

IN THE CHANCERY COURT OF  
MONTGOMERY COUNTY, TENNESSEE  
NINETEENTH JUDICIAL DISTRICT

Scoop Media Group, LLC, and  
Jason Steen, )  
)  
Petitioners, )  
)  
v. )  
)  
Montgomery County, )  
)  
Respondent. )

A TRUE COPY ATTEST  
FILED 2-13 2020  
MICHAEL W. DALE, C&M

Case No. MC CH CV-MG-20-2

FILED 2-13 2020  
MICHAEL W. DALE, CLERK & MASTER  
BY [Signature]  
DEPUTY CLERK  
A.M. 5:39 P.M.

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PETITION FOR ACCESS TO PUBLIC RECORDS AND TO  
OBTAIN JUDICIAL REVIEW OF DENIAL OF ACCESS

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Pursuant to the Tennessee Public Records Act, Tenn. Code Ann. §§ 10-7-501, *et seq.* to 10-7-505 (the "Act" or "PRA"), petitioners Scoop Media Group, LLC and Jason Steen hereby petition this Court for access to certain public records, and to obtain judicial review of the actions of respondent Montgomery County in denying the Petitioner access to those records.

Introduction

1. This is a public records case involving a classic public record: the affidavit of complaint. This is a record made, under oath, before a judicial magistrate or other competent government official by one person accusing another of a crime. For decades, these quintessential public records have been available to citizens of Tennessee consistent with the Tennessee Constitution's command that the courts of our state be open.

2. Contrary to this command, and inconsistent with state law, Montgomery County has begun to redact affidavits of complaint to remove critical information within them—including the name of the accuser and often the location of the alleged crime. County officials took this step after Petitioner Scoop Media Group, LLC, a news organization, reported details of several affidavits in its online publication. County officials objected to this reporting and concocted a pretextual reason to redact affidavits that it produced in response to subsequent records requests by Petitioners.

3. Through this petition, Scoop Media Group and its CEO seek the Court's intervention to require Montgomery County to follow the law and allow the citizens of Tennessee to see who has accused another citizen of a crime. This has always been the law, all of the other counties in Tennessee abide by it, and Montgomery County should be ordered to stop its efforts to subvert it.

#### **Identification of Parties**

4. Respondent Montgomery County is a county of the State of Tennessee.

5. The Montgomery County Clerk's office is a constitutional office of Montgomery County that is responsible for, *inter alia*, maintaining the dockets and records of the courts in Montgomery County. The County Clerk, who runs and operates the Clerk's office, is Cheryl Castle.

6. Scoop Media Group, LLC ("Scoop") is a Tennessee Limited Liability Company located in Nashville, Tennessee. Scoop is a media company that operates a website devoted to informing the public about crimes committed in Tennessee.

7. Jason Steen is Chief Executive Officer of Scoop. Steen and his employees routinely request public records related to criminal charges brought by the State of Tennessee from the county clerk's offices throughout the state so that they can accurately inform the public about alleged crimes.

### **Jurisdiction and Venue**

8. This Court has subject matter jurisdiction over this petition under Tenn. Code Ann. §§ 10-7-505(b), 16-11-101 *et seq.*, 29-14-201 and 29-14-103.

9. Because the Montgomery County Clerk's office is located in Montgomery County, venue is proper in Montgomery County under Tenn. Code Ann. §§ 10-7-505(b) and 20-4-101(a).

10. This Court has authority to enter a declaratory judgment and injunctive relief under Tenn. Code Ann. §§ 10-7-505(d), 29-1-101 *et seq.*, 29-14-102, 29-14-103, and Tenn. R. Civ. P. 65 *et seq.*

### **Relevant Facts and Legal Principles**

#### ***The requested public records***

11. Scoop requests and receives affidavits of complaint from county clerks across the State of Tennessee on a daily basis. These affidavits are generally provided in accordance with Tennessee law and do not have the names and addresses of complainants of crimes redacted unless those crimes involve certain sexual offenses or the names of minors.

12. Scoop reviews these affidavits of complaint to ensure that the respective county clerk has complied with all relevant public records laws. For example, if a

county clerk has failed to redact the name of a victim under 18 years old, Scoop will redact the name and address before they publish the affidavit.

13. On or about June 2019, Scoop began requesting affidavits of complaint from the Montgomery County Clerk's office. An example of one of Scoop's requests to the Montgomery County Clerk's office is attached as Exhibit 1.

