

# PRETRIAL DIVERSION

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1. Add the child as a person in Quest with address, contact numbers, and relatives.
2. Add the case.
3. Add case number (docket number)
4. Add case related incident (automatically adds filed statute and petitioner)
5. Add event - for court hearing or intake conference
6. Add document - Petition/Citation and Summons, if needed.

## Waiver of Attorney

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7. Waiver of Attorney – have them sign one if the offense is something for which they could be removed from the home.
  - a. T.C.A. § 37-1-126 provides that a child is entitled to be represented by an attorney in any delinquent proceeding. A child is entitled to an attorney when charged with an unruly offense when the child is in jeopardy of being removed from the home pursuant to T.C.A. § 37-1-132(b).

## Pretrial Diversion Order

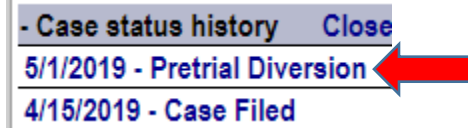
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8. Hearing is held, no plea is taken; hearing is suspended for filing of a Pretrial Diversion Agreement. A hearing is not required, but approval of the Pretrial Diversion Agreement is.

## Pretrial Diversion Agreement

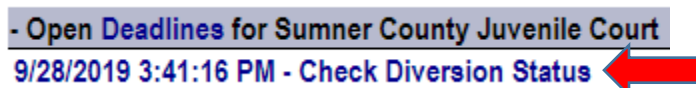
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9. The parties agree to a Pretrial Diversion, Add document: Pretrial Diversion Agreement. Have all parties sign agreement and witness it.
10. Obtain judicial approval of the Agreement. When the Agreement is FINISHED it will do the following:
  - a. Add a Case status of pretrial diversion.



| - Case status history         | Close |
|-------------------------------|-------|
| 5/1/2019 - Pretrial Diversion |       |
| 4/15/2019 - Case Filed        |       |

- b. Add a Deadline to “check diversion status” out 150 days.



| - Open Deadlines for Sumner County Juvenile Court |
|---|
| 9/28/2019 3:41:16 PM - Check Diversion Status     |

- c. Update the Filed statute disposition to “pretrial diversion”. (this puts it on the monthly state statistical report). **The Plea section remains empty as we don’t take a plea with pretrial diversion.**

| Count   | Petition | Plea | Disposition |
|---|----------|------|-------------|
| 1 - Reckless Driving (TCA 55-10-205), a Misdemeanor;<br>Filed 4/15/2019 |          |      | Pretrial    |

- d. Adds Requirements, including one for Pretrial Diversion with a scheduled end date out 180 days. (May be extended an additional 6 months)
  - i. You are allowed to have restitution ordered.
  - ii. Can’t send supervision to DCS probation.


| - Requirements Top |          |                            |                   |                     |
|--------------------|----------|----------------------------|-------------------|---------------------|
| Name               | Assigned | Requirement                | Start             | Status              |
| Mary Ingalls       | 5/1/2019 | County Probation           | 5/1/2019<br>1 day |                     |
| Mary Ingalls       | 5/1/2019 | Pre-Trial Diversion        | 5/1/2019<br>1 day |                     |
| Mary Ingalls       | 5/1/2019 | Defensive Driving School   | 5/1/2019<br>1 day |                     |
| Mary Ingalls       | 5/1/2019 | Cell Phone Held Informally | 5/1/2019<br>1 day |                     |
| Charles Ingalls    | 5/1/2019 | Court Costs                | 5/1/2019<br>1 day | (Balance: \$408.00) |

- e. Adds a Supervision Level of Pretrial Diversion.
  - a. Add a supervising officer to the names assigned to the case.

| - Names currently assigned to the case Top |            |        |              |
|--|------------|--------|--------------|
| Name                                       | Role       | Notice | Represents   |
| Ty Wilson                                  | Petitioner | No     |              |
| Tammytha Barnes                            | YSO        | No     | Mary Ingalls |

## Motion to Extend Pretrial Diversion:

11. If you need to extend the pretrial diversion and the family is in agreement with the extension, a Motion is submitted to the Judge who may approve the extension. If the family is not in agreement, you must schedule a hearing on the motion where the family has an opportunity to be heard.
12. If the Motion is granted:
  - a. The old deadline is closed and a new one added to remind you to check the diversion status in 180 days.
  - b. The Pretrial Diversion requirement is updated with a new end date out 360 days from the original PTD agreement date.
  - c. A new case status is added that shows the PTD was extended.

|  |                            |                     |
|--|----------------------------|---------------------|
| <a href="#">- Case status history</a>  | <a href="#">Close case</a> | <a href="#">Top</a> |
| <a href="#">5/1/2019 - Pretrial Diversion Extended</a>  |                            |                     |
| <a href="#">5/1/2019 - Pretrial Diversion</a>  |                            |                     |
| <a href="#">4/15/2019 - Case Filed</a>   |                            |                     |

## Motion to Dismiss Delinquency Petition

13. Once the child successfully completes the pretrial diversion, you must file a Motion to Dismiss the Petition/Citation.
  - a. The document is finished, file stamped, and electronically sent to the Judge for approval.
  - b. The document will prompt you to ensure all the requirements are closed. Finishing this document will close the case.
  - c. The Case Status will reflect that the case was dismissed because the child successfully completed pretrial diversion.

