

**JANUARY TERM, 2018, CRIMINAL COURT**

STATE OF TENNESSEE

VS.

NO. 2018-I-112  
GJ72766

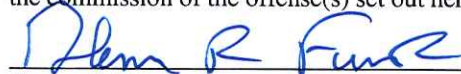
**MEGAN CHRISTINE BARRY**

**PROSECUTOR: S. A. Ross Winkler**

**CHARGE: Theft of Property**

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I hereby charge the above-named defendant with  
the commission of the offense(s) set out herein.



GLENN R. FUNK  
DISTRICT ATTORNEY GENERAL

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I, **Megan Christine Barry**, the undersigned  
defendant having been advised of the nature of the  
charge and of my right to be tried only upon  
presentment or indictment returned by a grand jury of  
my peers, hereby waive in open court my right to  
prosecution by indictment or presentment and consent  
and agree that the proceeding may be by criminal  
information as provided by statute, this 6  
day of March, 2018.

  
DEFENDANT  
**Megan Christine Barry**

  
ATTORNEY FOR DEFENDANT  
**Jerry Martin**

  
ATTORNEY FOR THE STATE  
**Glenn R. Funk**



# INFORMATION

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## State of Tennessee, Davidson County

Glenn R. Funk, being the duly elected District Attorney General for Davidson County, Tennessee, acting under the authority of Tennessee Code Annotated § 40-3-103, charges that:

### **MEGAN CHRISTINE BARRY**

**on divers days beginning on or about the 1st day of March, 2016 through on or about the 26th day of January, 2018**, in Davidson County, Tennessee and prior to this criminal information knowingly did obtain or exercise control over certain property, to wit: **United States Currency**, of the value of **\$10,000 or more but less than \$60,000**, the property of **Metropolitan Nashville Davidson County, Tennessee**, without the effective consent of **Metropolitan Nashville Davidson County, Tennessee**, with the intent to deprive **Metropolitan Nashville Davidson County, Tennessee** of the property, in violation of Tennessee Code Annotated § 39-14-103, and against the peace and dignity of the State of Tennessee.

TWENTIETH JUDICIAL DISTRICT  
DAVIDSON COUNTY, TENNESSEE  
DIVISION V

STATE OF TENNESSEE

VS. Megan Barry

DOCKET NO. 2018-E-112

PETITION TO ENTER PLEA OF GUILTY

I, the above named defendant, pursuant to Rule 11 of the Tennessee Rules of Criminal Procedure, respectfully state to the Court as follows:

1. My full legal name is Megan Christine Barry
2. I am represented in this case by a lawyer and the name of my attorney is Paul Bruno and Terry Martin
3. I received a copy of the indictment or information, which states the charge(s) against me, before I was required to plead to the charge(s). I have read and discussed the indictment or information with my attorney.
4. I have told my lawyer everything I know about the facts and circumstances surrounding the charge(s) against me.
5. My lawyer has told me and I understand the definitional elements of the crime(s) I am charged with; that is, my lawyer has explained to me what the State has to prove beyond a reasonable doubt to convict a person of the offense(s).

My attorney has also informed me in detail and I understand what the State's evidence against me would be in regard to the charge(s).

My lawyer has explained all possible defenses I might have.

My attorney has counseled and advised me on all of these matters and I understand them.

Thus, I believe I presently understand every charge against me.

6. My attorney has told me and I understand that the punishment I could receive, including both possible incarceration and/or fine, is: [Set our range of punishment for offense(s) charged and pleaded to, if different.]

Charge: Theft of Property in an amount over \$10,000

Class: C Felony

Possible sentence: Three (3) to Fifteen (15) years

Possible Fine: \$10,000.00

7. My attorney has explained that the Court will consider each count of each indictment or information to which I plead "GUILTY" as a separate offense, and may order that I serve the sentences for multiple offenses consecutively, that is, one after the other.
8. I understand that in making its sentencing determination the Court will consider all of my prior criminal convictions.
9. I understand that the Court's authority to impose punishment is the same if I plead "GUILTY" as it is if I plead "NOT GUILTY". have a jury trial, and am convicted.
10. My attorney has discussed with me whether I am eligible for alternative sentencing, including probation. I understand my attorney's statements on this issue. Although, if eligible, I hope to receive probation or other alternative sentencing, I agree to accept any punishment which the law permits the Court to impose.
11. I understand that the Tennessee Constitution guarantees me the right to have any fine greater than fifty dollars (\$50.00) set by a jury. I wish to give up that right and want the Court to set any fine which is part of my punishment.