14. One such request was for the affidavit of complaint related to the State's case against Mark B. Stowers for violating a protective order in violation of Tenn. Code Ann. 39-13-113.

15. In correspondence with Petitioners and Petitioners' counsel, Montgomery County has acknowledged that affidavit of complaints are "public records" for purposes of the PRA.

*The Tennessee Constitution and Code ensure access to these records*

16. An affidavit of complaint is not only a "public record" for purposes of the Public Records Act. It is also a judicial record, and judicial records are "presumptively open." *Autin v. Goetz*, 524 S.W.3d 617, 629 (Tenn. Ct. App. 2017).

17. The openness associated with affidavits of complaint is not merely customary; it is enshrined in Tennessee's Constitution. *See* Tenn. Const. art. I, § 17 (declaring "[t]hat all courts shall be open").

18. This protection should be unsurprising. The affidavit of complaint is a critical document that initiates the State's exercise of criminal jurisdiction over a citizen. *See* Tenn. R. Crim. P., Rule 3. Among other things, such affidavits "allege the essential facts constituting the [criminal] offense charged" by the State. Rule 3(c).

19. A county court clerk such as Ms. Castle is authorized to make the determination whether an affidavit of complaint establishes probable cause that a crime has been committed—and, thus, issue an arrest warrant in response to its presentation. *See* Tenn. Code Ann. § 40-6-214.

20. The standards a judicial officer—including court clerks like Ms. Castle—must use when making such a determination are governed by statute. *See* Tenn. Code Ann. § 40-6-205 (“The finding of probable cause shall be based on evidence, which may be hearsay in whole or in part; provided, however, that there is a substantial basis for believing the source of the hearsay to be credible and for believing that there is a factual basis for the information furnished.”)

21. Constitutional considerations also affect the determination whether to issue an arrest warrant in response to an affidavit of complaint. *See, e.g., Giordenello v. United States*, 357 U.S. 480, 486 (1958) (holding that the Fourth Amendment requires a probable cause finding to be based on more than “the complainant’s mere conclusion that the person whose arrest is sought has committed a crime”).

22. Because of this context and the constitutional protections for access to court documents, restrictions on public access to an affidavit of complaint must be “based on findings that closure is essential to preserve higher values” and “narrowly tailored to serve that interest.” *State v. Drake*, 701 S.W.2d 604, 607 (Tenn. 1985) (quoting *Press-Enterprise Co. v. Superior Court*, 464 U.S. 501, 506, 104 S.Ct. 819, 824, 78 L.Ed.2d 629 (1984)).

23. For all of these reasons, affidavits of complaint have for decades been open to public inspection without redaction by clerk's offices throughout the state.

*Montgomery County's denial of the records request*

24. Since Scoop began making requests for affidavits of complaint in Montgomery County, the county's employees have blocked their access to these public records by making redactions that are contrary to state law.

25. One such redacted record was the affidavit of complaint related to the State's case against Mark B. Stowers, referenced above in paragraph 14. This redacted affidavit of complaint is attached as Exhibit 2.

26. The redaction of the Stowers affidavit of complaint, like others provided by Montgomery County in response to a records request, was the result of the county's willful efforts to block Petitioners from received complete public records.

27. On January 10, 2020, the Montgomery County Communications Director and Public Information Officer, Michelle Newell, called Scoop and spoke with Petitioner Steen. The call was pre-recorded, like all calls that come into the news organization.<sup>1</sup>

28. On the call, Ms. Newell said that she had just learned about Scoop's website and expressed her personal concern about the "information that is being put out [by Scoop]." Specifically, Ms. Newell stated her concern about Scoop's news stories publishing the names and addresses of complainants.

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<sup>1</sup> The recording of this conversation is available online at <https://www.facebook.com/scoopnashville/videos/2517144451885219/>

29. She also stated that she planned to contact the County Clerk's office about her concerns, apparently to order them not to release affidavits of complaint without redacting the names and addresses of complainants.

30. Petitioner Steen explained that the names and addresses of the complainants were subject to public inspection and publication. Ms. Newell responded by inquiring about the petitioner's "purpose" in publishing such information.

31. Petitioner Steen explained to Ms. Newell that Scoop operates in multiple states and several counties in Tennessee, all of which provide such affidavits without the complainants' names and addresses redacted in accordance with Tennessee law.