|  |                            |                     |
|--|----------------------------|---------------------|
| <a href="#">- Case status history</a>                                  | <a href="#">Close case</a> | <a href="#">Top</a> |
| <a href="#">5/1/2019 - Dismissed; Successfully Completed Diversion</a> |                            |                     |
| <a href="#">5/1/2019 - Pretrial Diversion</a>                          |                            |                     |
| <a href="#">4/15/2019 - Case Filed</a>                                 |                            |                     |

| <a href="#">- Requirements</a> <a href="#">Top</a> |          |                            |          |                        |             | <a href="#">Opt</a> |
|--|----------|----------------------------|----------|------------------------|-------------|---------------------|
| Name   | Assigned | Requirement                | Start    | Status                 | Status date |                     |
| Mary Ingalls                                       | 5/1/2019 | County Probation           | 5/1/2019 | Successfully Completed | 5/1/2019    |                     |
| Mary Ingalls                                       | 5/1/2019 | Pre-Trial Diversion        | 5/1/2019 | Successfully Completed | 5/1/2019    |                     |
| Mary Ingalls                                       | 5/1/2019 | Defensive Driving School   | 5/1/2019 | Successfully Completed | 5/1/2019    |                     |
| Mary Ingalls                                       | 5/1/2019 | Cell Phone Held Informally | 5/1/2019 | Cell Phone Returned    | 5/1/2019    |                     |
| Charles Ingalls                                    | 5/1/2019 | Court Costs                | 5/1/2019 | Paid in Full           | 5/1/2019    |                     |
| Mary Ingalls                                       | 5/1/2019 | Restitution                | 5/1/2019 | Paid in Full           | 5/1/2019    |                     |

- d. The filed statute disposition of pretrial diversion will remain, so we don't lose that statistic.



| Count   | Petition | Plea | Disposition |
|---|----------|------|-------------|
| 1 - Reckless Driving (TCA 55-10-205), a Misdemeanor;<br>Filed 4/15/2019 |          |      | Pretrial    |

## Letter Closing Pretrial Diversion

14. The Clerk will send the family a copy of the Motion to Dismiss and Order Granting, but you may want to send a letter informing the family that the child successfully completed the pretrial diversion and print a Motion for Expunction of Juvenile Court Records for the child to file in a year.

## Violation of Pretrial Diversion:

15. Add an incident – Violation of Pretrial Diversion. Do not add yourself as the officer as you are already on the case as the YSO or PO. Incident date should be today's date and time.

Incident date/time:

Incident type:\*

Referring agency:\*

Location:

Geocode:

Incident ID:  Blood alcohol content:

Cases:  Charles Ingalls: Case 2 - Resp Party - 83SCJ-2019-JR-2 (Active; Pretrial Divert)  
 Mary Ingalls: Case 1 - Defendant - 83SCJ-2019-JR-2 (Active; Pretrial Divert)

Notes:

Officer:  -- Select --  
 OR

Officer role:

Click the **Update** button to save your work. This will take you to the Statute Detail Screen.

Count:

Conspiracy/attempt indicator: -- Select --

Statute:\* List statutes containing:\*   
 72 - Violation of Pretrial Diversion (TRJP Rule 23 - V) ▼

Date/time occurred:

Location occurred:

Geocode:

Citation number:

Item type: -- Select --

Item amount:  Limit:  Measure: -- Select --

Click the **Update** button to save your work.

Click the **Cancel** button to return to the Incident Detail screen, Click the **Cancel** button again to return to the Case Detail screen.

Adding the Incident automatically adds the Filed statute.

| - Case related incidents |  | Top | Options |
|--------------------------|--|-----|---------|
| Mary Ingalls             | 5/1/2019 1:48:24 PM - Violation referred by Sumner County Youth Services   |     |         |
|                          | 1 - Violation of Pretrial Diversion (TCA TRJP Rule 23), a Violation        |     |         |
| Mary Ingalls             | 4/15/2019 8:30 AM - Law Enforcement referred by Gallatin Police Department |     |         |
|                          | 1 - Reckless Driving (TCA 55-10-205), a Misdemeanor                        |     |         |

| - Filed statutes |   | Top      | Options  |
|------------------|---|----------|----------|
| Name             | Count   | Petition | Plea     |
| Mary Ingalls     | 1 - Reckless Driving (TCA 55-10-205), a Misdemeanor; Filed 4/15/2019                |          | Pretrial |
| Mary Ingalls     | 2 - Violation of Pretrial Diversion (TCA TRJP Rule 23), a Violation; Filed 5/1/2019 |          | Open     |

16. Schedule Hearing on violation – add Event.

| - Last 20 Events  |                      |              |                | Top | Add |
|-------------------|----------------------|--------------|----------------|-----|-----|
| Event date/time   | Event type           | Court        | Disposition    |     |     |
| 8/6/2019 8:30 AM  | Violation Hearing    | Judge Howard |                |     |     |
| 6/27/2019 8:30 AM | Motion to Extend     | Judge Howard | Heard by Judge |     |     |
| 5/1/2019 8:30 AM  | Adjudicatory Hearing | Judge Howard | Heard by Judge |     |     |
| 1/7/2019 4:00 PM  | Intake Conference    | YSO          | Completed      |     |     |