12. My attorney has explained enhanced sentencing to me, and I understand that if I am presently eligible for enhanced sentencing, I have a statutory right to a delay of ten (10) days after the State files a notice of intent to seek enhanced punishment before the Court accepts my plea of "GUILTY". I hereby acknowledge that I am subject to enhanced sentencing as a multiple, persistent and/or career criminal, and give up my right to the filing of such notice and/or to some or all of the ten (10) day waiting period before conviction.

13. I understand that my plea of "GUILTY" will be a criminal conviction on my record, and that if I am convicted of any crimes in the future, this conviction may be used against me as a basis for giving me greater punishment for the future conviction(s) as a multiple, persistent and/or career offender.

14. I understand that I am presumed innocent of the charge(s) against me, and if I went to trial, the presumption would remain with me throughout the trial unless and until overcome by all of the evidence presented by the State.

15. I understand that I have the right to plead "NOT GUILTY" to any offense(s) charged against me and to persist in that plea, and that if I choose to plead "NOT GUILTY" the Constitution guarantees me (a) the right to a speedy and public trial by jury; (b) the right to see, hear and cross-examine all witnesses against me; (c) the right to use the power and process of the Court to compel the production of any evidence, including the attendance of any witnesses, in my favor; (d) the right to have the assistance of counsel in my defense at all stages of the proceedings; and (e) the right to remain silent and not testify, and that my silence cannot be used against me. I understand that if I plead "GUILTY" I will be waiving my right to a jury trial and to the other rights set out above.

16. I understand that by pleading "GUILTY", I am giving up the right I would have if I were convicted by a jury to have an appellate court review the basis of my conviction.

17. I understand that in conjunction with my plea of "GUILTY" I may be asked questions about the offense(s) and if I answer those questions under oath, on the record, and in the presence of my attorney, and do not tell the truth, my answers could later be used against me in a prosecution for perjury, which is a crime punishable by incarceration and/or fine.

18. I declare that no government officer or agent (federal, state or local), or any other person, has made any promise or suggestion of any kind in exchange for my plea of "GUILTY", with the exception of the agreement between me and the State's attorney to recommend to the Court the plea and punishment set out in paragraph twenty-two (22) below.

19. I declare that no person has pressured, forced, threatened, or intimidated me into pleading "GUILTY".

20. I believe my lawyer has done everything any lawyer could have done to represent me and I am satisfied with my legal representation and assistance in this case. I have had no problem communicating with my attorney.

21. I declare that during my discussions with my lawyer about this case, and while I read and/or discussed this petition with my lawyer, I was not under the influence of any alcoholic beverage or intoxicating drug.

22. I know that the Court will not ordinarily accept a plea of "GUILTY" from anyone who claims to be innocent, and with that in mind, and because I make no claim of innocence, I wish to plead "GUILTY" and respectfully request the Court to accept my pleas as follows: [Set out plea bargain agreement with the State.]

Plead Guilty to one count of theft of property in an amount over \$10,000.00.

Class C Felony  
Sentence: Three (3) years, ~~and~~ suspended  
Probation: Three (3) years pursuant to T.C.A. § 40-35-313.  
The probation is unsupervised.  
Restitution: \$11,000.00  
Resignation from the Office of Mayor, Davidson County effective today.

On the basis of my statements in this petition, I request that the Court accept my plea of "GUILTY".

I agree that the Assistant District Attorney General may summarize what the State's witnesses would say if called to testify in this case, and I give up my right to confront and cross-examine those witnesses.

