23 MR. MACLEOD: Ms. Killabrew with CPS.

24 THE COURT: Ms. Killabrew, if you'll raise
25 your right hand. Do you solemnly swear to tell the

1 truth, the whole truth and nothing but the truth, so
2 help you God?

3 THE WITNESS: Yes, Your Honor.

4 THE COURT: Thank you. You may be seated.

5 **BRITTANY KILLABREW,**

6 **having been duly sworn, testified as follows:**

7 **DIRECT EXAMINATION**

8 **BY MR. MACLEOD:**

9 Q. Will you please state your name for the
10 record.

11 A. Brittany Killabrew.

12 Q. Where are you employed?

13 A. Community Probation Services.

14 Q. And are you familiar with the probation
15 services of Ms. Tollison?

16 A. Yes, sir.

17 Q. Is she in the courtroom?

18 A. Yes, sir.

19 Q. Could you point her out for the Judge?

20 Q. Thank you.

21 Now, how did she come to be on probation with
22 you?

23 A. She was put on supervised probation on
24 October 27th for a DUI and simple possession at the
25 White County General Sessions--

1 Q. October 27th, '16?

2 A. 2015.

3 Q. 2015. Okay. Go ahead.

4 A. Yeah. And she was also put on probation out
5 of Criminal Court, White County, on March 14, 2016, for
6 a theft under \$500.

7 Q. Okay. So Sessions Court October 27, 2015, she
8 was put on probation here.

9 A. Correct.

10 Q. Okay. And were any violations taken?

11 A. Yes. She had one prior violation, which was
12 for failure to pay court costs; failure to complete an
13 alcohol and safety education program; and new law
14 violations: Driving on revoked license and criminal
15 impersonation.

16 She did plead to the criminal impersonation
17 out of White County. She received a probation for six
18 months, which is consecutive to the General Sessions
19 case.

20 Q. So she had one VOP; she had a violation. And
21 what was the date on that violation?

22 A. That violation was taken out on January 17th
23 of 2017.

24 Q. January 17. How did we get to -- how do we go
25 from October, 2015 to January 2017--

1 A. It was--

2 Q. -- before the violation was taken?

3 A. It was consecutive to a Putnam County case,
4 so--

5 Q. So -- okay. So she was on probation--

6 A. Uh-huh.

7 Q. -- in Putnam County.

8 A. Correct.

9 Q. And this was consecutive to that?

10 A. Yes.

11 Q. And then violation was taken out January 17th,
12 2017, for criminal impersonation?

13 A. Uh-huh.

14 Q. Did she receive any time on that first
15 violation to serve?

16 A. On February 28th of 2017, she appeared in the
17 White County Court. She received 90 days house arrest.
18 And the conditions were that that case would be
19 completed upon completion of house arrest.

20 Q. Okay. Now, any more violations?

21 A. Just the violation we have today, her second
22 violation, which is just failure to comply with the
23 house arrest rules and regulations.

24 Q. And explain to me and explain to the Judge the
25 house arrest program.

1 A. The house arrest, it -- it's a monitored unit.
2 We track her every movement. I have access to the
3 software that receives the data. I'm trained on how to
4 interpret that data.

5 Q. Who trained--

6 A. I monitor her.

7 Q. Who trained you on that?

8 A. Omnalink, the actual -- a representative from
9 Omnilink.

10 Q. Okay. Comes in and trains you on--

11 A. On how to navigate and interpret the data
12 received by the actual house arrest unit.

13 Q. And where is this information kept at?

14 A. It's kept on the Focal Point Omnilink website.
15 We have access to it 24/7. We do monitor it daily and
16 receive the updates.

17 Q. Is this kept in the regular course of
18 business?

19 A. Yes, yes.

20 Q. Okay. Could you put -- please explain to the
21 Judge her -- or the allegations against her for
22 violating this house arrest?

23 A. Yes. Most important one is that her GPS unit
24 she allowed to die three times. I did talk to her
25 several times about keeping it charged. I made sure

1 she understood how to charge it.

2 I even had her bring her unit in, her charger
3 in. I made sure it worked. When I asked her to bring
4 that in, it came to light that she realized that the
5 actual charger was not plugged into the wall, which is
6 why it was not charging. After that, I told her that
7 was her final warning. And she allowed it to die, I
8 believe, twice after.

9 And also she -- she was not in compliance with
10 her location. She kind of took advantage of -- of --
11 going to the grocery--

12 MR. GRIFFIN: Your Honor, I'm going to object
13 to hearsay at this time. I ask that the information
14 received from the device itself, from a
15 (Unintelligible) my objection.

16 MR. MACLEOD: Judge, I believe that, for one,
17 it's kept in the regular course of business, and this
18 would be a custodian of those records. She's testified
19 that the Omnilink individuals have come down, they've
20 given her classes on it. And it's kept at the office,
21 it's monitored daily. And also I believe reliable
22 hearsay is something that can be introduced to the
23 Court in a violation hearing.

24 MR. GRIFFIN: My argument would be, Your Honor
25 -- would just be that she has testified that this is

1 through Omnilink, an independent contractor, the
2 information is kept on their server, but she may get
3 access to her from the office, but it's kept by that
4 company. These devices are created by a company,
5 they're prepared by that company's IT staff. And
6 they're the ones that put the information and manage
7 that software system.

8 To me it's analogous to like with the
9 toxicology reports we get back on drug tests. You have
10 to have staff that are trained to be able properly
11 input that data. And they would be the ones who'd have
12 to swear on affidavit or testify to the validity of the
13 results of that data. And that's my objection, and my
14 basis for my making it, Your Honor.

15 MR. MACLEOD: In the tox -- an example, a
16 toxicologist, that's an expert -- an expert in
17 phlebotomy. And--

18 THE COURT: Well, I know that--

19 MR. MACLEOD: -- (Unintelligible).

20 THE COURT: -- in preliminary hearings those
21 -- the report -- those kinds of reports are
22 admissible--

23 MR. GRIFFIN: Yes, sir.

24 THE COURT: -- (Unintelligible) that, and
25 specifically by statute.

1 MR. GRIFFIN: Yes, sir.

2 THE COURT: But -- but it -- as far as I know
3 there's no rule that says that is true in a violation
4 of--

5 MR. GRIFFIN: No, sir. I think--

6 THE COURT: -- of probation.

7 MR. GRIFFIN: -- that the -- the--

8 THE COURT: But here's the situation.

9 MR. GRIFFIN: Yes, sir?

10 THE COURT: If that's the case, then I'm not
11 placing anybody else on house arrest.

12 MR. GRIFFIN: That's correct. And it--

13 THE COURT: And as a matter of fact everybody
14 that's on house arrest is going to be revoked from it
15 and put back into custody because we're not going that
16 -- if -- if -- I'm just not going to do that.

