

BOLZE v. WARDEN/STATE OF TENNESSEE

APPENDIXES

BOLZE v. WARDEN/STATE OF TENNESSEE

APPENDIX – A

TECHNICAL RECORD
VOLUME: I of I

CRIMINAL COA NO. E2018-01231-CCA-R3-PC
TRIAL COURT NO. 8611

TO THE COURT OF APPEALS
AT KNOXVILLE, TENNESSEE

FROM CIRCUIT COURT SEVIER COUNTY
AT SEVIERVILLE, TENNESSEE

HONORABLE STEVEN W. SWORD, PRESIDING JUDGE
RITA D. ELLISON, CLERK

DENNIS R. BOLZE

Appellant / Defendant

vs.

STATE OF TENNESSEE

Appellee / Plaintiff

T.D.O.C. # 337851

- Mr. Bolze pled guilty to: Count 1: Failure to File Sales Tax Return, Count 2: Failure to File Sales Tax Return, Count 3: Failure to File Sales Tax Return and Count 4: Failure to File Sales Tax Return on August 28, 2001. Counts 5 thru 16 were dismissed. Mr. Bolze is to serve total of 6 years @ TDOC @ 30%. Supervised probation for full term. He is required to pay fines and court costs.

PLEASE REFER TO JUDGMENTS FOR MORE INFORMATION

- Defendant is currently being held at Federal Correction Complex Coleman Low.
- Mr. Bolze is representing himself on appeal.
- Defendant is indigent.

Attorney for Appellant / Defendant

Dennis R. Bolze
Reg. No. 14825-067
FCC Coleman Low
P.O. Box 1031
Coleman, FL 33521

Attorney for Appellee / Plaintiff

James B. "Jimmy" Dunn, B.P.R. #012059
District Attorney General
4th Judicial District
125 Court Avenue, Suite 301 E
Sevierville, TN 37862
Ph # (865) 429-7021

TRANSMITTED TO APPELLATE COURT

11/11/18

A-1

IN THE COURT OF APPEALS OF TENNESSEE
AT KNOXVILLE

DENNIS R. BOLZE
Appellant / Defendant

vs. Appellate Court No. E2018-01231-CCA-R3-PC
Trial Court No. 8611

STATE OF TENNESSEE
Appellee / Plaintiff

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NO TRANSCRIPTS WERE FILED

NO EXHIBITS WERE FILED

IN THE CIRCUIT COURT OF SEVIER COUNTY, TENNESSEE
AT SEVIERVILLE

DENNIS R. BOLZE

Appellant / Plaintiff

vs.

Appellate Court No. E2018-01231-CCA-R3-PC

Trial Court No. 8611

STATE OF TENNESSEE

Appellee / Defendant

CERTIFICATE OF APPELLATE RECORD

I, Christy Freeman, Deputy Clerk of the Circuit Court of Sevier County, Tennessee, do hereby certify that the following items herewith transmitted to the Court of Appeals are originals or true and correct copies of all of the designated papers on file in my office in the captioned case.

1. Technical record attached to the certificate and consisting of 131 pages contained in one volume.
2. No transcripts were filed with this case.
3. No exhibits were filed with this case.

This 1st day of November, 2018.


Christy Freeman, Deputy Clerk

131 AM

Case Number	CR8611	STATE OF TENNESSEE	Disposition Date
Case Class	CRM	DENNIS R. BOLZE	0

Reference	27	Dock Type	Action Code 12
Case Type	F	Judge Code	FRAUD
Case Source	B	*****	D1 FAILURE TO FILE
Filing Date	5,30,2001	Status	D2 TAX RETURNS
Reopen Date	0		D3

Type of Filing	PII
Birth Date	11,28,1948
Soc Security #	208,38,7258
Arrest Officer	*****
Offense Date	0

->PARTIES<-

Type	Name/Comments	Attorneys
A001	STATE OF TENNESSEE	0
B001	BOLZE DENNIS R.	0

->RULE ENTRIES<-

Date	Cde	Description	Sched Date	Comment
5,30,2001	901	PRESENTMENT		
5,31,2001	108	CAPIAS ISSUED		
6,07,2001	110	CAPIAS SERVED		
7,02,2001	530	PLEA DAY SET	8,28,2001	
8,28,2001	917	WAIVER, PLEA & ORDER		
9,20,2001	729	JUDGMENT		OGLE
9,20,2001	T4	GUILTY PLEA		CTS I - IV
9,20,2001	T19	DISMISSAL		CTS V - XVI
1,21,2002	919	INFAMOUS NOTICE		
8,20,2003	997	FILE CHECKED OUT TO		DENNIS CAMPBELL
8,26,2003	447	MOTION-		UNSUPERVISED PROBATION
8,26,2003	672	ORDER		UNSUPERV PROBATION

->BILL OF COST<-

Part	Payable To	Due Date	F	Pay Amt	Assess Amt	Paid-To-Date
	CRIMINAL LITIGATION 29.50		0	0.00	28.50	28.50
	CIC TAX PROPERTY 26.50		0	0.00	26.50	26.50
	FINGERPRINT TAX		0	0.00	1.00	1.00
	COUNTY LITIGATION TAX		0	0.00	13.00	13.00
	COURTHOUSE BUILDING FUND		0	0.00	2.00	2.00
	LIBRARY FUND		0	0.00	1.00	1.00
	CLERK FEE CIVIL/CRIMINAL		0	0.00	272.00	272.00

A-5

Case Number	CR8611	STATE OF TENNESSEE	Disposition Date
Case Class	CRM	DENNIS R. BOLZE	0

->BILL OF COST<-

Part	Payable To	Due Date	F	Pay Amt	Assess Amt	Paid-To-Date
	SEVIER COUNTY OFFICER FEE		0 0	0.00	15.00	15.00
	FINE		0 0	0.00	1,000.00	1,000.00
	Unpaid Balance of Assessed Amount=			.00		

->RECEIPTS<-

Rct Date	Rct #	T	Received From/Payable To	H	Amount	Ck #	Ck/Ef Date
Total Receipts-> 1359.00							

12/11/2001	00662	R	DENNIS R. BOLZE	CA	1.00	1342	12/31/2001
		P	00117FINGERPRINT TAX				
		P	00122CRIMINAL LITIGATION 29.50	CA	28.50	1342	12/31/2001
12/11/2001	00662	R	DENNIS R. BOLZE	CA	26.50	1342	12/31/2001
		P	00123CIC TAX PROPERTY 26.50				
12/11/2001	00662	R	DENNIS R. BOLZE	CA	13.00	1343	12/31/2001
		P	00205COUNTY LITIGATION TAX				
12/11/2001	00662	R	DENNIS R. BOLZE	CA	2.00	1343	12/31/2001
		P	00206COURTHOUSE BUILDING FUND				
12/11/2001	00662	R	DENNIS R. BOLZE	CA	1.00	1343	12/31/2001
		P	00207LIBRARY FUND				
12/11/2001	00662	R	DENNIS R. BOLZE	CA	28.00	1343	12/31/2001
		P	00295CLERK FEE CIVIL/CRIMINAL				
12/11/2001	00662	R	DENNIS R. BOLZE	CA	100.00	0	
		P	00295CLERK FEE CIVIL/CRIMINAL				
02/05/2002	00884	V	DENNIS R. BOLZE	PC	100.00	1577	02/28/2002
		P	CHECK NOT				
02/05/2002	00885	R	BOLZE 1806	PC	100.00	1658	03/31/2002
		P	00295CLERK FEE CIVIL/CRIMINAL				
03/05/2002	01005	R	DENNIS R. BOLZE	PC	41.00	1733	04/30/2002
		P	00201FINE				
04/16/2002	01211	R	BOLZE #1877	PC	44.00	1733	04/30/2002
		P	00295CLERK FEE CIVIL/CRIMINAL				
04/16/2002	01211	R	BOLZE #1877	PC	15.00	1733	04/30/2002
		P	00296SEVIER COUNTY OFFICER FEE				
04/16/2002	01211	R	BOLZE #1877	PC	200.00	1805	05/31/2002
		P	00201FINE				
05/22/2002	01345	R	DENNIS R. BOLZE	PC	200.00	1864	06/30/2002
		P	00201FINE				
08/06/2002	01668	R	DENNIS R. BOLZE #2034	PC	559.00	2035	08/31/2002



GRAND JURY SUBPOENA

11197

State of Tennessee, Sevier County

No. 8611

To the Sheriff of Sevier County — Greeting:

You are hereby commanded to summon Ric Lambert

personally to appear before the Judge of our Circuit Court, now sitting for the County of Sevier at the Courthouse in Sevierville, on the 30th day of May 2001 at 1:30 p.M then and there to testify, and the truth to say, before the Grand Jury in behalf of the State against Presentment

in relation to 16cts failure to file sales tax refund
and this you shall in no wise omit, under the penalty prescribed by law.

Witness, JANETTE LAYMAN-BALLARD Clerk of our said Court in Sevierville, on the first Monday in April A.D., 2001.

This the 24th day of May 2001
Janette Layman Ballard clerk.
U.O.A.R.


Janette Layman Ballard
Clerk, D.C.

True b.l.l

1. Darry Whaley
FOREMAN OF THE GRAND JURY
2. Michael J. Hays
3. Wendy D. Siz
4. John Henry
5. Jessie W. Knight
6. Rickey Howard
7. Brad Mitchell
8. Patricia Muse
9. Rachel Brown
10. Carla Lindsey
11. Elaine K. Jones
12. Mark Channing
13. John Cogar Jr.

AD

NO.:
PRESENTMENT 8611

LIST OF WITNESSES:

LIST OF WITNESSES:

THE STATE
VS.

DENNIS R. BOLZE

16 COUNT(S) FAILURE TO FILE
SALES TAX RETURN

Prosecutor

RIC LAMBERT-PRIVATE
PROSECUTOR

Witness sworn by me in the presence
of the Grand Jury May 30 2001

Darry Whaley
Foreman of the Grand Jury

Filed 30 day of May 2001

Jenette Leyman-Ballard Clerk Clerk: Summon all named witnesses
for the State.
AL SCHMUTTER, JR.
DISTRICT ATTORNEY GENERAL

5,000

STATE OF TENNESSEE

COUNT ONE

CIRCUIT COURT FOR SEVIER COUNTY

The Grand Jurors for the State of Tennessee, having been duly summoned, elected, impaneled, sworn, and charged to inquire for the body of the County and State aforesaid, present that **DENNIS R. BOLZE** on or about **SEPTEMBER, 1997**, before the finding of this indictment in the State and County aforesaid, did unlawfully, and feloniously hamper, hinder, impede, obstruct and thwart the State of Tennessee in the collection and realization of its lawful revenue by failing to file a sales tax return for the month of **AUGUST, 1997** with the Commissioner of Revenue for the State of Tennessee for business activity he conducted doing business as **LOST CREEK CROSSING**, contrary to T.C.A. §67-1-1440(d),

contrary to the statute, and against the peace and dignity of the State of Tennessee.

Al Schreiber Jr. by DAD
DISTRICT ATTORNEY GENERAL

A9

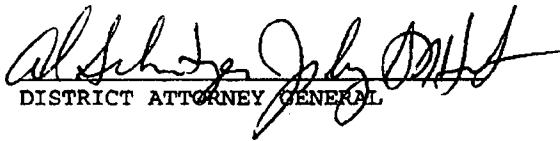
STATE OF TENNESSEE

COUNT TWO

CIRCUIT COURT FOR SEVIER COUNTY

The Grand Jurors for the State of Tennessee, having been duly summoned, elected, impaneled, sworn, and charged to inquire for the body of the County and State aforesaid, present that **DENNIS R. BOLZE** on or about **OCTOBER, 1997**, before the finding of this indictment in the State and County aforesaid, did unlawfully, and feloniously hamper, hinder, impede, obstruct and thwart the State of Tennessee in the collection and realization of its lawful revenue by failing to file a sales tax return for the month of **SEPTEMBER, 1997** with the Commissioner of Revenue for the State of Tennessee for business activity he conducted doing business as **LOST CREEK CROSSING**, contrary to T.C.A. §67-1-1440(d),

contrary to the statute, and against the peace and dignity of the State of Tennessee.


DISTRICT ATTORNEY GENERAL

A 10

STATE OF TENNESSEE

COUNT THREE

CIRCUIT COURT FOR SEVIER COUNTY

The Grand Jurors for the State of Tennessee, having been duly summoned, elected, impaneled, sworn, and charged to inquire for the body of the County and State aforesaid, present that DENNIS R. BOLZE on or about NOVEMBER, 1997, before the finding of this indictment in the State and County aforesaid, did unlawfully, and feloniously hamper, hinder, impede, obstruct and thwart the State of Tennessee in the collection and realization of its lawful revenue by failing to file a sales tax return for the month of OCTOBER, 1997 with the Commissioner of Revenue for the State of Tennessee for business activity he conducted doing business as LOST CREEK CROSSING, contrary to T.C.A. §67-1-1440(d),

contrary to the statute, and against the peace and dignity of the State of Tennessee.


Alvin L. Jones, DA
DISTRICT ATTORNEY GENERAL

A-11

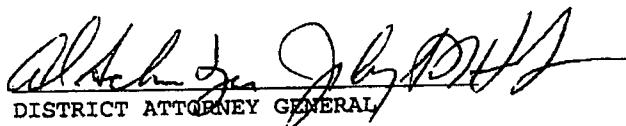
STATE OF TENNESSEE

COUNT FOUR

CIRCUIT COURT FOR SEVIER COUNTY

The Grand Jurors for the State of Tennessee, having been duly summoned, elected, impaneled, sworn, and charged to inquire for the body of the County and State aforesaid, present that **DENNIS R. BOLZE** on or about **DECEMBER, 1997**, before the finding of this indictment in the State and County aforesaid, did unlawfully, and feloniously hamper, hinder, impede, obstruct and thwart the State of Tennessee in the collection and realization of its lawful revenue by failing to file a sales tax return for the month of **NOVEMBER, 1997** with the Commissioner of Revenue for the State of Tennessee for business activity he conducted doing business as **LOST CREEK CROSSING**, contrary to T.C.A. §67-1-1440(d),

contrary to the statute, and against the peace and dignity of the State of Tennessee.


DISTRICT ATTORNEY GENERAL

A-12

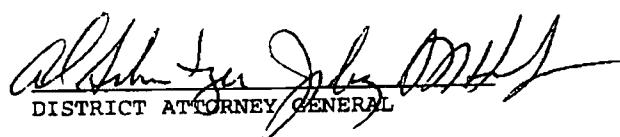
STATE OF TENNESSEE

COUNT FIVE

CIRCUIT COURT FOR SEVIER COUNTY

The Grand Jurors for the State of Tennessee, having been duly summoned, elected, impaneled, sworn, and charged to inquire for the body of the County and State aforesaid, present that DENNIS R. BOLZE on or about JANUARY, 1998, before the finding of this indictment in the State and County aforesaid, did unlawfully, and feloniously hamper, hinder, impede, obstruct and thwart the State of Tennessee in the collection and realization of its lawful revenue by failing to file a sales tax return for the month of DECEMBER, 1997 with the Commissioner of Revenue for the State of Tennessee for business activity he conducted doing business as LOST CREEK CROSSING, contrary to T.C.A. §67-1-1440(d),

contrary to the statute, and against the peace and dignity of the State of Tennessee.


Alton E. Jones, District Attorney General

A 13

STATE OF TENNESSEE

COUNT SIX

CIRCUIT COURT FOR SEVIER COUNTY

The Grand Jurors for the State of Tennessee, having been duly summoned, elected, impaneled, sworn, and charged to inquire for the body of the County and State aforesaid, present that **DENNIS R. BOLZE** on or about **APRIL, 1998**, before the finding of this indictment in the State and County aforesaid, did unlawfully, and feloniously hamper, hinder, impede, obstruct and thwart the State of Tennessee in the collection and realization of its lawful revenue by failing to file a sales tax return for the month of **MARCH, 1998** with the Commissioner of Revenue for the State of Tennessee for business activity he conducted doing business as **LOST CREEK CROSSING**, contrary to T.C.A. §67-1-1440(d),

contrary to the statute, and against the peace and dignity of the State of Tennessee.


Al Shadburn, July 1998
DISTRICT ATTORNEY GENERAL

AIH

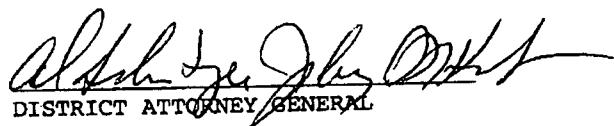
STATE OF TENNESSEE

COUNT SEVEN

CIRCUIT COURT FOR SEVIER COUNTY

The Grand Jurors for the State of Tennessee, having been duly summoned, elected, impaneled, sworn, and charged to inquire for the body of the County and State aforesaid, present that **DENNIS R. BOLZE** on or about **MAY, 1998**, before the finding of this indictment in the State and County aforesaid, did unlawfully, and feloniously hamper, hinder, impede, obstruct and thwart the State of Tennessee in the collection and realization of its lawful revenue by failing to file a sales tax return for the month of **APRIL, 1998** with the Commissioner of Revenue for the State of Tennessee for business activity he conducted doing business as **LOST CREEK CROSSING**, contrary to T.C.A. §67-1-1440(d),

contrary to the statute, and against the peace and dignity of the State of Tennessee.


DISTRICT ATTORNEY GENERAL

A 15

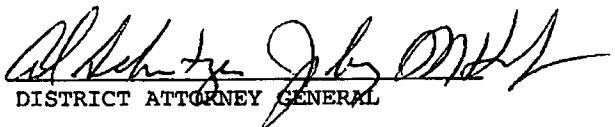
STATE OF TENNESSEE

COUNT EIGHT

CIRCUIT COURT FOR SEVIER COUNTY

The Grand Jurors for the State of Tennessee, having been duly summoned, elected, impaneled, sworn, and charged to inquire for the body of the County and State aforesaid, present that **DENNIS R. BOLZE** on or about **JUNE, 1998**, before the finding of this indictment in the State and County aforesaid, did unlawfully, and feloniously hamper, hinder, impede, obstruct and thwart the State of Tennessee in the collection and realization of its lawful revenue by failing to file a sales tax return for the month of **MAY, 1998** with the Commissioner of Revenue for the State of Tennessee for business activity he conducted doing business as **LOST CREEK CROSSING**, contrary to T.C.A. §67-1-1440(d),

contrary to the statute, and against the peace and dignity of the State of Tennessee.


DISTRICT ATTORNEY GENERAL

Alv

STATE OF TENNESSEE

COUNT NINE

CIRCUIT COURT FOR SEVIER COUNTY

The Grand Jurors for the State of Tennessee, having been duly summoned, elected, impaneled, sworn, and charged to inquire for the body of the County and State aforesaid, present that **DENNIS R. BOLZE** on or about **JULY, 1998**, before the finding of this indictment in the State and County aforesaid, did unlawfully, and feloniously hamper, hinder, impede, obstruct and thwart the State of Tennessee in the collection and realization of its lawful revenue by failing to file a sales tax return for the month of **JUNE, 1998** with the Commissioner of Revenue for the State of Tennessee for business activity he conducted doing business as **LOST CREEK CROSSING**, contrary to T.C.A. §67-1-1440 (d),

contrary to the statute, and against the peace and dignity of the State of Tennessee.

Richard D. Blotzer
DISTRICT ATTORNEY GENERAL

A17

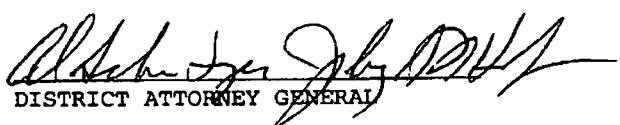
STATE OF TENNESSEE

COUNT TEN

CIRCUIT COURT FOR SEVIER COUNTY

The Grand Jurors for the State of Tennessee, having been duly summoned, elected, impaneled, sworn, and charged to inquire for the body of the County and State aforesaid, present that **DENNIS R. BOLZE** on or about **AUGUST, 1998**, before the finding of this indictment in the State and County aforesaid, did unlawfully, and feloniously hamper, hinder, impede, obstruct and thwart the State of Tennessee in the collection and realization of its lawful revenue by failing to file a sales tax return for the month of **JULY, 1998** with the Commissioner of Revenue for the State of Tennessee for business activity he conducted doing business as **LOST CREEK CROSSING**, contrary to T.C.A. **§67-1-1440(d)**,

contrary to the statute, and against the peace and dignity of the State of Tennessee.


Alvin E. Jones
DISTRICT ATTORNEY GENERAL

A 18

STATE OF TENNESSEE

COUNT ELEVEN

CIRCUIT COURT FOR SEVIER COUNTY

The Grand Jurors for the State of Tennessee, having been duly summoned, elected, impaneled, sworn, and charged to inquire for the body of the County and State aforesaid, present that DENNIS R. BOLZE on or about JANUARY, 1998, before the finding of this indictment in the State and County aforesaid, did unlawfully, and feloniously hamper, hinder, impede, obstruct and thwart the State of Tennessee in the collection and realization of its lawful revenue by failing to file a sales tax return for the month of DECEMBER, 1997 with the Commissioner of Revenue for the State of Tennessee for business activity he conducted doing business as LOST CREEK CROSSING #2, contrary to T.C.A. §67-1-1440(d),

contrary to the statute, and against the peace and dignity of the State of Tennessee.


Al Shumate, Jr. *Al Shumate Jr.*
DISTRICT ATTORNEY GENERAL

A19

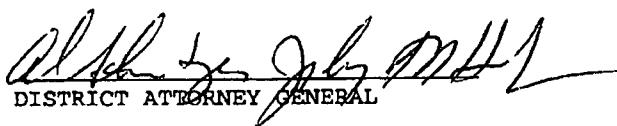
STATE OF TENNESSEE

COUNT TWELVE

CIRCUIT COURT FOR SEVIER COUNTY

The Grand Jurors for the State of Tennessee, having been duly summoned, elected, impaneled, sworn, and charged to inquire for the body of the County and State aforesaid, present that **DENNIS R. BOLZE** on or about **APRIL, 1998**, before the finding of this indictment in the State and County aforesaid, did unlawfully, and feloniously hamper, hinder, impede, obstruct and thwart the State of Tennessee in the collection and realization of its lawful revenue by failing to file a sales tax return for the month of **MARCH, 1998** with the Commissioner of Revenue for the State of Tennessee for business activity he conducted doing business as **LOST CREEK CROSSING #2**, contrary to **T.C.A. §67-1-1440(d)**,

contrary to the statute, and against the peace and dignity of the State of Tennessee.


Alvin E. Jones, Jr.
DISTRICT ATTORNEY GENERAL

A20
A21

STATE OF TENNESSEE

COUNT THIRTEEN

CIRCUIT COURT FOR SEVIER COUNTY

The Grand Jurors for the State of Tennessee, having been duly summoned, elected, impaneled, sworn, and charged to inquire for the body of the County and State aforesaid, present that **DENNIS R. BOLZE** on or about **MAY, 1998**, before the finding of this indictment in the State and County aforesaid, did unlawfully, and feloniously hamper, hinder, impede, obstruct and thwart the State of Tennessee in the collection and realization of its lawful revenue by failing to file a sales tax return for the month of **APRIL, 1998** with the Commissioner of Revenue for the State of Tennessee for business activity he conducted doing business as **LOST CREEK CROSSING #2**, contrary to T.C.A. §67-1-1440(d),

contrary to the statute, and against the peace and dignity of the State of Tennessee.


DISTRICT ATTORNEY GENERAL

A21

STATE OF TENNESSEE

COUNT FOURTEEN

CIRCUIT COURT FOR SEVIER COUNTY

The Grand Jurors for the State of Tennessee, having been duly summoned, elected, impaneled, sworn, and charged to inquire for the body of the County and State aforesaid, present that DENNIS R. BOLZE on or about JUNE, 1998, before the finding of this indictment in the State and County aforesaid, did unlawfully, and feloniously hamper, hinder, impede, obstruct and thwart the State of Tennessee in the collection and realization of its lawful revenue by failing to file a sales tax return for the month of MAY, 1998 with the Commissioner of Revenue for the State of Tennessee for business activity he conducted doing business as LOST CREEK CROSSING #2, contrary to T.C.A. §67-1-1440(d),

contrary to the statute, and against the peace and dignity of the State of Tennessee.


DISTRICT ATTORNEY GENERAL

A22

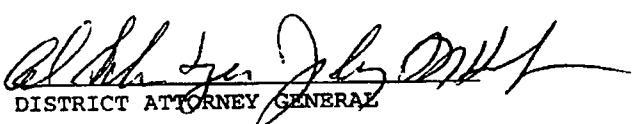
STATE OF TENNESSEE

COUNT FIFTEEN

CIRCUIT COURT FOR SEVIER COUNTY

The Grand Jurors for the State of Tennessee, having been duly summoned, elected, impaneled, sworn, and charged to inquire for the body of the County and State aforesaid, present that **DENNIS R. BOLZE** on or about **JULY, 1998**, before the finding of this indictment in the State and County aforesaid, did unlawfully, and feloniously hamper, hinder, impede, obstruct and thwart the State of Tennessee in the collection and realization of its lawful revenue by failing to file a sales tax return for the month of **JUNE, 1998** with the Commissioner of Revenue for the State of Tennessee for business activity he conducted doing business as **LOST CREEK CROSSING #2**, contrary to T.C.A. §67-1-1440(d),

contrary to the statute, and against the peace and dignity of the State of Tennessee.


DISTRICT ATTORNEY GENERAL

A23

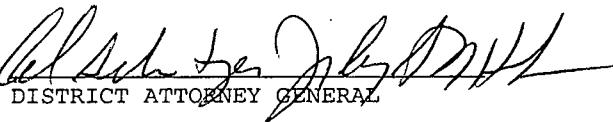
STATE OF TENNESSEE

COUNT SIXTEEN

CIRCUIT COURT FOR SEVIER COUNTY

The Grand Jurors for the State of Tennessee, having been duly summoned, elected, impaneled, sworn, and charged to inquire for the body of the County and State aforesaid, present that **DENNIS R. BOLZE** on or about **AUGUST, 1998**, before the finding of this indictment in the State and County aforesaid, did unlawfully, and feloniously hamper, hinder, impede, obstruct and thwart the State of Tennessee in the collection and realization of its lawful revenue by failing to file a sales tax return for the month of **JULY, 1998** with the Commissioner of Revenue for the State of Tennessee for business activity he conducted doing business as **LOST CREEK CROSSING #2**, contrary to T.C.A. §67-1-1440(d),

contrary to the statute, and against the peace and dignity of the State of Tennessee.