32. From January 10, 2020 until the present, Montgomery County has redacted the names of complainants and addresses of the alleged crime(s) in the affidavits of complaint the county provides to Petitioners.

*The Respondent's pretextual reason for failing to provide the records*

33. Undersigned counsel for Petitioners contacted Respondent about their new policy to redact the names and addresses in the affidavits requested by Petitioners.

34. Respondent claims that the county changed its policy, and began redacting names of complainants in affidavits, because it believes that Tenn. Code. Ann. § 40-38-111(i), which is part of the Victims' Bill of Rights, makes identifying information about victims confidential even when it is contained in a public record like an affidavit of complaint.

35. Upon information and belief, no other county clerk has taken this unusual position since the Victims' Bill of Rights was amended in 2009 to include sub-section (i).

*The Victims' Bill of Rights does not affect affidavits of complaint*

36. The county's reading of Tenn. Code Ann. § 40-38-111(i) defies the plain language and purpose of the statute, contradicts decades of practice, and violates the Tennessee Constitution and Code. Respondent's purported reading also renders much of the Open Records Act superfluous.

37. Tenn. Code Ann. § 40-38-111(i) is a sub-section of the Victims' Bill of Rights that provides that "[a]ny identifying information concerning a crime victim obtained pursuant to this section shall be confidential." (emphasis added). The title of the section that the statute refers to, and where the statute itself is found, is called "Proceedings and rights; notification of victim."

38. Subsection (i) became law in 2009 with the General Assembly's passing of House Bill No. 604 (substituted for Senate Bill No. 894). *See* Exhibit 3. The legislative history of the bill confirms that the intent of the sub-section added by amendment was to keep confidential only that information collected for the purpose of providing notification to victims about the progress of a criminal case. Nothing about the amendment was intended—or did—affect the status of affidavits of complaints as public records.

39. Government records explicitly acknowledge the limited purpose of the law. The General Assembly's website summarizes the bill as follows:



Present law authorizes victims of crime, or victims' representatives, to request notification of certain information regarding the persons who perpetrate crimes against them, such as arrests, bail hearing dates, parole hearing dates, release dates, pardons, and transfers to low security facilities.

This bill classifies as confidential any identifying information concerning any person when a person requests notification regarding the status of criminal proceedings or an offender's correctional status.

See Exhibit 4 (emphasis added).

40. Legislators' discussion of the bill, both before the Senate and the Senate Subcommittee, further confirms that the bill which included sub-section 111(j) only intended to make confidential that information which victims provided through the process of requesting notification about a defendant. Senator Burks, who sponsored the bill, described that it would keep victims' or their family members' information confidential *when they provide information to be notified about a defendant*, such as whether the defendant has appealed his case or has been moved to another facility.

See Arched Video of Committee, available at <http://wapp.capitol.tn.gov/apps/BillInfo/default.aspx?BillNumber=SB0894&GA=106>

41. This makes sense in the context of section 111. In general, section 111 of the Victims' Bill of Rights provides the procedure by which the State notifies crime victims of their rights, including how crime victims provide their contact information for this express purposes. Tenn. Code Ann. § 40-38-111(b)-(c). Specifically, the statute provides that crime victims should be provided a form to be used to provide notice to them about their rights. *Id.*

42. Similarly, by its plain terms, section 111 provides the procedures that the district attorney general's office, law enforcement, and the victims coordinator must follow to notify crime victims of their rights and information regarding proceedings against the defendant. *See id.*

43. To this end, the district attorney general's office or the victims coordinator will typically provide a form to the victim that asks for certain contact information so that the victim can be notified in accordance with law.

44. Such a form is also provided on the Tennessee Attorney General's website. *See Exhibit 5.* The form provided by the Attorney General's office asks for the victim's name, address, telephone number, and email address.

45. The plain language of sub-section (i), especially when understood in the context of the statute as a whole, makes clear that it is only this sort of identifying information "obtained pursuant to this section"—i.e. identifying information obtained for purpose of providing crime victims notice of rights and proceedings—that is confidential.

46. Accordingly, the form that victims fill out so that they can be notified of their rights and proceedings should not to be disclosed under the PRA. Notably, for purposes of this lawsuit, Petitioners have never requested these forms.

47. Respondents appear to ignore the "obtained pursuant to this section" language and the clear legislative intent of the General Assembly to somehow claim that information identifying victims is confidential in all circumstances, including

when a complainant's name appears on a quintessential public record like the affidavit of complaint.