17 MR. GRIFFIN: That's right.

18 THE COURT: I don't want to go through that
19 trouble. It's paying those folks and costing the
20 County that kind of money. I just a soon them be in
21 jail anyway.

22 MR. GRIFFIN: I understand, Your Honor. But--

23 THE COURT: So anyway. Help -- so your - I
24 sustain your objection. Everybody we got on house
25 arrest, bring them immediately to court, they're going

1 back to jail. And they can thank Ms. Tollison for it.
2 And -- and her house arrest is also over. She's back
3 in custody. And we're done. Thank you.

4 COURT CLERK: Thank you, Your Honor.

5 MS. DEONNA TOLLISON: Could I (Unintelligible)
6 Your Honor?

7 MR. GRIFFIN: Your Honor, the -- if I -- if I
8 may, Your Honor, my client would like me to withdraw my
9 objection to hearsay (Unintelligible) from the
10 consideration of the Court.

11 THE COURT: I didn't like the program to begin
12 with. I -- it -- to be honest with you, I anticipated
13 this problem, and sure enough it popped up. And I
14 ain't going to fool with it.

15 Get everybody on house arrest, bring them in.

16 COURT CLERK: Yes, Your Honor.

17 THE COURT: They'll have credit for the days
18 they've been on house arrest. There won't be any more
19 of it.

20 MS. DEONNA TOLLISON: Judge?

21 COURT CLERK: Your Honor, would you like me to
22 call the docket and have them--

23 THE COURT: Yes. Next.

24 COURT CLERK: Yes, sir.

25 MS. DEONNA TOLLISON: Could I say something?

1 My case isn't with Omnilink. It -- it's -- it -- it's
2 not -- it's not even -- please do not punish other
3 people for that. It's not even the Omnilink. That's
4 not it.

5 I am -- I'm guilty of messing up, and -- and
6 -- and not being in my (Unintelligible). But there's
7 other reasons. And it's not Omnilink. It is not
8 Omnilink's fault. I promise you. Please, do not -- do
9 not hurt other people because of -- please, don't do
10 that. Please.

11 MR. GRIFFIN: Your Honor, and -- and if I may,
12 just for -- for my -- my portion, Your Honor, I do
13 think that the -- the house arrest program is a good
14 program overall. I think it gives a benefit to the
15 County and to a lot of the individuals here.

16 I think, in fairness to me, it was good legal
17 argument, but given the repercussions of that, I'll
18 withdraw it and remember that in the future because I
19 think it is beneficial to the County, and that we have
20 overpopulation in the jail. And individuals that can
21 fit on that system -- I think it does benefit everyone
22 involved. And I will withdraw my objection to hearsay
23 at this point, Your Honor, if we could please just
24 continue with these proceedings.

25 THE COURT: Okay. But here's the situation it

1 puts the Court in, is that I have no -- I know it's --
2 I have no faith in it anymore because every time it
3 comes to court it's going to be challenged. And the
4 County is going to have to go to the expense of
5 bringing these expert -- these folks from Omnivision
6 [sic] to -- to testify about what we all know is going
7 to be the result.

8 MR. GRIFFIN: Well -- well, I recognize that,
9 Your Honor. I personally won't do that again. It's
10 the first time this issue has come up. And I mean, I
11 -- I would hope the Court recognizes that my hearsay
12 objection doesn't have valid--

13 THE COURT: But it does. And I sustain--

14 MR. GRIFFIN: -- (Unintelligible) in law.

15 THE COURT: -- I sustained it.

16 MR. GRIFFIN: Correct.

17 THE COURT: I agreed.

18 MR. GRIFFIN: So that being said, given the
19 repercussions ultimately -- I mean, I'm here hired on a
20 second VOP, Your Honor. I'm doing what I could for my
21 client, trying to make a good objection to some
22 evidence that had come in.

23 We're willing to allow the objection to be
24 overruled, and allow that evidence to come in, and
25 continue forward with the hearing. If we could just --

1 please, Your Honor, my client and I will withdraw that.
2 I did not see the ripple effects beyond that to other
3 cases beyond this one. So I -- I -- you know, I--

4 THE COURT: All right.

5 MR. GRIFFIN: -- recognize it's got massive
6 benefit to the County, so...

7 THE COURT: All right. Rescind the...

8 MR. GRIFFIN: Thank you, Your Honor. I
9 appreciate (Unintelligible).

10 Q. (By Mr. Macleod) Ms. Killabrew?

11 A. Yes, sir.

12 Q. You were -- you were explaining the
13 allegations against Ms. Tollison as far as her
14 violations of the house arrest program. Is she
15 instructed as to the places that she can go to and
16 frequent while on this program?

17 A. Yes.

18 Q. And what are those?

19 A. She is -- upon -- whenever we hook up the
20 house arrest unit, she -- it is explained that she can
21 go to church, work, probation and doctor's visits.

22 Q. Okay.

23 A. And those are the only four places she can go.
24 On her way to and from those four places she can stop
25 off for life essential needs such as groceries or

1 gasoline. She does need to obtain receipts if she does
2 do that, and report to me once a week, not miss any
3 appointments, or reschedule, and stay current with the
4 house arrest fees.

5 Ms. Tollison did miss two appointments. She
6 did go to other places other than those four designated
7 locations. And there were several warnings given.

8 Q. Can you explain to the Court where she went as
9 far as outside her range or scope of travel?

10 A. Yes. Again, just a reminder, it's on her way
11 two and from those four designated locations. On
12 March 16th she called and requested to go to Walgreens
13 to pick up prescriptions for her children. I did grant
14 permission for that. I told her to -- to obtain a
15 receipt.

16 Then on 3/16 she requested permission to go to
17 the jail to retrieve her belongings and then go to
18 Progressive to pay her car insurance. And I did grant
19 permission for her to do that.

20 And then on March 20th there was a voicemail
21 on our answering machine in the office from the prior
22 day, March 19th, saying that she went to Kroger to get
23 groceries.

24 And then on April 4th she called and reported
25 that her car wheel broke at the Cookout in Cookeville.

1 I'm not sure why she was at the Cookout in Cookeville.

2 On the 6th of April she missed her
3 appointment. She called and said she wasn't able to
4 drive.

5 On the 7th of April I realized that her unit
6 was not tracking her properly, which sparked my -- you
7 know, my curiosity about it charging properly.