17. Add document – Petition – Violation of PTD/JD with Summons, if necessary.

18. At the Violation hearing, if the child is adjudicated a delinquent child,

- a. the requirements are closed as unsuccessful,

| - Requirements Top |          |                            |          |                                 |             | Op |
|--------------------|----------|----------------------------|----------|---------------------------------|-------------|----|
| Name               | Assigned | Requirement                | Start    | Status                          | Status date |    |
| Mary Ingalls       | 5/1/2019 | County Probation           | 5/1/2019 | Failed to Complete Successfully | 5/1/2019    |    |
| Mary Ingalls       | 5/1/2019 | Pre-Trial Diversion        | 5/1/2019 | Failed to Complete Successfully | 5/1/2019    |    |
| Mary Ingalls       | 5/1/2019 | Defensive Driving School   | 5/1/2019 | Failed to Complete Successfully | 5/1/2019    |    |
| Mary Ingalls       | 5/1/2019 | Cell Phone Held Informally | 5/1/2019 | Cell Phone Returned             | 5/1/2019    |    |
| Charles Ingalls    | 5/1/2019 | Court Costs                | 5/1/2019 | Paid in Full                    | 5/1/2019    |    |
| Mary Ingalls       | 5/1/2019 | Restitution                | 5/1/2019 | Paid in Full                    | 5/1/2019    |    |

b. A case status is added that the shows the child was adjudicated.

| - Case status history                     | Close case | Top |
|---|------------|-----|
| 6/21/2019 - Adjudicated; Delinquent Child |            |     |
| 5/1/2019 - Pretrial Diversion             |            |     |
| 4/15/2019 - Case Filed                    |            |     |

c. The filed statute disposition must be changed to guilty. This is the only time we would change the filed statute disposition.

| - Filed statutes Top |   |          |        |             |
|----------------------|---|----------|--------|-------------|
| Name                 | Count   | Petition | Plea   | Disposition |
| Mary Ingalls         | 1 - Reckless Driving (TCA 55-10-205), a Misdemeanor; Filed 4/15/2019                |          | Guilty | Guilty      |
| Mary Ingalls         | 2 - Violation of Pretrial Diversion (TCA TRJP Rule 23), a Violation; Filed 5/1/2019 |          | Guilty | Guilty      |



**Waiver of Attorney**

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**IN THE JUVENILE COURT OF SUMNER COUNTY, TENNESSEE**

IN THE MATTER OF:  
**Mary Ingalls - DOB 3/15/2004 AGE 15 years**  
A child under 18 years of age  
(at the time of the offense)

Case No. 83SCJ-2019-JR-2

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**STATEMENT OF RIGHTS**

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Appearing before the Juvenile Court, you have the following rights:

1. The right to be present during the hearing of this case.
2. The right to present my own testimony.
3. The right to have witnesses subpoenaed.
4. The right to cross-examine witnesses against me.
5. The right to have an attorney at each stage of the proceedings against me.
6. The right to appointed counsel.
7. The right to remain silent.
8. The right to not incriminate myself.
9. The right and method for appeal and time requirements as to appeal.
10. To know the maximum penalties the Court may impose.
11. The right to plead "Not Guilty".
12. If a plea of "Guilty" is entered, the only evidence taken will be for the purpose of verifying the plea and for disposition (sentencing) purposes.
13. If a plea is entered acknowledging guilt, I may be asked questions by the Court concerning the conduct.
14. Prior findings of delinquent or unruly behavior may be used against me in determining treatment of rehabilitation at disposition.
15. This case may be used to enhance future offenses if I am again brought to Court for later offenses.
16. There must be some factual basis for a guilty plea entered.
17. The plea must be voluntary and independently made.
18. If I plea guilty or no contest I waive my right to appeal the adjudication (plea). If the plea includes an agreement as to the disposition (sentence), I also waive the right to appeal the disposition (sentence).
19. The right of access to recording of the hearing.

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**WAIVER OF ATTORNEY**

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I am not waiving my right to an attorney.

I am waiving my right to an attorney and understand that:

1. I understand the charge(s) against me and what they mean.
2. I know that I have the right to get help from a lawyer about the charge(s) against me. If I choose not to get help from a lawyer now, I have the right to get help from a lawyer later while my case is still open.
3. I know that if I cannot pay for a lawyer, the Court will get me one for free.
4. I had the chance to ask questions about my right to get help from a lawyer. All my questions were answered.
5. I do not want a lawyer right now.

---

Child's Signature

Date

Parent, Guardian, Legal Custodian's Signature

Date



# Pretrial Diversion Order

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## IN THE JUVENILE COURT OF SUMNER COUNTY, TENNESSEE

IN THE MATTER OF:

Case No. 83SCJ-2019-JR-2

**Mary Ingalls**

A child under 18 years of age  
(at the time of the offense)

CHARGE(S): Case 1, Count 1 - Reckless Driving (TCA 55-10-205), a Misdemeanor

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### PRETRIAL DIVERSION ORDER

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This matter came on to be heard on 1st day of May, 2019, before the Honorable David R. Howard, upon petition filed alleging the above offense(s). Those present were Mary Ingalls, Caroline Ingalls (Mother) and Charles Ingalls (Father).

#### THE COURT FINDS:

1. The child was advised of the charge(s) against her and of her right to a hearing and an attorney. The child was also advised of her right to appeal this matter. The Court finds that the meaning and effect of these rights have been fully explained to her.
2. The child executed a Waiver of Right to Counsel with written waiver duly filed.
3. This matter is appropriate for Pretrial Diversion for the offense(s) of Reckless Driving. In accordance with Rule 202 of the Tennessee Rules of Juvenile Practice and Procedure for Pretrial Diversion these proceedings are hereby suspended.
4. The parties consent to pretrial diversion and have submitted a written Pretrial Diversion Agreement to this Court for approval.