Signed by me in the presence of my attorney, this 6th day of March 2018

  
DEFENDANT



CERTIFICATE OF DEFENDANT'S COUNSEL

The undersigned, as attorney for the foregoing named defendant, Megan Barry, in Criminal Case No. 2018-E-112, hereby certifies as follows:

1. I have read and fully explained to the defendant the charge(s) against him/her as set out in the indictment or information. I have discussed with the defendant the defendant's knowledge of the facts and circumstances surrounding the charge(s). I have also discussed all possible defenses with the defendant.
2. To the best of my knowledge and belief each statement set forth in the foregoing petition is in all respects accurate and true.
3. The plea of "GUILTY" as offered by the defendant in paragraph twenty-two (22) of the foregoing petition accords with my understanding of the facts as related to me by the defendant, and is consistent with my advice to the defendant.
4. In my opinion, the defendant's waiver of his/her constitutional and statutory rights is voluntarily and understandingly made; and I recommend to the Court that the plea of "GUILTY" be now accepted and entered on behalf of the defendant as requested in paragraph twenty-two (22) of the foregoing petition.
5. I have explained to the defendant any/all potentially applicable forms of alternative sentencing, including probation.
6. I have read the foregoing Petition to Enter a Plea of Guilty to the defendant and/or discussed each provision with him/her in detail.

Signed by me in the presence of the defendant, this 6th ~~March~~ 2018 day of March, 2018.

Jerry Martin  
ATTORNEY FOR DEFENDANT

CERTIFICATE OF DISTRICT ATTORNEY GENERAL

I, Glenn Funk, am the ~~Assistant~~ District Attorney General assigned to represent the State in the subject case. I certify that I have read the recommendation for the guilty plea and punishment set forth in paragraph twenty-two (22) in the foregoing Petition To Enter Plea of Guilty, and find that it accurately states the terms and scope of the plea agreement.

Glenn Funk  
ATTORNEY FOR STATE

TWENTIETH JUDICIAL DISTRICT  
DAVIDSON COUNTY, TENNESSEE  
DIVISION V

STATE OF TENNESSEE

VS. *Megan Barry*

DOCKET NO. 2018 - I - 112

ORDER

This cause came on to be heard before the undersigned Judge upon the defendant's petition to enter a plea of guilty and accompanying certificates of counsel, all of which are attached hereto and incorporated herein by reference. Based on the petition and certificates, and the defendant's responses to questions personally addressed to him/her by the Court under oath, on the record, and in the presence of his/her attorney, together with statements made by the parties' attorneys, the Court finds as a matter of fact:

1. That the defendant understands the nature of the charge(s) against him/her, the nature of the charge(s) to which the plea is offered, the mandatory minimum penalty provided by law, and the maximum possible penalty provided by law.
2. That the defendant understands that he/she has the right to plead not guilty and to persist in that plea.
3. That the defendant has been fully advised and understands his/her right to trial by jury to determine guilty or innocence; that at such trial, he/she has the right to assistance of counsel, the right to confront and cross-examine witnesses against him/her, and the right not to be compelled to incriminate himself/herself or to have an election not to testify used against him/her.
4. That the defendant understands that if he/she pleads guilty there will be no further trial of any kind except as to sentence, so that by pleading guilty, he/she waives the right to a trial and appellate review of the conviction. The defendant understands that if there is a hearing as to sentencing, no jury will be involved.
5. That the defendant understands that if he/she pleads guilty, he/she may be asked questions about the offense(s) to which he/she has pleaded, and that such answers, made under oath, on the record, and in the presence of counsel; may, if untrue, form the basis for later prosecution and punishment for the crime of perjury.
6. That the defendant fully understands that should the Court accept the plea of guilty and the recommended sentence, the sentence will constitute a conviction which, if considered with prior and/or subsequent convictions, may form the basis for enhanced punishment under T. C. A. 40-35-106-108.
7. That the Court after inquiry is satisfied that the plea resulted from prior discussions between the District Attorney General, the defendant, and his/her attorney.
8. That the defendant's plea of guilty, as well as his/her waiver of every right enumerated herein, is voluntary, and not made as a result of force or threats or of promises apart from the plea bargaining process.
9. That from the entire record the Court is satisfied that there is a factual basis for the plea of guilty.