8 On April 10th it was not tracking. And I
9 called Ms. Tollison, told her to bring her charger in
10 so that I can check the unit.

11 On April 11th she brought her charger in. And
12 when she brought her charger in she said she realized
13 that her charger was not plugged into the wall, which
14 is why it was not charging. I made sure she understood
15 how to plug it in and what to look for, make sure that,
16 you know, it was completely charged, which is just a
17 green light near the plug where you plug it in.

18 I reminded her of the house arrest rules. I
19 told her that she's no longer allowed to do any
20 errands, that she was taking advantage of, you know,
21 the situations. And I told her it was her only
22 warning.

23 The next day her unit died again. I called
24 her and I told her again, "No more warnings." On the
25 17th she called and said that her -- or her sister was

1 hospitalized, I guess air-lifted to the Cookeville
2 Hospital, and she went with her sister there; and that
3 her father was sick and her mother was not able to take
4 care of him, and she went to the grocery store for her
5 parents. And then--

6 Q. On what day?

7 A. It's--

8 Q. On what day?

9 A. I'm sorry. That was on April 17th.

10 Q. Okay?

11 A. And then on April 21st her unit died again.

12 At that point, my decision to do the violation had been
13 made.

14 Q. Okay. What was that last one, April 20th?

15 A. April 21st.

16 Q. 21st. It died again?

17 A. Yes.

18 Q. Okay.

19 A. Yes.

20 Q. Okay. And then any other reasons for the
21 violation?

22 A. No, sir.

23 Q. Okay. Thank you.

24

CROSS-EXAMINATION

25 **BY MR. GRIFFIN:**

1 Q. So there's four places that they can go to
2 while they're on house arrest. Is that correct?

3 A. Yes.

4 Q. What are those four places?

5 A. Church, work, probation and doctor.

6 Q. Doctor visits?

7 A. Uh-huh. Uh-huh.

8 Q. Are they allowed to stop off at like grocery
9 stores, gas stations, stuff like that on the way to and
10 from if they're going to one of those four designated
11 locations?

12 A. Yes, life essential needs such as groceries
13 and gasoline.

14 Q. Okay. So they can pick up essential needs in
15 that time?

16 A. Uh-huh.

17 Q. Why is it that they can't pick up an essential
18 -- is there some other thing where they can call you to
19 go out and get necessities if they need to, get
20 permission beforehand, or is it just on those --
21 returning from those four routes?

22 A. It's -- it's typically only on those returning
23 four routes. However, if they call, and they --
24 they're not working and they don't have church and they
25 don't have a doctor's visit but they need groceries,

1 they need to call and get permission. And we do
2 monitor and require receipts to be obtained.

3 Q. Okay. All right. So there is that where she
4 can call and get permission ahead of time. Okay.

5 As to the medical situation, the sister that
6 was life-flighted to the hospital there at Saint
7 Thomas, were you made aware of that situation?

8 A. After it occurred.

9 Q. Okay. How soon after it occurred?

10 A. Let's see here. She notified me on
11 April 17th. I'm not sure what date I'm -- I'm assuming
12 it was the day prior, but I -- I cannot verify that.

13 Q. Okay. But she did report that in to you.
14 Correct?

15 A. Yes.

16 Q. Okay. And she -- how's her history of calling
17 in and letting you know about things overall in this
18 probation?

19 A. Fairly well.

20 Q. All right. So she pretty regularly reports
21 into you and gives you calls?

22 A. Other than missing her two appointments, she
23 -- she was able to obtain contact via phone.

24 Q. Okay. And she -- so she made that contact via
25 phone on those appointment days? Is that correct?

1 A. On the appointment days?

2 Q. Or -- well, were -- basically, did she call in
3 and reschedule them? Or what happened?

4 A. She missed the appointments.

5 Q. Okay. And then she called in at a later date
6 to reschedule?

7 A. Uh-huh.

8 Q. Okay. And then she made those appointments at
9 that time?

10 A. Yes.

11 Q. Okay. All right. So -- and do you guys
12 regularly reschedule if they miss one appointment, if
13 they come in relatively soon thereafter?

14 A. On house arrest we're very strict with
15 reporting. We require them to report weekly, or they
16 can do biweekly if they're paid ahead. But typically,
17 no.

18 Q. Okay. And how is her payment histories on
19 this case?

20 A. Payment on the house arrest fees, probably all
21 things she's in compliance with. She -- she did very
22 well with mailing -- maintaining her house arrest fees.

23 Q. Okay. What about her court costs in this
24 case? Are you familiar with that?

25 A. While on house arrest we focus on monitoring

1 them. Her court costs, she -- you don't make any court
2 cost payments. It was -- all her payments went towards
3 her house arrest, yes.

4 Q. Okay. All right. But she was making those
5 payments. Okay.

6 Otherwise with meeting with her, has she been
7 difficult to -- with you to handle? Ever give you a
8 hard time of any sort?

9 A. No.

10 Q. Always respectful?

11 A. Yes.

12 Q. And the -- the primary issue you've had is
13 with this unit -- with charging? Is that correct?

14 A. Charging, missing appointments and falling out
15 of compliance as far as locations she's been going to.

16 Q. All right. And you testified those locations
17 -- one of those was a grocery store?

18 A. Uh-huh.

19 Q. Is that correct?

20 What are the other locations?

21 A. The hospital, grocery store, Walgreens, jail,
22 the Cookout -- I believe that's it.

23 Q. All right. So we got a fast food chain, a
24 Walgreens, so a pharmacy-

25 A. Right.

1 Q. -- a grocery store and--

2 A. Progressive car insurance.

3 Q. Progressive car insurance.

4 A. The jail.

5 Q. And the hospital and then the jail.

6 A. Uh-huh.

7 Q. Those are the places. Okay.

8 And can you give me the date for each one of
9 them?

10 A. Yes. For the Walgreens it was on April --
11 yeah, April 16th; for the jail, April 17th; Progressive
12 car insurance, April 17th; Kroger Grocery Store, April
13 20th -- I'm sorry, those were March; not April -- those
14 dates.

15 Q. Okay. All right.

16 A. Let me repeat: Walgreens, March 16th; jail
17 March 17th; car insurance, the Progressive car
18 insurance, March 17th; March 20th, Kroger Store; April
19 4th, Cookout; April 6th, missed the appointment -- that
20 not a location -- I apologize -- April 17th, hospital
21 and grocery store, and I guess her parents' location.