ENTERED this 1st day of May, 2019.

David R. Howard

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The Honorable David R. Howard  
(TCA Â§ 16-1-115)

#### CERTIFICATION OF SERVICE

I hereby certify that a true and exact copy of the order has been delivered by United States mail, by personal service, by email or facsimile if service is so accepted, to the individuals listed below this 1st day of May, 2019:

Caroline Ingalls, 654 S Maple Ave, Gallatin, TN 37066  
Charles Ingalls, 356 W Main St, Gallatin, TN 37066

Kathryn Strong

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Kathryn Strong  
Juvenile Court Clerk

# Pretrial Diversion Agreement

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## IN THE JUVENILE COURT OF SUMNER COUNTY, TENNESSEE

IN THE MATTER OF:

Case No. 83SCJ-2019-JR-2

Mary Ingalls

A child under 18 years of age  
(at the time of the offense)

CHARGE(S): Case 1, Count 1 - Reckless Driving (TCA 55-10-205), a Misdemeanor

---

### PRETRIAL DIVERSION AGREEMENT

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In accordance with Rule 202 of the Tennessee Rules of Juvenile Practice and Procedure, a pretrial diversion is requested in this case.

1. The child and the parent, guardian or legal custodian agree to the pretrial diversion - this is voluntary.
2. The child and the parent, guardian or legal custodian have been advised of the child's right to legal counsel and if they cannot afford one, one will be appointed.
3. The child has a right to remain silent and any statements made by the child will not be admissible in any proceeding prior to a dispositional hearing.
4. The juvenile court officer may terminate the pretrial diversion and request dismissal of the charges at any time.
5. If the child successfully completes the pretrial diversion, the petition/citation shall be dismissed with prejudice.
6. The period of pretrial diversion will not extend beyond six (6) months unless notice and a hearing are provided and the Court approves the extension. Any party may request an extension of the pretrial diversion. The total period of pretrial diversion may not exceed twelve (12) months.
7. The child and the parent, guardian or legal custodian understand that the child has a right to a trial and that the pretrial diversion is voluntary.
8. The designated juvenile court officer may proceed on the previously filed petition if the child has not followed the conditions of the pretrial diversion agreement.

#### REQUIREMENTS OF PRETRIAL DIVERSION:

1. Obey your parent, guardian, or legal custodian(s).
2. You are required to attend school daily, complete school assignments and behave in such a way as not to be disciplined.
3. You shall not use, possess, or be in the presence of anyone illegally using alcohol or drugs and you shall submit to drug screens.
4. Do not engage in any unlawful activity. Obey all laws.
5. You shall not be in the possession of any firearms, weapons or tobacco products.
6. The child shall be placed under the supervision of the Sumner County Juvenile Court on supervised county juvenile probation. Said child and parent(s)/guardian(s) shall comply respectfully with any and all the lawful and reasonable requests of the probation officer and any and all the rules of county juvenile probation.

7. The child shall be transported to and from school by the school bus or his parent or legal custodian(s).
8. The child shall complete 20 hours of court-approved public service work and provide the Court with proof of completion.
9. Pamela Bingham (Mother of Avery Holt) will pay: Court costs in the amount of \$64.00. Sumner County Sheriff Service in the amount of \$42.00. A Juvenile Fine in the amount of \$50.00.
10. All fees and costs are to be paid to the Sumner County Court Clerk. Payments may be made by cash or money order.

|                   |                 |
|-------------------|-----------------|
| Child's Signature | 6/11/19<br>Date |
|-------------------|-----------------|

I have read and understand the above requirements and have been provided a copy of this document. I agree to report any violations to the juvenile court officer.

|   |                 |
|---|-----------------|
| Parent, Guardian, Legal Custodian's Signature | 6/11/19<br>Date |
|---|-----------------|

|  |                 |
|--|-----------------|
| Karlene Thompson, Juvenile Court Officer | 6/11/19<br>Date |
|--|-----------------|

**COURT APPROVAL**

All of which is hereby Ordered, Adjudged and Decreed.

ENTERED this 11th day of June, 2019.

|  |
|--|
| David R. Howard<br><hr style="width: 100%;"/> The Honorable David R. Howard<br>Juvenile Court Judge<br>(T.C.A. § 16-1-115) |
|--|

**CERTIFICATION OF SERVICE**

I hereby certify that a true and exact copy of the order has been delivered by United States mail, by personal service, by email or facsimile if service is so accepted, to the individuals listed below this 11th day of June, 2019:

Pamela Bingham, 131 Trousdale Avenue, Gallatin, TN 37066

|   |
|---|
| Kathryn Strong<br><hr style="width: 100%;"/> Kathryn Strong<br>Juvenile Court Clerk |
|---|

# **Motion to Extend and Order Approving – Parties Agree**

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## **IN THE JUVENILE COURT OF SUMNER COUNTY, TENNESSEE**

IN THE MATTER OF:

Case No. 83SCJ-2019-JR-2

**Mary Ingalls - DOB 3/15/2004 AGE 15 years**

A child under 18 years of age  
(at the time of the offense)

CHARGE(S): Case 1, Count 1 - Reckless Driving (TCA 55-10-205), a Misdemeanor

---

### **MOTION TO EXTEND PRETRIAL DIVERSION**

---

Comes now Karlene Thompson, Probation Officer, and requests this Honorable Court to extend the pretrial diversion process of the above-named child for an additional six (6) months to give the child time to complete the provisions of the pretrial diversion as follows:

Due to a shortage of availability in the school, Mary has not been able to complete her traffic school.