48. This is not the law. If it were, other statutes making specific victim information confidential would be superfluous. *See e.g.*, Tenn. Code Ann. § 10-7-504; Tenn. Code Ann. § 10-7-504(t). Similarly, if the county's view were accepted, the names of complainants and even a description of where a crime took place would need to redacted from Court orders, judicial opinions, police reports, and anywhere else.

49. Respondents claim that their newly-found exception applies to complainants of any type of crime, no matter the nature. Exhibit 6 is an affidavit Respondents recently sent Petitioners where Respondents redacted the name of a person accusing another person of theft.

50. Respondents have also retaliated against Petitioners by prioritizing the requests of other media outlets ahead of Petitioners. On January 10, 2020, Petitioners requested an affidavit of complaint against David Edward Cox. Upon information and belief, Leaf Chronicle, a competing publication, requested the same records several hours later, but was provided the records hours before Respondent provided the Petitioners with the records. In the fast-paced business of breaking news, this purposeful delay puts Petitioners at a disadvantage.

#### **Basis for Relief**

51. The redactions made by Respondent are not authorized by any state law nor are they based on any particularized judicial finding that they are narrowly tailored and essential to preserving a competing public interest.

52. In addition, because Ms. Castle herself reviews affidavits of complaint, by withholding them from the public, Respondent has unilaterally barred the public from reviewing and scrutinizing the exercise of her public duties.

53. Petitioners have incurred costs and expenses due to Montgomery County's willful refusal to abide by the Public Records Act.

**Prayer for Relief**

**WHEREFORE**, Petitioners pray:

54. That the Court issue an Order to Show Cause requiring Respondent to appear before this Court and to show cause, if any such cause can be shown, why this Petition should not be granted with respect to each record withheld, including redactions in records provided to Petitioners, as provided by Tenn. Code Ann. § 10-7-505(b).

55. That the Court issue a declaration that the records Petitioners requested, including affidavits of complaints containing names of complainants and the address of the alleged crime, are public records under Tennessee law.

56. That the Court grant this Petition and order Respondent to provide, and otherwise permit Petitioner to receive, the requested documents without redacting non-confidential portions of the documents.

57. That the Court enjoin the Respondent from redacting non-confidential information, including specifically (i) the name of all complainants, and (ii) the address that the alleged crime took place, from affidavits of complaint, unless a specific provision of law provides for their redaction.

58. That the Court order Respondent to show cause as to why Petitioners should not recover attorney's fees as provided by § 10-7-505(g).

59. That Petitioner recover judgment against Respondent for costs incurred in obtaining the records sought as provided by § 10-7-505(g).

60. That the Court order grant Petitioners any and all other relief to which it appears they are entitled.

Dated: February 13, 2020.

Respectfully submitted,

BURR & FORMAN, LLP

By: 

J. Alex Little (TN BPR No. 29858)  
Zachary Lawson (TN BPR No. 036092)  
222 Second Avenue South, Suite 2000  
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615-724-3200  
[alex.little@burr.com](mailto:alex.little@burr.com)  
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**Jason Steen**

**From:** Jason Steen  
**Sent:** Friday, June 14, 2019 10:56 AM  
**To:** tndozier@mcgtn.net  
**Subject:** affidavits request: 06/14  
**Attachments:** Montgomery Request 2019-06-14.xlsx

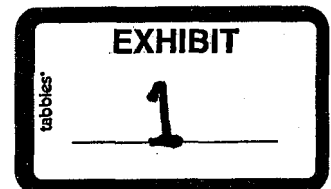
Happy Friday! Can I request a copy of the affidavits/warrants below at your convenience? Sheet attached. We'll pickup on completion.