22 Q. Okay.

23 MR. GRIFFIN: Your Honor, if I may have just a
24 brief moment to confer with my client.

25 Q. (By Mr. Griffin) In regards to the fines and

1 the court costs, do you know if those had been paid in
2 full previously or not in this case?

3 A. No. My -- my last note here shows that she
4 owed \$656 for court costs--

5 Q. Okay.

6 A. -- on her General Sessions case.

7 Q. All right. And you said there was two of
8 them--

9 A. Uh-huh, General sessions--

10 Q. -- right, currently?

11 A. -- and Criminal Court.

12 Q. Okay. Do you know if the -- are you
13 supervising her on both of those?

14 A. Yes.

15 Q. On -- on the other one, do you know if that's
16 been paid? Just looking into amenability
17 (Unintelligible) corrections to see where she's at on
18 her -- on her costs.

19 A. Unfortunately, I don't.

20 Q. Okay. All right. You're not sure one way or
21 the other?

22 A. (No audible response.)

23 Q. Okay.

24 MR. GRIFFIN: That's all the questions I have
25 of this witness, Your Honor.

1 THE COURT: Okay. You may--
2 All right. Yes. You may step down. Thank
3 you.

4 THE WITNESS: Thank you.

5 MR. GRIFFIN: Your Honor, may I make an
6 inquiry with the clerk just as to the status of her
7 court costs?

8 COURT CLERK: 220 is what she owes on this
9 (Unintelligible) case.

10 MR. GRIFFIN: Yeah.

11 THE COURT: \$220?

12 COURT CLERK: (Unintelligible).

13 MR. GRIFFIN: \$220 is what she got left.
14 Okay. Thank you.

15 COURT CLERK: That's for the fines and costs.

16 MR. GRIFFIN: Your Honor, at this point we
17 call Ms. Deonna Tollison to the stand.

18 THE COURT: All right. Ms. Tollison?
19 If you'll raise your right hand, please. Do
20 you solemnly swear to tell the truth, the whole truth,
21 and nothing but the truth, so help you God?

22 THE WITNESS: Yes, sir.

23 THE COURT: All right. You may be seated.

24 **DEONNA ANNETTE TOLLISON,**
25 **having been duly sworn, testified as follows:**

DIRECT EXAMINATION

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BY MR. GRIFFIN:

Q. Please state your name for the record.

A. Deonna Annette Tollison.

Q. Ms. Tollison, you've been placed on house arrest. Is that correct?

A. Yes, sir.

Q. And you've heard the allegations that have been made against you?

A. Yes.

Q. Is that correct?

Can you tell me a little bit about these -- these trips and -- and why it is that you made them, and understanding of why you could make them?

A. Yes, sir. I was -- I was placed on house arrest by the grace of the Court. And I'm a single mother of three -- three beautiful girls and a brand new grandson. And my mom is disabled. And my sister is disabled. My sister passed away seven years; we have her youngest daughter. My little sister just had a massive stroke, a brain aneurysm, so we have her daughter.

So I have a pretty large family. And each and every one of them depends on me because I'm the only one with a vehicle, the only one with a license. I

1 love my family very dearly. I was (Unintelligible) on
2 them for many years. In the last four years I've done
3 everything in my power to get my life back, get my kids
4 back.

5 And the reason for the trips was because when
6 my grandson came off of formula and he had to have
7 milk, and I -- that wasn't expected -- I thought my
8 little girl, my oldest daughter had like the
9 certificate, the
10 -- the WIC vouchers and stuff, and she ran out.

11 So there was times I had -- we eat -- they eat
12 a lot of food. We eat a lot of food. And I only had
13 to go to the grocery store -- I had to go to the
14 grocery store a lot. There's times I had to pick up my
15 niece. There's just -- there's a lot of requirements
16 from the family, you know. And -- and I'm glad to step
17 up and do for them because I didn't for so long. And
18 I'll do anything for my family.

19 Q. Okay. And in regards to the time that you
20 went to Progressive and the jail that's
21 (Unintelligible) for what, exactly?

22 A. The fines that I paid? Looks like--

23 Q. I don't know, you made a trip up here to the
24 jail--

25 A. Oh.

1 Q. -- that was talked about.

2 A. I -- I was -- I'd -- I -- I got violated on --
3 yes -- I got violated -- my first violation was for
4 failure to pay court costs. I didn't get assessment.
5 During the process I got the driving revoked.

6 Well, in the amount of time I got -- up here
7 in December and I paid off all my fines. I paid off --
8 I got my license so the driving on revoked was
9 dismissed. And like a goofball one night, four days
10 before Christmas, I got that criminal impersonation.
11 And I re -- was -- was -- was going back to my old way
12 of thinking. I'm sorry.

13 Q. Okay. And you -- you pled to that charge, and
14 that's all been dealt with. So what you're saying is,
15 is in regards to going off the house arrest you did
16 those because you needed to take care of your family.
17 Is that correct?

18 A. Yes, sir.

19 Q. All right. In regards to the charger
20 situation, can you tell me a little bit about what was
21 going on with that?

22 A. Yes, sir. I -- I would laying down at night
23 to -- to sleep, and that's when I would charge it. And
24 I'd notice that when -- sometimes when I'd wake up that
25 I would kick it loose and it would become unplugged.

1 When it was staying completely charged and I
2 -- that wasn't an issue, I -- I realized that it was
3 better for me to take the cord and wrap it inside the
4 ankle bracelet and tie it off twice in a knot and then
5 plug it up, that way I couldn't un -- un -- kick it
6 loose.

7 But then there was times that -- I mean, I was
8 not trying to be out -- out of compliance. But when my
9 sister went in -- into Erlanger, I realized
10 Ms. Killabrew -- she had called me and let me know,
11 that, you know -- and I even let her know that, you
12 know, I (Unintelligible) and I -- where I felt like I
13 was kind of taking -- I felt like she -- you know, I
14 needed to let her know that, you know, I thought she
15 thought I was taking advantage of it.

16 And -- but I -- and I appreciate -- she was --
17 she did come and warn me, you know, and she did try to
18 help me there.

19 Q. Okay.

20 A. And I tried to -- I just realized that one
21 night, I -- that she asked me bring my unit in. And I
22 went -- when I went to undo everything to bring it in I
23 went behind my desk and I went to unplug it and I
24 realized it wasn't plugged up.