Dated: July 31, 2019

\_\_\_\_\_  
Karlene Thompson, Probation Officer

The undersigned hereby stipulate to the reasons set forth above for extending the pretrial diversion an additional six (6) months and agree that this is in the best interests of the child. We understand that we do not have to agree with the extension and have a right to a hearing to oppose the extension, which we hereby waive.

|                       |                 |  |                 |
|-----------------------|-----------------|--|-----------------|
| _____<br>Mary Ingalls | 7/31/19<br>Date | _____<br>Caroline Ingalls (Mother - Legal Custody) | 7/31/19<br>Date |
|-----------------------|-----------------|--|-----------------|

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### **APPROVAL OF MOTION TO EXTEND PRETRIAL DIVERSION**

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The Court having reviewed the Motion to Extend Pretrial Diversion now ORDERS that the Motion to Extend Pretrial Diversion be granted. The pretrial diversion is extended for an additional six (6) months.

ENTERED this 31st day of July, 2019.

David R. Howard  
\_\_\_\_\_  
The Honorable David R. Howard  
Juvenile Court Judge  
(T.C.A. § 16-1-115)

### **CERTIFICATION OF SERVICE**

# Motion to Extend - Parties do NOT agree

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## IN THE JUVENILE COURT OF SUMNER COUNTY, TENNESSEE

IN THE MATTER OF:

Case No. 83SCJ-2019-JR-2

**Mary Ingalls - DOB 3/15/2004 AGE 15 years**

A child under 18 years of age  
(at the time of the offense)

CHARGE(S): Case 1, Count 1 - Reckless Driving (TCA 55-10-205), a Misdemeanor

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### **MOTION TO EXTEND PRETRIAL DIVERSION**

---

Comes now Karlene Thompson, Probation Officer, and requests this Honorable Court to extend the pretrial diversion process of the above-named child for an additional six (6) months to give the child time to complete the provisions of the pretrial diversion as follows:

Due to a shortage of availability in the school, Mary has not been able to complete her traffic school.

Dated: July 31, 2019

---

Karlene Thompson, Probation Officer

### **NOTICE**

Please take notice that this motion is scheduled in the Sumner County Juvenile Court located at 225 E Main St, Gallatin, TN 37066, for **Motion to Extend on June 27, 2019 at 8:30 AM**, or as soon thereafter as the Court's business will allow.

### **CERTIFICATION OF SERVICE**

I hereby certify that a true and exact copy of the order has been delivered by United States mail, by personal service, by email or facsimile if service is so accepted, to the individuals listed below this 31st day of July, 2019:

Caroline Ingalls, 636 E Main St., Gallatin, TN 37066

Charles Ingalls, 356 W Main St, Gallatin, TN 37066

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Karlene Thompson  
Juvenile Court Officer

# **Order Granting Motion To Extend – After hearing**

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## **IN THE JUVENILE COURT OF SUMNER COUNTY, TENNESSEE**

IN THE MATTER OF:

Case No. 83SCJ-2019-JR-2

**Mary Ingalls - DOB 3/15/2004 AGE 15 years**

A child under 18 years of age  
(at the time of the offense)

CHARGE(S): Case 1, Count 1 - Reckless Driving (TCA 55-10-205), a Misdemeanor

---

### **ORDER TO EXTEND PRETRIAL DIVERSION**

---

This matter came on to be heard on 27th day of June, 2019, before the Honorable David R. Howard, upon Motion to Extend Pretrial Diversion.

Those present were Mary Ingalls, Caroline Ingalls (Mother), Charles Ingalls (Father) and Kelley Bennett (Youth Services Officer for Mary Ingalls).

The Court, having considered the testimony and evidence presented and the entire record, finds as follows:

1. The child was advised of the charge(s) against her and of her rights, pursuant to Rule 205 of the Rules of Juvenile Practice and Procedure, including the right to appeal this matter. The Court finds that the meaning and effect of these rights have been fully explained to the child.
2. The child executed a Waiver of Right to Counsel with written waiver duly filed.
3. The child was initially placed on Pretrial Diversion on May 1, 2019.
4. The Motion to Extend Pretrial Diversion is granted. Pretrial Diversion shall be extended for an additional six (6) months.
5. The following condition(s) of probation shall remain in effect: Defensive Driving School
6. It is in the best interest of the child that those conditions remain in effect because The child needs the class to get her license back.

ENTERED this 31st day of July, 2019.

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The Honorable David R. Howard  
Juvenile Court Judge  
(T.C.A. § 16-1-115)

### **CERTIFICATION OF SERVICE**

## **Order Denying Motion To Extend – After hearing**

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### **IN THE JUVENILE COURT OF SUMNER COUNTY, TENNESSEE**

IN THE MATTER OF:

Case No. 83SCJ-2019-JR-2

**Mary Ingalls - DOB 3/15/2004 AGE 15 years**

A child under 18 years of age  
(at the time of the offense)

CHARGE(S): Case 1, Count 1 - Reckless Driving (TCA 55-10-205), a Misdemeanor

---

### **ORDER DENYING MOTION TO EXTEND PRETRIAL DIVERSION**

---

This matter came on to be heard on 27th day of June, 2019, before the Honorable David R. Howard, upon Motion to Extend Pretrial Diversion.