DISTRICT ATTORNEY GENERAL

A24

Circuit Court

APPEARANCE BOND - TO GENERAL SESSIONS COURT PART I / PART II

State of Tennessee, Sevier County

We, Dennis Roger Bolze, Principal and

JAMES R. BARKER, and EAST TENN BOARDING

Sureties, agree to bind ourselves and pay the State of Tennessee \$5000

Dollars, unless the said DEFENDANT
Circuit Court

appears before the General Sessions Court Part I / Part II, at

Sevierville-Gatlinburg in said County, on the 11 day of JULY, 2001 at

o'clock PM, and from day to day until the case is finally disposed of, to answer for the
offense of FRAUD

and does not depart the Court without leave.

Witness our hands this the 7th day of JUNE, 2001

X James R. Barker

Principal.

James R. Barker
Surety.

East Tenn Boarding
Surety.

Sevierville, TN

Approved:

County Record Services, Inc.

A25

CAPIAS—INSTANTER

Form 325

Mathis Co.—Knoxville

\$5,000
Bond

STATE OF TENNESSEE

TO THE SHERIFF OF

Sevier

COUNTY—GREETING:

You are hereby commanded to take the body of

Dennis B. Bolze

if to be found in your County, and him safely keep, so that you have him before the Judge of our Circuit

Court now sitting for the County of Sevier, at the Courthouse, in the town
of Sevierville, TN, sealed presentation, at the Courthouse, in the town
instanter, then and there to answer the State on an Indictment
for Failure to file Sales Tax Return 16 Cts

Herein fail not, and have you then and there this Writ.

Witness, Janette Chapman-Ballard, Clerk of our said Court, at office, the

31 day of May 2001

Janette Chapman-Ballard, Clerk

China Watson, C. C.

JUDGE REX HENRY OGILVY, CIRCUIT JUDGE, PRESIDING

DATE:

July 2, 2001

OF TENNESSEE

DOCKET NO(S): 8611

ATTORNEY FOR: DEFENDANT

STATE

THE COURT ORDERED AS FOLLOWS:

ARRAIGNMENT: *Indigents are ordered to pay a fee of \$50.00 /\$_____.
 Indigent* appointed Public Defender
 Partially Indigent, appointed Public Defender, defendant to pay Attorney's Fee of \$_____ at \$_____ per wk/mth
 Not Indigent, _____ days to retain counsel and notify Clerk of Court
 Indigent* but conflict with Public Defender, Attorney _____ appointed.
 Partially Indigent, but conflict with Public Defender, appointed Atty. _____
Defendant to pay Attorney's Fee of \$_____ at \$_____ per wk/mth
 Appeared with Retained Counsel
 Appeared w/o Counsel, but will retain Counsel, 15 days allowed
 Appeared w/o Counsel, and waived Counsel
 Written Waiver of Arraignment filed/to be filed
Defendant waived reading of Indictment and 7 days allowed for filing of motions, unless otherwise indicated.

PIAS: Failed to appear, Temporary Forfeiture of Bond, Scire Facias issued as to Bondsmen, Capias issued for arrest of Defendant. Conditions of Capias, if any: _____

Bond set at \$_____. Conditions of Bond: _____

A: Appeared and entered a Plea of Not Guilty
 Written Plea of Not Guilty filed/to be filed
 Entered a Plea of Not Guilty, however, _____ days allowed for further plea negotiations
All entries of Plea of Not Guilty to be set for trial unless otherwise indicated.
 Plea Agreement announced
 Open Plea to Indictment with Court sentencing on _____
 Best Interest or Alford Plea
 Deferred Plea of Guilty pursuant to T.C.A. 40-35-313.
 Plea by information (See Waiver of Indictment signed by all parties in presence of Court)
 Nolle Prosequi
 Pre-trial Diversion (See Memorandum of Understanding filed pursuant to T.C.A. 40-15-105)
 Presentence ordered/waived by _____

Plea Agreement Form(s) and Judgment(s) are approved by the Court and shall be made a part of the minutes of this date on all entries of a guilty plea.

SENTENCING: Sentencing from Jury trial dated: _____
 Sentencing from Plea dated: _____
 Sentencing from Trial by Court dated: _____

AT SENTENCING: See Judgment form as if copied verbatim

ACTION: Probation Community Corrections Program Officer: _____
 Found in Violation by the Court Entered Plea of Guilty
 Returned to Probation/Community Corrections Program
 Ordered to serve Balance of Original Sentence
 See Judgment Form as if copied verbatim
 Other Disposition: _____

ON: Continued on Motion of Defendant/State/due to other Court Matters
 Motion for New Trial Granted/Denied
 Other Plea 8-28-01

SAL: This Court hereby recuses itself from hearing this matter. Future hearings shall be scheduled before another Judge.

A27

IN THE CIRCUIT COURT FOR Sevier COUNTY, TENNESSEE

STATE OF TENNESSEE

VS.

Dennis Bolze

CIRCUIT COURT	FILED
HOUR	M
AUG 28 2001	
JANETTE LAYMAN-BALLARD	
CIRCUIT COURT CLERK	
SEVIER COUNTY, TN	

NO: 8611

PLEA AGREEMENT

The above named Defendant and the State of Tennessee enter into the following agreement:

The Defendant agrees to plead guilty to

Failure to file sales tax
return - Counts 1, 2, 3 and 4

and the State agrees to recommend to the Court the following sentence:

2 years each count Range I -
Count 2 consecutive to count 1,
count 3 & 4 concurrent to each
other but consecutive to count 2
(6 years) supervised probation \$1000 fine
and court costs

The above terms represent the full agreement between the parties.

SIGNED this the 28 day of Aug 2001

STATE OF TENNESSEE

Att. M. H. H.
DISTRICT ATTORNEY GENERAL

I agree to this freely and voluntarily. I understand that if this agreement is not accepted by the Court I can withdraw my guilty plea.

Dennis Bolze
DEFENDANT

A. 28

IN THE CIRCUIT COURT FOR Sevier COUNTY, TENNESSEE

STATE OF TENNESSEE

CIRCUIT COURT	FILED
HOUR	11
AUG 28 2001	
JANETTE LAYMAN-BALLARD	
CIRCUIT COURT CLERK	
SEVIER COUNTY, TN	

VS.

NO: 8611

Dennis R. Boze

WAIVER OF JURY TRIAL AND GUILTY PLEA

Comes the Defendant Dennis R. Boze

and voluntarily waives his right to a trial by jury and asks this Court to try his case both as to guilt and punishment. The right to a jury trial has been fully explained to him and he understands the consequences in giving up this right.

Further, the Defendant acknowledges that he has been fully advised of all the elements of the crime(s) charged against him. He understands that the State must prove each element beyond a reasonable doubt to a moral certainty before he can be found guilty. He understands that he has the right to confront and cross-examine witnesses against him. Also, he understands the range of penalties for the crime(s). He knows he has a Constitutional Right to stand on his plea of not guilty and make the State prove his guilt. That if he is found guilty, he has a right to appeal the decision; at which time it could be reversed or dismissed. All of these rights he gives up if he pleads guilty.

Understanding all of this, the Defendant voluntarily pleads guilty to the offense(s) of:

Failure to file sales tax return -
counts 1, 2, 3 and 4 - Class E
Felony

and requests the Court to accept it. He has not been forced to make this plea, nor has he been threatened or promised anything that would cause him to enter this plea. He understands that there may or may not be a recommendation made to the Court about sentencing which the Court may accept or refuse.

The Defendant's Attorney

GRD Se

agrees to this waiver and plea.

This the 28 day of Aug, 2001

8/28/01

DEFENDANT

ATTORNEY FOR DEFENDANT

APPROVAL:

MH

M

A29

IN THE CIRCUIT COURT FOR Sevier COUNTY, TENNESSEE

STATE OF TENNESSEE

VS.

CIRCUIT COURT	:
FILED	
HOUR	M
AUG 28 2001	
JANETTE LAYMAN-BALLARD	
CIRCUIT COURT CLERK	
SEVIER COUNTY, TN	

NO: 8611

Dennis Bolze

ORDER

In this case it appearing to the Court that the Defendant, Dennis Bolze, is charged with the crime(s) of: failure to file sales tax returns

and that he through his counsel, pro se

made a motion that he waive his trial by jury upon the said charge(s) and that he submit his case to the Court for decision, both as to guilt and punishment, and it further appearing to the Court that the motion in this case was seasonably made and concurred in by the District Attorney General.

IT IS THEREFORE ORDERED BY THE COURT that said motion be granted and spread on the Criminal Minutes of this Court, and that in the event conviction results after such waiver, that this Court will fix punishment in accordance with Section 40-20-107 Tennessee Code Annotated which covers Jury Trials.

This the 28 day of Aug, 2001, 19


E
N
T
E
R
CIRCUIT JUDGE

A30

IN THE CRIMINAL/CIRCUIT COURT OF

SEVIER COUNTY, TENNESSEE

Case Number:	8611	Count#:	2	Attorney for the State	STEVEN R. HAWKINS
Judicial District	04	Judicial Division		Counsel for Defendant	PRO-SE
				<input type="checkbox"/> Retained <input type="checkbox"/> Appointed <input type="checkbox"/> Public Defender	
State	Tennessee				
Defendant	DENNIS R. BOLZE			Alias _____	
Date of Birth	11/28/1948	Sex	M	Race	WHITE
From Indictment #	8611	Warrant #		SSN	_____
				TDOC #	
				TBI Document Control #	

JUDGMENT

Comes the District Attorney General for the State and the defendant with counsel of record for entry of judgment.

On the	28th	day of	August	2001	the defendant:	Filing Date	/ /
Indictment: Class (circle one): 1st A B C D E						<input checked="" type="checkbox"/> Felony	<input type="checkbox"/> Misdemeanor
Offense FAILURE TO FILE SALES TAX RETURN							
Amended Charge							
Offense date OCTOBER 1997						County	SEVIER
Conviction offense FAILURE TO FILE SALES TAX RETURN							
TCA# 67-1-1440(D)						Sentence-imposed date	08/28/2001
Conviction class (circle one): 1st A B C D E						<input checked="" type="checkbox"/> Felony	<input type="checkbox"/> Misdemeanor

After considering the evidence, the entire record, and all factors in T.C.A. Title 40, Chapter 35, all of which are incorporated by reference

herein, the Court's findings and rulings are:

Concurrent with:

<input checked="" type="checkbox"/> Sentence Reform Act of 1989	Offender Status (Check One) (Other than 1st degree murder)	Release Eligibility (Check One) (Other than 1st degree murder)	1st Degree Murder	
<input type="checkbox"/> Mitigated	<input type="checkbox"/> Mitigated 20%	<input type="checkbox"/> Multiple Rapist 100%	<input type="checkbox"/> Pre 1982 Sentence:	
<input checked="" type="checkbox"/> Standard	<input type="checkbox"/> Mitigated 30%	<input type="checkbox"/> Child Rapist 100%	<input type="checkbox"/> Sentence Reform Act of 1982	Consecutive to
<input type="checkbox"/> Multiple	<input checked="" type="checkbox"/> Standard 30%	<input type="checkbox"/> Repeat Violent 100%	<input type="checkbox"/> 30% Range 1	COUNT 1, SEVIER COUNTY CIRCUIT 8611
<input type="checkbox"/> Persistent	<input type="checkbox"/> Multiple 35%	<input type="checkbox"/> Persistent 45%	<input type="checkbox"/> 35% Range 2	HOUR _____ M
<input type="checkbox"/> Career	<input type="checkbox"/> Career 60%	<input type="checkbox"/> Gang Related	<input type="checkbox"/> 40% Range 3	SEP 20 2001
<input type="checkbox"/> Repeat Violent	<input type="checkbox"/> Violent 100%			

Sentenced to:	Sentenced Length: 2 YEARS	JANETTE LAYMAN GILLARD
<input type="checkbox"/> C	2 Years Months Days Life	Live Without Parole CLERK Death
<input type="checkbox"/> County Jail <input type="checkbox"/> Workhouse	Years Months Days Hours	SEVIER COUNTY, TN 55-10-401 - 4th Offense
Mandatory Minimum Sentence (39-17-417, 39-13-513, 39-13-514 in school zone or 55-10-401 - 4th Offense)		
Mandatory Minimum Sentence (39-17-417, 39-13-513, 39-13-514 in school zone or 55-10-401 - 4th Offense)		
Period of Incarceration to be Served Prior to Release on Probation Months Days Hours (Misdemeanor Only)		
% Minimum Service Prior to Eligibility for Work Release, Furlough, Trusty Status and Rehabilitative Programs (Misdemeanor Only)		
<input type="checkbox"/> Probation <input type="checkbox"/> Diversion	Years Months Days	Effective: _____
<input type="checkbox"/> Community Based Alternative	Years Months Days	Hours Week-ends

Specify:

Pretrial Jail Credit Period: from / / to / / from / / to / / or Number of Days: _____

Court Ordered Fees and Fines:	Restitution
\$ Criminal Injuries Compensation Fund	Victim Name _____
\$ Supervision	Address _____
\$ Child Support	Total Amount \$ _____ \$ _____ Per month
\$ Court Costs	<input type="checkbox"/> Unpaid Community Service: Hours Days Weeks Months
\$ Fine Assessed	<input checked="" type="checkbox"/> Defendant <input type="checkbox"/> State
\$ Sex Offender Tax	

 The Defendant having been found guilty is rendered infamous and is ordered to provide a biological specimen for the purpose of DNA analysis. Pursuant to 39-13-524 the defendant is sentenced to community supervision for life following sentence expiration.

Special Conditions:

SUPERVISED PROBATION FOR FULL TERM.

REX HENRY OGLE

Judge's Name

08/28/2001

Date of Entry of Judgment

Attorney for State/Signature (optional)

Defendant's Attorney/Signature (optional)

A31

IN THE CRIMINAL/CIRCUIT COURT OF SEVIER COUNTY, TENNESSEE

Case Number:	8611	Count#:	3	Attorney for the State	STEVEN R. HAWKINS
Judicial District	04	Judicial Division		Counsel for Defendant	PRO-SE
<input type="checkbox"/> Retained <input type="checkbox"/> Appointed <input type="checkbox"/> Public Defender					
State	Tennessee				
Defendant	DENNIS R. BOLZE				
Date of Birth	11/28/1948	Sex	M	Race	WHITE
From Indictment #	8611	Warrant #			
TBI Document Control # _____					

JUDGMENT

Comes the District Attorney General for the State and the defendant with counsel of record for entry of judgment.

On the <u>28th</u> day of <u>August</u> , 2001, the defendant:	Filing Date / /
<input checked="" type="checkbox"/> Pled Guilty <input type="checkbox"/> Dismissed/Nolle Prosequi <input type="checkbox"/> Nolo Contendere <input type="checkbox"/> Retired/Unapprehended Defendant <input type="checkbox"/> Guilty Plea - Pursuant to 40-35-313	
Indictment: Class(circle one): 1st A B C D E <input checked="" type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor Offense FAILURE TO FILE SALES TAX RETURN	
Amended Charge _____	
Offense date NOVEMBER 1997 County SEVIER	
Conviction offense FAILURE TO FILE SALES TAX RETURN	
TCA#: 67-1-1440(D) Sentence-imposed date 08/28/2001	
Conviction class(circle one): 1st A B C D E <input checked="" type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor	

After considering the evidence, the entire record, and all factors in T.C.A. Title 40, Chapter 35, all of which are incorporated by reference

herein, the Court's findings and rulings are:

<input checked="" type="checkbox"/> Sentence Reform Act of 1989 Offender Status (Check One) <input checked="" type="checkbox"/> Release Eligibility (Check One) (Other than 1st degree murder) (Other than 1st degree murder)		<input type="checkbox"/> 1st Degree Murder <input type="checkbox"/> Pre 1982 Sentence: <input type="checkbox"/> Sentence Reform Act of 1982		Concurrent with: _____	
<input type="checkbox"/> Mitigated <input type="checkbox"/> Mitigated 20% <input type="checkbox"/> Multiple Rapist 100% <input checked="" type="checkbox"/> Standard <input type="checkbox"/> Mitigated 30% <input type="checkbox"/> Child Rapist 100% <input type="checkbox"/> Multiple <input type="checkbox"/> Standard 30% <input type="checkbox"/> Repeat Violent 100% <input type="checkbox"/> Persistent <input type="checkbox"/> Multiple 35% <input type="checkbox"/> Career <input type="checkbox"/> Persistent 45% <input type="checkbox"/> Repeat Violent <input type="checkbox"/> Career 60% <input type="checkbox"/> Violent 100% <input type="checkbox"/> Gang Related		<input type="checkbox"/> 30% Range 1 <input type="checkbox"/> 35% Range 2 <input type="checkbox"/> 40% Range 3		CONSECUTIVE CIRCUIT COURT COUNT 2, SEVIER COUNTY CIRCUIT 8611 HOUR _____ M	
SEP 20 2001					
Sentenced to: C		Sentenced Length: 2 YEARS		JANETTE LAYMAN-BALLARD CIRCUIT COURT CLERK SEVIER COUNTY TN	
<input type="checkbox"/> County Jail <input type="checkbox"/> Workhouse		2 Years	Months	Days	Life
				Life Without Parole Death	
				Mandatory Minimum Sentence (39-17-417, 39-13-513, 39-13-514 in school zone or 35-10-401 - 4th Offense)	
		Years	Months	Days	Hours
				Week-ends _____ Periodic: ()	
				Mandatory Minimum Sentence (39-17-417, 39-13-513, 39-13-514 in school zone or 55-10-401 - 4th Offense)	
		Years	Months	Days	Hours
				Period of Incarceration to be Served Prior to Release on Probation Months Days Hours (Misdemeanor Only)	
% Minimum Service Prior to Eligibility for Work Release, Furlough, Trusty Status and Rehabilitative Programs (Misdemeanor Only)					
<input type="checkbox"/> Probation <input type="checkbox"/> Diversion		Years	Months	Days	Effective: _____
<input type="checkbox"/> Community Based Alternative		Years	Months	Days	Hours Week-ends
Specify: _____					
Pretrial Jail Credit Period: from / / to / / from / / to / / or Number of Days: _____					
Court Ordered Fees and Fines: \$ _____ Criminal Injuries Compensation Fund \$ _____ Supervision \$ _____ Child Support \$ _____ Court Costs \$ _____ Fine Assessed \$ _____ Sex Offender Tax		Restitution Victim Name _____ Address _____ Total Amount \$ _____ \$ _____ Per month <input type="checkbox"/> Unpaid Community Service: Hours Days Weeks Months			

 The Defendant having been found guilty is rendered infamous and is ordered to provide a biological specimen for the purpose of DNA analysis. Pursuant to 39-13-524 the defendant is sentenced to community supervision for life following sentence expiration.

Special Conditions:

SUPERVISED PROBATION FOR FULL TERM.

A32

REX HENRY OGLE

Judge's Name

Judge's Signature

08/28/2001

Date of Entry of Judgment

Attorney for State/Signature (optional)

Defendant's Attorney/Signature (optional)

IN THE CRIMINAL/CIRCUIT COURT OF

SEVIER

COUNTY, TENNESSEE

Case Number:	8611	Count#:	4	Attorney for the State	STEVEN R. HAWKINS
Judicial District	04	Judicial Division		Counsel for Defendant	PRO-SE
<input type="checkbox"/> Retained <input type="checkbox"/> Appointed <input type="checkbox"/> Public Defender					
State	Tennessee				
Defendant	DENNIS R. BOLZE				
Date of Birth	11/28/1948	Sex	M	Race	WHITE
From Indictment #	8611	Warrant #			
Alias _____					
SSN _____					
TDOC # _____					
TBI Document Control # _____					

JUDGMENT

Comes the District Attorney General for the State and the defendant with counsel of record for entry of judgment.

On the <u>28th</u> day of <u>August</u> , <u>2001</u> , the defendant:	Filing Date / /
<input checked="" type="checkbox"/> Pled Guilty <input type="checkbox"/> Dismissed/Nolle Prosequi <input type="checkbox"/> Nolo Contendere <input type="checkbox"/> Retired/Unapprehended Defendant <input type="checkbox"/> Guilty Plea - Pursuant to 40-35-313	
Is found: <input type="checkbox"/> Guilty <input type="checkbox"/> Not Guilty <input type="checkbox"/> Jury Verdict <input type="checkbox"/> Not Guilty by Reason of Insanity <input type="checkbox"/> Bench Trial	
Indictment: Class(circle one): 1st A B C D E <input checked="" type="radio"/> Felony <input type="checkbox"/> Misdemeanor Offense FAILURE TO FILE SALES TAX RETURN Amended Charge _____ Offense date DECEMBER 1997 County SEVIER Conviction offense FAILURE TO FILE SALES TAX RETURN TCA#: 67-1-1440(D) Sentence-imposed date 08/28/2001 Conviction class(circle one): 1st A B C D E <input checked="" type="radio"/> Felony <input type="checkbox"/> Misdemeanor	

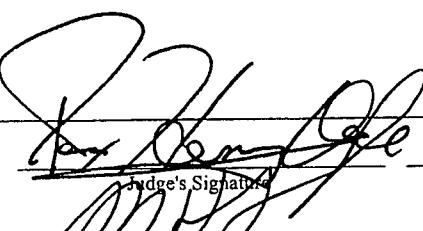
After considering the evidence, the entire record, and all factors in T.C.A. Title 40, Chapter 35, all of which are incorporated by reference herein, the Court's findings and rulings are:

<input checked="" type="checkbox"/> Sentencing Act of 1989 Offender Status (Check One) <input type="checkbox"/> Standard (Other than 1st degree murder) <input type="checkbox"/> Multiple Persistent <input type="checkbox"/> Repeat Violent		Release Eligibility (Check One) <input type="checkbox"/> Mitigated 20% <input type="checkbox"/> Mitigated 30% <input checked="" type="checkbox"/> Standard 30% <input type="checkbox"/> Multiple 35% <input type="checkbox"/> Persistent 45% <input type="checkbox"/> Violent 100%		<input type="checkbox"/> 1st Degree Murder <input type="checkbox"/> Pre 1982 Sentence: _____ <input type="checkbox"/> Sentence Reform Act of 1982 Misc. (if applicable) <input type="checkbox"/> School Zone <input type="checkbox"/> Gang Related		Concurrent with: COUNT 3, SEVIER COUNTY CIRCUIT 8611, Consecutive to: COUNT 1, SEVIER COUNTY CIRCUIT 8611 CIRCUIT COURT FILED HOUR _____ M	
Sentenced to: C		Sentenced Length: <u>2 YEARS</u>		<u>SEP 20 2001</u>			
<input type="checkbox"/> County Jail <input type="checkbox"/> Workhouse		Years <u>2</u> Months <u>0</u> Days <u>0</u> Life		<u>JANE LAYMAN-BALLARD</u> 39-17-417, 39-13-513, 39-13-514 in school zone or COURT CLERK SEVIER COUNTY, TN		<u>Death</u> 55-10-401 - 4th Offense	
		Years <u>0</u> Months <u>0</u> Days <u>0</u> Hours <u>0</u>		<u>Week-ends</u> _____		<u>Periodic: ()</u> 55-10-401 - 4th Offense	
						Period of Incarceration to be Served Prior to Release on Probation _____ Months _____ Days _____ Hours (Misdemeanor Only)	
						% Minimum Service Prior to Eligibility for Work Release, Furlough, Trusty Status and Rehabilitative Programs (Misdemeanor Only)	
<input type="checkbox"/> Probation <input type="checkbox"/> Diversion		Years <u>0</u> Months <u>0</u> Days <u>0</u> Effective: _____					
<input type="checkbox"/> Community Based Alternative		Years <u>0</u> Months <u>0</u> Days <u>0</u> Hours <u>0</u> Week-ends _____					
Specify: _____							
Pretrial Jail Credit Period: from <u>1</u> / <u>1</u> to <u>1</u> / <u>1</u> from <u>1</u> / <u>1</u> to <u>1</u> / <u>1</u> or Number of Days: _____							

Court Ordered Fees and Fines: \$ _____ Criminal Injuries Compensation Fund \$ _____ Supervision \$ _____ Child Support \$ _____ Court Costs \$ _____ Fine Assessed \$ _____ Sex Offender Tax		Cost To Be Paid By <input type="checkbox"/> Defendant <input checked="" type="checkbox"/> State		Restitution Victim Name _____ Address _____ Total Amount \$ _____ Per month <input type="checkbox"/> Unpaid Community Service: Hours _____ Days _____ Weeks _____ Months _____			
--	--	---	--	--	--	--	--

The Defendant having been found guilty is rendered infamous and is ordered to provide a biological specimen for the purpose of DNA analysis.
 Pursuant to 39-13-524 the defendant is sentenced to community supervision for life following sentence expiration.

Special Conditions:

SUPERVISED PROBATION FOR FULL TERM. 		08/28/2001
REX HENRY OGLE Judge's Name	Judge's Signature	Date of Entry of Judgment

Attorney for State/Signature (optional)

Defendant's Attorney/Signature (optional)

A33

Case Number: 8611 Count#: 5 Attorney for the State STEVEN R. HAWKINS
 Judicial District 04 Judicial Division Counsel for Defendant PRO-SE

Retained Appointed Public Defender

Tennessee

Defendant DENNIS R. BOLZE Alias
 Date of Birth 11/28/1948 Sex M Race WHITE SSN ██████████
 From Indictment # 8611 Warrant # TDOC #
 TBI Document Control #

JUDGMENT

Comes the District Attorney General for the State and the defendant with counsel of record for entry of judgment.