Arrest Date	DEFENDANT	CASE
06/06/19	Barger Steven Daniel	63GS1-2019-CR-7087
06/08/19	Johnson, Rebecca Nicole	63GS1-2019-CR-7180
06/08/19	Stavena, Richard David	63GS1-2019-CR-7207
06/09/19	Abrahante, Joshua Dwight	63GS1-2019-CR-7198
06/09/19	Bush, William Joseph	63GS1-2019-CR-7204
06/09/19	Carter, Dustin Wayne	63GS1-2019-CR-7209
06/09/19	Crook, Bryan Adam	63GS1-2019-CR-7036
06/09/19	Alvarado-Smith, Mariah Faye	63GS1-2019-CR-7200
06/10/19	Ussia, Shawn Michael	63GS1-2019-CR-7220
06/10/19	Ussia, Shawn Michael	63GS1-2019-TR-7203

Best,

**Jason Steen**  
Editor | Scoop Media Group | Scoop: Nashville  
Cell: 931-436-8441  
Office: 888-88-SCOOP

FILED 2-13 2020  
MICHAEL W. DALE, CLERK & MASTER  
BY [Signature]  
DEPUTY CLERK  
A.M. 3:39 P.M.  
MC-20-2



GENERAL SESSIONS COURT OF MONTGOMERY COUNTY, TENNESSEE

State of Tennessee vs. Mark B Stowers

AFFIDAVIT OF COMPLAINT

I, the affiant named below, after being sworn, state under oath that on or about 13th day of November, 2019 in Montgomery County, Tennessee, Mark B Stowers committed the offense(s) of violation(s) of the following:

- (1) T.C.A. § 39-13-113 Violated Order of Protection (2) T.C.A. § \_\_\_\_\_
- (3) T.C.A. § \_\_\_\_\_ (4) T.C.A. § \_\_\_\_\_
- (5) T.C.A. § \_\_\_\_\_

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

On 11/15/2019 at 09:30 hours, Officer Shannon Creighton (0379) responded to a Call for service in reference to an Order of Protection Violation that occurred at [redacted] Clarksville TN on Nov 13th 2019, at 23:17. When I arrived I spoke to [redacted] who stated that she has an Order of Protection against [redacted] Mark Bryan Stowers. Mr. Stowers, who is barred from any communications with [redacted] had another individual, Mr. Doug Henson, contact [redacted] via text message on Nov 13th at 23:17 hours. The text stated that Mr. Henson was contacting [redacted] for Mr. Stowers to inform her on Mr. Stowers behalf that he would be filing charges of False reporting against her. This is a clear violation of his no contact order and a warrant is being secured for Mr. Stowers. Mr. Stowers is believed to be in either North Carolina or Knoxville, TN, but will be back for another court date in a few months with [redacted]

*THIS IS A FIRST VIOLATION OF THIS ORDER.*

Affiant's Signature: [Signature]  
 Name (Printed): Shannon Creighton  
 Address (Printed): 135 Commerce Street, Clarksville, TN 37040  
 Phone Number: 931-648-0656

Sworn to and subscribed before me on  
15th day of November, 2019  
[Signature]  
 Judge/Clerk/Judicial Commissioner

PROBABLE CAUSE DETERMINATION

Based on the affidavit of complaint, I find there is probable cause to believe that on the date set forth above in Montgomery County, Tennessee the defendant committed the offense(s) of violation(s) of the following:

- (1) T.C.A. § \_\_\_\_\_ (2) T.C.A. § \_\_\_\_\_
- (3) T.C.A. § \_\_\_\_\_ (4) T.C.A. § \_\_\_\_\_
- (5) T.C.A. § \_\_\_\_\_, therefore a Criminal Arrest Warrant shall issue.

Date 15th day of November, 2019 Judge/Clerk/Judicial Commissioner [Signature]

FILED 2-13 2020  
 MICHAEL W. DALE, CLERK & MASTER  
 BY [Signature]  
 DEPUTY CLERK  
 \_\_\_\_\_ A.M. 8:39 P.M.  
MC-20-7



2009 Tennessee Laws Pub. Ch. 176 (H.B. 604)

TENNESSEE 2009 SESSION LAWS

2009 SESSION OF THE 106th GENERAL ASSEMBLY

Additions and deletions are not identified in this document.

Pub. Ch. 176

H.B. No. 604

STATE DEPARTMENTS—RECORDS AND RECORDATION—CORRECTIONAL INSTITUTIONS

By Representatives John DeBerry, Hardaway

Substituted for: S.B. No. 894

By Senators Burks, Marrero, Herron

FILED 2-13 2020  
MICHAEL W. DALE, CLERK & MASTER  
BY [Signature]  
DEPUTY CLERK  
A.M. 3:39 P.M.  
MA-20-2

AN ACT to amend Tennessee Code Annotated, Title 4, Chapter 3; Title 10, Chapter 7, Part 5; Title 40, Chapter 28; Title 40, Chapter 38 and Title 41, Chapter 21, relative to information maintained by the department of correction.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 10-7-504, is amended by adding the following new subsection (j):

<< TN ST § 10-7-504 >>

(j)(1) Notwithstanding any other law to the contrary, identifying information compiled and maintained by the department of correction and the department of probation and parole concerning any person shall be confidential when such person has been notified or requested that notification be provided to such person regarding the status of criminal proceedings or of a convicted felon incarcerated in a department of correction institution, county jail, or workhouse, or under state supervised probation or parole pursuant to §§ 40-28-505, 40-38-103, 40-38-110, 40-38-111, 41-21-240, 41-21-242.