Those present were Mary Ingalls, Caroline Ingalls (Mother), Charles Ingalls (Father) and Kelley Bennett (Youth Services Officer for Mary Ingalls).

The Court, having considered the testimony and evidence presented and the entire record, finds as follows:

1. The child was advised of the charge(s) against her and of her rights, pursuant to Rule 205 of the Rules of Juvenile Practice and Procedure, including the right to appeal this matter. The Court finds that the meaning and effect of these rights have been fully explained to the child.
2. The child executed a Waiver of Right to Counsel with written waiver duly filed.
3. The child was initially placed on Pretrial Diversion on May 1, 2019.
4. The Court finds that it is not in the best interest of the child that Pretrial Diversion be extended.
5. The Motion to Extend Pretrial Diversion is denied.
6. The child shall complete the terms of the original pretrial diversion.

ENTERED this 31st day of July, 2019.

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The Honorable David R. Howard  
Juvenile Court Judge  
(T.C.A. § 16-1-115)

### **CERTIFICATION OF SERVICE**

# Motion & Order to Dismiss Petition/Citation

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## IN THE JUVENILE COURT OF SUMNER COUNTY, TENNESSEE

IN THE MATTER OF:

Case No. 83SCJ-2019-JR-2

**Mary Ingalls - DOB 3/15/2004 AGE 15 years**

A child under 18 years of age  
(at the time of the offense)

CHARGE(S): Case 1, Count 1 - Reckless Driving (TCA 55-10-205), a Misdemeanor

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### MOTION TO DISMISS

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Comes now Karlene Thompson, Probation Officer, and moves this Honorable Court to dismiss the petition in this case.

The child, Albert Quinn Ingalls, has successfully completed the provisions of the pretrial diversion.

Dated: July 15, 2019



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Karlene Thompson, Probation Officer

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### ORDER GRANTING MOTION TO DISMISS

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The Court having reviewed the Motion to Dismiss and the entire record now ORDERS that the Motion to Dismiss be granted. The petition filed in this case is dismissed with prejudice.

ENTERED this 15th day of July, 2019.



## Letter Closing Pretrial Diversion

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### Sumner County Youth Services

225 E Main St, Gallatin, TN 37066

Phone: (615)-451-6016

July 15, 2019

Caroline Ingalls  
636 E Main St.  
Gallatin, TN 37066

RE: Mary Ingalls (3/1; 83SCJ-2019-JR-2)

This letter is notification that Mary Ingalls successfully completed the Pretrial Diversion.

Although the Pretrial Diversion is now dismissed, a juvenile record still exists. If you wish to request expungement of this juvenile record, you can do so after one (1) year by filing the enclosed motion with the Juvenile Court Clerk. There is no cost for filing this petition.

If you have any questions regarding this release from Pretrial Diversion, please feel free to contact our office.

Sincerely,



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Karlene Thompson, Probation Officer

# Motion for Expunction

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## IN THE JUVENILE COURT OF SUMNER COUNTY, TENNESSEE

IN THE MATTER OF:

Case No. 83SCJ-2019-JR-2

**Mary Ingalls - DOB 3/15/2004**

A child under 18 years of age  
(at the time of the offense)

### **MOTION FOR EXPUNCTION OF JUVENILE COURT RECORDS**

COMES, Mary Ingalls - DOB 3/15/2004, pursuant to T.C.A. § 37-1-153(f), and moves this Court for an order of expunction of the juvenile court records related to Case No. 83SCJ-2019-JR-2, involving the violation of the following statutes/ordinances: Reckless Driving (TCA 55-10-205), a Misdemeanor.

In support of this Motion, movant states that: The case was disposed by an informal adjustment, pretrial diversion, or judicial diversion, and it has been at least 1 year since I successfully completed the informal adjustment, pretrial diversion, or judicial diversion.

Respectfully submitted,

Dated: \_\_\_\_\_

\_\_\_\_\_  
Mary Ingalls, Child

Dated: \_\_\_\_\_

\_\_\_\_\_  
Parent, Guardian or Legal Custodian

# Violation Petition

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STATE OF TENNESSEE  
SUMNER COUNTY

Docket No. 83SCJ-2019-JR-2  
File No. 3

## VIOLATION PETITION IN THE JUVENILE COURT OF SUMNER COUNTY, TENNESSEE

IN THE MATTER OF MARY INGALLS - DOB 3/15/2004 AGE 15 YEARS a child under the age of 18 years.

It being in the best interest of the child and the public that these proceedings be brought, your petitioner, Youth Services Officer Kelley Bennett, Sumner County Youth Services, respectfully represents to the Court on information and belief that Mary Ingalls (3), a child now within this county and 15 years of age, is a delinquent child in need of treatment or rehabilitation in that:

1. On April 30, 2019, the Court approved a pretrial diversion in this case for the offense(s) of: Reckless Driving (TCA 55-10-205), a Misdemeanor.
2. Said child has violated the terms of the agreement as follows: Mary failed to complete the traffic school as ordered and has tested positive for marijuana.
3. The actions on the part of this child did occur in Sumner County, TN and constitutes the offense of Violation of Pretrial Diversion.