On the 28th day of August, 2001, the defendant: Filing Date / /

Pled Guilty Dismissed/Nolle Prosequi
 Nolo Contendere Retired/Unapprehended Defendant
 Guilty Plea - Pursuant to 40-35-313

Is found: Guilty Not Guilty
 Jury Verdict Not Guilty by Reason of Insanity
 Bench Trial

Indictment: Class(circle one): 1st A B C D E Felony Misdemeanor
 Offense FAILURE TO FILE SALES TAX RETURN
 Amended Charge
 Offense date / / County SEVIER
 Conviction offense
 TCA#: _____ Sentence-imposed date / /
 Conviction class(circle one): 1st A B C D E Felony Misdemeanor

After considering the evidence, the entire record, and all factors in T.C.A. Title 40, Chapter 35, all of which are incorporated by reference
 herein, the Court's findings and rulings are:

Concurrent with:

<input type="checkbox"/> Sentence Reform Act of 1989 Offender Status (Check One) (Other than 1st degree murder) Release Eligibility (Check One) (Other than 1st degree murder)		<input type="checkbox"/> 1st Degree Murder <input type="checkbox"/> Pre 1982 Sentence: <input type="checkbox"/> Sentence Reform Act of 1982 <input type="checkbox"/> Consecutive to: <input type="checkbox"/> CIRCUIT COURT FILED 14027 14	
<input type="checkbox"/> Mitigated Standard Multiple Persistent Career Repeat Violent		<input type="checkbox"/> Mitigated 20% <input type="checkbox"/> Multiple Rapist 100% <input type="checkbox"/> Mitigated 30% <input type="checkbox"/> Child Rapist 100% <input type="checkbox"/> Standard 30% <input type="checkbox"/> Repeat Violent 100% <input type="checkbox"/> Multiple 35% <input type="checkbox"/> Persistent 45% <input type="checkbox"/> Career 60% <input type="checkbox"/> Violent 100%	<input type="checkbox"/> 30% Range 1 <input type="checkbox"/> 35% Range 2 <input type="checkbox"/> 40% Range 3
<input type="checkbox"/> OC		Sentenced to: Sentenced Length: _____ Years _____ Months _____ Days _____ Life _____ Life Without Parole <u>2001</u> Death _____ Mandatory Minimum Sentence (<u>39-17-417, 39-13-513, 39-13-514</u> in school zone or <u>55-10-401 - 4th Offense</u>) <u>JANETTE L. MCKEEHAN, AWARD</u> <u>WEEKENDS IN COURT</u> (<u>SEVIER COUNTY, TN</u>) Years _____ Months _____ Days _____ Hours _____ Week-ends _____ Mandatory Minimum Sentence (<u>39-17-417, 39-13-513, 39-13-514</u> in school zone or <u>55-10-401 - 4th Offense</u>)	
Period of Incarceration to be Served Prior to Release on Probation _____ Months _____ Days _____ Hours (Misdemeanor Only) % Minimum Service Prior to Eligibility for Work Release, Furlough, Trusty Status and Rehabilitative Programs (Misdemeanor Only)			
<input type="checkbox"/> Probation <input type="checkbox"/> Diversion <input type="checkbox"/> Community Based Alternative		Years _____ Months _____ Days _____ Effective: _____ Years _____ Months _____ Days _____ Hours _____ Week-ends _____	
Specify: _____			
Pretrial Jail Credit Period: from <u>/ /</u> to <u>/ /</u> from <u>/ /</u> to <u>/ /</u> or Number of Days: _____			
Court Ordered Fees and Fines: \$ _____ Criminal Injuries Compensation Fund \$ _____ Supervision \$ _____ Child Support \$ _____ Court Costs \$ _____ Fine Assessed \$ _____ Sex Offender Tax		Restitution Victim Name _____ Address _____ Total Amount \$ _____ \$ _____ Per month <input type="checkbox"/> Unpaid Community Service: _____ Hours _____ Days _____ Weeks _____ Months	

The Defendant having been found guilty is rendered infamous and is ordered to provide a biological specimen for the purpose of DNA analysis.

Pursuant to 39-13-524 the defendant is sentenced to community supervision for life following sentence expiration.

Special Conditions:

REX HENRY OGLE

Judge's Name

Judge's Signature

/ /

Date of Entry of Judgment

Rex Henry Ogle
 Attorney or State/Signature (optional)

Defendant's Attorney/Signature (optional)

A34

Case Number: 8611 Count#: 6 Attorney for the State STEVEN R. HAWKINS
 Judicial District 04 Judicial Division Counsel for Defendant PRO-SE

Retained Appointed Public Defender

Tennessee

Defendant DENNIS R. BOLZE Alias _____
 Date of Birth 11/28/1948 Sex M Race WHITE SSN _____
 From Indictment # 8611 Warrant # TDOC # _____
 TBI Document Control # _____

JUDGMENT

Comes the District Attorney General for the State and the defendant with counsel of record for entry of judgment.

On the 28th day of August, 2001, the defendant: Filing Date / /

Pled Guilty Dismissed/Nolle Prosequi
 Nolo Contendere Retired/Unapprehended Defendant
 Guilty Plea - Pursuant to 40-35-313

Indictment: Class(circle one): 1st A B C D E Felony Misdemeanor

Offense FAILURE TO FILE SALES TAX RETURN

Amended Charge _____

Offense date / / County SEVIER

Conviction offense _____

TCA#: _____ Sentence-imposed date / /

Conviction class(circle one): 1st A B C D E Felony Misdemeanor

After considering the evidence, the entire record, and all factors in T.C.A. Title 40, Chapter 35, all of which are incorporated by reference

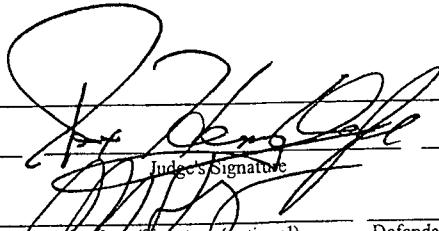
herein, the Court's findings and rulings are:

Concurrent with:

Offender Status (Check One) (Other than 1st degree murder)		Release Eligibility (Check One) (Other than 1st degree murder)		1st Degree Murder				
<input type="checkbox"/> Mitigated	<input type="checkbox"/> Standard	<input type="checkbox"/> Mitigated 20%	<input type="checkbox"/> Multiple Rapist 100%	<input type="checkbox"/> Pre 1982 Sentence:	CIRCUIT COURT			
<input type="checkbox"/> Multiple	<input type="checkbox"/> Persistent	<input type="checkbox"/> Mitigated 30%	<input type="checkbox"/> Child Rapist 100%	<input type="checkbox"/> Sentence Reform Act of 1982	Consecutive to 51-17-503			
<input type="checkbox"/> Persistent	<input type="checkbox"/> Career	<input type="checkbox"/> Standard 30%	<input type="checkbox"/> Repeat Violent 100%	<input type="checkbox"/> 30% Range 1	11/10/01			
<input type="checkbox"/> Career	<input type="checkbox"/> Repeat Violent	<input type="checkbox"/> Multiple 35%	<input type="checkbox"/> Persistent 45%	<input type="checkbox"/> School Zone	SEP 20 2001			
		<input type="checkbox"/> MISC. (if applicable)		<input type="checkbox"/> Gang Related	JANETTE LAYMAN, CLERK			
				CIRCUIT COURT CLERK				
Sentenced to: OC		Sentenced Length: Years _____ Months _____ Days _____ Life _____		Life Without Parole _____		Death _____		
<input type="checkbox"/> County Jail <input type="checkbox"/> Workhouse		Years _____ Months _____ Days _____ Hours _____ Week-ends _____		Hours _____ Week-ends _____		Periodic: _____ 55-10-401 - 4th Offense		
		Mandatory Minimum Sentence (39-17-417, 39-13-513, 39-13-514 in school zone or)						
		Mandatory Minimum Sentence (39-17-417, 39-13-513, 39-13-514 in school zone or)				55-10-401 - 4th Offense		
Period of Incarceration to be Served Prior to Release on Probation		Months _____ Days _____ Hours _____		Months _____ Days _____ Hours _____		Hours (Misdemeanor Only)		
<input type="checkbox"/> Probation <input type="checkbox"/> Diversion		Years _____ Months _____ Days _____ Effective: _____						
<input type="checkbox"/> Community Based Alternative		Years _____ Months _____ Days _____ Hours _____ Week-ends _____						
Specify:								
Pretrial Jail Credit Period: from / / to / / from / / to / / or Number of Days: _____								
Court Ordered Fees and Fines:		Restitution						
\$ _____	Criminal Injuries Compensation Fund	Victim Name _____						
\$ _____	Supervision	Address _____						
\$ _____	Child Support							
\$ _____	Court Costs							
\$ _____	Fine Assessed	Total Amount \$ _____	\$ _____	Per month				
\$ _____	Sex Offender Tax	<input type="checkbox"/> Defendant <input checked="" type="checkbox"/> State	Unpaid Community Service: Hours _____ Days _____ Weeks _____ Months _____					

The Defendant having been found guilty is rendered infamous and is ordered to provide a biological specimen for the purpose of DNA analysis.
 Pursuant to 39-13-524 the defendant is sentenced to community supervision for life following sentence expiration.

Special Conditions:

REX HENRY OGLE
 Judge's Name 
 Judge's Signature / / Date of Entry of Judgment

A35

Attorney for State/Signature (optional) Defendant's Attorney/Signature (optional)

Case Number: 8611 Count#: 7 Attorney for the State STEVEN R. HAWKINS

Judicial District 04 Judicial Division Counsel for Defendant PRO-SE

 Retained Appointed Public Defender

S Tennessee

Defendant DENNIS R. BOLZE Alias _____
 Date of Birth 11/28/1948 Sex M Race WHITE SSN _____
 From Indictment # 8611 Warrant # TDOC # _____
 TBI Document Control # _____

JUDGMENT

Comes the District Attorney General for the State and the defendant with counsel of record for entry of judgment.

On the 28th day of August, 2001, the defendant: Filing Date / /

Pled Guilty Dismissed/Nolle Prosequi
 Nolo Contendere Retired/Unapprehended Defendant
 Guilty Plea - Pursuant to 40-35-313

is found: Guilty Not Guilty
 Jury Verdict Not Guilty by Reason of Insanity
 Bench Trial

Indictment: Class(circle one): 1st A B C D E Felony Misdemeanor

Offense FAILURE TO FILE SALES TAX RETURN

Amended Charge _____

Offense date / / County SEVIER

Conviction offense _____

TCA#: _____ Sentence-imposed date / /

Conviction class(circle one): 1st A B C D E Felony Misdemeanor

After considering the evidence, the entire record, and all factors in T.C.A. Title 40, Chapter 35, all of which are incorporated by reference

herein, the Court's findings and rulings are:

Concurrent with:

Offender Status (Check One) (Other than 1st degree murder)	Release Eligibility (Check One) (Other than 1st degree murder)		1st Degree Murder Pre 1982 Sentence: Sentence Reform Act of 1982	CIRCUIT COURT FILED Consecutive to: M SEP 20 2001 JANETTE L. WILSON, CLERK
	<input type="checkbox"/> Mitigated 20%	<input type="checkbox"/> Multiple Rapist 100%		
<input type="checkbox"/> Standard	<input type="checkbox"/> Mitigated 30%	<input type="checkbox"/> Child Rapist 100%		
<input type="checkbox"/> Multiple	<input type="checkbox"/> Standard 30%	<input type="checkbox"/> Repeat Violent 100%		
<input type="checkbox"/> Persistent	<input type="checkbox"/> Multiple 35%	<input type="checkbox"/> Misc. (if applicable)		
<input type="checkbox"/> Career	<input type="checkbox"/> Persistent 45%	<input type="checkbox"/> School Zone		
<input type="checkbox"/> Repeat Violent	<input type="checkbox"/> Career 60%	<input type="checkbox"/> Gang Related		
Violent 100%		<input type="checkbox"/> 30% Range 1 <input type="checkbox"/> 35% Range 2 <input type="checkbox"/> 40% Range 3		
Sentenced to: Sentenced Length: _____				
Years _____ Months _____ Days _____ Life _____ Life Without Parole _____ Death _____				
Mandatory Minimum Sentence (39-17-417, 39-13-513, 39-13-514 in school zone or 55-10-401 - 4th Offense)				
<input type="checkbox"/> County Jail <input type="checkbox"/> Workhouse Years _____ Months _____ Days _____ Hours _____ Week-ends _____ Periodic: _____				
Mandatory Minimum Sentence (39-17-417, 39-13-513, 39-13-514 in school zone or 55-10-401 - 4th Offense)				
Period of Incarceration to be Served Prior to Release on Probation Months _____ Days _____ Hours (Misdemeanor Only)				
% Minimum Service Prior to Eligibility for Work Release, Furlough, Trusty Status and Rehabilitative Programs (Misdemeanor Only)				
<input type="checkbox"/> Probation <input type="checkbox"/> Diversion Years _____ Months _____ Days _____ Effective: _____				
<input type="checkbox"/> Community Based Alternative Years _____ Months _____ Days _____ Hours _____ Week-ends				
Specify: _____				
Pretrial Jail Credit Period: from / / to / / from / / to / / or Number of Days: _____				
Court Ordered Fees and Fines:		Restitution		
\$ _____	Criminal Injuries Compensation Fund			Victim Name _____
\$ _____	Supervision			Address _____
\$ _____	Child Support			_____
\$ _____	Court Costs			Total Amount \$ _____ \$ _____ Per month
\$ _____	Fine Assessed			<input type="checkbox"/> Unpaid Community Service: Hours _____ Days _____ Weeks _____ Months _____
\$ _____	Sex Offender Tax			<input type="checkbox"/> Defendant <input checked="" type="checkbox"/> State

 The Defendant having been found guilty is rendered infamous and is ordered to provide a biological specimen for the purpose of DNA analysis. Pursuant to 39-13-524 the defendant is sentenced to community supervision for life following sentence expiration.

Special Conditions: _____

REX HENRY OGLE

Judge's Name

Judge's Signature

Date of Entry of Judgment

Attorney for State/Signature (optional)

Defendant's Attorney/Signature (optional)

A 36

IN THE CRIMINAL/CIRCUIT COURT OF

SEVIER

COUNTY, TENNESSEE

Case Number: 8611 Count#: 8 Attorney for the State STEVEN R. HAWKINS
 Judicial District 04 Judicial Division Counsel for Defendant PRO-SE
 Retained Appointed Public Defender

Tennessee

Defendant DENNIS R. BOLZE Alias
 Date of Birth 11/28/1948 Sex M Race WHITE SSN
 From Indictment # 8611 Warrant # TDOC #
 TBI Document Control #

JUDGMENT

Comes the District Attorney General for the State and the defendant with counsel of record for entry of judgment.

On the 28th day of August, 2001, the defendant: Filing Date / /

<input type="checkbox"/> Pled Guilty <input checked="" type="checkbox"/> Dismissed/Nolle Prosequi	<input type="checkbox"/> Indictment: Class(circle one): 1st A B C D E <input checked="" type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor
<input type="checkbox"/> Nolo Contendere <input type="checkbox"/> Retired/Unapprehended Defendant	Offense <u>FAILURE TO FILE SALES TAX RETURN</u>
<input type="checkbox"/> Guilty Plea - Pursuant to 40-35-313	Amended Charge <u> </u>
Is found: <input type="checkbox"/> Guilty <input type="checkbox"/> Not Guilty	Offense date <u> </u> County <u>SEVIER</u>
<input type="checkbox"/> Jury Verdict <input type="checkbox"/> Not Guilty by Reason of Insanity	Conviction offense <u> </u>
<input type="checkbox"/> Bench Trial	TCA#: <u> </u> Sentence-imposed date <u>/ /</u>
	Conviction class(circle one): 1st A B C D E <input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor

After considering the evidence, the entire record, and all factors in T.C.A. Title 40, Chapter 35, all of which are incorporated by reference

hercina, the Court's findings and rulings are:

Concurrent with:

Offender Status (Check One) (Other than 1st degree murder)	Release Eligibility (Check One) (Other than 1st degree murder)	1st Degree Murder
<input type="checkbox"/> Mitigated <input type="checkbox"/> Standard <input type="checkbox"/> Multiple <input type="checkbox"/> Persistent <input type="checkbox"/> Career <input type="checkbox"/> RepeatViolent	<input type="checkbox"/> Mitigated 20% <input type="checkbox"/> Mitigated 30% <input type="checkbox"/> Standard 30% <input type="checkbox"/> Multiple 35% <input type="checkbox"/> Persistent 45% <input type="checkbox"/> Career 60% <input type="checkbox"/> Violent 100%	<input type="checkbox"/> Pre 1982 Sentence: <input type="checkbox"/> Sentence Reform Act of 1982 <input type="checkbox"/> 30% Range 1 <input type="checkbox"/> 35% Range 2 <input type="checkbox"/> 40% Range 3
OC	Sentenced Length: Years <u> </u> Months <u> </u> Days <u> </u> Life <u> </u>	CIRCUIT COURT FILED Consecutive to: <u> </u> MA SEP 20 2001 JANETTE LAYLAH WALKER CIRCUIT COURT CLERK SEVIER COUNTY, TN
<input type="checkbox"/> County Jail <input type="checkbox"/> Workhouse	Mandatory Minimum Sentence (<u> </u> 39-17-417, 39-13-513, 39-13-514 in school zone or <u> </u>) Years <u> </u> Months <u> </u> Days <u> </u> Hours <u> </u> Week-ends <u> </u> Periodic: (<u> </u>) Mandatory Minimum Sentence (<u> </u> 39-17-417, 39-13-513, 39-13-514 in school zone or <u> </u>) <u> </u> 55-10-401 - 4th Offense)	<u> </u> 55-10-401 - 4th Offense)
Period of Incarceration to be Served Prior to Release on Probation <u> </u> Months <u> </u> Days <u> </u> Hours (Misdemeanor Only) <u> </u> % Minimum Service Prior to Eligibility for Work Release, Furlough, Trusty Status and Rehabilitative Programs (Misdemeanor Only)		
<input type="checkbox"/> Probation <input type="checkbox"/> Diversion	Years <u> </u> Months <u> </u> Days <u> </u> Effective: <u> </u>	<u> </u>
<input type="checkbox"/> Community Based Alternative	Years <u> </u> Months <u> </u> Days <u> </u> Hours <u> </u> Week-ends <u> </u>	<u> </u>
Specify: <u> </u>		
Pretrial Jail Credit Period: from <u> </u> to <u> </u> from <u> </u> to <u> </u> or Number of Days: <u> </u>		
Court Ordered Fees and Fines: \$ <u> </u> Criminal Injuries Compensation Fund \$ <u> </u> Supervision \$ <u> </u> Child Support \$ <u> </u> Court Costs \$ <u> </u> Fine Assessed \$ <u> </u> Sex Offender Tax		Restitution Victim Name <u> </u> Address <u> </u> Total Amount \$ <u> </u> \$ <u> </u> Per month <input type="checkbox"/> Unpaid Community Service: <u> </u> Hours <u> </u> Days <u> </u> Weeks <u> </u> Months
<input type="checkbox"/> The Defendant having been found guilty is rendered infamous and is ordered to provide a biological specimen for the purpose of DNA analysis. <input type="checkbox"/> Pursuant to 39-13-524 the defendant is sentenced to community supervision for life following sentence expiration.		

Special Conditions:

REX HENRY OGLE

Judge's Name

Judge's Signature

Date of Entry of Judgment

A37

Attorney for State/Signature (optional)

Defendant's Attorney/Signature (optional)

IN THE CRIMINAL/CIRCUIT COURT OF

SEVIER

COUNTY, TENNESSEE

Case Number:	8611	Count#:	9	Attorney for the State	STEVEN R. HAWKINS
Judicial District	04	Judicial Division		Counsel for Defendant	PRO-SE
<input type="checkbox"/> Retained <input type="checkbox"/> Appointed <input type="checkbox"/> Public Defender					
St. Tennessee					
vs.					
Defendant					
Date of Birth	11/28/1948	Sex	M	Race	WHITE
From Indictment #	8611	Warrant #			
TBI Document Control #					

JUDGMENT

Comes the District Attorney General for the State and the defendant with counsel of record for entry of judgment.

On the 28th day of August, 2001, the defendant: Filing Date / /

<input type="checkbox"/> Pled Guilty	<input checked="" type="checkbox"/> Dismissed/Nolle Prosequi
<input type="checkbox"/> Nolo Contendere	<input type="checkbox"/> Retired/Unapprehended Defendant
<input type="checkbox"/> Guilty Plea - Pursuant to 40-35-313	
Is found: <input type="checkbox"/> Guilty <input type="checkbox"/> Not Guilty	
<input type="checkbox"/> Jury Verdict <input type="checkbox"/> Not Guilty by Reason of Insanity	
<input type="checkbox"/> Bench Trial	

Indictment: Class(circle one): 1st A B C D E <input checked="" type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor					
Offense FAILURE TO FILE SALES TAX RETURN					
Amended Charge					
Offense date / / County SEVIER					
Conviction offense					
TCA#: Sentence-imposed date / /					
Conviction class(circle one): 1st A B C D E <input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor					

After considering the evidence, the entire record, and all factors in T.C.A. Title 40, Chapter 35, all of which are incorporated by reference herein, the Court's findings and rulings are:

Concurrent with:

Offender Status (Check One) (Other than 1st degree murder)	Release Eligibility (Check One) (Other than 1st degree murder)	1st Degree Murder			
<input type="checkbox"/> Mitigated	<input type="checkbox"/> Mitigated 20%	<input type="checkbox"/> Multiple Rapist 100%	<input type="checkbox"/> Pre 1982 Sentence: CIRCUIT COURT FILED		
<input type="checkbox"/> Standard	<input type="checkbox"/> Mitigated 30%	<input type="checkbox"/> Child Rapist 100%	Consecutively to: SEP 20 2001		
<input type="checkbox"/> Multiple	<input type="checkbox"/> Standard 30%	<input type="checkbox"/> Repeat Violent 100%	JANETTE RELLY VATHILLACO SEVIER COUNTY, TENNESSEE		
<input type="checkbox"/> Persistent	<input type="checkbox"/> Multiple 35%	Misc. (if applicable)	SEVIER COUNTY, TENNESSEE		
<input type="checkbox"/> Career	<input type="checkbox"/> Persistent 45%	<input type="checkbox"/> School Zone	55-10-401 - 4th Offense		
<input type="checkbox"/> Repeat Violent	<input type="checkbox"/> Career 60%	<input type="checkbox"/> Gang Related	30% Range 1		
<input type="checkbox"/> Violent 100%				<input type="checkbox"/> 35% Range 2	
				<input type="checkbox"/> 40% Range 3	
Sentenced to:				Sentenced Length:	
				Years	Months
				Days	Life
				Life Without Parole	Death
Mandatory Minimum Sentence (39-17-417, 39-13-513, 39-13-514 in school zone or 55-10-401 - 4th Offense)	
Mandatory Minimum Sentence (39-17-417, 39-13-513, 39-13-514 in school zone or 55-10-401 - 4th Offense)	
Period of Incarceration to be Served Prior to Release on Probation Months Days Hours (Misdemeanor Only)					
% Minimum Service Prior to Eligibility for Work Release, Furlough, Trusty Status and Rehabilitative Programs (Misdemeanor Only)					
Probation <input type="checkbox"/> Diversion Years Months Days Effective:					
Community Based Alternative Years Months Days Hours Week-ends					

Specify:

Retrial Jail Credit Period: from / / to / / from / / to / / or Number of Days:	
Court Ordered Fees and Fines:	
\$ <input type="checkbox"/> Criminal Injuries Compensation Fund	Restitution
\$ <input type="checkbox"/> Supervision	Victim Name
\$ <input type="checkbox"/> Child Support	Address
\$ <input type="checkbox"/> Court Costs	Total Amount \$ _____ \$ _____ Per month
\$ <input type="checkbox"/> Fine Assessed	<input type="checkbox"/> Unpaid Community Service: Hours Days Weeks Months
\$ <input type="checkbox"/> Sex Offender Tax	Cost To Be Paid By <input type="checkbox"/> Defendant <input checked="" type="checkbox"/> State

Special Conditions: The Defendant having been found guilty is rendered infamous and is ordered to provide a biological specimen for the purpose of DNA analysis.
 Pursuant to 39-13-524 the defendant is sentenced to community supervision for life following sentence expiration.

REX HENRY OGLE

Judge's Name

Judge's Signature

Date of Entry of Judgment

Attorney for State/Signature (optional)

Defendant's Attorney/Signature (optional)

A36

IN THE CRIMINAL/CIRCUIT COURT OF

SEVIER

COUNTY, TENNESSEE

Case Number: 8611

Count#: 10

Attorney for the State

STEVEN R. HAWKINS

Circuit District: 04

Judicial Division

Counsel for Defendant

PRO-SE

 Retained Appointed Public Defender

State of Tennessee

Defendant: DENNIS R. BOLZE

Alias

Date of Birth: 11/28/1948 Sex: M Race: WHITE

SSN

Original Indictment #: 8611 Warrant #

TDOC #

TBI Document Control #

JUDGMENT

Comes the District Attorney General for the State and the defendant with counsel of record for entry of judgment.

On the 28th day of August, 2001, the defendant:

Filing Date / /

Pled Guilty Dismissed/Nolle Prosequi
 Nolo Contendere Retired/Unapprehended Defendant
 Guilty Plea - Pursuant to 40-35-313

Indictment: Class(circle one): 1st A B C D E Felony Misdemeanor

Is found: Guilty Not Guilty
 Jury Verdict Not Guilty by Reason of Insanity
 Bench Trial

Offense: FAILURE TO FILE SALES TAX RETURN

Amended Charge

Offense date / / County SEVIER

Conviction offense

TCA#: Sentence-imposed date / /

Conviction class(circle one): 1st A B C D E Felony Misdemeanor

After considering the evidence, the entire record, and all factors in T.C.A. Title 40, Chapter 35, all of which are incorporated by reference

Concurrent with:

herein, the Court's findings and rulings are:

Sentence Reform Act of 1989
Offender Status (Check One) Release Eligibility (Check One)
Other than 1st degree murder) (Other than 1st degree murder)
 Mitigated 20% Multiple Rapist 100%
 Standard 30% Child Rapist 100%
 Multiple 35% Repeat Violent 100%
 Persistent 45% MISC. (if applicable)
 Career 60% School Zone
 Repeat Violent 100% Gang Related

 1st Degree Murder Pre 1982 Sentence: Sentence Reform Act of 1982 30% Range 1 35% Range 2 40% Range 3JANETTE LAYMAN, CLERK
CIRCUIT COURT

Consecutive to FILED

HOUR M

SEP 20 2001

Sentenced to:

Sentenced Length:

Years Months Days Life Life Without Parole Death

Mandatory Minimum Sentence (39-17-417, 39-13-513, 39-13-514 in school zone or 55-10-401 - 4th Offense)

Years Months Days Hours Week-ends Periodic:

Mandatory Minimum Sentence (39-17-417, 39-13-513, 39-13-514 in school zone or 55-10-401 - 4th Offense)

Years Months Days Hours Week-ends Periodic:

Period of Incarceration to be Served Prior to Release on Probation Months Days Hours (Misdemeanor Only)

% Minimum Service Prior to Eligibility for Work Release, Furlough, Trusty Status and Rehabilitative
Programs (Misdemeanor Only) Probation Diversion

Years Months Days Effective:

 Community Based Alternative

Years Months Days Hours Week-ends

Specify:

Pretrial Jail Credit Period: from / / to / / from / / to / / or Number of Days:

Court Ordered Fees and Fines:

\$ Criminal Injuries Compensation Fund

Restitution

\$ Supervision

Victim Name

\$ Child Support

Address

\$ Court Costs

Total Amount \$ _____ \$ _____ Per month

\$ Fine Assessed

 Unpaid Community Service: Hours Days Weeks Months

\$ Sex Offender Tax

Cost To Be Paid By
 Defendant State The Defendant having been found guilty is rendered infamous and is ordered to provide a biological specimen for the purpose of DNA analysis. Pursuant to 39-13-524 the defendant is sentenced to community supervision for life following sentence expiration.