25 I only have two plug-ins in my bedroom, and I

1 share it with all my kids, you know, so... I just get
2 really caught up, you know. And I--

3 Q. Right.

4 A. I mean, I really wish--

5 Q. How many children do you have, total, in the
6 home?

7 A. Three, four, five -- six.

8 Q. Six. Okay. And as far as the conditions of
9 house arrest, and all that stuff, if you were to get a
10 second chance here today, would you be willing to
11 follow all those terms and to keep that charger plugged
12 up and to--

13 A. My God, I will not mess it up, not for the
14 world.

15 Q. All right.

16 A. And if -- put me under here, if I do -- if he
17 would -- if the Judge grant -- grants me -- I mean, has
18 mercy on me today.

19 Q. And you understand what those terms and
20 conditions would be, is that correct? And you'd be
21 willing to abide by them?

22 A. Yes, sir.

23 Q. All right.

24 Is there anything else you'd like to add in
25 your defense at this time?

1 A. No, sir.

2 Q. All right.

3 And my last question will be: Well, your
4 sister, she was there -- went to the Erlanger, is that
5 correct?

6 A. She--

7 Q. Or St. Thomas in Nashville?

8 A. She was -- St. Thomas, yeah.

9 Q. Okay.

10 A. And the reason I had to go there is because
11 they called us -- and I -- I had an appointment with
12 her that day. I -- I remember I had an appointment
13 with her that day. And my dad was at home. And he was
14 like -- but they called and let us know that my little
15 sister woke up and started pulling her ventilators and
16 her tubes out and stuff.

17 I done lost a sister six years ago. And my
18 little sister died in my arms in the car -- carport.
19 And I was about to lose her. So when they called and
20 said she's pulling her ventilator and her tubes out,
21 they need family members up there immediately -- and
22 there's only me and my dad. Me and my dad run our
23 butts off for our family. I mean, we really do.

24 And Daddy does not -- you'll -- he'll -- he'll
25 say -- he's a gentle man -- man, and he's just not real

1 good with technology at all. And I had a GPS, he still
2 didn't know how to work it. So I put it in his truck
3 and they -- they -- they had to have us, and I just
4 went.

5 Q. The GPS to get down Nashville to follow
6 directions, correct?

7 A. Yes, sir. Yes, sir.

8 Q. All right.

9 Anything else?

10 A. No, sir.

11 MR. GRIFFIN: Thank you, Your Honor. That's
12 all I have of this witness.

13 **CROSS-EXAMINATION**

14 **BY MR. MACLEOD:**

15 Q. Ms. Tollison, do you agree that you were on
16 probation before -- in Putnam County before you picked
17 up your DUI here in White to go on--

18 A. Yes.

19 Q. -- probation, then? Is that correct?

20 A. Yes, sir.

21 Q. And this -- after that you violated -- you'd
22 picked up a driving on revoked. Is that correct?

23 A. Here?

24 Q. Yes. That's correct?

25 A. Yes, sir.

1 Q. Yes. And that was dismissed. Is that what
2 you said?

3 A. Yes, sir.

4 Q. But you pled to a criminal impersonation. Is
5 that correct?

6 A. Yes, sir.

7 Q. And that was in January of 2017?

8 A. Yes, sir.

9 Q. Okay. And then you were violated, and you're
10 given the opportunity to go on house arrest for 90
11 days. Is that correct?

12 A. Yes, sir.

13 Q. Okay. So during that you asked to go to a
14 number of places -- auto and the jail -- Progressive
15 Auto and jail. Is that right?

16 A. Yes, sir.

17 Q. You were given permission to do that. But
18 then you went to Kroger on 3/20. Is that correct?

19 A. Yes.

20 Q. No -- no permission to do that, right?

21 A. There was no phone number to get a hold of
22 her.

23 Q. Okay. But you got a hold of her before to get
24 the permission, didn't you?

25 A. Well, that was in the middle of the--

1 Q. Didn't you?

2 Q. -- it was early in the day.

3 Q. Hold on. Is it true that you'd gotten a hold
4 of her before?

5 A. Yes.

6 Q. Okay. So-- and then it looks like 4/4 you
7 went to the Cookout in Cookeville. Is that correct?

8 A. Yes.

9 Q. No permission to do that, was there?

10 A. No, sir.

11 Q. Okay. And that's not a grocery store where
12 you feed the kids and stuff, is it?

13 A. I was on my way to the grocery store.

14 Q. But that's a -- but you stopped at the
15 Cookout, is that right?

16 A. Yes.

17 Q. Okay.

18 Then you missed an appointment. Is that
19 correct?

20 A. I--

21 Q. On 4/6 you missed an appointment, didn't you?

22 A. I missed it, but I called--

23 Q. Okay.

24 A. -- and rescheduled.

25 Q. All right. But you missed it on another

1 occasion, too, didn't you?

2 A. That was when I had to go to St. Thomas.

3 Q. Okay. And when you went to St. Thomas it
4 looks like you went to the hospital, St. Thomas, to
5 visit your--

6 A. Sister.

7 Q. -- sister.

8 And then you went to the grocery store after
9 that?

10 A. Yes, we -- me and my dad came back, yeah.

11 Q. Okay. And then went to the grocery store.

12 On multiple occasions your unit died, it
13 seems. Is that correct?

14 A. Two or three times.

15 Q. Two or three times it died. And it's true
16 that Ms. Killabrew has your phone number. Isn't that
17 right?

18 A. Yes, sir.

19 Q. Okay. And what -- is that phone number 4 --
20 400-2222?

21 A. Yes, sir.

22 Q. That's a cell phone, isn't it?

23 A. No, sir.

24 Q. That's a land line?

25 A. That's a land line.

1 Q. From where?

2 A. Through Direct TV.

3 Q. Through Direct TV?

4 A. Yes.

5 Q. Okay. Do you have a cell phone?

6 A. Yes.

7 Q. You do have a cell phone?

8 A. Oh, well, my mom's got a cell phone.

9 Q. Your mom's got a cell phone. Okay. How many
10 times did your mom's cell phone die while you were
11 charger on your angle bracelet was dying?

12 A. It dies periodically.

13 Q. Okay. All right.

14 And you don't work anywhere, do you?

15 A. I was -- I was--

16 Q. It's true you don't work anywhere, do you?

17 A. Okay. Yes.

18 Q. You haven't given the -- a work history to
19 Ms. Killabrew, have you?

20 A. I let her know that I was -- I was cleaning
21 out a dog kennel. I was trying to make some extra
22 money on the side.