Your petitioner further avers:

That the child's father is Charles Ingalls who resides at 356 W Main St, Gallatin, TN 37066.

That the child's mother is Caroline Ingalls who resides at 636 E Main St., Gallatin, TN 37066.

That the child is in the custody and control of Caroline Ingalls who resides at 636 E Main St., Gallatin, TN 37066, Cellular: 615-225-8794 and Home: 615-452-1313.

Sworn and subscribed before me this 15th day of July, 2019.

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Kelley Bennett (Petitioner)  
Sumner County Juvenile Court  
225 E. Main St.  
Gallatin, TN 37066 615-451-6016

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Court Officer

### IN THE JUVENILE COURT OF SUMNER COUNTY, TENNESSEE

#### JUVENILE COURT PETITION

Appearing before the Juvenile Court, you have the following rights:

1. The right to be present during the hearing of this case.
2. The right to present my own testimony.
3. The right to have witnesses subpoenaed.
4. The right to cross-examine witnesses against me.
5. The right to have an attorney at each stage of the proceedings against me.
6. The right to appointed counsel.
7. The right to remain silent.
8. The right to not incriminate myself.
9. The right and method for appeal and time requirements as to appeal.
10. To know the maximum penalties the Court may impose.
11. The right to plead "Not Guilty".
12. If a plea of "Guilty" is entered, the only evidence taken will be for the purpose of verifying the plea and for disposition (sentencing) purposes.
13. If a plea is entered acknowledging guilt, I may be asked questions by the Court concerning the conduct.
14. Prior findings of delinquent or unruly behavior may be used against me in determining treatment of rehabilitation at disposition.
15. This case may be used to enhance future offenses if I am again brought to Court for later offenses.
16. There must be some factual basis for a guilty plea entered.
17. The plea must be voluntary and independently made.
18. If I plea guilty or no contest I waive my right to appeal the adjudication (plea). If the plea includes an agreement as to the disposition (sentence), I also waive the right to appeal the disposition (sentence).
19. The right of access to recording of the hearing.

# Summons

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## IN THE JUVENILE COURT OF SUMNER COUNTY, TENNESSEE

IN THE MATTER OF:

Case No. 83SCJ-2019-JR-1

**Laura Ingalls - DOB 3/23/2006 AGE 13 years**

A child under 18 years of age  
(at the time of the offense)

### SUMMONS

TO: **Mary Ingalls, 654 S Maple Ave, Gallatin, TN 37066**  
**Caroline Ingalls, 636 E Main St., Gallatin, TN 37066**

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#### TO ANY LAWFUL OFFICER:

You are hereby commanded to summon the above addressee to appear before the Sumner County Juvenile Court, located at 225 E Main St, Gallatin, TN 37066 for **Violation Hearing on 8/8/2019 at 8:30 AM in Judge David Howard's Courtroom** to answer the charge of the foregoing petition, and to bring the above named child and this you shall in no wise omit, under the penalties prescribed by law.

This 24th day of July, 2019.

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Judge or Officer of the Juvenile Court

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#### OFFICER'S RETURN

**RETURN:** This summons came to hand this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and executed by:

Delivering the within summons to the above addressee

Unable to serve because

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Date: \_\_\_\_\_

Signature: \_\_\_\_\_



ADA  
for assistance call  
615-451-6023

# Adjudicatory/Dispositional Order

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## IN THE JUVENILE COURT OF SUMNER COUNTY, TENNESSEE

IN THE MATTER OF:

Case No. 83SCJ-2019-JR-2

**Mary Ingalls - DOB 3/15/2004 AGE 15 years**

A child under 18 years of age  
(at the time of the offense)

CHARGE(S): Case 1, Count 1 - Reckless Driving (TCA 55-10-205), a Misdemeanor  
Case 1, Count 2 - Violation of Pretrial Diversion (TCA 37-1-110), a Violation

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### ADJUDICATORY/DISPOSITIONAL ORDER

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This matter came on to be heard on, before the Honorable David R. Howard, upon a violation of pretrial diversion petition filed by Kelley Bennett.

Those present were Mary Ingalls, Caroline Ingalls (Mother), Charles Ingalls (Father) and Kelley Bennett (Youth Services Officer for Mary Ingalls).

The Court, having considered the testimony and evidence presented and the entire record, finds as follows:

1. The child was advised of the charge(s) against her and of her rights, pursuant to Rule 205 of the Rules of Juvenile Practice and Procedure, including the right to appeal this matter. The Court finds that the meaning and effect of these rights have been fully explained to the child.
2. The child executed a Waiver of Right to Counsel with written waiver duly filed.
3. The child entered a plea of guilty to the Violation of Pretrial Diversion after having waived her rights to a trial of this matter in writing in a separate document.
4. The Court initially approved a pretrial diversion agreement on April 30, 2019.
5. The Court finds by a preponderance of the evidence that the child violated the conditions of the pretrial diversion.
6. The Court now reinstates the original petition and proceeds to an Adjudication Hearing.
7. The child entered a plea of guilty to the above-mentioned offense(s) after having waived her rights to a trial of this matter in writing in a separate document.