Special Conditions:

REX HENRY OGLE

Judge's Name

Judge's Signature

/ /

Date of Entry of Judgment

Attorney for State/Signature (optional)

Defendant's Attorney/Signature (optional)

A39

IN THE CRIMINAL/CIRCUIT COURT OF

Number: 8611 Count#: 11
 County: 04 Judicial Division

Attorney for the State STEVEN R. HAWKINS
 Counsel for Defendant PRO-SE
 Retained Appointed Public Defender

State of Tennessee

Defendant DENNIS R. BOLZE Alias _____
 Date of Birth 11/28/1948 Sex M Race WHITE SSN _____
 Criminal Indictment # 8611 Warrant # _____ TDOC # _____
 TBI Document Control # _____

JUDGMENT

Comes the District Attorney General for the State and the defendant with counsel of record for entry of judgment.

On the 28th day of August, 2001, the defendant:
 Pled Guilty Dismissed/Nolle Prosequi
 Nolo Contendere Retired/Unapprehended Defendant
 Guilty Plea - Pursuant to 40-35-313
 Is found: Guilty Not Guilty
 Jury Verdict Not Guilty by Reason of Insanity
 Bench Trial

Indictment: Class(circle one): 1st A B C D E Felony Misdemeanor
 Offense FAILURE TO FILE SALES TAX RETURN
 Amended Charge _____
 Offense date / / County SEVIER
 Conviction offense _____
 TCA#: _____ Sentence-imposed date / /
 Conviction class(circle one): 1st A B C D E Felony Misdemeanor

After considering the evidence, the entire record, and all factors in T.C.A. Title 40, Chapter 35, all of which are incorporated by reference
 herein, the Court's findings and rulings are:

Concurrent with:

Sentence Reform Act of 1989
 Offender Status (Check One) Release Eligibility (Check One)
 (Other than 1st degree murder) (Other than 1st degree murder)
 Mitigated 20% Multiple Rapist 100%
 Standard 30% Child Rapist 100%
 Multiple 30% Repeat Violent 100%
 Persistent 35%
 Career 45%
 Repeat Violent 100%
 Mitigated 30%
 Standard 30%
 Multiple 35%
 Persistent 45%
 Career 60%
 Violent 100%
 MISC. (if applicable)
 School Zone
 Gang Related

1st Degree Murder
 Pre 1982 Sentence:
 Sentence Reform Act of 1982
 30% Range 1
 35% Range 2
 40% Range 3

CIRCUIT COURT
 Consecutive to: FILED
 HOUR M
 SEP 20 2001
 JANETTE LAVRAN-GALLARD
 CIRCUIT COURT CLERK
 SEVIER COUNTY, TN Death

Sentenced to: C Sentenced Length: _____
 Years _____ Months _____ Days _____ Life _____ Life Without Parole _____
 55-10-401 - 4th Offense
 Mandatory Minimum Sentence (39-17-417, 39-13-513, 39-13-514 in school zone or _____
 Years _____ Months _____ Days _____ Hours _____ Week-ends _____ Periodic: _____
 55-10-401 - 4th Offense
 Mandatory Minimum Sentence (39-17-417, 39-13-513, 39-13-514 in school zone or _____
 Months _____ Days _____ Hours (Misdemeanor Only)
 Period of Incarceration to be Served Prior to Release on Probation _____
 % Minimum Service Prior to Eligibility for Work Release, Furlough, Trusty Status and Rehabilitative
 Programs (Misdemeanor Only)

Probation Diversion
 Years _____ Months _____ Days _____ Effective: _____
 Community Based Alternative
 Years _____ Months _____ Days _____ Hours _____ Week-ends

Specify: _____
 Pretrial Jail Credit Period: from / / to / / from / / to / / or Number of Days: _____

Court Ordered Fees and Fines:
 \$ _____ Criminal Injuries Compensation Fund
 \$ _____ Supervision
 \$ _____ Child Support
 \$ _____ Court Costs
 \$ _____ Fine Assessed
 \$ _____ Sex Offender Tax
 Cost To Be Paid By Defendant State
 Restitution
 Victim Name _____
 Address _____
 Total Amount \$ _____ \$ _____ Per month
 Unpaid Community Service: _____ Hours _____ Days _____ Weeks _____ Months

The Defendant having been found guilty is rendered infamous and is ordered to provide a biological specimen for the purpose of DNA analysis.
 Pursuant to 39-13-524 the defendant is sentenced to community supervision for life following sentence expiration.

Special Conditions: _____

REX HENRY OGLE
 Judge's Name _____
 Judge's Signature _____ Date of Entry of Judgment _____

Attorney for State/Signature (optional)

Defendant's Attorney/Signature (optional)

PA 40

Case Number: 8611 Count#: 12
 Circuit Court: 04 Judicial Division

Attorney for the State STEVEN R. HAWKINS
 Counsel for Defendant PRO-SE
 Retained Appointed Public Defender

State of Tennessee

Defendant DENNIS R. BOLZE Alias _____
 Date of Birth 11/28/1948 Sex M Race WHITE SSN _____
 Court Indictment # 8611 Warrant # TDOC # _____
 TBI Document Control # _____

JUDGMENT

Comes the District Attorney General for the State and the defendant with counsel of record for entry of judgment.

On the 28th day of August, 2001, the defendant:		Filing Date / /
Indictment: Class (circle one): 1st A B C D E <input checked="" type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor		
Offense FAILURE TO FILE SALES TAX RETURN		
Amended Charge _____		
Offense date / / County SEVIER		
Conviction offense _____		
TCA#: _____ Sentence-imposed date / /		
Conviction class (circle one): 1st A B C D E <input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor		

After considering the evidence, the entire record, and all factors in T.C.A. Title 40, Chapter 35, all of which are incorporated by reference

herein, the Court's findings and rulings are:

Offender Status (Check One) Other than 1st degree murder)		Release Eligibility (Check One) (Other than 1st degree murder)		1st Degree Murder		CIRCUIT COURT FILED Consecutive to: _____ M SEP 20 2001 JAMES DELL NAM-BALLARD CIRCUIT COURT CLERK SEVIER COUNTY, TN	
<input type="checkbox"/> Mitigated	<input type="checkbox"/> Standard	<input type="checkbox"/> Mitigated 20%	<input type="checkbox"/> Standard 30%	<input type="checkbox"/> Multiple Rapist 100%	<input type="checkbox"/> Child Rapist 100%		
<input type="checkbox"/> Standard	<input type="checkbox"/> Multiple	<input type="checkbox"/> Standard 30%	<input type="checkbox"/> Multiple 35%	<input type="checkbox"/> Repeat Violent 100%	<input type="checkbox"/> Misc. (if applicable)		
<input type="checkbox"/> Multiple	<input type="checkbox"/> Persistent	<input type="checkbox"/> Standard 45%	<input type="checkbox"/> Persistent 45%	<input type="checkbox"/> School Zone	<input type="checkbox"/> Gang Related		
<input type="checkbox"/> Persistent	<input type="checkbox"/> Career	<input type="checkbox"/> Career 60%	<input type="checkbox"/> Violent 100%				
<input type="checkbox"/> Career	<input type="checkbox"/> Repeat Violent						
Sentenced to:		Sentenced Length:		Years Months Days Life		Life Without Parole _____ Death _____	
<input type="checkbox"/> IJC						Mandatory Minimum Sentence (39-17-417, 39-13-513, 39-13-514 in school zone or _____ 55-10-401 - 4th Offense)	
<input type="checkbox"/> County Jail <input type="checkbox"/> Workhouse						Mandatory Minimum Sentence (39-17-417, 39-13-513, 39-13-514 in school zone or _____ 55-10-401 - 4th Offense)	
						Period of Incarceration to be Served Prior to Release on Probation Months Days Hours (Misdemeanor Only)	
						% Minimum Service Prior to Eligibility for Work Release, Furlough, Trusty Status and Rehabilitative Programs (Misdemeanor Only)	
<input type="checkbox"/> Probation <input type="checkbox"/> Diversion				Years Months Days		Effective: _____	
<input type="checkbox"/> Community Based Alternative				Years Months Days		Hours Week-ends	
Specify: _____							
Pretrial Jail Credit Period: from / / to / /		from / / to / /		or Number of Days: _____			

Court Ordered Fees and Fines:		Restitution	
\$ _____	Criminal Injuries Compensation Fund	Victim Name _____	
\$ _____	Supervision	Address _____	
\$ _____	Child Support		
\$ _____	Court Costs		
\$ _____			
\$ _____	Fine Assessed	Total Amount \$ _____ \$ _____ Per month	
\$ _____	Sex Offender Tax	<input type="checkbox"/> Unpaid Community Service: Hours Days Weeks Months	

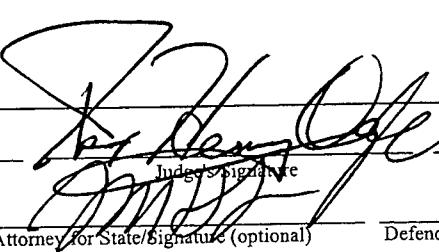
The Defendant having been found guilty is rendered infamous and is ordered to provide a biological specimen for the purpose of DNA analysis.
 Pursuant to 39-13-524 the defendant is sentenced to community supervision for life following sentence expiration.

Special Conditions: _____

REX HENRY OGLE
 Judge's Name

Date of Entry of Judgment

A41


 Attorney for State/Signature (optional) Defendant's Attorney/Signature (optional)

IN THE CRIMINAL/CIRCUIT COURT OF

SEVIER

COUNTY, TENNESSEE

Number: 8611 Count#: 13 Attorney for the State STEVEN R. HAWKINS
 Cial District 04 Judicial Division Counsel for Defendant PRO-SE
 Retained Appointed Public Defender

State of Tennessee

Defendant DENNIS R. BOLZE Alias
 Date of Birth 11/28/1948 Sex M Race WHITE SSN
 Im Indictment # 8611 Warrant # TDOC #
 TBI Document Control #

JUDGMENT

Comes the District Attorney General for the State and the defendant with counsel of record for entry of judgment.

On the 28th day of August, 2001, the defendant:

<input type="checkbox"/> Pled Guilty	<input checked="" type="checkbox"/> Dismissed/Nolle Prosequi	Filing Date <u>/ /</u>
<input type="checkbox"/> Nolo Contendere	<input type="checkbox"/> Retired/Unapprehended Defendant	<input type="checkbox"/> Felony <input checked="" type="checkbox"/> Misdemeanor
<input type="checkbox"/> Guilty Plea - Pursuant to 40-35-313		<input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor
Indictment: Class(circle one): 1st A B C D E		
Offense FAILURE TO FILE SALES TAX RETURN		
Amended Charge <u> </u>		
Offense date <u>/ /</u> County <u>SEVIER</u>		
Conviction offense <u> </u>		
TCA#: <u> </u> Sentence-imposed date <u>/ /</u>		
Conviction class(circle one): 1st A B C D E		
<input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor		

Is found: Guilty Not Guilty

Jury Verdict Not Guilty by Reason of Insanity

Bench Trial Not Guilty by Reason of Insanity

After considering the evidence, the entire record, and all factors in T.C.A. Title 40, Chapter 35, all of which are incorporated by reference

Concurrent with:

<input type="checkbox"/> Sentence Reform Act of 1989	<input type="checkbox"/> 1st Degree Murder	<input type="checkbox"/> CIRCUIT COURT
Offender Status (Check One) Other than 1st degree murder	Release Eligibility (Check One) (Other than 1st degree murder)	Consecutive to: <u>FILED</u>
<input type="checkbox"/> Mitigated	<input type="checkbox"/> Mitigated 20%	HOUR <u>14</u>
<input type="checkbox"/> Standard	<input type="checkbox"/> Mitigated 30%	SEP 20 2001
<input type="checkbox"/> Multiple	<input type="checkbox"/> Standard 30%	JANET RAY, CLERK OF COURT
<input type="checkbox"/> Persistent	<input type="checkbox"/> Multiple 35%	CIRCUIT COURT CLERK
<input type="checkbox"/> Career	<input type="checkbox"/> Persistent 45%	SEVIER COUNTY, TN
<input type="checkbox"/> Repeat/Violent	<input type="checkbox"/> Career 60%	Death
	<input type="checkbox"/> Violent 100%	55-10-401 - 4th Offense
Misc. (if applicable)		55-10-401 - 4th Offense
<input type="checkbox"/> School Zone		55-10-401 - 4th Offense
<input type="checkbox"/> Gang Related		55-10-401 - 4th Offense
Pre 1982 Sentence:		55-10-401 - 4th Offense
<input type="checkbox"/> Sentence Reform Act of 1989		55-10-401 - 4th Offense
<input type="checkbox"/> 30% Range 1		55-10-401 - 4th Offense
<input type="checkbox"/> 35% Range 2		55-10-401 - 4th Offense
<input type="checkbox"/> 40% Range 3		55-10-401 - 4th Offense

Sent to: Sentenced Length: Years Months Days Life Life-Without-Parole Death

JC Years Months Days Life Life-Without-Parole Death 55-10-401 - 4th Offense

County Jail Workhouse Years Months Days Hours Week-ends Periodic: 55-10-401 - 4th Offense

Mandatory Minimum Sentence (39-17-417, 39-13-513, 39-13-514 in school zone or 55-10-401 - 4th Offense)

Mandatory Minimum Sentence (39-17-417, 39-13-513, 39-13-514 in school zone or 55-10-401 - 4th Offense)

Period of Incarceration to be Served Prior to Release on Probation Months Days Hours (Misdemeanor Only)

% Minimum Service Prior to Eligibility for Work Release, Furlough, Trusty Status and Rehabilitative Programs (Misdemeanor Only)

Probation Diversion Years Months Days Effective:

Community Based Alternative Years Months Days Hours Week-ends

Specify:

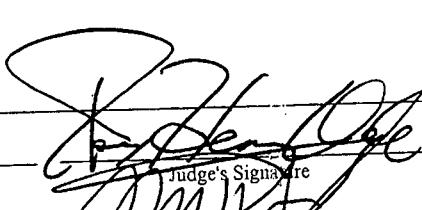
Pretrial Jail Credit Period: from / to / from / to / or Number of Days:

Court Ordered Fees and Fines:	Restitution
\$ <u> </u> Criminal Injuries Compensation Fund	Victim Name <u> </u>
\$ <u> </u> Supervision	Address <u> </u>
\$ <u> </u> Child Support	Total Amount \$ <u> </u> Per month <u> </u>
\$ <u> </u> Court Costs	<input type="checkbox"/> Unpaid Community Service: <u> </u> Hours <u> </u> Days <u> </u> Weeks <u> </u> Months <u> </u>
\$ <u> </u> Fine Assessed	Cost To Be Paid By <u> </u>
\$ <u> </u> Sex Offender Tax	<input type="checkbox"/> Defendant <input checked="" type="checkbox"/> State

The Defendant having been found guilty is rendered indolent and is ordered to provide a biological specimen for the purpose of DNA analysis.

Pursuant to 39-13-524 the defendant is sentenced to community supervision for life following sentence expiration.

Special Conditions:



REX HENRY OGLE / Date of Entry of Judgment

Judge's Name Judge's Signature

Attorney for State/Signature (optional)

Defendant's Attorney/Signature (optional)

AH2

IN THE CRIMINAL/CIRCUIT COURT OF

SEVIER

COUNTY, TENNESSEE

Case Number:	8611	Count#:	14	Attorney for the State	STEVEN R. HAWKINS
Judicial District	04	Judicial Division		Counsel for Defendant	PRO-SE
<input type="checkbox"/> Retained <input type="checkbox"/> Appointed <input type="checkbox"/> Public Defender					
State:	Tennessee				
Defendant	DENNIS R. BOLZE				
Date of Birth	11/28/1948	Sex	M	Race	WHITE
From Indictment #	8611	Warrant #		TDOC #	
TBI Document Control #					

JUDGMENT

Comes the District Attorney General for the State and the defendant with counsel of record for entry of judgment.

On the <u>28th</u> day of <u>August</u> , <u>2001</u> , the defendant:	Filing Date / /
<input type="checkbox"/> Pled Guilty <input checked="" type="checkbox"/> Dismissed/Nolle Prosequi <input type="checkbox"/> Nolo Contendere <input type="checkbox"/> Retired/Unapprehended Defendant <input type="checkbox"/> Guilty Plea - Pursuant to 40-35-313	
Is found: <input type="checkbox"/> Guilty <input type="checkbox"/> Not Guilty <input type="checkbox"/> Jury Verdict <input type="checkbox"/> Not Guilty by Reason of Insanity <input type="checkbox"/> Bench Trial	
Indictment: Class(circle one): 1st A B C D E <input checked="" type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor Offense FAILURE TO FILE SALES TAX RETURN Amended Charge Offense date / / County SEVIER Conviction offense TCA#: Sentence-imposed date / / Conviction class(circle one): 1st A B C D E <input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor	

After considering the evidence, the entire record, and all factors in T.C.A. Title 40, Chapter 35, all of which are incorporated by reference herein, the Court's findings and rulings are:

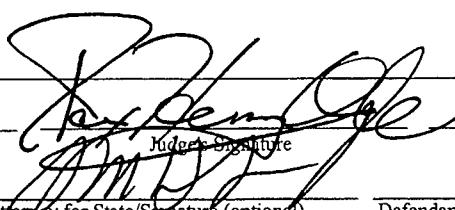
Concurrent with:

Offender Status (Check One)	Release Eligibility (Check One)	1st Degree Murder
Offender Status (Check One)	(Other than 1st degree murder)	Pre 1982 Sentence: CIRCUIT COURT FILED HOUR M Consecutive to:
Mitigated	Mitigated 20% <input type="checkbox"/> Multiple Rapist 100% <input type="checkbox"/>	SEP 20 2001
Standard	Mitigated 30% <input type="checkbox"/> Child Rapist 100% <input type="checkbox"/>	JACETTE LAYNE WALKER CIRCUIT CLERK SEVIER COUNTY, TN
Multiple	Standard 30% <input type="checkbox"/> Repeat Violent 100% <input type="checkbox"/>	
Persistent	Multiple 35% <input type="checkbox"/> Persistent 45% <input type="checkbox"/> Misc. (if applicable) 30% Range 1 <input type="checkbox"/>	
Career	Career 60% <input type="checkbox"/> School Zone 35% Range 2 <input type="checkbox"/>	
Repeat Violent	Violent 100% <input type="checkbox"/> Gang Related 40% Range 3 <input type="checkbox"/>	

Sentenced to:	Sentenced Length:
<input type="checkbox"/> Probation	Years _____ Months _____ Days _____ Life _____ Life Without Parole _____ Death _____
Mandatory Minimum Sentence (39-17-417, 39-13-513, 39-13-514 in school zone or 55-10-401 - 4th Offense)	
<input type="checkbox"/> County Jail <input type="checkbox"/> Workhouse	Years _____ Months _____ Days _____ Hours _____ Week-ends _____ Periodic: _____
Mandatory Minimum Sentence (39-17-417, 39-13-513, 39-13-514 in school zone or 55-10-401 - 4th Offense)	
Period of Incarceration to be Served Prior to Release on Probation Months _____ Days _____ Hours (Misdemeanor Only)	
% Minimum Service Prior to Eligibility for Work Release, Furlough, Trusty Status and Rehabilitative Programs (Misdemeanor Only)	
<input type="checkbox"/> Probation <input type="checkbox"/> Diversion	Years _____ Months _____ Days _____ Effective: _____
<input type="checkbox"/> Community Based Alternative	Years _____ Months _____ Days _____ Hours _____ Week-ends _____

Specify:	
Initial Jail Credit Period: from / / to / /	from / / to / / or Number of Days: _____
Court Ordered Fees and Fines:	
Criminal Injuries Compensation Fund	Restitution
Supervision	Victim Name _____
Child Support	Address _____
Court Costs	Total Amount \$ _____ \$ _____ Per month _____
Fine Assessed	<input type="checkbox"/> Unpaid Community Service: Hours _____ Days _____ Weeks _____ Months _____
Sex Offender Tax	<input type="checkbox"/> Defendant <input checked="" type="checkbox"/> State

The Defendant having been found guilty is rendered infamous and is ordered to provide a biological specimen for the purpose of DNA analysis.
 Pursuant to 39-13-524 the defendant is sentenced to community supervision for life following sentence expiration.

Special Conditions:	
	
REX HENRY OGLE	Date of Entry of Judgment / /
Judge's Name	
Judge's Signature	

Attorney for State/Signature (optional)

Defendant's Attorney/Signature (optional)

PA43

IN THE CRIMINAL/CIRCUIT COURT OF

SEVIER

COUNTY, TENNESSEE

Case Number:	8611	Count#:	15	Attorney for the State	STEVEN R. HAWKINS
Judicial District	04	Judicial Division		Counsel for Defendant	PRO-SE
<input type="checkbox"/> Retained <input type="checkbox"/> Appointed <input type="checkbox"/> Public Defender					
State:	Tennessee				
Defendant	DENNIS R. BOLZE				
Date of Birth	11/28/1948	Sex	M	Race	WHITE
From Indictment #	8611	Warrant #		SSN	[REDACTED]
				TDOC #	
				TBI Document Control #	

JUDGMENT

Comes the District Attorney General for the State and the defendant with counsel of record for entry of judgment.

On the <u>28th</u> day of <u>August</u> , <u>2001</u> , the defendant:	Filing Date / /
<input type="checkbox"/> Pled Guilty <input checked="" type="checkbox"/> Dismissed/Nolle Prosequi <input type="checkbox"/> Nolo Contendere <input type="checkbox"/> Retired/Unapprehended Defendant <input type="checkbox"/> Guilty Plea - Pursuant to 40-35-313	
Is found: <input type="checkbox"/> Guilty <input type="checkbox"/> Not Guilty <input type="checkbox"/> Jury Verdict <input type="checkbox"/> Not Guilty by Reason of Insanity <input type="checkbox"/> Bench Trial	
Indictment: Class(circle one): 1st A B C D E <input checked="" type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor Offense FAILURE TO FILE SALES TAX RETURN Amended Charge Offense date / / County <u>SEVIER</u> Conviction offense TCA#: Sentence-imposed date / / Conviction class(circle one): 1st A B C D E <input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor	

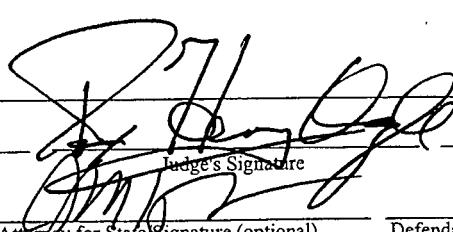
After considering the evidence, the entire record, and all factors in T.C.A. Title 40, Chapter 35, all of which are incorporated by reference herein, the Court's findings and rulings are:

Concurrent with:

Offender Status (Check One) Other than 1st degree murder)	Release Eligibility (Check One) (Other than 1st degree murder)	<input type="checkbox"/> 1st Degree Murder <input type="checkbox"/> Pre 1982 Sentence: <input type="checkbox"/> Sentence Reform Act of 1982 <input type="checkbox"/> Mitigated 20% <input type="checkbox"/> Multiple Rapist 100% <input type="checkbox"/> Mitigated 30% <input type="checkbox"/> Child Rapist 100% <input type="checkbox"/> Standard 30% <input type="checkbox"/> Repeat Violent 100% <input type="checkbox"/> Multiple 35% <input type="checkbox"/> Misc. (if applicable) <input type="checkbox"/> Persistent 45% <input type="checkbox"/> School Zone <input type="checkbox"/> Career 60% <input type="checkbox"/> Gang Related <input type="checkbox"/> Repeat Violent 100%
Sentenced to: <input type="checkbox"/> Probation <input type="checkbox"/> Diversion <input type="checkbox"/> Community Based Alternative Sentenced Length: <u>Years</u> <u>Months</u> <u>Days</u> <u>Life</u> <u>Life-Without-Parole</u> <u>Death</u> Years Months Days Life Life-Without-Parole Death Mandatory Minimum Sentence (<u>39-17-417, 39-13-513, 39-13-514 in school zone or</u> <u>55-10-401 - 4th Offense</u>) <input type="checkbox"/> County Jail <input type="checkbox"/> Workhouse Years Months Days Hours Week-ends Periodic: (<u>55-10-401 - 4th Offense</u>) Mandatory Minimum Sentence (<u>39-17-417, 39-13-513, 39-13-514 in school zone or</u> <u>55-10-401 - 4th Offense</u>) Period of Incarceration to be Served Prior to Release on Probation <u>Months</u> <u>Days</u> <u>Hours</u> (Misdemeanor Only) % Minimum Service Prior to Eligibility for Work Release, Furlough, Trusty Status and Rehabilitative Programs (Misdemeanor Only)		
Probation <input type="checkbox"/> Diversion <input type="checkbox"/> Community Based Alternative Years Months Days Hours Week-ends Specify: Retrial Jail Credit Period: from <u>/ /</u> to <u>/ /</u> from <u>/ /</u> to <u>/ /</u> or Number of Days: _____		
Court Ordered Fees and Fines: Criminal Injuries Compensation Fund Supervision Child Support Court Costs Fine Assessed <input type="checkbox"/> Cost To Be Paid By Sex Offender Tax <input type="checkbox"/> Defendant <input checked="" type="checkbox"/> State Restitution Victim Name _____ Address _____ Total Amount \$ _____ \$ _____ Per month <input type="checkbox"/> Unpaid Community Service: <u>Hours</u> <u>Days</u> <u>Weeks</u> <u>Months</u>		

The Defendant having been found guilty is rendered infamous and is ordered to provide a biological specimen for the purpose of DNA analysis.