23 Q. Okay.

24 A. And it was on the way to my house.

25 Q. Okay.

1 supposed to keep charged up?

2 THE WITNESS: Yes, sir.

3 THE COURT: When you plug it in does -- does
4 it -- if it's got a dead battery, does it show red, and
5 then when it's charged it shows green or--

6 THE WITNESS: Green.

7 THE COURT: -- something like that?

8 THE WITNESS: Green, yes. And it's got a
9 backup battery.

10 THE COURT: Okay. So you ought to be able to
11 look at it and know if it's charging or not, right?

12 THE WITNESS: Yeah, yeah.

13 THE COURT: Okay.

14 THE WITNESS: It was -- it was in the red
15 mostly. Mostly it was in red.

16 THE COURT: But I mean, if--

17 THE WITNESS: It's--

18 THE COURT: -- it wasn't even plugged up it
19 wouldn't have any light, would it?

20 THE WITNESS: That was for two days it
21 wasn't--

22 THE COURT: Okay.

23 THE WITNESS: -- plugged up that was around
24 the time--

25 THE COURT: I asked--

1 THE WITNESS: I'm sorry.

2 THE COURT: The question was: It would have
3 no lights on if it wasn't plugged up, would it?

4 THE WITNESS: Well, yes.

5 THE COURT: When you put it on the charger it
6 wouldn't light up at all if it wasn't-

7 THE WITNESS: It would take -- it was -- it'd
8 take about 15 seconds for it to light up red. And --
9 and I probably (Unintelligible) laying down and just
10 tired, and plugged it in and expected it to come on.
11 But I -- I promise you, I wasn't doing it on purpose.
12 I mean, I just have a lot going on. I'm sorry.

13 THE COURT: Any cross-examination of the
14 Court's questions?

15 MR. MACLEOD: No, Your Honor.

16 MR. GRIFFIN: No, Your Honor.

17 THE COURT: All right. You may step down.

18 THE WITNESS: Thank you, Your Honor.

19 THE COURT: Call your next.

20 MR. GRIFFIN: I call Alanna Tollison, Your
21 Honor.

22 UNIDENTIFIED MAN: Alanna Tollison.

23 (Unintelligible voices.)

24 THE COURT: Ms. Tollison, come up here and
25 have a seat, please. And if you'll raise your right

1 hand. Do you solemnly swear to tell the truth, the
2 whole truth, and nothing but the truth, so help you
3 God?

4 THE WITNESS: Yes, sir.

5 THE COURT: All right. Thank you. You may be
6 seated.

7 **ALANNA TOLLISON,**

8 **having been duly sworn, testified as follows:**

9 **DIRECT EXAMINATION**

10 **BY MR. GRIFFIN:**

11 Q. Would you please state your name for the
12 record?

13 A. Alanna Tollison.

14 Q. And how is it that you know -- know Ms. Deonna
15 Tollison?

16 A. She's my mom.

17 Q. All right. And you're familiar that she was
18 on house arrest. Is that correct?

19 A. Yes, sir.

20 Q. And you are in -- living in the house with
21 her. Is that correct?

22 A. Yes, sir.

23 Q. Can you explain to me a little bit about what
24 all Ms. Tollison does to help you?

25 A. Well, I have two little sisters, too. And she

1 takes care of them. She goes to the grocery store
2 because she's the only one with a driver's license. My
3 Grandma, she has COPD. She had various other health
4 conditions, so she's not able to get up and clean
5 houses, you know, for long periods of times and things
6 like that.

7 And she helps out a lot because no one else is
8 able to drive back and forth to town to go get those
9 things that we need. And we've actually been
10 struggling. It's just me and my grandma right now. My
11 aunt just got out of the hospital. You know, she had a
12 stroke, and she's practically paralyzed on her right
13 side. She's using it a little bit more.

14 But it's just me and my grandma taking care of
15 -- I have two little cousins there that are 10 and 11,
16 two little sisters and I also have a son. So it's just
17 me and her cleaning and cooking and helping. And my --
18 my aunt really can't do anything. She's honestly
19 needed a lot at home right now.

20 Q. All right. So it's fair to say that
21 Ms. Tollison helps you a lot with your basic care and
22 needs. Is that correct?

23 A. Yes. She helps out with bills and things like
24 that, so...

25 Q. All right. And did you go with Ms. Tollison

1 down to see your aunt when she was at -- at St. Thomas
2 Hospital in Nashville?

3 A. I didn't go. My little cousin went.

4 Q. Okay.

5 A. Yeah, I had to stay home with the kids,
6 because there's like -- like I said, my little cousins
7 and my two little sisters and things like that. She
8 went with my grandpa.

9 Q. Okay.

10 MR. GRIFFIN: No further questions, Your
11 Honor, of this witness.

12 THE COURT: How old are you?

13 THE WITNESS: I'm 17.

14 THE COURT: Why don't you get a driver's
15 license?

16 THE WITNESS: I can get them, I guess, it's
17 just you have to have insurance on a car. I'm not sure
18 if her car has insurance. Because they won't let you
19 go up there and take a driving test without insurance
20 on a car.

21 THE COURT: What?

22 THE WITNESS: I guess just in case something
23 happens. I -- I've asked.

24 UNIDENTIFIED WOMAN: That's true.

25 THE COURT: What if you don't own a car, you

1 can't get a driver's license?

2 UNIDENTIFIED WOMAN: I had an individual who
3 is 70 years old here, Your Honor, and she couldn't --
4 and had to borrow someone -- had to take them with
5 them. She'd never had a driver's license and -- and
6 show that they had--

7 THE COURT: Well, I guess you've got to have a
8 car that--

9 UNIDENTIFIED WOMAN: -- (Unintelligible)
10 insurance.

11 THE COURT: -- when you go and take the
12 drivers test that has insurance on it, right?

13 UNIDENTIFIED WOMAN: That has insurance, yes.

14 THE COURT: Okay.

15 UNIDENTIFIED WOMAN: Yes.

16 THE COURT: All right. You may step down.

17 THE WITNESS: Okay. Thank you.

18 THE COURT: So are you telling me that your
19 mom's driving that car around with no insurance?

20 THE WITNESS: I'm -- I'm not sure if it has
21 insurance on it.

22 MS. DEONNA TOLLISON: It has insurance through
23 Progressive but (Unintelligible) difficulty
24 (Unintelligible).

25 MR. GRIFFIN: All I know is we had testimony

1 earlier about Progressive Auto Insurance, Your Honor.