(2) For purposes of this subsection (j), "identifying information" means the name, home and work addresses, telephone numbers, and social security number of the person being notified or requesting that notification be provided.

SECTION 2. Tennessee Code Annotated, Section 40-28-505, is amended by adding the following new subsection (h):

<< TN ST § 40-28-505 >>

(h) Any identifying information concerning a crime victim or a crime victim's representative who has been notified or requested that notification be provided to such victim or such representative pursuant to this section shall be confidential. For purposes of this subsection (h), "identifying information" means the name, home and work addresses, telephone numbers, and social security number of the person being notified or requesting that notification be provided.

SECTION 3. Tennessee Code Annotated, Section 41-21-240, is amended by adding the following new subsection (d):

<< TN ST § 41-21-240 >>

(d) Any identifying information concerning a crime victim or a crime victim's representative who has been notified or requested that notification be provided to such victim or such representative pursuant to this section shall be confidential. For purposes of this subsection (d), "identifying information" means the name, home and work addresses, telephone numbers, and social security number of the person being notified or requesting that notification be provided.

SECTION 4. Tennessee Code Annotated, Section 41-21-242, is amended by adding the following new subsection (d):





2009 Tennessee Laws Pub. Ch. 176 (H.B. 604)

TENNESSEE 2009 SESSION LAWS

2009 SESSION OF THE 106th GENERAL ASSEMBLY

Additions and deletions are not identified in this document.

Pub. Ch. 176

H.B. No. 604

STATE DEPARTMENTS—RECORDS AND RECORDATION—CORRECTIONAL INSTITUTIONS

By Representatives John DeBerry, Hardaway

Substituted for: S.B. No. 894

By Senators Burks, Marrero, Herron

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(j)(1) Notwithstanding any other law to the contrary, identifying information compiled and maintained by the department of correction and the department of probation and parole concerning any person shall be confidential when such person has been notified or requested that notification be provided to such person regarding the status of criminal proceedings or of a convicted felon incarcerated in a department of correction institution, county jail, or workhouse, or under state supervised probation or parole pursuant to §§ 40-28-505, 40-38-103, 40-38-110, 40-38-111, 41-21-240, 41-21-242.

(2) For purposes of this subsection (j), "identifying information" means the name, home and work addresses, telephone numbers, and social security number of the person being notified or requesting that notification be provided.

SECTION 2. Tennessee Code Annotated, Section 40-28-505, is amended by adding the following new subsection (h):

<< TN ST § 40-28-505 >>

(h) Any identifying information concerning a crime victim or a crime victim's representative who has been notified or requested that notification be provided to such victim or such representative pursuant to this section shall be confidential. For purposes of this subsection (h), "identifying information" means the name, home and work addresses, telephone numbers, and social security number of the person being notified or requesting that notification be provided.

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<< TN ST § 41-21-240 >>

(d) Any identifying information concerning a crime victim or a crime victim's representative who has been notified or requested that notification be provided to such victim or such representative pursuant to this section shall be confidential. For purposes of this subsection (d), "identifying information" means the name, home and work addresses, telephone numbers, and social security number of the person being notified or requesting that notification be provided.

SECTION 4. Tennessee Code Annotated, Section 41-21-242, is amended by adding the following new subsection (c):

**SB 0894** by \*Burks

**(HB 0604)** by \*DeBerry J

Public Records - As enacted, extends confidential status to certain identifying information compiled and maintained by the department of correction or board of probation and parole concerning a person who has requested that notification be provided regarding the status of criminal proceedings or of a sentenced felon. - Amends TCA Title 4, Chapter 3; Title 10, Chapter 7, Part 5; Title 40, Chapter 28; Title 40, Chapter 38 and Title 41, Chapter 21.