Pursuant to 39-13-524 the defendant is sentenced to community supervision for life following sentence expiration.

Special Conditions:		
REX HENRY OGLE Judge's Name Judge's Signature		
/ /		

Attorney for State/Signature (optional) Rex Henry Ogle Defendant's Attorney/Signature (optional)

Rex Henry Ogle

CRIMINAL/CIRCUIT COURT OF

SEVIER

COUNTY, TENNESSEE

8611

Count#:

16

Attorney for the State

STEVEN R. HAWKINS

04

Judicial Division

16

Counsel for Defendant

PRO-SE

 Retained Appointed Public Defender

DENNIS R. BOLZE

Alias

11/28/1948 Sex M Race WHITE

SSN

8611

Warrant #

TDOC #

TBI Document Control #

JUDGMENT

Comes the District Attorney General for the State and the defendant with counsel of record for entry of judgment.

the 28th day of August, 2001, the defendant: Filing Date / /

Pled Guilty Dismissed/Nolle Prosequi
 Nolo Contendere Retired/Unapprehended Defendant
 Guilty Plea - Pursuant to 40-35-313

is found: Guilty Not Guilty
 Jury Verdict Not Guilty by Reason of Insanity
 Bench Trial

Indictment: Class(circle one): 1st A B C D E Felony Misdemeanor

Offense FAILURE TO FILE SALES TAX RETURN

Amended Charge

Offense date / / County SEVIER

Conviction offense

TCA#: Sentence-imposed date / /

Conviction class(circle one): 1st A B C D E Felony Misdemeanor

After considering the evidence, the entire record, and all factors in T.C.A. Title 40, Chapter 35, all of which are incorporated by reference

herein, the Court's findings and rulings are:

Concurrent with:

Sentence Reform Act of 1989		1st Degree Murder			
Tender Status (Check One) Other than 1st degree murder)		Release Eligibility (Check One) (Other than 1st degree murder)			
<input type="checkbox"/> Mitigated		<input type="checkbox"/> Mitigated 20% <input type="checkbox"/> Multiple Rapist 100%			
<input type="checkbox"/> Standard		<input type="checkbox"/> Mitigated 30% <input type="checkbox"/> Child Rapist 100%			
<input type="checkbox"/> Multiple		<input type="checkbox"/> Standard 30% <input type="checkbox"/> Repeat Violent 100%			
<input type="checkbox"/> Persistent		<input type="checkbox"/> Multiple 35% <input type="checkbox"/> Misc. (if applicable)			
<input type="checkbox"/> Career		<input type="checkbox"/> Persistent 45% <input type="checkbox"/> School Zone			
<input type="checkbox"/> Repeat Violent		<input type="checkbox"/> Career 60% <input type="checkbox"/> Gang Related			
<input type="checkbox"/> Violent 100%					
		<input type="checkbox"/> Pre 1982 Sentence:			
		<input type="checkbox"/> Sentence Reform Act of 1982			
		<input type="checkbox"/> 30% Range 1			
		<input type="checkbox"/> 35% Range 2			
		<input type="checkbox"/> 40% Range 3			
				CIRCUIT COURT FILED	
				Consecutive to: M	
				SEP 20 2001	
				JANETTE JAY, CLERK, CLERK'S OFFICE SEVIER COUNTY, TN	

Sentenced to:

Sentenced Length:

Years _____ Months _____ Days _____ Life _____ Life Without Parole _____ Death _____
Mandatory Minimum Sentence (39-17-417, 39-13-513, 39-13-514 in school zone or 55-10-401 - 4th Offense) County Jail WorkhouseYears _____ Months _____ Days _____ Hours _____ Week-ends _____ Periodic: ()
Mandatory Minimum Sentence (39-17-417, 39-13-513, 39-13-514 in school zone or 55-10-401 - 4th Offense)

Period of Incarceration to be Served Prior to Release on Probation _____ Months _____ Days _____ Hours (Misdemeanor Only)

% Minimum Service Prior to Eligibility for Work Release, Furlough, Trusty Status and Rehabilitative
Programs (Misdemeanor Only) Probation Diversion

Years _____ Months _____ Days _____ Effective: _____

 Community Based Alternative

Years _____ Months _____ Days _____ Hours _____ Week-ends _____

Specify:

Trial Jail Credit Period: from / / to / / from / / to / / or Number of Days: _____

Court Ordered Fees and Fines:

Criminal Injuries Compensation Fund

Supervision

Child Support

Court Costs

Fine Assessed

Cost To Be Paid By

Sex Offender Tax

 Defendant State

Restitution

Victim Name _____

Address _____

Total Amount \$ _____ \$ _____ Per month

 Unpaid Community Service: _____ Hours _____ Days _____ Weeks _____ Months _____ The Defendant having been found guilty is rendered infamous and is ordered to provide a biological specimen for the purpose of DNA analysis.

Special Conditions:

 Pursuant to 39-13-524 the defendant is sentenced to community supervision for life following sentence expiration.

REX HENRY OGLE

Judge's Name

Judge's Signature

/ / Date of Entry of Judgment

Attorney for State/Signature (optional)

Defendant's Attorney/Signature (optional)

A45

IN THE CIRCUIT COURT FOR SEVIER COUNTY, TENNESSEE

STATE OF TENNESSEE

VS.

DENNIS R. BOLZE

CIRCUIT COURT	FILED
HOUR	9:05A M
AUG 26 2003	
JANE LITE LAYMAN-BALLARD	
CIRCUIT COURT CLERK	
SEVIER COUNTY, TN	

NO: 8611

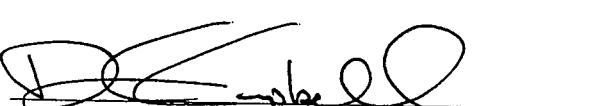
MOTION FOR UNSUPERVISED PROBATION

Comes the Defendant, Dennis Bolze, by and through counsel and moves this Court for an order allowing unsupervised probation; and in support of said motion would show:

1. That Defendant, Dennis Bolze, was completed all terms and conditions of probation.
2. That Defendant, Dennis Bolze, has paid all fines, costs and restitution.
3. That Defendant, Dennis Bolze, has been a model probationer.
4. That this Motion for Unsupervised Probation is not opposed by the Probation Office.
5. That the Defendant, Dennis Bolze, has no prior convictions, and supervised probation is no longer necessary.

Respectfully submitted this 19th day of August, 2003.

SCOTT LAW GROUP

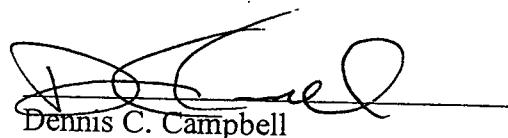

Dennis C. Campbell, BPR #013181
100 East Main Street, Suite 400
Sevierville, TN 37862
(865) 453-3300
Attorneys for Defendant

A46

CERTIFICATE OF SERVICE

I, Dennis C. Campbell, certify that I have forwarded a true and exact copy of the foregoing Motion for Unsupervised Probation, postage prepaid, this 20th day of August, 2003, to:

Steven R. Hawkins
Assistant Attorney General
125 Court Avenue, Suite 301-E
Sevierville, TN 37862



Dennis C. Campbell

A 91

IN THE CIRCUIT COURT FOR SEVIER COUNTY, TENNESSEE

STATE OF TENNESSEE

VS.

DENNIS R. BOLZE

CIRCUIT COURT FILED HOUR <i>9:05A</i> M
AUG 26 2003
JANETTE LYNNE HALL, CLERK CIRCUIT COURT CLERK IN SEVIER COUNTY, TN

NO: 8611

ORDER FOR UNSUPERVISED PROBATION

On motion for unsupervised probation and for good cause shown,

IT IS HEREBY ORDERED,

1. That Defendant, Dennis Bolze is hereby granted unsupervised probation.

ENTERED this *26* day of August, 2003.

[Signature]
JUDGE

APPROVED:

SCOTT LAW GROUP

[Signature]
Dennis C. Campbell, BPR #013181
100 East Main Street, Suite 400
Sevierville, TN 37862
(865) 453-3300
Attorneys for Defendant

[Signature]
Steven R. Hawkins
Assistant Attorney General
125 Court Avenue, Suite 301-E
Sevierville, TN 37862

P418

Child Support Division 865.429.5270
Criminal Division 865.774.3731
Criminal Fax 865.774.3620
Civil Division 865.453.5536
Civil Fax 865.774.9792



Email:rellison@seviercountytn.org
Circuit Court - 125 Court Avenue
Room 204 E - Courthouse
Sevierville, TN 37862

Rita D. Ellison
Circuit Court Clerk

August 29, 2011

Dennis Bolze
Reg. No. 14825-067
F.C.I. WILLIAMSBURG
PO BOX 340
SALTERS, SC 29590

CR 8611

Dear Mr. Bolze,

Enclosed you will find a COMPLETE copy of your court file. I do not show any records of noone other than Attorney Dennis Campbell requesting to see your file. We are not linked to the internet so therefore no one could access our records via internet.

Thank you,

Christy
Christy

PA49

Dennis Bolze
Reg. No: 14825-067
F.C.I. Williamsburg
P.O. Box 340
Salters, SC 29590

SEN
8/11/11
RECEIVED
8/31/11

August 9, 2011

Ms. Rita D. Ellison
Circuit Court Clerk
Sevier County Courthouse
125 Court Ave. Suite 207F
Sevierville, TN 37862

RE: Documents filed in Case No: CR8611

Dear Ms. Ellison:

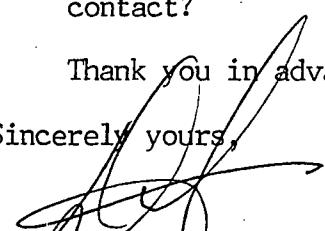
This is my second request for information on how I can obtain all the court filed documents relating to my case (CR8611). I wrote a letter asking for this information back on June 24, 2011 (copy included) and stating that, IF, there was a cost involved, please advise me, so I can arrange payment.

In addition to the court filed documents, I had two questions:

- 1). an entry made on 8/20/2003 "file checked out to"....what does this mean?
- 2). Secondly, in all official record keeping, there is always an audit trail. This shows that someone has made an inquiry into a certain record. This inquiry, in today's world, could be either at the court house, itself or through the internet. The question is; from January 1, 2009 until June 24, 2011 who, if any, made an inquiry into this case or asked for copies of the records.
- 3). Lastly, If I would like a transcript of the hearings, who would I contact?

Thank you in advance for your time and consideration.

Sincerely yours,


Dennis Bolze

A50

CC:file
(enclosure)

6/26/11
Seal
Dennis Bolze
Reg. No: 14825-067
F.C.I. Williamsburg
P.O. Box 340
Salters, SC 29590

June 24, 2011

Ms. Rita D. Ellison
Circuit Court Clerk
Sevier Count Courthouse
125 Court Ave. Suite 207E
Sevierville, TN 37862

RE: Documents filed in case CR8611

Dear Ms. Ellison:

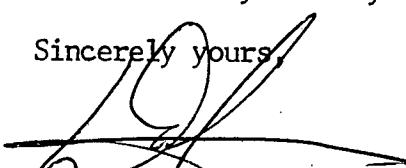
Thank you for your quick response to my letter dated June 11, 2011 where I had asked for the docket sheet to the above referenced case. After reviewing the docket sheet, I would like to obtain a copy of each of the documents filed in this case. Please advise me as to the cost, so I can arrange payment.

In addition, I have two questions. First, an entry made on 8/20/2003 "file checked out to"....what does this mean? Secondly, in all official record keeping, there is always an audit trail. This shows that someone made an inquiry into a record. This inquiry in today's world could be either at the Court House, itself, or through the internet. The question is; From January 1, 2009 until June 24, 2011 who has made an inquiry into this case or has asked for copies of the records.

Lastly, I would like to know, who I can contact to receive a copy of the transcripts from the proceedings held in open court.

Thankyou for all the work you are doing, and I pray that the Good Lord blesses you and yours.

Sincerely yours,


Dennis Bolze

CC: file

A51

BOLZE v. WARDEN/STATE OF TENNESSEE

APPENDIX – B

IN THE CIRCUIT COURT FOR SEVIER COUNTY, TENNESSEE
4th JUDICIAL DISTRICT

STATE OF TENNESSEE }
VS } NO. 8611
DENNIS R. BOLZE }

2018 APR - 9 PM 11:38

ORDER REGARDING MOTION TO VACATE JUDGMENT

This cause came before this court on the defendant's written motion to vacate judgment, expunge conviction, and seal record. Upon motion of the defendant, the trial judge recused himself. The Tennessee Supreme Court designated Criminal Court Judge Steven W. Sword or the Sixth Judicial District to preside over the matter. The court reviewed the filings by the defendant. Although no legal provision is cited to establish the jurisdiction of the court, it appears from the substance of the defendant's arguments that he is seeking post-conviction relief pursuant to Tennessee Code Annotated 40-30-102 for the denial of counsel at the time of his guilty plea.

Judgment was entered against the defendant on August 28, 2001. It appears the total effective sentence was for four years on supervised probation. The sentence expired no later than August 27, 2005. Petitions for post-conviction relief must be filed within one year of when the judgment became final or the final action of the highest appellate court. See TCA §40-30-102. This motion, filed seventeen years later fails to grant jurisdiction to the court.

For the foregoing reasons, the defendant's Motion to Vacate is hereby DENIED.

It is so ORDERED.

The Clerk shall provide a copy of this order to the defendant, and a copy to the Sevier County District Attorney General.

ENTER this 4th day of April, 2018.


JUDGE STEVEN W. SWORD
SIXTH JUDICIAL DISTRICT
CRIMINAL COURT, DIVISION I
BY DESIGNATION

B52
COPY

IN THE CIRCUIT COURT FOR SEVIER COUNTY, TENNESSEE
4th JUDICIAL DISTRICT

STATE OF TENNESSEE }
VS } NO. 8611
DENNIS R. BOLZE }

ORDER REGARDING MOTION TO VACATE JUDGMENT

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For the foregoing reasons, the defendant's Motion to Vacate is hereby DENIED.

It is so ORDERED.

The Clerk shall provide a copy of this order to the defendant, and a copy to the Sevier County District Attorney General.

ENTER this 4th day of April, 2018.

JUDGE STEVEN W. SWORD
SIXTH JUDICIAL DISTRICT
CRIMINAL COURT, DIVISION I
BY DESIGNATION

B.B.3

BOLZE v. WARDEN/STATE OF TENNESSEE

APPENDIX – C

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE
AT KNOXVILLE
Assigned on Briefs March 27, 2019

FILED

MAY 06 2019

Clerk of the Appellate Courts
Rec'd By _____

DENNIS R. BOLZE v. STATE OF TENNESSEE

Appeal from the Circuit Court for Sevier County
No. 8611 Steven Wayne Sword, Judge, by Interchange

No. E2018-01231-CCA-R3-PC

The Petitioner, Dennis R. Bolze, appeals the dismissal of his motion to vacate his state convictions, which the trial court treated as a petition for post-conviction relief and determined to be time-barred. After review, we affirm the judgment of the trial court.

Tenn. R. App. 3 Appeal as of Right; Judgment of the Circuit Court Affirmed

ALAN E. GLENN, J., delivered the opinion of the court, in which CAMILLE R. McMULLEN and TIMOTHY L. EASTER, JJ., joined.

Dennis R. Bolze, Coleman, Florida, Pro Se.

Herbert H. Slatery III, Attorney General and Reporter; David H. Findley, Senior Assistant Attorney General; and James B. Dunn, District Attorney General, for the appellee, State of Tennessee.

OPINION

FACTS

In May 2001, the Petitioner was indicted by the Sevier County Grand Jury on sixteen counts of failure to file sales tax reports. He was released on bond. His July 2, 2001 arraignment sheet showed that he “[a]ppeared [without] counsel, but will retain [c]ounsel, 15 days allowed[.]”

On August 28, 2001, the Petitioner signed a waiver of jury trial and entry of guilty plea. The waiver shows the Petitioner was acting pro se. The plea provided that the Petitioner would be sentenced to two years for each Class E felony conviction in Counts 1 through 4, with one count served consecutively, for an aggregate sentence of six years’

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probation. The remaining counts were nolle prosequi. The trial court accepted the plea and entered judgments, the top right of each judgment form indicating that the Petitioner was pro se. In August 2003, the Petitioner, then represented by counsel, successfully moved for unsupervised probation.

While serving his state probation, however, the Petitioner was conducting a 21-million dollar Ponzi scheme between 2002 and 2008, "affecting over one hundred victims in the United States and Europe and resulting in a multi-million dollar loss to fraud victims." United States v. Bolze, 444 Fed. Appx. 889, 890 (6th Cir. 2012). Represented by counsel, the Petitioner ultimately entered an open guilty plea to three counts of wire fraud and three counts of money laundering, and the district court imposed a prison sentence of 327 months. Id. At his federal sentencing hearing, the Petitioner raised multiple challenges to his Presentence Investigation Report ("PSR") but significantly did not challenge the enhancement of his sentence based on his prior criminal history. United States v. Dennis R. Bolze, No. 3:09-CR-93, 2010 WL 2927418, at *2 n.5 (E.D. Tenn. July 23, 2010).

The Petitioner took no action on his state court convictions until July 31, 2017, when he filed the instant "Motion To Vacate Judgment, Expunge Conviction And Seal Record" in the Sevier County Circuit Court. In his motion, the Petitioner claimed that during the hearing on August 28, 2001, which was for the purpose of requesting more time to retain a lawyer or to have one appointed for him, the State approached him and offered a six-year plea agreement.¹ The Petitioner said that he accepted the plea without consulting with a lawyer concerning its "disadvantages or consequences," and that the court did not inquire into his lack of counsel or confirm that he had agreed to waive his right to an attorney.

Based on these assertions, the Petitioner argued that the structural error of the court's failing to make a proper inquiry into his self-representation undermined his state convictions. He, accordingly, asked that his state convictions be vacated. He further requested that the court "dismiss the case, expunge and seal the record in the interest of justice" because "the passage of time, faded memories, the loss of records and evidence, the where abouts [sic] of witnesses, and other factors" would impede his ability to defend himself after sixteen years.

On December 19, 2017, the Petitioner moved to have the original trial judge recuse himself, and the motion was granted. All the other judges in the Fourth Judicial

¹ The Defendant offers a more ominous version of events in his brief on appeal: "The state prosecutor offered [the Defendant] a plea bargain. He stipulated that [the Defendant] must accept this one-time offer without any consultations with a lawyer concerning the advantages and disadvantages of the plea offer. This included the future consequences of a felony conviction." (Brief pg. 2)

District recused themselves as well, and the Tennessee Supreme Court appointed a judge from another district to preside over the case.

On April 9, 2018, the court treated the Petitioner's motion to vacate judgment, expunge conviction, and seal the record as one for post-conviction relief and dismissed the motion as being filed outside the one year statute of limitations for post-conviction petitions. The Petitioner filed a motion to reconsider on April 30, 2018, in which he asserted that Tennessee Code Annotated section 40-30-102(b) provided for tolling of the statute of limitations when a "judgment is a product of a fatally 'unique constitutional defect' of Due Process[.]". On June 14, 2018, the court denied the motion, finding no basis for tolling the statute of limitations.

ANALYSIS

As we understand his argument, the Petitioner asserts that his state court convictions are facially void because the trial court failed to follow Tennessee Rule of Criminal Procedure 44 before accepting his pro se guilty pleas and, thus, he suffered uncounseled convictions that were used to enhance his federal sentence. He additionally asserts that the "structural trial errors that occurred through the complete deprivation of trial counsel" fall within the exceptions for reviewing post-conviction claims filed outside of the one-year statute of limitations.

We initially note that the Petitioner's assertion that his state convictions are facially void lacks merit. First, the Petitioner's claim that the court did not adhere to the requirements of Tennessee Rule of Criminal Procedure 44 appears to fail because of lack of proof regarding his indigency at the time of his state court pleas. The record indicates that the Petitioner intended to hire his own attorney and was given 15 days to do so. At his next appearance, he entered his guilty pleas pro se. Rule 44 provides that "[e]very *indigent* defendant is entitled to have assigned counsel in all matters necessary to the defense and at every stage of the proceedings, unless the defendant waives counsel." Tenn. R. Crim. P. 44(a) (emphasis added). This court has held that "'the failure to retain counsel by a defendant who can afford an attorney is properly regarded as a waiver of the right to the assistance of counsel.'" State v. Earley Story, No. W2001-00529-CCA-R3-CD, 2002 WL 31257803, at *6 (Tenn. Crim. App. Sept. 13, 2002), perm. app. denied (Tenn. Jan. 27, 2003) (quoting State v. Dubrock, 649 S.W.2d 602, 606 (Tenn. Crim. App. 1983)). Thus, Rule 44 is not plainly applicable in this case as it is not clear that the Petitioner was indigent.

Second, the Petitioner's claim requires proof outside the record. Our supreme court has said that "this [c]ourt's prior decisions stand for the proposition that a judgment is entitled to a presumption of regularity and is not void unless a defect appears on the

face of the judgment." Hickman v. State, 153 S.W.3d 16, 25 (Tenn. 2004). In this case, the Petitioner's judgments are valid on their face, and the record shows the Petitioner proceeded pro se. A defendant has the right to counsel, as well as the alternative right to self-representation. State v. Northington, 667 S.W.2d 57, 60 (Tenn. 1984). Even assuming that the Petitioner was indigent, the limited record is silent on the issue of whether the trial court properly ascertained that the Petitioner made an informed decision to represent himself as required by Tennessee Rule of Criminal Procedure 44. Thus, the Petitioner's claim requires findings of fact not available in the record.

Moreover, regardless of whether the Petitioner's judgments are void or merely voidable, he is not entitled to relief via post-conviction because his claim is time-barred. Under the Post-Conviction Procedure Act, a claim for post-conviction relief must be filed "within one (1) year of the date of the final action of the highest state appellate court to which an appeal is taken or, if no appeal is taken, within one (1) year of the date on which the judgment became final, or consideration of the petition shall be barred." Tenn. Code Ann. § 40-30-102(a).

The post-conviction statute contains a specific anti-tolling provision:

The statute of limitations shall not be tolled for any reason, including any tolling or saving provision otherwise available at law or equity. Time is of the essence of the right to file a petition for post-conviction relief or motion to reopen established by this chapter, and the one-year limitations period is an element of the right to file the action and is a condition upon its exercise. Except as specifically provided in subsections (b) and (c), the right to file a petition for post-conviction relief or a motion to reopen under this chapter shall be extinguished upon the expiration of the limitations period.

Id.

Subsection (b) of the statute sets forth the three narrow exceptions under which an untimely petition may be considered, none of which is applicable in this case. The Petitioner appears to concede that none of the exceptions in Tennessee Code Annotated section 40-30-102(b) are applicable to him but asserts that federal law "would override [s]tate law where tensions between the two exist regarding the bedrock jurisdictional/procedural [sic] elements of an accused right to counsel and waiver to right of counsel inquiry." He relies on Ake v. Oklahoma, 470 U.S. 68 (1985), in support of this assertion. However, Ake is not applicable in this case.

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Ake involved a direct appeal of a state conviction, not a collateral attack as is the case here. In Ake, the Oklahoma state court failed to consider the defendant's claim that he was improperly denied expert services because his claim did not meet the Oklahoma plain error standard. Id. at 74-75. The Ake court noted that one part of the Oklahoma plain error standard involved application of federal constitutional law and concluded that this gave federal courts jurisdiction to hear the claim "when resolution of the state procedural law question depends on a federal constitutional ruling, the state-law prong of the court's holding is not independent of federal law, and [federal court] jurisdiction is not precluded." Id. Distinguishably, here, only subsection (b)(1) of Tennessee Code Annotated section 40-30-102 requires a predicate application of constitutional law and then only if such is "a constitutional right that was not recognized as existing at the time of trial, [and] if retrospective application of that right is required." The right to counsel is not a newly-recognized right; therefore, the factual scenario of Ake is not applicable here.

In addition to the statutory bases, principles of due process may allow for the tolling of the statute of limitations in limited circumstances. See Williams v. State, 44 S.W.3d 464, 468 (Tenn. 2001); Workman v. State, 41 S.W.3d 100, 103 (Tenn. 2001); Seals v. State, 23 S.W.3d 272, 279 (Tenn. 2000); Burford v. State, 845 S.W.2d 204, 208 (Tenn. 1992). To determine whether due process tolling applies, courts should examine: (1) when the limitations period would normally have begun to run; (2) whether the grounds for relief arose after the limitations period normally would have commenced; and (3) if the grounds are later-arising, would a strict application of the limitations period deny the petitioner a reasonable opportunity to present the claim. Sands v. State, 903 S.W.2d 297, 301 (Tenn. 1995).

In Whitehead v. State, 402 S.W.3d 615 (Tenn. 2013), our supreme court discussed due process in a post-conviction context. The court identified three scenarios in which due process requires tolling the post-conviction statute of limitations. Id. at 623. The first of the three circumstances involves claims for relief that arise after the statute of limitations has expired. Id. The second due process basis for tolling the statute of limitations involves prisoners whose mental incompetence prevents them from complying with the statute's deadline. Id. at 624. The third exception is when attorney misconduct necessitates the tolling of the statute of limitations. Id. The court emphasized that due process tolling "must be reserved for those rare instances where—due to circumstances external to the party's own conduct—it would be unconscionable to enforce the limitation period against the party and gross injustice would result." Id. at 631-32.