It is, therefore, **ORDERED, ADJUDGED AND DECREED** that:

1. The child is found guilty by the Court of the following offense(s): **Reckless Driving (TCA 55-10-205), a Misdemeanor.**
2. The child is a **DELINQUENT** child and is in need of treatment and rehabilitation within the meaning of Title 37, Chapter 1, Part 1, of Tennessee Code Annotated, for the reasons set forth above.
3. The child is placed under the supervision of the State of Tennessee, Department of Children's Services, on state juvenile probation for a period not to exceed six (6) months. Said child and

parent(s)/guardian(s) shall comply respectfully with any and all the lawful and reasonable requests of the Probation Officer and any and all the Rules of State Juvenile Probation.

4. The Court orders the Department of Children's Services to develop and implement an individualized case plan in consultation with the child's parents, guardian, or legal custodian, school, and other appropriate parties. The child and the child's parents, guardian, or legal custodian are ordered to comply with the case plan.

ENTERED this 15th day of July, 2019.

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The Honorable David R. Howard  
Juvenile Court Judge  
(T.C.A. § 16-1-115)

**CERTIFICATION OF SERVICE**

## 37-1-110. Informal adjustment without adjudication -- Pretrial diversion.

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(a) Before or after a petition is filed, a designated court officer may informally resolve a complaint containing delinquent or unruly allegations without adjudication by giving counsel and advice to the child if such informal resolution would be in the best interest of the public and the child, and the child and the child's parents, guardian, or other custodian consent to the informal adjustment with knowledge that consent is not obligatory. The informal adjustment shall not extend beyond three (3) months from the day commenced unless extended by the court and does not authorize the detention of the child if not otherwise permitted by this part.

(b) (1) After a petition has been filed and a designated court officer determines that an unruly or delinquent case is an appropriate case for diversion from adjudication, the parties may agree to pretrial diversion that suspends the proceedings and places the child under supervision on terms and conditions agreeable to the designated court officer and approved by the court. A child may not be placed on pretrial diversion if the delinquent act alleged is an offense described in § 37-1-153(b).

(2) A pretrial diversion agreement shall remain in force for a maximum of six (6) months unless the child is discharged sooner by the court. Upon application of any party to the proceedings, made before expiration of the six-month period and after notice and a hearing, pretrial diversion may be extended by the court for an additional six (6) months.

(3) If, prior to discharge by the court or expiration of the pretrial diversion period, the child fails to fulfill the terms and conditions of the pretrial diversion agreement, the original petition may be reinstated and the case may proceed to adjudication just as if the agreement had never been entered.

(c) The petition shall be dismissed with prejudice once a child completes an informal adjustment pursuant to subsection (a) or pretrial diversion pursuant to subsection (b) without reinstatement of the original delinquent or unruly petition.



## RULE 202: PRETRIAL DIVERSION.

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- (a) **Pretrial Diversion Agreement.** If the designated court officer determines that the matter is appropriate for pretrial diversion, the pretrial diversion agreement shall be in writing and signed by the child, the child's parent, guardian or other legal custodian and the designated court office. The agreement must be approved by the court before it is of any force and effect.
- (b) **Consent.** The pretrial diversion shall not occur without consent of the child and the child's parent, guardian or other legal custodian.
- (c) **Time Limits.** The pretrial diversion process may continue for a period up to 6 months, unless the child is discharged sooner by the court. Upon application of any party made prior to the expiration of the initial time period, and after notice and a hearing, the diversion may be extended for a period not to exceed an additional 6 months.
- (d) **Requirements.** In addition to any counsel and advice authorized for an informal adjustment, sanctions, including, but not limited to community service work and monetary restitution may be made a part of the agreement. The parties, by mutual consent and with court approval, may modify the requirements of the agreement at any time before its termination.
- (e) **Violation of Pretrial Diversion.** If failure to comply with the agreement is alleged, the child shall be given written notice of the alleged violation and an opportunity to be heard on that issue prior to the reinstatement of proceedings pursuant to the original charge. Notice of the failure to comply must be filed prior to the expiration of the pretrial diversion. The filing of the notice extends the period of pretrial diversion pending a prompt hearing on the merits of the alleged violation.
- (f) **Statements of Child.** Any statements made by the child during the preliminary inquiry or pretrial diversion are not admissible in any proceeding prior to the dispositional hearing.

### Advisory Commission Comments.

The procedures set forth in this rule essentially allow for a process similar to informal adjustment, with no official finding as to guilt; however, because conditions of a pretrial diversion may be more demanding than those allowed in an informal adjustment there must be court approval of any agreement. Prior to determining whether a case is appropriate for pretrial diversion, the designated court officer should follow the procedures in Rule 201(a)–(c), regarding the preliminary inquiry. Though sanctions, such as community service work or monetary restitution, are not allowed to be imposed on an informal adjustment, these sanctions are appropriate requirements for a pretrial diversion.

Courts should develop written local procedures and criteria for initiating pretrial diversion. Such criteria might include a listing of the types of cases, or charges, which might be handled by pretrial diversion. Pretrial diversion might be initiated by the parties or by the court itself, through motion or through whatever other procedure the court determines is appropriate. Local rules and procedures should ensure the district attorney general is notified of cases in which pretrial diversion is being considered, in light of the legitimate public interest in the disposition of more serious cases.

Pursuant to T.C.A. § 37-1-110, if the child completes the pretrial diversion agreement, the case is dismissed. If the court, or the designated court officer, determines that the case is serious enough that such dismissal should not occur, the case should proceed to court as in any other case warranting official court action, and,

if the child readily admits guilt and wishes to negotiate a settlement based upon a plea of guilty, such negotiated settlement should be handled in accordance with Rule 209.