Companion bill has been assigned Public Chapter Number 176 by the Secretary of State.

## ☰ Summary

## FISCAL SUMMARY

Not Available

## BILL SUMMARY

Present law authorizes victims of crime, or victims' representatives, to request notification of certain information regarding the persons who perpetrate crimes against them, such as arrests, bail hearing dates, parole hearing dates, release dates, pardons, and transfers to lower security facilities.

This bill classifies as confidential any identifying information concerning any person when a person requests notification regarding the status of criminal proceedings or an offender's correctional status.

For purposes of this bill, "identifying information" means the home and work addresses and telephone numbers and social security number of the person.

ON APRIL 9, 2009, THE HOUSE ADOPTED AMENDMENT #1 AND PASSED HOUSE BILL 604, AS AMENDED.

AMENDMENT #1 clarifies that identifying information obtained from persons who request of the department of correction to be notified of an inmate's release will be confidential and requires that any such information that is maintained by the department of probation and parole must also be kept confidential.

FILED 2-13 2020  
 MICHAEL W. DAVE, CLERK & MASTER  
 BY [Signature]  
 DEPUTY CLERK  
 A.M. 3:39 P.M.  
 116-20-7





# Victim Information Services Request for Notification

If you or a family member are a victim of a crime and would like information about a case on appeal, please complete this form and mail or fax it to Victim Information Services.

Victim Information			
**Name of Victim(s)			
**Name of Contact Person	First Name	Middle Initial	Last Name
**Relationship to Victim			
**Address of Contact Person	Street		
	City	State	Zip Code
Telephone Numbers	Home		Work
E-mail Address			

Defendant Information			
**Name of Defendant	First Name	Middle Initial	Last Name
Convicted of			
**County of Conviction			

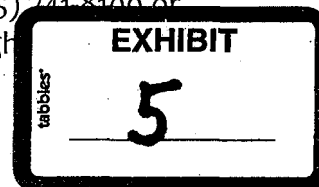
FILED 2-13 2020  
 MICHAEL W. DALE, CLERK & MASTER  
 BY [Signature]  
 DEPUTY CLERK  
 \_\_\_\_\_ A.M. 5:39 P.M.  
 MG-20-2

\*\* required for notification

Mail to: Victim Information Services  
 Tennessee Attorney General's Office  
 P.O. Box 20207  
 Nashville, TN 37202

Fax to: (615) 532-7791

It is the requestor's responsibility to notify the Attorney General's Office of any changes in address or phone numbers. If you have questions, contact Tracy Taylor at (615) 741-8100 or Sierra Ragland at (615) 532-1971. Office hours are 7:30 to 4:00, Monday through



GENERAL SESSIONS COURT OF MONTGOMERY COUNTY, TENNESSEE

State of Tennessee vs. TRACEY G CARVER

SS # \_\_\_\_\_

AFFIDAVIT OF COMPLAINT

I, the affiant named below, after being sworn, state under oath that on or about 5/13/2019 in Montgomery County, Tennessee, TRACEY G CARVER committed the offense(s) of violation(s) of T.C.A. § 39-14-103 THEFT. To wit, the Affiant has probable cause to believe that the defendant did intentionally deprive the victim of property and did exercise control over the property without the owner's effective consent. I further state under oath that the essential facts constituting the offense(s), the sources of my information and the reasons why this information is believable and reliable are as follows:

[REDACTED] advised Mrs. Carver and Mrs. Linda Howard that in her residence (watching her house) while she was on vacation. Upon return [REDACTED] discovered several items missing from the home and storage unit. Items taken, various clothes, table cloth, and collectible dolls estimated value \$900.00

Affiant's Signature: [REDACTED]  
Name (Printed): [REDACTED]  
Address (Printed): [REDACTED]  
Phone Number: [REDACTED]

Sworn to and subscribed before me on 5/13/2019, 20\_\_\_\_  
[Signature]  
Judge/Clerk/Judicial Commissioner

WITNESS INFORMATION

To be subpoenaed by Prosecutor:  
\_\_\_\_\_  
\_\_\_\_\_

To be subpoenaed by Defense:  
\_\_\_\_\_  
\_\_\_\_\_

FILED 2-13 2020  
MICHAEL W. DALE, CLERK & MASTER  
BY [Signature]  
DEPUTY CLERK  
A.M. 3:39 P.M.

MG-20-2

EXHIBIT  
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