The Petitioner contends that he is entitled to due process tolling because he was unaware that the trial court did not conduct the required colloquy for self-representation and because he was not informed that his state convictions could later be used to enhance

a subsequent sentence. However, both of these claims were available to the Petitioner in a post-conviction action the day he walked out of the courtroom after pleading guilty. Lack of knowledge or late discovery of a claim does not make it "later arising." See, e.g., Brown v. State, 928 S.W.2d 453, 456 (Tenn. Crim. App. 1996). The Petitioner has shown no diligence regarding his claims. Almost 16 years elapsed between the Petitioner's state plea and when he filed the motion to vacate judgment. Even pretending that the Petitioner's claim for relief did not arise until he learned that his state convictions were being used to enhance his federal sentence, he waited approximately seven years after his federal conviction before filing the motion. Given that the Petitioner was not impeded by anything beyond his control in pursuing a collateral challenge to his state convictions, other than a lack of knowledge, he cannot show entitlement to due process tolling of the statute of limitations. Accordingly, the post-conviction court properly denied the motion.

CONCLUSION

Based on the foregoing authorities and reasoning, we affirm the judgment of the trial court.



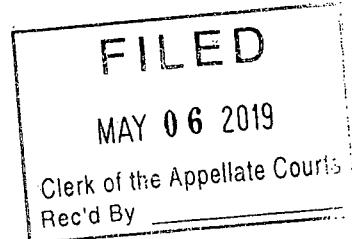
ALAN E. GLENN, JUDGE

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE
AT KNOXVILLE
Assigned on Briefs March 27, 2019

DENNIS R. BOLZE v. STATE OF TENNESSEE

Circuit Court for Sevier County
No. 8611

No. E2018-01231-CCA-R3-PC



JUDGMENT

Came the Petitioner, Dennis R. Bolze, by counsel, and the State, by the Attorney General, and this case was heard on the record on appeal from the Circuit Court for Sevier County; and upon consideration thereof, this court is of the opinion there is no error in the judgment of the trial court.

It is, therefore, ordered and adjudged by this court that the judgment of the trial court is affirmed, and the case is remanded to the Circuit Court for Sevier County for execution of the judgment of that court and for collection of costs accrued below.

It appearing that the Petitioner is indigent, the costs of the appeal are taxed to the State of Tennessee.

ALAN E. GLENN, Judge
CAMILLE R. MCMULLEN, Judge
TIMOTHY L. EASTER, Judge

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IN THE SUPREME COURT OF TENNESSEE
AT KNOXVILLE

FILED
07/17/2019
Clerk of the
Appellate Courts

DENNIS R. BOLZE v. STATE OF TENNESSEE

Circuit Court for Sevier County
No. 8611

No. E2018-01231-SC-R11-PC

ORDER

Upon consideration of the application for permission to appeal of Dennis Roger Bolze and the record before us, the application is denied.

PER CURIAM

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IN THE SUPREME COURT OF TENNESSEE
AT KNOXVILLE

DENNIS R. BOLZE v. STATE OF TENNESSEE

Sevier County Circuit Court
8611

No. E2018-01231-SC-R11-PC

Date Printed: 07/17/2019

Notice / Filed Date: 07/17/2019

NOTICE - Mandate - Issued

The Appellate Court Clerk's office has issued the Court of Criminal Appeals mandate in its entirety to the trial court clerk in the above-styled appeal. The mandate consists of certified copies of the judgment, any order as to costs, and a copy of the opinion. This action signifies the end of the appeal.

The Appellate Court Clerk's office will not accept any filing from any parties or their counsel after issuance of mandate except those requesting recall of the mandate, those related to withdrawing the record or portions thereof, and those related to the assessment of costs.

James M. Hivner
Clerk of the Appellate Courts

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BOLZE v. WARDEN/STATE OF TENNESSEE

APPENDIX – D

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

DENNIS R. BOLZE,

)

Petitioner,

)

v.

No. 3:19-cv-00369
REEVES/POPLIN

WARDEN, FCC COLEMAN,

)

Respondent.

)

MEMORANDUM OPINION

This is a pro se prisoner's petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254 in which Petitioner alleges that his 2001 convictions in Sevier County, Tennessee for failure to file sales tax returns were unconstitutional because he was denied his constitutional rights to counsel and against self-incrimination [Doc. 1]. Now before the Court is Respondent's motion to dismiss the petition for lack of jurisdiction or, in the alternative, as time-barred [Doc. 8]. Petitioner has filed a response in opposition to this motion [Doc. 9], as well as a motion for extension of time to file a supplemental response in opposition [Doc. 10]. For the reasons set forth below, Petitioner's motion for extension of time to file a supplemental response to the motion to dismiss [Id.] will be **DENIED** and Respondent's motion to dismiss [Doc. 8] will be **GRANTED** to the extent that this action will be **DISMISSED** as untimely.

I. MOTION FOR EXTENSION

In his motion for extension of time to file a supplemental response to Respondent's motion to dismiss, Petitioner states that on December 6, 2019, he received "long sought after documents, facts, and records including State of Tennessee[] Supreme Court Rulings" that support his § 2254 petition [Doc. 10 p. 1-2]. Petitioner specifically asserts that these documents support his argument

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that the State of Tennessee lost subject matter jurisdiction over his underlying state criminal proceedings when it denied him, an indigent prisoner, assistance of counsel, and that the underlying state criminal judgments against him are therefore a nullity [*Id.*].

However, as set forth more fully below, the § 2254 petition is time-barred. Moreover, Petitioner's argument that his lack of appointed counsel for his underlying 2001 criminal convictions and/or his 2017 post-conviction petition¹ makes the 2001 criminal judgments against him null or void does not affect this finding. *Witherell v. Warren*, No. 18-1409, 2018 WL 4897064, at *3 (6th Cir. June 21, 2018) (holding that “[e]ven where a state court conviction is void, the federal habeas statute of limitations still applies . . .) (citing *Frazier v. Moore*, 252 F. App'x. 1, 5–6 (6th Cir. 2007)).

Thus, allowing Petitioner to file a supplemental response to Respondent's motion to dismiss would be futile. Accordingly, Petitioner's motion to do so [Doc. 10] will be **DENIED**.

II. MOTION TO DISMISS

Accordingly, the Court will now consider the merits of Respondent's motion to dismiss the § 2254 petition for lack of jurisdiction or, in the alternative, as time-barred [Doc. 8]. The Court will address the arguments therein in turn.

A. Jurisdiction

First, as Petitioner alleges that he was improperly denied counsel for his underlying state court proceedings, Respondent's argument that the Court lacks jurisdiction over the § 2254 petition is without merit. Specifically, federal courts only have jurisdiction to entertain petitions for habeas corpus relief from persons who are “in custody in violation of the Constitution or laws or treaties

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¹ Notably, a criminal defendant has “no constitutional right to an attorney in post-conviction proceedings.” *Coleman v. Thompson*, 501 U.S. 722, 752 (U.S. 1991).

of the United States.” 28 U.S.C. § 2241(c)(3); *see also* 28 U.S.C. § 2254(a). The Supreme Court has clarified “that the habeas petitioner must be ‘in custody’ under the conviction or sentence under attack at the time his petition is filed.” *Maleng v. Cook*, 490 U.S. 488, 490–91 (1989) (citing *Carafas v. LaVallee*, 391 U.S. 234, 238 (1968)); *Lackawanna County*, 532 U.S. 394, 403 (2001) (holding that “once a state conviction is no longer open to direct or collateral attack in its own right because the defendant failed to pursue those remedies while they were available (or because defendant did so unsuccessfully),” the prisoner cannot collaterally attack that prior conviction in a federal petition for a writ of habeas corpus). However, one exception to this rule is that a federal court may review a state conviction arising out of a fully expired sentence where the petitioner did not have counsel for that conviction. *Abdus-Samad v. Bell*, 420 F.3d 614, 630 (6th Cir. 2005) (holding that a federal court may review a state conviction with a fully expired sentence where the petitioner did not have counsel for that conviction, among other things).

As Petitioner alleges that he was improperly denied counsel for his underlying state court criminal proceedings, Petitioner’s § 2254 petition falls under an exception to the “in custody” requirement and the Court therefore has jurisdiction over the § 2254 petition.

B. TIME BAR

As set forth above, Respondent also asserts in his motion to dismiss that the § 2254 petition is time-barred. In his petition, Petitioner asserts that his claims are not time-barred because his underlying 2001 state court criminal convictions are “void” and he did not discover his claim regarding the denial of his right against self-incrimination in time to file an appeal [Doc. 1 p. 7 and 13]. Also, in his response in opposition to Respondent’s motion to dismiss the petition, Petitioner asserts that the Court should consider his petition timely because the state court did not appoint him counsel for his 2017 post-conviction petition and therefore denied him a fair opportunity to

present his claims for post-conviction relief in violation of *Martinez v. Ryan*, 132 S. Ct. 1309, 1320 (2012) [Doc. 9²].

The Antiterrorism and Effective Death Penalty Act of 1996 (“AEDPA”), codified in 28 U.S.C. § 2241, *et seq.*, provides a one-year statute of limitations for the filing of an application for a federal writ of habeas corpus. The statute provides, in relevant part:

A 1-year period of limitation shall apply to an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a State Court. The limitation period shall run from the latest of--

(A) the date on which the judgment became final by the conclusion of direct review . . . or

* * *

² In his response in opposition to Respondent’s motion to dismiss the petition, Petitioner conflates the concepts of exhaustion, procedural default, and the state court statute of limitations for post-conviction petitions, as well as arguments on the merits of his § 2254 claims [Doc. 9].

Specifically, Petitioner argues that he exhausted his § 2254 claims by attempting to present them to the state courts in his 2017 petition for post-conviction relief, and that the state courts’ application of the state post-conviction statute of limitations to bar that petition should not prevent this Court from addressing his claims for § 2254 relief because Petitioner’s lack of representation by counsel in his underlying criminal proceedings and in filing his post-conviction petition establishes cause and prejudice to excuse both his procedural default of his claims and the untimeliness of his § 2254 petitions [*Id.* at 1–13]. In support thereof, Petitioner relies on *Martinez*, 132 S. Ct. at 1320; *Whitehead v. State*, 402 S.W. 3d 615 (Tenn. 2013) (a Tennessee Supreme Court case addressing the application of the Tennessee statute of limitations for post-conviction claims), *Rice v. Olson*, 324 U.S. 786 (1945) (a Supreme Court case noting the importance of a habeas claim alleging that the petitioner had been denied counsel in an underlying criminal proceeding and reversing a district court’s summary dismissal of a petition asserting such a claim), and Sixth Circuit cases addressing prejudice resulting from the denial of counsel to criminal defendants [*Id.* at 10–12].

However, none of the cases that Petitioner cites is, on its face, relevant to Respondent’s assertion that Petitioner’s claims are barred by the AEDPA statute of limitations. Regardless, reading Petitioner’s response as a whole and liberally construing the allegations therein in Petitioner’s favor, it appears that Petitioner’s argument that the Court should consider his § 2254 petition timely based on his lack of counsel for his 2017 post-conviction motion to vacate his convictions rests on *Martinez* [*Id.* at 6, 10–11].

(D) the date on which the factual predicate of the claim or claims presented could have been discovered through the exercise of due diligence.

28 U.S.C. § 2244(d)(1). The time “during which a properly filed application for State post-conviction or other collateral review with respect to the pertinent judgment or claim is pending shall not be counted toward any period of limitation. . . .,” however. 28 U.S.C. § 2244(d)(2).

Petitioner pled guilty to and was sentenced for his underlying Sevier County convictions on August 28, 2001 [Doc. 1 p. 1, 32–36]. Petitioner did not appeal these convictions [*Id.* at 2].

Accordingly, for AEDPA purposes, Petitioner’s convictions became final on September 28, 2001, the day on which Petitioner’s time to file an appeal expired. *See, e.g., Feenin v. Myers*, 110 F. App’x 669 (6th Cir. 2004) (citing Tenn. R. App. P. 4(a)) (providing that where the Tennessee habeas petitioner did not pursue a direct appeal, his state court conviction was deemed “final” when the thirty-day time-period in which he could have done so expired). Thus, the AEDPA one-year statute of limitations began to run on September 29, 2001, and expired on September 29, 2002. Moreover, Petitioner’s 2017 state court motion to vacate the underlying criminal judgment against him [*Id.* at 3] did not restart the AEDPA statute of limitations. *Vroman v. Brigano*, 346 F.3d 598, 602 (6th Cir. 2003) (holding that “[t]he tolling provision does not . . . ‘revive’ the [AEDPA statute of] limitations period (i.e., restart the clock at zero); it can only serve to pause a clock that has not yet fully run”). As such, Petitioner’s § 2254 petition, which he filed on August 14, 2019 [*Id.* at 24], is untimely.

The AEDPA statute of limitations is not jurisdictional, however, and is subject to equitable tolling. *Holland v. Florida*, 560 U.S. 631, 645 (2010). Equitable tolling is warranted where a petitioner shows that she has diligently pursued her rights, but an extraordinary circumstance prevented her from timely filing the petition. *Holland*, 560 U.S. at 649. A petitioner bears the burden of demonstrating that she is entitled to equitable tolling, *Pace v. DiGuglielmo*, 544 U.S.

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408, 418 (2005), and federal courts should grant equitable tolling sparingly. *Souter v. Jones*, 395 F.3d 577, 588 (6th Cir. 2005); *see also Graham-Humphreys v. Memphis Brooks Museum of Art. Inc.*, 209 F.3d 552, 561 (6th Cir. 2000) (providing that “[a]bsent compelling equitable considerations, a court should not extend limitations by even a single day”).

As set forth above, in his response in opposition to Respondent’s motion to dismiss the petition, Petitioner relies on case law holding that where a habeas petitioner could raise a claim for trial counsel’s ineffective assistance for the first time in a post-conviction petition, ineffective assistance of post-conviction counsel may be “cause” to excuse the procedural default of such a claim to assert that the Court should consider his petition timely [Doc. 9 p. 1, 6–13]. *Wallace v. Sexton*, 570 F. App’x 443, 452–53 (6th Cir. 2014); *Trevino v. Thaler*, 133 S.Ct. 1911, 1918–21 (2013); *Martinez v. Ryan*, 132 S. Ct. 1309, 1320 (2012). Specifically, Petitioner relies on *Martinez* and *Trevino* to assert that the untimeliness of his petition should be excused because the state court’s failure to appoint him counsel for his 2017 post-conviction petition denied him of a meaningful opportunity to obtain relief for his claims [*Id.* at 6, 10–13]. However, as set forth above, a criminal defendant has “no constitutional right to an attorney in post-conviction proceedings.” *Coleman v. Thompson*, 501 U.S. 722, 752 (U.S. 1991). Moreover, the *Martinez* exception to the procedural default doctrine does not allow Petitioner to overcome a time bar. *See, e.g., Cradic v. Lee*, No. 3:17-CV-00522, 2018 WL 3625445, at *4 (E.D. Tenn. July 30, 2018) (holding that “[s]imply put, the *Martinez* exception does not work to excuse a petition that is time-barred”) (quoting *Taylor v. Cook*, No. 1:13-CV-220, 2015 WL 1534519, at *4 (E.D. Tenn. April 6, 2015)). Accordingly, this argument is without merit.

Further, to the extent that Petitioner argues in his petition that he is entitled to equitable tolling of the statute of limitations for his claim that he was deprived of his right against self-

incrimination because he did not discover this claim until after his time to file a direct appeal had passed [Doc. 1 p. 7], this is not sufficient grounds for equitable tolling. *Griffin v. Rogers*, 399 F.3d 626, 637 (6th Cir. 2005) (holding that “ignorance of the law alone is not sufficient to warrant equitable tolling”). Likewise, Petitioner’s argument in his petition that his § 2254 claims are not time-barred because his underlying convictions were “void” [Id. at 13] is insufficient to entitle him to prevent the AEDPA statute of limitations from applying to the § 2254 petition. *Witherell v. Warren*, No. 18-1409, 2018 WL 4897064, at *3 (6th Cir. June 21, 2018) (holding that “[e]ven where a state court conviction is void, the federal habeas statute of limitations still applies) (citing *Frazier v. Moore*, 252 F. App’x. 1, 5–6 (6th Cir. 2007)).

Accordingly, Petitioner has failed to establish that he is entitled to equitable tolling of the statute of limitations, his § 2254 petition is time-barred, and this action will be **DISMISSED**.

III. CERTIFICATE OF APPEALABILITY

Finally, the Court must consider whether to issue a certificate of appealability (COA), should Petitioner file a notice of appeal. A petitioner may appeal a final order in a § 2254 case only if he is issued a COA, and a COA should issue only where the petitioner has made a substantial showing of the denial of a constitutional right. *See* 28 U.S.C. § 2253(c). Where the district court rejects the § 2254 petition on a procedural basis, a COA shall issue only where reasonable jurists would debate the correctness of the Court’s ruling. *Slack v. McDaniel*, 529 U.S. 473, 484 (2000); *Porterfield v. Bell*, 258 F.3d 484, 485–86 (6th Cir. 2001). As reasonable jurists would not debate the Court’s ruling that the § 2254 petition is time-barred, a COA will not issue.

IV. CONCLUSION

For the reasons set forth above:

1. Petitioner’s motion for extension of time to file a supplemental response to the motion to dismiss [Doc. 10] will be **DENIED**;

2. Respondent's motion to dismiss the petition as time-barred [Doc. 8] will be **GRANTED**;
3. A COA will not issue; and
4. This action will be **DISMISSED**.

AN APPROPRIATE JUDGMENT ORDER WILL ENTER.

E N T E R :

Jamila J. Reeves
CHIEF UNITED STATES DISTRICT JUDGE

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

DENNIS R. BOLZE,)
Petitioner,)
v.)
WARDEN, FCC COLEMAN,)
Respondent.)

No. 3:19-cv-00369
REEVES/POPLIN

JUDGMENT ORDER

For the reasons set forth in the memorandum opinion filed herewith:

1. Petitioner's motion for extension of time to file a supplemental response to the motion to dismiss [Doc. 10] is **DENIED**;
2. Respondent's motion to dismiss the petition as time-barred [Doc. 8] is **GRANTED**;
3. A certificate of appealability will not issue;
4. This action is **DISMISSED**; and
5. The Clerk is **DIRECTED** to close the file.

SO ORDERED.

ENTER:

Jamila J. Reeves
CHIEF UNITED STATES DISTRICT JUDGE

ENTERED AS A JUDGMENT

/s/ JOHN L. MEDEARIS
CLERK OF COURT

DJL

BOLZE v. WARDEN/STATE OF TENNESSEE

APPENDIX – E

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

FILED

Jul 01, 2020

DEBORAH S. HUNT, Clerk

DENNIS ROGER BOLZE,

)

Petitioner-Appellant,

)

v.

)

WARDEN, FCI COLEMAN,

)

Respondent-Appellee.

)

ORDER

Before: COOK, Circuit Judge.

Dennis Roger Bolze, a federal prisoner proceeding pro se, appeals a district court judgment dismissing his petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254. The court construes Bolze's notice of appeal as an application for a certificate of appealability ("COA"). *See* Fed. R. App. P. 22(b). He also moves to proceed in forma pauperis.

In 2001, Bolze appeared in state court and entered an uncounseled guilty plea to four counts of failing to file sales tax returns. *See Bolze v. State*, No. E2018-01231-CCA-R3-PC, 2019 WL 1988679, at *1 (Tenn. Crim. App. May 6, 2019), *appeal denied* (July 17, 2019). In 2003, with the assistance of counsel, Bolze successfully moved for unsupervised probation. In the interim, Bolze pleaded guilty to three counts of wire fraud and three counts of money laundering in federal court and was sentenced to 327 months of imprisonment. He remains in federal custody.

In 2017, Bolze filed a post-conviction motion seeking to vacate his 2001 convictions, arguing that his rights were violated when he was allowed to enter an uncounseled guilty plea. The state court denied Bolze's motion as untimely and denied his request for reconsideration. The Tennessee Court of Criminal Appeals rejected Bolze's argument that his uncounseled guilty plea violated Tennessee Rule of Criminal Procedure 44, concluding that the rule requires the appointment of counsel (or an explicit waiver of counsel) for indigent defendants only, Bolze was

not indigent in 2001, and he had opted to proceed pro se in order to avoid the cost of retaining private counsel. *Bolze*, 2019 WL 1988679, at *2. In any event, the court concluded that Bolze's motion was time-barred. *Id.* at *3.

On August 19, 2019, Bolze filed his current § 2254 habeas petition, claiming that: (1) his 2001 convictions are invalid because the state court did not ensure that his waiver of his right to counsel was obtained in writing, and his plea is invalid because he was not made aware that his state-court convictions could be used to enhance his sentence in subsequent criminal proceedings; and (2) his 2001 convictions are void because the state court did not obtain a written waiver of his right against self-incrimination. He argued that there is no limitations period for filing a § 2254 habeas petition challenging a void conviction. He also requested an evidentiary hearing. The warden opposed the petition, arguing that the district court lacked jurisdiction over the motion because Bolze was not in state custody, and moved to dismiss the habeas petition as time-barred. Bolze moved for an extension of time to reply to the state's response, arguing that his convictions are void because he was not represented by counsel during the 2001 criminal proceeding or the 2017 post-conviction proceeding.

The district court denied the motion for an extension of time as futile, concluded that it had jurisdiction over the habeas petition in light of Bolze's claim that he was not represented by counsel during the 2001 criminal proceeding, but dismissed the habeas petition as time-barred.

A COA may issue "only if the applicant has made a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2); *Miller-El v. Cockrell*, 537 U.S. 322, 336 (2003). When the district court's denial is based on a procedural ruling, the petitioner must demonstrate that "jurists of reason would find it debatable whether the [motion] states a valid claim of the denial of a constitutional right and that jurists of reason would find it debatable whether the district court was correct in its procedural ruling." *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). Bolze has not met this burden.

Reasonable jurists would not debate the district court's procedural ruling that Bolze's § 2254 habeas petition is time-barred. The Antiterrorism and Effective Death Penalty Act

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(“AEDPA”) imposes a one-year statute of limitations for filing habeas corpus petitions. *See* 28 U.S.C. § 2244(d)(1). The statute of limitations begins to run from the latest of four circumstances, the relevant one of which is “the date on which the [state court] judgment became final by the conclusion of direct review.” 28 U.S.C. § 2244(d)(1)(A). The running of the statute of limitations is tolled when “a properly filed application for State post-conviction or other collateral review with respect to the pertinent judgment or claim is pending.” 28 U.S.C. § 2244(d)(2).

Bolze’s convictions became final on September 28, 2001. Under § 2244(d)(1)(A), the one-year statute of limitations began to run on September 29, 2001, the day after the time to file an appeal expired. *See Wilberger v. Carter*, 35 F. App’x 111, 114 (6th Cir. 2002); Tenn. R. App. P. 4(a). Therefore, he had until September 28, 2002, to file his habeas petition. But he did not file his habeas petition until August 19, 2019. Bolze’s 2017 post-conviction petition did not affect the AEDPA statute of limitations, *see* 28 U.S.C. § 2244(d)(2), because the one-year limitations period had already expired. *See Allen v. Yukins*, 366 F.3d 396, 401 (6th Cir. 2004) (explaining that a state petition for post-conviction review tolls, but does not restart, AEDPA’s one-year statute of limitations).

Reasonable jurists would also not debate the district court’s ruling that Bolze was not entitled to equitable tolling. Section 2244(d) is subject to equitable tolling when a petitioner shows: ““(1) that he has been pursuing his rights diligently, and (2) that some extraordinary circumstance stood in his way’ and prevented timely filing.” *Holland v. Florida*, 560 U.S. 631, 649 (2010) (quoting *Pace v. DiGuglielmo*, 544 U.S. 408, 418 (2005)). Bolze failed to make such a showing. Contrary to Bolze’s argument, the fact that he lacked counsel during his original criminal proceeding and his subsequent post-conviction proceeding had no effect on the running of the statute of limitations. Even if his 2001 convictions are void, as he claims, that does not relieve him from the requirements of § 2244(d). *See Frazier v. Moore*, 252 F. App’x 1, 5-6 (6th Cir. 2007).

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No. 20-5114

- 4 -

Accordingly, Bolze's application for a COA is **DENIED**, and his motion to proceed in forma pauperis is **DENIED** as moot.

ENTERED BY ORDER OF THE COURT



Deborah S. Hunt, Clerk



BOLZE v. WARDEN/STATE OF TENNESSEE

APPENDIX – F

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

DENNIS ROGER BOLZE,

Petitioner-Appellant,

v.

WARDEN, FCI COLEMAN,

Respondent-Appellee.

)
)
)
)
)
)
)

FILED

Feb 26, 2021

DEBORAH S. HUNT, Clerk

O R D E R

Before: McKEAGUE, DONALD, and READLER, Circuit Judges.

Dennis Roger Bolze petitions for rehearing en banc of this court's order entered on July 1, 2020, denying his application for a certificate of appealability. The petition was initially referred to this panel, on which the original deciding judge does not sit. After review of the petition, this panel issued an order announcing its conclusion that the original application was properly denied. The petition was then circulated to all active members of the court, none of whom requested a vote on the suggestion for an en banc rehearing. Pursuant to established court procedures, the panel now denies the petition for rehearing en banc.

ENTERED BY ORDER OF THE COURT



Deborah S. Hunt, Clerk

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UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

DENNIS ROGER BOLZE,)
Petitioner-Appellant,)
v.)
WARDEN, FCI COLEMAN,)
Respondent-Appellee.)

FILED
Feb 11, 2021
DEBORAH S. HUNT, Clerk

O R D E R

Before: McKEAGUE, DONALD, and READLER, Circuit Judges.

Dennis Roger Bolze, a pro se federal prisoner, petitions the court to rehear en banc its order denying him a certificate of appealability. The petition has been referred to this panel, on which the original deciding judge does not sit, for an initial determination on the merits of the petition for rehearing. Upon careful consideration, the panel concludes that the original deciding judge did not misapprehend or overlook any point of law or material fact in issuing the order and, accordingly, declines to rehear the matter. Fed. R. App. P. 40(a).

The Clerk shall now refer the matter to all of the active members of the court for further proceedings on the suggestion for en banc rehearing.

ENTERED BY ORDER OF THE COURT


Deborah S. Hunt

Deborah S. Hunt, Clerk

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BOLZE v. WARDEN/STATE OF TENNESSEE

APPENDIX – G

Southwest Printing

From: [REDACTED]
Sent: Wednesday, May 15, 2019 7:58 AM
To: [REDACTED]
Subject: Fw: print for Dennis bolze

From: [REDACTED]
Sent: Tuesday, May 14, 2019 4:37 PM
To: [REDACTED]
Subject: print for Dennis bolze

MENU

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WHITEHEAD v. STATE

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No. W2010-00784-SC-R11-PC

[View Case](#)[Cited Cases](#)[Citing Case](#)

402 S.W.3d 615 (2013)

Artis WHITEHEAD v. STATE of Tennessee.