2 Your Honor, if I may also call Rick Tollison
3 to the stand, please.

4 THE COURT: Come on up here and have a seat,
5 Mr. Tollison.

6 All right. Raise your right hand, sir. Do
7 you solemnly swear to tell the truth, the whole truth
8 and nothing but the truth, so help you God?

9 THE WITNESS: Yes, sir.

10 THE COURT: All right. Thank you. Have a
11 seat.

12 **RICK TOLLISON,**

13 **having been duly sworn, testified as follows:**

14 **DIRECT EXAMINATION**

15 **BY MR. GRIFFIN:**

16 Q. Please state your name for the record.

17 A. Rick Tollison.

18 Q. How do you know Mr. Deonna Tollison?

19 A. Ma'am -- sir?

20 Q. How do you know Ms. Deonna--

21 A. Oh.

22 Q. -- Tollison?

23 A. That's my daughter.

24 Q. And there was an event where your other
25 daughter was sick a while -- a while back. Is that

1 correct?

2 A. Yeah.

3 Q. And tell me a little bit about that situation.

4 A. She had a stroke.

5 Q. Okay. And that was on 4/15, is that correct,
6 of this year?

7 A. I -- I -- well, I think so. Let me -- I'd
8 have to read the number. I just know she had a stroke
9 and she stayed there and we went to, you know, see her.

10 Q. Okay. And Ms. Tollison went with you to see
11 her?

12 A. Yeah.

13 Q. And she was life-flighted down to Nashville,
14 is that correct?

15 A. Yes, sir, yes.

16 Q. A pretty serious illness?

17 A. Ill -- about died, you know, about lost
18 another one.

19 Q. All right. And in regards to your household,
20 there's several children living there. Is that
21 correct?

22 A. Yeah, about nine, ten, yeah.

23 Q. Okay. Sure it's not more about like six?

24 A. Kids? Kids, yeah.

25 Q. Yeah.

1 A. The kids, now, since she got the kids, yeah.

2 Q. Okay. All right. Ms. Tollison takes care of
3 those kids. Is that correct?

4 A. She helps -- yeah, she -- they help -- yeah.
5 And she -- yeah -- they couldn't hardly doing nothing
6 with -- I mean, she's the only one that's got a license
7 there. And she just barely got them back last time.

8 Q. All right. Is she a big help to you all
9 around the house and getting groceries, and whatnot?

10 A. And she's all -- she's all they got to get
11 groceries, yeah.

12 Q. Okay.

13 A. Only -- she's the only one that can drive.

14 Q. Do you live with them, or do they live
15 separate from you?

16 A. I -- I live -- I take care of my mom.

17 Q. Okay.

18 A. I'm my mom's care giver.

19 Q. Okay. All right.

20 Anything else you'd like to add about this
21 case?

22 A. Well, I want -- I wish she can get out because
23 of her kids -- she's got three beautiful kids, and she
24 -- she needs to be a mom instead of the shit she's in
25 now. I mean, you know, I -- she -- she needs to be

1 home. I'm here to help her; I'm -- I'm her Daddy. I
2 love her. And well, hell (Unintelligible) I'm just
3 trying to be a Daddy.

4 Q. All right. So what -- basically what you're
5 saying is she needs to be out and helping and
6 straightening up. Is that correct?

7 A. Well, yeah. I mean, her--

8 Q. Okay.

9 A. -- (Unintelligible) I mean, them kids every
10 day (Unintelligible) "Papa, where's Mama" -- you know.

11 Q. And see her help the children, that's what you
12 like to see? Is that correct? And that would be a big
13 benefit you all's family?

14 A. Yes, it would.

15 Q. All right. No further questions, Your Honor.

16 THE COURT: Any questions?

17 MR. MACLEOD: No.

18 THE COURT: All right. You may step down.

19 Thank you.

20 UNIDENTIFIED MAN: (Unintelligible).

21 THE COURT: (Unintelligible).

22 MR. GRIFFIN: Your Honor, if I may,

23 Ms. Tollison would -- well, we've heard testimony here
24 today about these (Unintelligible) monitoring. It's
25 not something where anybody in the community has been

1 injured. There's some issues here with the charger.

2 We've heard Ms. Tollison she would abide by
3 that, given the chance, that there's several children
4 that she looks after and helps takes care of. By and
5 large mostly stops for -- one was the hospital visit,
6 the other ones were necessity, it seemed like, grocery
7 store, car insurance, other little things.

8 And while I -- I would agree that she probably
9 should be calling in and -- and following that, it's
10 not something where we have anybody placed in harm. I
11 think she understands what she's done was -- was -- was
12 wrong, and she's willing to come forward and to comply
13 by any rules of the Court going forward.

14 Given the -- the nature of the family and the
15 needs for these children to have a caretaker -- or have
16 somebody help them out, help out her daughter with her
17 child and everything, Your Honor, we throw ourselves on
18 the mercy of the Court, and would ask that my client
19 be, if found in violation, be given some alternative
20 form of sentencing, perhaps continuing house arrest or
21 additional house arrest, or something less than the
22 full sentence to serve, Your Honor. Thank you.

23 MR. MACLEOD: Judge, I believe when the Court
24 allows someone to go on house arrest they are held to a
25 higher standard for a reason. That higher standard

1 testified by Ms. Killabrew is weekly meetings and
2 things of that nature, and so they didn't go to jail in
3 the first place.

4 Ms. Tollison has shown no -- no amenability to
5 rehabilitation as far as that's concerned. She was on
6 probation in Putnam County before she picked up the DUI
7 here. She gets a DUI. White County picks up a drive
8 on revoked. It wasn't dismissed and then she has a
9 criminal impersonation right after that that she pleads
10 to.

11 She's allowed to have 90 days of house arrest,
12 but during that time, multiple occasions she is warned
13 by Ms. Killabrew. And through her testimony alone, she
14 says she was warned. She goes to Kroger, she goes to
15 the Cookout. She goes to the hospital. After the
16 hospital she goes to the grocery store. She missed
17 multiple appointments.

18 And then she couldn't keep her -- her ankle
19 monitor charged. It seems like a pretty simplistic
20 thing to do. Through her testimony she says that a
21 light comes on, and it's red, it blinks and then it's
22 green when it's good. And she was so worried about
23 this that she failed to check. You know, we just don't
24 see that to be a viable excuse, Your Honor.

25 She doesn't work, and she's needed by family

1 so much, you figure that there'd be a job or something.