The Court therefore finds that the plea of guilty heretofore entered by the defendant is acceptable to the Court.

IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED by the Court that the petition filed herein be, and the same is, in all respects, granted.

This the 6<sup>th</sup> day of March, 2018

  
JUDGE

IN THE CRIMINAL ~~CIRCUIT~~ COURT FOR DAVIDSON COUNTY, TENNESSEE

Case Number: 2018-I-112 Count # 1 Counsel for the State: Clara R. Frank / Amy Hunter / Roger D. Chase  
 Judicial District: 20th Judicial Division: V Counsel for the Defendant: Jerry [unclear] / [unclear]  
 State of Tennessee vs. Megan Christine Barry  
 Defendant: Megan Christine Barry Alias: \_\_\_\_\_ Date of Birth: 9-22-63 Sex: F  
 Race: W SSN: \_\_\_\_\_ Relationship to Victim: \_\_\_\_\_ Victim's Age: \_\_\_\_\_  
 State ID #: \_\_\_\_\_ County Offender ID # (if applicable): \_\_\_\_\_ State Control #: \_\_\_\_\_  
 Arrest Date: \_\_\_\_\_ Indictment Filing Date: \_\_\_\_\_

**ORDER OF DEFERRAL (JUDICIAL DIVERSION)**  Original  Amended  Corrected

On the 6th day of March, 2018, the defendant:

<input checked="" type="checkbox"/> Pled Guilty <input type="checkbox"/> Pled Nolo Contendere Was Found Guilty By: <input type="checkbox"/> Jury Verdict <input type="checkbox"/> Bench Trial	Indictment: Class (circle one) 1 <sup>st</sup> A B <u>C</u> <u>D</u> <u>E</u> <input checked="" type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor Indicted Offense Name AND TCA §: <u>Part of Property 39-14-103</u> Amended Offense Name AND TCA §: _____ Offense Date: <u>5-17-18 = 1/26/18</u> County of Offense: <u>Davidson</u> Deferred Offense Name AND TCA §: _____ Deferred Offense: Class (circle one) A B <u>C</u> <u>D</u> <u>E</u> <input checked="" type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor
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- Upon review of the case, the court finds the facts stated above as well as the following (For Item 3, Check ONE Of The Two Boxes):
- The defendant is eligible for deferral of the prosecution pursuant to Tennessee Code Annotated section (T.C.A.) 40-35-313;
  - The Tennessee Bureau of Investigation has certified (per attached certificate) that the defendant does not have a prior felony or Class A misdemeanor conviction;
  - The defendant was not charged with a violation of a criminal statute the elements of which constitute abuse, neglect or misappropriation of the property of a vulnerable person as defined in Title 68, Chapter 11, Part 10; **OR**  
 The defendant agrees without contest or any further notice or hearing that the defendant's name shall be permanently placed on the registry governed by Title 68, Chapter 11, Part 10, whereupon a copy of this order shall be forwarded by the clerk to the department of health;
  - The defendant consents to T.C.A. 40-35-313 deferral, as evidenced by the defendant's signature below; AND
  - The defendant should be granted a deferral of charges pursuant to T.C.A. 40-35-313.

It is, therefore, **ORDERED** that the prosecution in this case is deferred pursuant to T.C.A. 40-35-313, and the defendant is placed on probation. The terms and conditions ordered by this court apply to the defendant's probation and are incorporated herein by reference thereto.

Probation Term: Total Length 5 years Beginning Date 3/6/18 Ending Date 3/6/21  Supervised  Unsupervised  
 Supervising Entity (unless otherwise provided to the defendant by the court): Name \_\_\_\_\_  
 Phone Number \_\_\_\_\_ Address \_\_\_\_\_  
 Defendant's Contact Information (unless otherwise provided to the probation officer by the court): Phone Number \_\_\_\_\_  
 Address \_\_\_\_\_