Supreme Court of Tennessee, at Jackson.

October 2, 2012 Session in Nashville.

March 21, 2013.

Attorney(s) appearing for the Case

Sean G. Hord , Memphis, Tennessee, for the appellant, Artis Whitehead.

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Robert E. Cooper, Jr. , Attorney General and Reporter; William E. Young , Solicitor General; Aaron E. Winter , and Cameron L. Hyder , Assistant Attorneys General; William L. Gibbons , District Attorney General; and Anita Spinetta , Assistant District Attorney General, for the appellee, State of Tennessee.

OPINION

WILLIAM C. KOCH, JR., J., delivered the opinion of the Court, in which GARY R. WADE, C.J., CORNELIA A. CLARK, and SHARON G. LEE, JJ., joined. JANICE M. HOLDER, J., filed a dissenting opinion.

Tennessee prisoners whose convictions and sentences are upheld on appeal have one year to file a petition for post-conviction relief to challenge their convictions and sentences. This appeal involves the narrow circumstances in which fundamental fairness demands the tolling of this deadline. A prisoner filed his petition for post-conviction relief after the statutory deadline had passed because his former attorney provided him the wrong deadline date and failed to give the prisoner his legal files until after the actual deadline had passed. Following a hearing, the Criminal Court for Shelby County dismissed the petition as untimely. The Court of Criminal Appeals affirmed. Whitehead v. State, No. W2010-00784-CCA-R3-PC, 2011 WL 3912856 (Tenn. Crim. App. Sept. 7, 2011). We granted the prisoner's application for permission to appeal. We find that the facts of this case reflect that the prisoner was effectively abandoned by his appellate attorney after his petition for writ of certiorari was filed in the United States Supreme Court. This abandonment impeded the prisoner's otherwise diligent efforts to file a timely post-conviction petition. Therefore, the statute of limitations should be tolled. We reverse the judgment of the Court of Criminal Appeals, and remand the prisoner's case to the trial court so the prisoner may

[402 S.W.3d 618]

pursue his petition for post-conviction relief. I.

On May 9, 2002, Artis Whitehead attempted to rob the safe at B.B. King's Restaurant and Blues Club in Memphis. He did not succeed. Before he fled the scene, however, he detained five persons in the restaurant's basement office where the safe was located, robbed four of them, and seriously injured two of them. In November 2003, a Shelby County jury convicted Mr. Whitehead of five counts of especially aggravated kidnapping, two counts of aggravated assault, two counts of especially aggravated robbery, two counts of aggravated robbery, and one count of attempted robbery. The trial court sentenced Mr. Whitehead to consecutive sentences totaling 249 years. These convictions and sentences were upheld on direct appeal. State v. Whitehead, No. W2004-03058-CCA-R3-CD, 2006 WL 1273749, at *1 (Tenn. Crim. App. May 10, 2006), perm app. denied (Tenn. Oct. 16, 2006), cert. denied, 549 U.S. 1269, 127 S.Ct. 1492, 167 L.Ed.2d 237 (2007).

Following his conviction, Mr. Whitehead retained new counsel to represent him during sentencing and on appeal. As far as this record shows, Mr. Whitehead seems to have lost contact with his appellate lawyer while his case was pending before the United States Supreme Court. Even though the United States Supreme Court denied Mr. Whitehead's petition for writ of certiorari on March 5, 2007, his appellate lawyer did not communicate with him about the case until she sent Mr. Whitehead a letter dated August 3, 2007. This letter stated:

Dear Mr. Whitehead, I hope that you are doing well and that your family is well also. In reviewing our appellate files, I noticed that we have not received direction from you regarding your file. Your file cannot be provided to anyone other than you unless we have your written permission. Therefore, although we are closing your file

because we no longer represent you, when you advise this office in writing as to whom your file can be forwarded we will be happy to do so. I also would like to remind you that the denial by the United States Supreme Court of your Writ of Certiorari means that if you intend to file a post conviction petition, this must be done by March 5, 2008. It has been a pleasure assisting you these past years, Mr. Whitehead[,] and we wish you the best.

This seemingly innocuous letter was actually filled with mischief for Mr. Whitehead because the March 5, 2008 deadline for filing a petition for post-conviction relief stated in the letter was incorrect. Under Tenn. Code Ann. § 40-30-102(a) (2012), a petition for post-conviction relief must be filed

within one (1) year of the date of the final action of the highest state appellate court to which an appeal is taken or, if no appeal is taken, within one (1) year of the date on which the judgment became final, or consideration of the petition shall be barred.

The "final action of the highest state appellate court" occurred on October 16, 2006, when this Court denied Mr. Whitehead's appeal. Thus, the actual deadline for filing a petition for post-conviction relief was October 16, 2007. Mr. Whitehead's appellate lawyer erroneously calculated the deadline from the date the United States Supreme Court denied his petition for writ of certiorari.

On August 20, 2007, Mr. Whitehead replied to his appellate lawyer in a handwritten letter. He asked her to ship his files to him at the Hardeman County Correctional

[402 S.W.3d 619]

Facility. The lawyer received the letter but did not send Mr. Whitehead the files. On September 21, 2007, Mr. Whitehead sent his appellate lawyer a second letter, "respectfully requesting" that she send him his case files so he could "perfect [his] Petition for Post-Conviction Relief." Again, the lawyer received the letter but did not immediately send the files to Mr. Whitehead. At a later hearing, Mr. Whitehead testified that his files did not arrive until "the last week or so of October" or perhaps "the beginning of November." By this time, unbeknownst to Mr. Whitehead, the deadline for filing his post-conviction petition had already passed.

As soon as he received his files, Mr. Whitehead began preparing his petition for post-conviction relief. On March 3, 2008, he submitted his 32-page petition to prison authorities for mailing. The petition was filed on March 19, 2008. One week later, on March 26, 2008, the Criminal Court for Shelby County summarily dismissed the petition as untimely. Even though Mr. Whitehead filed his petition prior to the erroneous deadline provided by his appellate lawyer, his petition was actually filed 138 days late.

Mr. Whitehead, still representing himself, appealed the dismissal of his petition. The Court of Criminal Appeals determined that

while the petition was untimely, further development of the record is necessary to determine whether counsel's advice regarding the limitations period constituted misrepresentation, either attributable to deception or other misconduct, see Williams v. State, 44 S.W.3d 464, 469 (Tenn. 2001), that necessitated due process-based tolling of the limitations period.

Whitehead v. State, No. W2008-00815-CCA-R3-PC, 2009 WL 723849, at *1 (Tenn. Crim. App. Mar. 19, 2009), app. dismissed (Tenn. Aug. 31, 2009). On remand, the post-conviction court appointed counsel to represent Mr. Whitehead.

The post-conviction court held an evidentiary hearing on March 5, 2010. The lawyer who represented Mr. Whitehead during his sentencing and on his direct appeal testified first. She was unable to explain how she had miscalculated the deadline for filing Mr. Whitehead's petition for post-conviction relief. "[C]learly that's my handwriting," she said, "and the language in the letter is mine. But why did I say that? I wish I knew so I would never, ever, ever get close to making that kind of a mistake with somebody's life again." The lawyer also testified that she did not intend to mislead Mr. Whitehead by giving him the wrong deadline date and that the miscalculation was an accident.

Although the lawyer could not specifically remember talking to Mr. Whitehead about his post-conviction rights, she testified that her standard practice was to explain post-conviction procedures to her clients. She testified that she generally informed her clients about the timetable for filing for post-conviction relief and that she generally told them that her firm would not be filing a post-conviction petition due to the apparent conflict of interest.¹

[402 S.W.3d 620]

The lawyer's testimony reflected her understanding that she was not representing Mr. Whitehead when she sent him the August 3, 2007 letter containing the wrong deadline. She said that when she wrote the letter, "there probably wasn't a contractual agreement at that point in time because we had only been retained for appeal and the [direct] appeal was over." She agreed that she "technically" stopped representing Mr. Whitehead on March 5, 2007, when the United States Supreme Court denied Mr. Whitehead's petition for certiorari.

Mr. Whitehead testified that he did not recall any conversation with his lawyers about post-conviction relief. When he received his appellate lawyer's August 3, 2007 letter, he went to the prison's law library to "find out what [post-conviction] was." Although Mr. Whitehead "kept reading and reading and reading and asking a lot of questions" about post-conviction relief, he testified that he trusted the erroneous deadline in the attorney's letter because "she was my lawyer." Although he had prior criminal convictions, Mr. Whitehead testified that he had never filed for post-conviction relief before.

The post-conviction court ruled from the bench at the close of the proof. The court decided that there was no longer an attorney-client relationship between Mr. Whitehead and his former lawyer as of March 5, 2007, when the United States Supreme Court denied the petition for writ of certiorari. The court also decided that Mr. Whitehead was not entitled to relief from the post-conviction statute of limitations under *Williams v. State*, 44 S.W.3d 464(Tenn.2001) for two reasons. First, the court concluded that the incorrect filing deadline Mr. Whitehead received from his former lawyer was not the result of "intentional misconduct." Second, the court noted that Mr. Whitehead was aware by the time he received the August 3, 2007 letter that he was no longer represented and that he could have filed a petition for post-conviction relief on his own before the actual October 16, 2007 deadline. Even though the post-conviction court found that Mr. Whitehead was not entitled to relief from the filing deadline, the court "encourage[d]" Mr. Whitehead to appeal because the case involved "some law that needs to be looked at."

Mr. Whitehead appealed again. The Court of Criminal Appeals, relying on our decision in *Williams v. State*, found that accidental attorney error is not a circumstance beyond the petitioner's control that would trigger due process tolling. The appellate court also pointed out that "[t]he record does not show anything that would have impeded the petitioner's ability to begin preparing for post-conviction proceedings before he received the August 3 letter from counsel, i.e. nothing prevented him from researching the law or requesting that

counsel send him his file." *Whitehead v. State*, No. W2010-00784-CCA-R3-PC, 2011 WL 3912856, at *5 (Tenn.Crim. App. Sept. 7, 2011). We granted Mr.

[402 S.W.3d 621]

Whitehead's application for permission to appeal.II.

Appellate courts review a post-conviction court's conclusions of law, decisions involving mixed questions of law and fact, and its application of law to its factual findings *de novo* without a presumption of correctness. *Felts v. State*, 354 S.W.3d 266, 276 (Tenn.2011); *Calvert v. State*, 342 S.W.3d 477, 485 (Tenn.2011). Issues regarding whether due process required the tolling of the post-conviction statute of limitations are mixed questions of law and fact and are, therefore, subject to *de novo* review. *Smith v. State*, 357 S.W.3d 322, 355 (Tenn.2011) (quoting *Harris v. State*, 301 S.W.3d 141, 145 (Tenn.2010)).

However, appellate courts are bound by the post-conviction court's underlying findings of fact unless the evidence preponderates against them. *Smith v. State*, 357 S.W.3d at 336; *Dellinger v. State*, 279 S.W.3d 282, 294 (Tenn.2009). Accordingly, appellate courts are not free to re-weigh or re-evaluate the evidence, nor are they free to substitute their own inferences for those drawn by the post-conviction court. *State v. Honeycutt*, 54 S.W.3d 762, 766 (Tenn.2001). As a general matter, appellate courts must defer to a post-conviction court's findings with regard to witness credibility, the weight and value of witness testimony, and the resolution of factual issues presented by the evidence. *Momon v. State*, 18 S.W.3d 152, 156 (Tenn.1999).

In this case, the post-conviction court found (1) that the contractual relationship between Mr. Whitehead and his appellate lawyer ended on March 5, 2007; (2) that Mr. Whitehead knew that his appellate lawyer was no longer his attorney after that point; and (3) that the appellate lawyer's error in calculating the filing deadline was negligent, not intentional. These factual findings are entitled to deference. See *Smith v. State*, 357 S.W.3d at 335-36.

However, the post-conviction court's ultimate conclusion — that due process did not require tolling the statute of limitations under these circumstances — is a question of law. In reviewing that legal conclusion *de novo*, we find it necessary to add another important fact that the courts below failed to emphasize. The incorrect deadline in the August 3, 2007 letter was not the only thing that undermined Mr. Whitehead's ability to file a timely petition for post-conviction relief. Even if Mr. Whitehead had been provided the correct deadline, his ability to prepare and file a timely petition for post-conviction relief was further impeded by his appellate lawyer's failure to send his case file to him until after the deadline had actually passed.

III.

The United States Constitution does not require states to provide post-conviction relief to prisoners who have exhausted their direct appeals. *Pennsylvania v. Finley*, 481 U.S. 551, 556-57, 107 S.Ct. 1990, 95 L.Ed.2d 539 (1987). However, the Tennessee General Assembly has appropriately provided prisoners statutory post-conviction remedies since 1967.2 The General Assembly reformed these post-conviction procedures when it enacted the Post-Conviction Procedure Act of 1995.3

[402 S.W.3d 622]

Currently, Tenn.Code Ann. § 40-30-103 directs Tennessee's courts to grant prisoners post-conviction relief when their "conviction or sentence is void or voidable because of the abridgement of any right guaranteed by

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the Constitution of Tennessee or the Constitution of the United States." As previously noted, Tenn.Code Ann. § 40-30-102(a) provides that a petition for post-conviction relief must be filed within one (1) year of the date of the final action of the highest state appellate court to which an appeal is taken⁴ or, if no appeal is taken, within one (1) year of the date on which the judgment became final, or consideration of the petition shall be barred.⁵

(footnotes added)

In addition, Tenn.Code Ann. § 40-30-102(b) states that "[n]o court shall have jurisdiction to consider a petition [for post-conviction relief] filed after the expiration of the limitations period" except in one of three narrow circumstances. These three exceptions include: (1) claims based on a newly recognized constitutional right that applies retroactively, and that are filed within one year of the ruling recognizing that right; (2) claims based on new scientific evidence that proves that the prisoner is innocent of the offense; and (3) claims seeking relief from a sentence that was enhanced because of a previous conviction that was subsequently held to be invalid.⁶ Mr. Whitehead does not claim that any of these three statutory exceptional circumstances apply to his case.

INNOCENT UNTIL PROVEN GUILTY

In 1996, the General Assembly again amended Tenn.Code Ann. § 40-30-102(a) to ensure that the courts would construe the statute of limitations for post-conviction petitions strictly.⁷ Thus, Tenn.Code Ann. § 40-30-102(a) currently provides, in part:

The statute of limitations shall not be tolled for any reason, including any tolling or saving provision otherwise available at law or equity. Time is of the essence of the right to file a petition for post-conviction relief or motion to reopen established by this chapter, and the one-year limitations period is an element of the right to file the action and is a condition upon its exercise.

On its face, the plain language of Tenn. Code Ann. § 40-30-102(a) would bar Tennessee courts from considering any petition for post-conviction relief that was untimely for any reason other than those listed in Tenn.Code Ann. § 40-30-102(b). However, the General Assembly may not enact laws that conflict with the Constitution of Tennessee or the Constitution of the United States. Both this Court and the United States Supreme Court have recognized that fundamental due process⁸

[402 S.W.3d 623]

requires that, once the legislature provides prisoners with a method for obtaining post-conviction relief, prisoners must be afforded an opportunity to seek this relief "at a meaningful time and in a meaningful manner." *Burford v. State*, 845 S.W.2d 204, 208 (Tenn.1992) (citing *Logan v. Zimmerman Brush Co.*, 455 U.S. 422, 437, 102 S.Ct. 1148, 71 L.Ed.2d 265 (1982)).

With regard to due process, this Court has recognized that

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Due process is flexible and calls for such procedural protections as the particular situation demands. The flexible nature of procedural due process requires an imprecise definition because due process embodies the concept of fundamental fairness. In determining what procedural protections a particular situation demands, three factors must be considered: (1) the private interest at stake; (2) the risk of erroneous deprivation of the interest through the procedures used and the probable value, if any, of additional or substitute safeguards; and finally, (3) the government's interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail.

Seals v. State, 23 S.W.3d 272, 277 (Tenn. 2000) (citations omitted); cf. United States v. Lovasco, 431 U.S. 783, 790, 97 S.Ct. 2044, 52 L.Ed.2d 752 (1977) (explaining that due process embodies "fundamental conceptions of justice" and "the community's sense of fair play and decency" (quoting *Rochin v. California*, 342 U.S. 165, 173, 72 S.Ct. 205, 96 L.Ed. 183 (1952))).

In the post-conviction context, this Court has explained that the private interest at stake is "a prisoner's opportunity to attack his conviction and incarceration on the grounds that he was deprived of a constitutional right during the conviction process." The government's interest is "the interest in preventing the litigation of stale and groundless claims," coupled with concerns about "the costs to the State of continually allowing prisoners to file usually fruitless post-conviction petitions." *Burford v. State*, 845 S.W.2d at 207. The remainder of the analysis focuses on "the risk of erroneous deprivation" of the prisoner's interest, and safeguards that may be necessary to protect that interest.

To date, this Court has identified three circumstances in which due process requires tolling the post-conviction statute of limitations. The first circumstance involves claims for relief that arise after the statute of limitations has expired. In *Burford v. State*, this Court established that, although the statute of limitations in the Post-Conviction Procedure Act was "not unconstitutional on its face," under certain circumstances, the statute of limitations could deny prisoners "due process under the state and federal constitutions." *Burford v. State*, 845 S.W.2d at 205. In *Burford*, the prisoner "found himself caught in a procedural trap." *Burford v. State*, 845 S.W.2d at 208. The prisoner's sentence was lengthened on account of several prior convictions that were later declared invalid. Because these convictions had not been overturned until after the statute of limitations had expired, the statutory filing deadline would have unfairly denied the

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prisoner relief. *Burford v. State*, 845 S.W.2d at 210.

In *Sands v. State*, 903 S.W.2d 297, 301 (Tenn. 1995), we revisited *Burford* and established a three-step test for determining whether a petitioner's grounds for relief are "later-arising," and whether those later-arising claims warrant tolling the statute of limitations. The 1995 version of the Post-Conviction Procedure Act now contains explicit exceptions to the one-year filing deadline that apply to some, but not all, forms of later-arising claims. Tenn. Code Ann. §§ 40-30-117(a)(1)-(3), -102(b)(1)-(3).

The second due process basis for tolling the statute of limitations involves prisoners whose mental incompetence prevents them from complying with the statute's deadline. In *Seals v. State*, we held that "a petitioner who is mentally incompetent is denied an opportunity to raise a claim in a meaningful manner unless the statute of limitations is tolled during the period of mental incompetence." *Seals v. State*, 23 S.W.3d at 279; see also *Reid v. State*, 396 S.W.3d 478, 492 (Tenn. 2013); *State v. Nix*, 40 S.W.3d 459, 462 (Tenn. 2001).

The third exception is the one at issue in this case. In *Williams v. State*, 44 S.W.3d 464 (Tenn. 2001), we recognized that attorney misconduct might also necessitate tolling the statute of limitations. The prisoner in *Williams v. State* had appointed counsel who appealed his case to the Court of Criminal Appeals. After the Court of Criminal Appeals upheld Mr. Williams's murder conviction and life sentence, Mr. Williams's counsel withdrew. However, Mr. Williams's counsel did not file a timely Tenn. Sup.Ct. R. 14 motion requesting permission from this Court to withdraw. Mr. Williams also alleged that his counsel did not tell him that he was withdrawing. In fact, Mr. Williams claimed that his counsel led him to believe that he was appealing his case to this Court. While Mr. Williams waited for his counsel to act, the deadlines for filing a Tenn. R.App. P. 11 appeal

and for filing a petition for post-conviction relief both passed. Williams v. State, 44 S.W.3d at 470-71.

We held that if Mr. Williams "was, in fact, misled to believe that counsel was continuing the appeals process," this would require tolling the statute of limitations. Mr. Williams would have found himself trapped because a prisoner is forbidden from seeking post-conviction relief while his counsel pursues direct review under Tenn. R.App. P. 11. Williams v. State, 44 S.W.3d at 471 (citing Gibson v. State, 7 S.W.3d 47, 49 (Tenn.Crim.App.1998); Laney v. State, 826 S.W.2d 117, 118 (Tenn. 1992); State v. Burkhart, 541 S.W.2d 365, 371 (Tenn.1976)). Like the "procedural trap" in Burford v. State and the petitioner's mental incompetence in Seals v. State, "an attorney's misrepresentation, either attributable to deception or other misconduct, would also be beyond a defendant's control." Williams v. State, 44 S.W.3d at 469. We found that "further development of the record" was needed and affirmed the Court of Criminal Appeals' decision to remand the case for an evidentiary hearing. Williams v. State, 44 S.W.3d at 467.9

In his dissent in Williams v. State, Justice Drowota, joined by Justice

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Holder, made three points. First, he observed that the Court's recognition of due process tolling "wholly disregard[ed]" the "clearly expressed legislative intent" that the statute of limitations be strictly construed. Williams v. State, 44 S.W.3d at 474, 476 (Drowota, J., dissenting). Second, he stated that there was no meaningful distinction between "mere attorney negligence" and "alleged [attorney] misconduct." Williams v. State, 44 S.W.3d at 476 (Drowota, J., dissenting) (alteration in original). Third, he observed that the conduct of Mr. Williams's trial attorney was "textbook negligence" and that the "effect of the majority opinion" would remain the same whether the attorney's alleged deficiency was "intentional, reckless, or negligent." Williams v. State, 44 S.W.3d at 477 (Drowota, J., dissenting). In response to these concerns, the majority included a footnote, stating: Contrary to the dissent's assertion, we are not holding that a petitioner may be excused from filing an untimely post-conviction petition as a result of counsel's negligence. Instead, the focus here is only upon trial and appellate counsel's alleged misrepresentation in failing to properly withdraw from representation and in failing to notify the petitioner that no application for permission to appeal would be filed in this Court.

Williams v. State, 44 S.W.3d at 468 n. 7.10

We again invoked the distinction between attorney negligence and attorney misconduct in Smith v. State, 357 S.W.3d at 358. Mr. Smith petitioned for relief almost twelve years after his conviction became final and alleged that his attorney had failed to inform him of the availability of post-conviction relief. The same attorney was simultaneously representing Mr. Smith in another case that was still pending on direct appeal. Smith v. State, 357 S.W.3d at 355, 359.

In affirming the lower courts' conclusions that Mr. Smith was not entitled to due process tolling, we emphasized that Mr. Smith, unlike Mr. Williams, had not claimed "any willful misrepresentation on the part of his trial or appellate counsel" and that there was "no evidence ... that [Mr. Smith] was misled regarding the time to file a post-conviction petition," especially when Mr. Smith had previously filed several post-conviction petitions in other unrelated cases. Smith v. State, 357 S.W.3d at 359.

Significantly, we stated in Smith v. State that "[i]n every case in which we have held the statute of limitations is tolled, the pervasive theme is that circumstances beyond a petitioner's control prevented the petitioner from filing a petition for post-conviction relief within the statute of limitations." Smith v. State, 357 S.W.3d at 358.

Because Mr. Smith did not argue that he was unaware of the status of his case or that he was misled about the filing deadline, we could not find that he was denied a "reasonable opportunity" to have his claims heard. Smith v. State, 357 S.W.3d at 359 (quoting Burford v. State, 845 S.W.2d at 208).

On at least three occasions, the Court of Criminal Appeals has relied on Williams v. State to toll the statute of limitations for a

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post-conviction petitioner.¹¹ Mr. Whitehead relies heavily on these cases. On other occasions, however, the Court of Criminal Appeals has relied on Williams v. State to support its conclusion that a prisoner's failure to meet the post-conviction filing deadline did not warrant due process tolling.¹² We cite the opinions simply as examples. None present the same factual scenario as Mr. Whitehead's case (i.e., a prisoner being misled by his former attorney who also retained possession of the prisoner's case files through the duration of the limitations period). We have, however, found cases from other jurisdictions that have considered a prisoner's similar claims under the analogous doctrine of "equitable tolling."¹⁴

Tennessee's doctrine of due process tolling in the context of petitions for post-conviction relief is essentially the same as the doctrine of equitable tolling recognized in the federal courts and the courts of other states. Like due process tolling, "[e]quitable tolling is a remedy that must be used sparingly, that is, in extreme cases where failure to invoke the principles of equity would lead to unacceptably unjust outcomes." Downs v. McNeil, 520 F.3d 1311, 1318 (11th Cir.2008) (internal citations omitted). Equitable tolling is likewise triggered when circumstances beyond a prisoner's control prevent the prisoner from filing his or her petition on time. Compare Smith v. State, 357 S.W.3d at 358, with Holland v. Florida, 560 U.S. ___, ___, 130 S.Ct. 2549, 2562, 177 L.Ed.2d 130 (2010). Under both doctrines, while attorney error generally does not warrant tolling post-conviction filing deadlines, some attorney errors are so severe that they obstruct a prisoner's diligent attempts to file on time. See Holland v. Florida, 130 S.Ct. at 2563-64; Williams v. State, 44 S.W.3d at 469.

While we have recognized the doctrine of due process tolling with regard to post-conviction petitions, we have consistently declined to recognize the doctrine of equitable tolling in civil proceedings. See, e.g., Redwing v. Catholic Bishop for Diocese of Memphis, 363 S.W.3d 436, 460 (Tenn.2012). Even though post-conviction proceedings are deemed to be "civil" proceedings for some purposes,¹³ they necessarily

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implicate the liberty interests of an incarcerated criminal defendant. As such, post-conviction proceedings, unlike other ordinary civil proceedings, warrant heightened due process protections. State v. Nix, 40 S.W.3d at 462-63 (noting the combination of civil and criminal procedural elements in tolling the Post-Conviction Procedure Act's statute of limitations); cf. Watkins v. State, 903 S.W.2d 302, 305 (Tenn.1995) (describing post-conviction proceedings as "a hybrid affair" combining elements of criminal law and civil procedure); State v. Scales, 767 S.W.2d 157, 157 (Tenn.1989) (quoting with approval now-Chief Justice Wade's observation that "[l]abels of civil and criminal have little application when constitutional rights hang in the balance").