2 THE COURT: How did -- that's a -- that's a
3 question I've got. I don't remember ever agreeing to
4 house arrest absent employment. That's almost --
5 that's about the only reason I'd consider it is--

6 MS. TOLLISON: I did have--

7 THE COURT: -- to save people their
8 employment, their jobs.

9 MR. GRIFFIN: Yes, sir.

10 THE COURT: How is it that--

11 MR. GRIFFIN: I didn't represent her
12 previously, Your Honor. I'm not sure, to be honest
13 with you.

14 THE COURT: It's just odd that I would grant
15 that without -- her not having a job at the -- the
16 time.

17 MS. TOLLISON: Well, I had a job at the time.
18 I was -- I was helping my dad's friend (Unintelligible)
19 concrete. But then it was just seasonal, and I'm a
20 female, so he only keeps me when he could. So that's
21 why I was cleaning these dog kennels after that. And
22 it was like a mile away from my house (Unintelligible)
23 clean them. And then and I -- I'm just really good
24 with animals, so I mean, that's -- that's what I was
25 doing, and was -- been doing prior to being arrested.

1 THE COURT: (Unintelligible) go ahead.

2 MR. MACLEOD: Never reported that to her
3 probation officer. So with all that combined, Your
4 Honor, we don't believe that Ms. Tollison is amenable
5 to any type of probation. And we think she should be
6 revoked to serve to finish the balance of her sentence.

7 THE COURT: Well, I don't mind telling you,
8 this (Unintelligible) is making me rethink house arrest
9 altogether, that there was as much freedom as there is.
10 I -- I -- my expectation was they're -- they're allowed
11 house arrest generally to keep -- to keep a job, not to
12 make the various and the sundry responsibilities that
13 are -- are incumbent upon person in a family and
14 things. Because otherwise, when they're in jail,
15 they certainly can't do those things. This is -- the
16 reason -- they -- you know, those -- to be honest with
17 you, the only reason I go along with that is because
18 employment to me is the one thing that will come closer
19 to keeping these folks out of trouble and out of jail
20 than anything else.

21 And you know, a lot -- and that's generally
22 why I go along with it: Well, he's got a job, she's
23 got a job, and they're going to lose it if they -- if
24 they go to jail. And that's all -- well, okay.

25

1 But I -- but the way I've had it -- of course,
2 I guess this is my mistake. The way I had it in my
3 mind is you go to work. That's it. And you ought to
4 feel lucky you got that.

5 I didn't know they was calling up and going to
6 the grocery stores and here and there and well, this or
7 that. And if I'd have known that I probably never
8 would have agreed to it to begin with it.

9 But then on top of that, and -- and it seems
10 to me, Ms. Tollison, they were very lenient with you
11 for a long time. Excuse -- some of these things I
12 never would have agreed to if they'd called me and
13 asked me. Then you miss appointments.

14 MS. DEONNA TOLLISON: I was--

15 THE COURT: But you're somewhere where you're
16 not supposed to be, but you're not where you're
17 supposed to be.

18 It -- you were counseled about keeping this
19 thing charged. And I -- I just don't understand how
20 something so important to your liberty becomes
21 something you can be too tired to notice, or too busy
22 doing something else, when this is the one thing
23 keeping you out of confinement. I'm -- I don't -- I
24 can't wrap my mind around there and get to that.

25 And I can't (Unintelligible) I can't trust you

1 to do it in the future, you can't -- you ain't done in
2 the past. Everything was riding on it, and that was --
3 still wasn't enough.

4 MS. DEONNA TOLLISON: I'm sorry.

5 THE COURT: You -- you have violated the terms
6 of your house arrest, the Court so finds, and violated
7 the terms of your probation by doing so.

8 This is the second violation. And I'm not
9 unsympathetic to some of the circumstances that you're
10 faced with. But -- and -- and the way I treat other
11 folks and being fair -- trying to be fair across the
12 board, second violation gets a -- gets a revoke to
13 serve.

14 Now, there are a lot of things you can do in
15 jail to start earning an early release. You haven't
16 had one of those, and you'll still be eligible for
17 that. Unless you just get in there and lay down and
18 quit on life and everything else, then you'll be there
19 for
20 11 months, 29 days. But if you get in there, go to
21 these classes and do the things you need. You need to
22 go to an A & D class for sure.

23 MS. DEONNA TOLLISON: I'm not on drugs.

24 THE COURT: Well, you've got a--

25 UNIDENTIFIED WOMAN: I've (Unintelligible)--

1 THE COURT: You were originally on DUI, and
2 that's either alcohol or drugs. Simple possession
3 Schedule VI is--

4 MS. DEONNA TOLLISON: That was my-

5 THE COURT: -- a drug. Simple possession
6 Schedule II is a drug.

7 MS. DEONNA TOLLISON: I've passed-

8 THE COURT: If I was in jail for it, I'd
9 figure I have a problem with it.

10 MS. DEONNA TOLLISON: Well, I've quit
11 everything. And I've passed all my drug screens. I
12 quit everything.

13 THE COURT: Well, I've -- you can argue with
14 me--

15 MS. DEONNA TOLLISON: (Unintelligible).

16 THE COURT: -- if you want. If you want an
17 early release--

18 MS. DEONNA TOLLISON: Okay.

19 THE COURT: -- you'll do what I say. I don't
20 -- I mean, that's kind of been your problem: "Well, I
21 know I wasn't supposed to go do this, but I needed to.
22 Well, I know you told me I need to do this, but I don't
23 need to" -- well, then don't. I'm trying to help you.
24 If you don't want it, that's fine.

25 MS. DEONNA TOLLISON: I do.

1 THE COURT: You do have credit, though, on
2 your jail -- every day you're on house arrest -- that
3 you were on house arrest, you had -- those are days
4 credited to your jail sentence. So you have those
5 credits. So but otherwise your probation is revoked.
6 You'll be required to serve the balance as sentenced in
7 the White County Jail.

8 COURT CLERK: Your Honor, may I clarify, would
9 you like me to still bring in my house arrest caseload,
10 back into Court?

11 THE COURT: No, no. I rescinded that on--

12 COURT CLERK: Okay.

13 THE COURT: And -- but -- well, if that ever
14 happens that's -- that's what's going to happen.

15 COURT CLERK: Yes, Your Honor.

16 MR. GRIFFIN: Won't be coming from my office,
17 Your Honor. I recognize the issue.

18 THE COURT: We're not going to play that game.

19 (End of hearing.)

20 * * * * *

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I, Laurie McClain, Transcriber,

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Date 10/7/2017



Laurie McClain
Transcriber

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