<b>Costs</b> \$ _____ Sex Offender Tax (39-13-709) \$ _____ Sex Offender Fine (40-24-108) \$ _____ Drug Testing Fee (39-17-420) \$ _____ Treatment Expenses (40-35-313) \$ _____ Supervision Fees (40-35-313) \$ _____ Other: _____ _____ _____	<b>Concurrent with:</b> _____ <b>Consecutive to:</b> _____	<b>Restitution</b> Victim Name <u>Metro Government</u> Address _____ Total Amount \$ <u>11,000</u> Per Month \$ _____	<b>Pretrial Jail Credit Period(s):</b> From _____ to _____ From _____ to _____ From _____ to _____ From _____ to _____
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Defendant \_\_\_\_\_  
Hon. Monte D. Watkins  
 JUDGE'S NAME  
 \_\_\_\_\_  
 Counsel for the Defendant

ENTER this the 6th day of March, 2018  
Monte D. Watkins  
 JUDGE'S SIGNATURE  
[Signature]  
 Counsel for the State of Tennessee



## APPLICATION FOR CERTIFICATION OF ELIGIBILITY FOR DIVERSION



COUNTY <b>Davidson</b>	COURT <b>CRIMINAL</b>	DIVISION <b>Twenty</b>	JUDGE <b>MONTE WATKINS</b>
DEFENDANT'S NAME <b>MEGAN CHRISTINE BARRY</b>		DOCKET # <b>2018-I-112</b>	COURT DATE <b>03/06/2018</b>
DATE OF BIRTH <b>09/22/1963</b>	SEX/RACE <b>F/W</b>	SOCIAL SECURITY NUMBER	TYPE OF DIVERSION <b>Judicial</b>

## OFFENSES TO BE DIVERTED

**theft of property over \$10,000.00 - DOA: 03/06/2018 - Felony**

NAME AND PHONE NUMBER OF DISTRICT ATTORNEY OR ASSISTANT DISTRICT ATTORNEY TO WHOM RESPONSE SHOULD BE SENT

**PAUL BRUNO                      6154154149**

FAX NUMBER **6153454188**

ADDRESS

NAME AND PHONE NUMBER OF DEFENSE ATTORNEY OR PRO SE DEFENDANT TO WHOM RESPONSE SHOULD BE SENT

FAX NUMBER

ADDRESS

### CERTIFICATION OF ELIGIBILITY FOR DIVERSION

I hereby certify that, pursuant to Tenn. Code Ann. 38-6-118(b), a query of the TBI Expunged Criminal Offender and Pretrial Diversion Database has been conducted pursuant to the above authorized request, and based upon the results of that query:

**The defendant has not had a prior disqualifying felony or misdemeanor conviction**

**NO RECORD**

**03/06/2018**

Record Processing Unit, TBI

Date

PLEASE NOTE THAT THIS DOES NOT CONSTITUTE A CERTIFICATION THAT THE DEFENDANT IS ELIGIBLE OF INELIGIBLE FOR DIVERSION UNDER TCA 40-35-313 OR TCA 40-15-105. THIS IS ONLY A CERTIFICATION THAT A RECORDS CHECK OF THE TBI EXPUNGED CRIMINAL OFFENDER AND PRETRIAL DIVERSION DATABASE HAS REVEALED QUALIFYING OR DISQUALIFYING INFORMATION UNDER THE CRITERIA SET OUT IN THE DIVERSION STATUTES REFERENCED ABOVE.

### JUDGEMENT OF PRETRIAL DIVERSION OR JUDICIAL DIVERSION

Comes now the District Attorney General for the State and Defendant with counsel of record for entry of judgement.

On the 6th day of March, 2018

OFFENSE INDICTED

*Theft of Property*

OFFENSE CLASS

*C Felony*

OFFENSE DIVERTED

*SAME*

OFFENSE CLASS

*C Felony*

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

3 years, \_\_\_\_\_ months, \_\_\_\_\_ days. Effective: 3/6/18

*Hon. Monte Watkins*  
JUDGE (Printed)

*Monte D. Watkins*  
JUDGE (Signature)

3, 6, 18  
ENTRY OF JUDGEMENT DATE

APPROVED FOR ENTRY

*Dennis R. Funtz*  
DISTRICT ATTORNEY

ATTORNEY FOR DEFENDANT