Although our doctrine of due process tolling derives from the state and federal constitutions rather than the common law, we are unable to discern any substantive difference between our application of due process tolling in the context of post-conviction petitions and the federal courts' application of the doctrine of equitable tolling for habeas corpus petitions under the Antiterrorism and Effective Death Penalty Act of 1996 ("AEDPA"). Most other states' versions of equitable tolling in the context of petitions for post-conviction relief

also appear to be identical in substance.¹⁴ Accordingly, we will consider how other jurisdictions have dealt with post-conviction scenarios similar to Mr. Whitehead's.

The United States Supreme Court recently solidified the federal courts' doctrine of equitable tolling for untimely habeas corpus petitions in *Holland v. Florida*. Mr. Holland, a death row prisoner, filed a pro se federal habeas petition five weeks after the AEDPA's one-year deadline. He argued that the deadline should have been tolled because his court-appointed attorney failed to file a petition, despite Mr. Holland's repeated requests for him to do so. The attorney had also failed to inform Mr. Holland that the Florida Supreme Court had decided his case, despite Mr. Holland's requests for that information, and had even miscalculated the date upon which Mr. Holland's habeas petition would be due. *Holland v. Florida*, 130 S.Ct. at 2554-59, 2564.

The district court dismissed Mr. Holland's petition, and the United States Court of Appeals for the Eleventh Circuit affirmed. *Holland v. Florida*, 130 S.Ct. at 2559-60. The federal appeals panel reasoned that an attorney's merely negligent behavior can never constitute an "extraordinary circumstance," such that it would warrant equitable tolling. "[I]n our view," the court said, "no allegation of lawyer negligence or of failure to meet a lawyer's standard of care — in the absence of an allegation and proof of bad faith, dishonesty, divided loyalty, mental impairment or so forth on the lawyer's part — can rise to the level of egregious attorney misconduct" that would trigger equitable tolling. *Holland v. Florida*, 539 F.3d 1334, 1339 (11th Cir.2008) (per curiam), rev'd, 560 U.S. ___, ___, 130 S.Ct. 2549, 177 L.Ed.2d 130 (2010).

The United States Supreme Court found the Eleventh Circuit's tolling standard "too rigid," and reversed. *Holland v. Florida*, 130 S.Ct. at 2563. The Court said it had "previously made clear" that a petitioner is entitled to equitable tolling upon a showing "(1) that he has been pursuing his rights

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diligently, and (2) that some extraordinary circumstance stood in his way' and prevented timely filing." *Holland v. Florida*, 130 S.Ct. at 2562 (quoting *Pace v. DiGuglielmo*, 544 U.S. 408, 418, 125 S.Ct. 1807, 161 L.Ed.2d 669 (2005)). The Court determined that, contrary to the intermediate appellate court's holding, "at least sometimes, professional misconduct that fails to meet the Eleventh Circuit's standard could nonetheless amount to egregious behavior and create an extraordinary circumstance that warrants equitable tolling." *Holland v. Florida*, 130 S.Ct. at 2563.

The Court cited examples from "several lower courts," which "specifically held that unprofessional attorney conduct may, in certain circumstances, prove 'egregious' and can be 'extraordinary.'" *Holland v. Florida*, 130 S.Ct. at 2563-64. One of these was *Calderon v. United States District Court*, 128 F.3d 1283, 1289 (9th Cir. 1997), overruled on other grounds by *Calderon v. United States District Court*, 163 F.3d 530, 540 (9th Cir.1998) (en banc). In *Calderon v. United States District Court*, the petitioner's lead counsel "withdrew after accepting employment in another state," and the work product the attorney left behind was "not useable by replacement counsel — a turn of events over which [the petitioner] had no control." *Calderon v. United States Dist. Court*, 128 F.3d at 1289. A similar result was reached in *Nara v. Frank*, 264 F.3d 310, 320 (3d Cir.2001), in which a petitioner's lawyer "effectively abandoned him" and in "multiple ways" prevented him from filing his petition on time. Among other shortcomings, Mr. Nara's attorney failed to inform him when the state supreme court denied his appeal, led Mr. Nara to believe that she was going to file a habeas petition on his behalf, and told him there were no time constraints in filing his petition. *Nara v. Frank*, 264 F.3d at 320.

A third example cited by the United States Supreme Court in *Holland v. Florida* was *Baldayaque v. United States*, 338 F.3d 145 (2d Cir.2003). By failing to file a petition despite being directed to do so, Mr. Baldayaque's

attorney "violated a basic duty of an attorney to his client," namely the "duty of loyalty," which "encompasses an obligation to defer to the client's wishes on major litigation decisions." *Baldayaque v. United States*, 338 F.3d at 152 (quoting *In re "Agent Orange" Prod. Liab. Litig.*, 800 F.2d 14, 17 (2d Cir.1986)). This omission, combined with the attorney's failure to contact Mr. Baldayaque or research his case, fell so far outside the range of behavior a client should reasonably expect from an attorney, it constituted an extraordinary circumstance. *Baldayaque v. United States*, 338 F.3d at 152-53.

The Court also cited *Spitsyn v. Moore*, 345 F.3d 796 (9th Cir.2003), which is particularly relevant to Mr. Whitehead's case. Along with poor communication and failure to file a petition, the key misconduct attributed to Mr. Spitsyn's attorney was that "despite a request that he return Spitsyn's file, [the attorney] retained it for the duration of the limitations period and more than two months beyond. That conduct was so deficient as to distinguish it from... merely negligent performance." *Spitsyn v. Moore*, 345 F.3d at 801. Furthermore, the United States Court of Appeals for the Ninth Circuit noted:

It has been argued that Spitsyn could have satisfied the deadline despite [the attorney's] misconduct by filing a petition pro se. But without the file, which [the attorney] still possessed, it seems unrealistic to expect Spitsyn to prepare and file a meaningful petition on his own within the limitations period. We have previously held that equitable tolling may be appropriate when a prisoner had been denied access to his legal files. *Lott v. Mueller*, 304 F.3d 918, 924 (9th Cir.2002). That logic would apply to Spitsyn's situation as well.

Spitsyn v. Moore, 345 F.3d at 801.

In addition, the United States Supreme Court cited *United States v. Martin*, 408 F.3d 1089 (8th Cir.2005), which contained facts similar to *Spitsyn v. Moore*. While "a majority of the circuits have held that basic attorney errors such as miscalculation of a filing deadline are generally insufficient to support equitable tolling," the Eighth Circuit had previously joined "other circuits" in holding that "serious attorney misconduct" or "misdeeds" could equitably toll the statute of limitations. *United States v. Martin*, 408 F.3d at 1093-94 (citing *Spitsyn v. Moore*, *Baldayaque v. United States*, *Nara v. Frank*, and other cases).

The attorney in *United States v. Martin* had actively lied to the client and otherwise avoided communication. The attorney told the client that "there was no deadline, and that those who told him otherwise were wrong." The court declined to fault Mr. Martin "for relying on his attorney" in that circumstance. The attorney also kept Mr. Martin's original documents and failed to return them, even when the client asked for them. *United States v. Martin*, 408 F.3d at 1094-95. Based on these facts, the United States Court of Appeals for the Eighth Circuit found that Mr. Martin's case was not one "where a petitioner has himself to blame for an untimely filing" or one "dealing with attorney negligence, simple error, or even abandonment." Because Mr. Martin's attorney "misrepresented the law, misrepresented the status of Martin's case, and retained possession of documents that were crucial to Martin's claim," the Eighth Circuit found that equitable tolling was appropriate. *United States v. Martin*, 408 F.3d at 1096.

Justice Alito filed a separate opinion in *Holland v. Florida* to express his understanding of the types of attorney misconduct that would qualify as "extraordinary circumstances." First, Justice Alito noted that "our prior cases make it abundantly clear that attorney negligence is not an extraordinary circumstance warranting equitable tolling." *Holland v. Florida*, 130 S.Ct. at 2566 (Alito, J., concurring). For example, an attorney's mistake in miscalculating the limitations period "is simply not sufficient to warrant equitable tolling, particularly in the postconviction context where prisoners have no constitutional right to counsel." *Holland v. Florida*, 130 S.Ct. at 2566 (Alito, J., concurring) (quoting *Lawrence v. Florida*, 549 U.S. 327, 336-37, 127 S.Ct. 1079, 166 L.Ed.2d 924 (2007)). Justice Alito explained that, under principles of agency law, "the mistakes of counsel are

constructively attributable to the client, at least in the postconviction context." *Holland v. Florida*, 130 S.Ct. at 2566 (Alito, J., concurring).¹⁵

Second, Justice Alito said the same rationale applied to even "gross negligence," which is simply "ordinary negligence with a vituperative epithet added." *Holland v. Florida*, 130 S.Ct. at 2567 (Alito, J., concurring). He observed that the "highly artificial distinction between gross and ordinary negligence" was irrelevant because, as *Coleman v. Thompson* noted, "it is not the gravity of the attorney's error that

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matters, but that it constitutes a violation of petitioner's right to counsel, so that the error must be seen as an external factor, i.e., 'imputed to the state.'" *Holland v. Florida*, 130 S.Ct. at 2567 (Alito, J., concurring) (quoting *Coleman v. Thompson*, 501 U.S. 722, 754, 111 S.Ct. 2546, 115 L.Ed.2d 640 (1991)).

On the other hand, Justice Alito reasoned that "the AEDPA statute of limitations may be tolled if the missed deadline results from attorney misconduct that is not constructively attributable to the petitioner." *Holland v. Florida*, 130 S.Ct. at 2568 (Alito, J., concurring). "Common sense," he said, "dictates that a litigant cannot be held constructively responsible for the conduct of an attorney who is not operating as his agent in any meaningful sense of that word." *Holland v. Florida*, 130 S.Ct. at 2568 (Alito, J., concurring); cf. *Baldayaque v. United States*, 338 F.3d at 154 (Jacobs, J., concurring) ("[W]hen an 'agent acts in a manner completely adverse to the principal's interest,' the 'principal is not charged with [the] agent's misdeeds.'" (quoting *National Union Fire Ins. Co. of Pittsburgh v. Bonnanzio*, 91 F.3d 296, 303 (2d Cir.1996))).

The majority of the United States Supreme Court later adopted Justice Alito's reasoning in the procedural default case of *Maples v. Thomas*, 565 U.S. ___, ___, 132 S.Ct. 912, 922-24, 181 L.Ed.2d 807 (2012). The Court found that Justice Alito's concurring opinion "homed in on the essential difference between a claim of attorney error, however egregious, and a claim that an attorney had essentially abandoned his client." Mr. Holland alleged that he had been abandoned, "evidenced by counsel's near-total failure to communicate" with Mr. Holland or to respond to his repeated inquiries and requests. These allegations, if true, "would suffice to establish extraordinary circumstances beyond his control." *Maples v. Thomas*, 132 S.Ct. at 923 (internal citations omitted). The Court agreed with Justice Alito that

under agency principles, a client cannot be charged with the acts or omissions of an attorney who has abandoned him. Nor can a client be faulted for failing to act on his own behalf when he lacks reason to believe his attorneys of record, in fact, are not representing him. We therefore inquire whether Maples has shown that his attorneys of record abandoned him, thereby supplying the extraordinary circumstances beyond his control necessary to lift the state procedural bar to his federal petition.

Maples v. Thomas, 132 S.Ct. at 924 (internal citations omitted).

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The United States Supreme Court's persuasive analysis of equitable tolling in light of agency law prompts us to clarify one of our previous distinctions. In *Smith v. State*, we observed:

In *Williams*, 44 S.W.3d at 468, we held that misrepresentation concerning the status of the direct appeal could constitute ineffective assistance of counsel. Short of active misrepresentation, however, we have never held that trial or appellate counsel's inadvertent or negligent failure to inform his or her client of the right to file a post-conviction petition constitutes ineffective assistance of counsel.

Smith v. State, 357 S.W.3d at 358. While this is a correct statement of the law, the distinction we drew between attorney negligence and attorney misrepresentation in footnote seven of Williams v. State has become the focal point of cases such as this one. However, this focus on the attorney's mental state is somewhat misplaced. To the prisoner who is prevented from filing a petition for post-conviction relief on time, it makes no difference whether the attorney's

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misbehavior was negligent, grossly negligent, or intentional. See Williams v. State, 44 S.W.3d at 476-77 (Drowota, J., dissenting); Holland v. Florida, 130 S.Ct. at 2567-68 (Alito, J., concurring). Due process principles of fundamental fairness more properly focus our attention on whether the result of that negligent, reckless, or intentional attorney misbehavior amounted to an extraordinary circumstance beyond the petitioner's control that thwarted timely filing.

Rather than perpetuate an artificial and unhelpful distinction between attorney negligence and attorney misrepresentation, we conclude that the better course is to adopt the rule of Holland and Maples for determining when due process necessitates tolling the Post-Conviction Procedure Act's one-year statute of limitations. While the elements of the Holland rule have been present in this state's due process tolling jurisprudence for some time,¹⁶ our courts have tended to focus on whether particular cases fit one of the three ad hoc due process exceptions we have identified in the past, i.e., later-arising claims, petitioner mental incompetence, and attorney misrepresentation significantly more egregious than negligence.

Henceforth, when a post-conviction petitioner argues that due process requires tolling the Post-Conviction Procedure Act's statute of limitations based on the conduct of his or her lawyer, the two-prong inquiry of Holland and Maples should guide the analysis. A petitioner is entitled to due process tolling upon a showing (1) that he or she has been pursuing his or her rights diligently, and (2) that some extraordinary circumstance stood in his or her way and prevented timely filing. Holland v. Florida, 130 S.Ct. at 2562. Specifically, the second prong is met when the prisoner's attorney of record abandons the prisoner or acts in a way directly adverse to the prisoner's interests, such as by actively lying or otherwise misleading the prisoner to believe things about his or her case that are not true. See Maples v. Thomas, 132 S.Ct. at 923; Holland v. Florida, 130 S.Ct. at 2564-65; Dillon v. Conway, 642 F.3d 358, 363-64 (2d Cir. 2011); Downs v. McNeil, 520 F.3d at 1320-21 (discussing these two "well-recognized exceptions" to the "your lawyer, your fault" rule).

In terms of diligence, courts have recognized that due diligence "does not require a prisoner to undertake repeated exercises in futility or to exhaust every imaginable option, but rather to make reasonable efforts.... Moreover, the due diligence inquiry is an individualized one that must take into account the conditions of confinement and the reality of the prison system." Downs v. McNeil, 520 F.3d at 1323 (quoting Aron v. United States, 291 F.3d 708, 712 (11th Cir. 2002)).

We do not expect this slight adjustment in our jurisprudence to open the floodgates of due process tolling. Other jurisdictions have recognized the Holland equitable tolling exception for years, yet its invocation remains rare. As one court explains, "any resort to [equitable tolling] must be reserved for those rare instances where — due to circumstances external to the party's own conduct — it

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would be unconscionable to enforce the limitation period against the party and gross injustice would result." Harris v. Hutchinson, 209 F.3d 325, 330 (4th Cir. 2000). The Alabama Supreme Court has also noted that "the

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threshold necessary to trigger equitable tolling is very high, lest the exceptions swallow the rule." *Ex parte Ward*, 46 So.3d 888, 897 (Ala.2007) (quoting *United States v. Marcello*, 212 F.3d 1005, 1010 (7th Cir.2000)). This is especially true in Tennessee, where our General Assembly has expressed its clear intention that the post-conviction filing deadline be construed as strictly as possible. See also *Sanchez v. State*, 816 N.W.2d 550, 561 n. 10 (Minn.2012) (collecting cases from states that recognize equitable tolling in post-conviction actions and concluding that "[w]e have not found any state that applies a test less stringent than the federal Holland test in the context of postconviction relief").V.

Based on the egregious combination of facts of this case, we conclude that Mr. Whitehead was pursuing his rights diligently and that the conduct of his appellate attorney amounted to abandonment that prevented him from filing his post-conviction petition before the deadline. Therefore, the statute of limitations should be tolled, and Mr. Whitehead should be permitted to proceed on the petition he filed in March 2008.

We find first that Mr. Whitehead was pursuing his rights diligently. Nothing in the record indicates that Mr. Whitehead was aware that the United States Supreme Court had denied his petition for certiorari until he received the misleading letter from his appellate lawyer in August 2007 — approximately five months after the fact. This letter also belatedly alerted Mr. Whitehead to the possibility of post-conviction relief. As soon as he received the letter, the record shows that Mr. Whitehead began researching the law and asking his appellate lawyer to send him his case files. Although his files were slow in coming, Mr. Whitehead apparently began working as soon as he received them, and ultimately produced a 32-page petition within the time frame indicated in his appellate lawyer's letter. These facts satisfy the first prong of the Holland test.

Mr. Whitehead also faced an extraordinary combination of circumstances that prevented him from filing his post-conviction petition on time — circumstances that were tantamount to attorney abandonment. We emphasize that the sockdolager in this case is the combination of Mr. Whitehead's appellate lawyer's failures, including the misleading deadline and the retention of Mr. Whitehead's files. None of the failures, standing alone, would be sufficient. Specifically, Mr. Whitehead's appellate lawyer failed to timely inform Mr. Whitehead that the United States Supreme Court had denied his petition for certiorari. Coupled with this omission was the lawyer's failure to timely notify Mr. Whitehead that their attorney-client relationship had ended. Mr. Whitehead was not informed of either of these facts for five months — costing him valuable time he could have applied to his post-conviction petition. When the lawyer finally got around to informing Mr. Whitehead that his petition for certiorari had been denied, the effectiveness of the communication was undermined by the presence of the erroneous filing deadline. Furthermore, the lawyer ignored Mr. Whitehead's first request to return his files, and responded sluggishly to his second request. We find these failures — failures that worked against the client's interest — to be equivalent to the types of attorney abandonment described in the majority and concurring opinions in

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Holland v. Florida and in *Maples v. Thomas*.

The record indicates that Mr. Whitehead did not already possess the files he needed and that the files held by his appellate lawyer contained critical information for his post conviction petition. In his final letter to his former lawyer, Mr. Whitehead asked for his files so he could "perfect [his] Petition for Post-Conviction Relief." Mr. Whitehead testified at his post-conviction hearing that he "could not possibly do any type work" on his post-conviction case because he "didn't have any files to ... reference." Mr. Whitehead also testified that he had been communicating with the Innocence Project, who had asked him to forward a copy of his file — something Mr. Whitehead could not do because he did not possess the relevant files.

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Other courts have found equitable tolling appropriate when a lawyer's compound errors included retaining a client's files. In *Puckett v. State*, 834 So.2d 676 (Miss.2002), the Mississippi Supreme Court found that, "[d]ue to circumstances completely beyond his control," a capital prisoner was "unable to timely file an application for leave to seek post-conviction relief" within the one-year deadline set by state law. For a time, Mr. Puckett had been represented by an attorney, who took Mr. Puckett's "important files and documents" to his offices in Oklahoma. When new counsel was appointed, Mr. Puckett's previous attorney ignored the new counsel's requests to send the files. Relying, in part, on our decision in *Williams v. State*, the Mississippi Supreme Court found that, by failing to return Mr. Puckett's files, Mr. Puckett's former attorney "affirmatively frustrated his efforts" to pursue post-conviction relief. The court therefore granted Mr. Puckett an additional 180 days to file his application. *Puckett v. State*, 834 So.2d at 680-81.

In *Lott v. Mueller*, 304 F.3d 918 (9th Cir.2002), the petitioner "was denied access to the legal files related to his federal habeas petition for eighty-two days" while he was transferred to another prison. When Mr. Lott regained access to his documents, he had only six days before the filing deadline. The court found that "[s]uch a fleeting period could have made a timely filing by a pro se prisoner literally impossible." *Lott v. Mueller*, 304 F.3d at 922-23. Mr. Lott's case was remanded to determine whether "the confluence of numerous factors beyond the prisoner's control" warranted equitable tolling. *Lott v. Mueller*, 304 F.3d at 924-25.

In *Spitsyn v. Moore*, the United States Court of Appeals for the Ninth Circuit found that an attorney's misconduct was "sufficiently egregious to justify equitable tolling" when, "despite a request that he return [the petitioner's] file, [the attorney] retained it for the duration of the limitations period and more than two months beyond." Without the file, the court found it "unrealistic to expect [the petitioner] to prepare and file a meaningful petition on his own within the limitations period." *Spitsyn v. Moore*, 345 F.3d at 801.

In *United States v. Martin*, the United States Court of Appeals for the Eighth Circuit found equitable tolling warranted when the attorney "misrepresented the law, misrepresented the status of [his client's] case, and retained possession of documents that were crucial to [the petitioner's] claim." *United States v. Martin*, 408 F.3d at 1096. The attorney "failed to return any of [the petitioner's] paperwork to him despite repeated requests and then demands." *United States v. Martin*, 408 F.3d at 1095.

Federal courts in New York observe the following rule: "Equitable tolling

[402 S.W.3d 634]

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is warranted when some event effectively prohibits the petitioner from pursuing habeas, such as the misplacement of files, or being denied access to materials necessary to file a habeas petition." *Corrigan v. Barbery*, 371 F.Supp.2d 325, 331 (W.D.N.Y.2005); *Raynor v. Dufrain*, 28 F.Supp.2d 896, 900 (S.D.N.Y.1998).

The same principles apply to due process tolling under Tennessee's Post-Conviction Procedure Act. The lawyer's unreasonable delay in sending Mr. Whitehead his files, exacerbated by the lawyer's erroneous deadline and the delay in notifying Mr. Whitehead that his direct appeals were exhausted and that the attorney-client relationship had ended, constitute an "objective factor," an impediment that "cannot be fairly attributed" to Mr. Whitehead. *Coleman v. Thompson*, 501 U.S. at 753, 111 S.Ct. 2546; cf. *Maples v. Thomas*, 132 S.Ct. at 923 ("Common sense dictates that a litigant cannot be held constructively responsible for the conduct of an attorney who is not operating as his agent in any meaningful sense of that word." (quoting *Holland v. Florida*, 130 S.Ct. at 2568 (Alito, J., concurring))); see also *Spitsyn v. Moore*, 345 F.3d at 801 (noting that retaining a client's legal files "for the duration of the limitations period" goes beyond "merely negligent

"performance," and that it would be "unrealistic" to expect a petitioner to file a petition within the deadline without his legal files); United States v. Martin, 408 F.3d at 1095-96 (tolling the deadline when an attorney "misrepresented" the law and retained possession of the prisoner's files, despite "repeated requests" to return them).

As we recently noted, "[i]n every case in which we have held the statute of limitations is tolled, the pervasive theme is that circumstances beyond a petitioner's control prevented the petitioner from filing a petition for post-conviction relief within the statute of limitations." Smith v. State, 357 S.W.3d at 358. This observation holds true today.

VI.

Because Mr. Whitehead pursued his post-conviction rights diligently but was thwarted from filing a timely petition due to extraordinary circumstances beyond his control, the principles of due process and fundamental fairness require that the statute of limitations under Tenn. Code Ann. § 40-30-102 be tolled. The decision of the Court of Criminal Appeals is reversed, and the case is remanded to the trial court to proceed with Mr. Whitehead's petition for post-conviction relief filed in March 2008. The costs of this appeal are taxed to the State of Tennessee.

JANICE M. HOLDER, J., filed a dissenting opinion.

JANICE M. HOLDER, dissenting.

I respectfully dissent from the majority's conclusion that due process requires tolling of Mr. Whitehead's post-conviction statute of limitations based on attorney abandonment.

As the majority noted, with three statutory exceptions, the explicit language of Tennessee Code Annotated section 40-30-102(a) prohibits tolling, in law or equity, of the post-conviction statute of limitations. This Court has recognized, however, that the strict application of the statute of limitations could violate due process by denying a defendant a reasonable opportunity to bring a post-conviction claim. See, e.g. Williams v. State, 44 S.W.3d 464, 471 (Tenn. 2001) (tolling warranted in certain instances of attorney misconduct but not for attorney negligence); Seals v. State, 23 S.W.3d 272, 279 (Tenn. 2000) (tolling warranted when petitioner failed to file a timely petition due to mental incompetence); Burford v. State, 845 S.W.2d 204, 209

[402 S.W.3d 635]

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(Tenn. 1992) (tolling appropriate when the prior convictions used to enhance petitioner's sentence were overturned after the statute of limitations had expired).

Today the majority adopts the two-pronged analysis of Holland v. Florida, ___ U.S. ___, 130 S.Ct. 2549, 177 L.Ed.2d 130 (2010), to expand our due process tolling jurisprudence to include a petitioner's failure to file a timely post-conviction petition due to an "extraordinary circumstance" outside his control. I am unable to agree to the expansion of our due process tolling exceptions based on the facts of this case.

Nor do I agree that the test adopted by the majority provides relief to Mr. Whitehead. Applying the first Holland prong, it is not clear that Mr. Whitehead diligently pursued his claim. The trial court determined, correctly in my opinion, that Mr. Whitehead had two months from his receipt of the August 3, 2007 letter to prepare his pro se post-conviction petition. The prison law library afforded him the opportunity to research

the law applicable to post-conviction relief, and Mr. Whitehead testified that he began researching the law after receiving his former attorney's letter.

The majority suggests that Mr. Whitehead could not have prepared a meaningful petition until he received his former attorney's file. Although the record does not reflect what, if anything, his attorney had previously provided to him, Mr. Whitehead possessed sufficient factual information to timely file a pro se petition even in the absence of his files. See Tenn. Sup.Ct. R. 28, § 6(B)(4)(b) ("No pro se petition shall be dismissed for failure to follow the prescribed form until the court has given petitioner a reasonable opportunity to amend the petition with the assistance of counsel.").

As to the second Holland prong, Mr. Whitehead has not proven the existence of an extraordinary circumstance nor that an extraordinary circumstance prevented the timely filing of his petition. The focus of the inquiry in Holland was whether attorney abandonment could constitute an extraordinary circumstance. The majority concludes in this case that the collective failures of Mr. Whitehead's former attorney are equivalent to the types of attorney abandonment described in Holland and Maples v. Thomas, ___ U.S. ___, 132 S.Ct. 912, 181 L.Ed.2d 807 (2012), and thus constitute an extraordinary circumstance. I disagree.

The facts here are not analogous to the attorney abandonment described in Holland and Maples. The petitioners in Holland and Maples were not only the victims of attorney mistakes and communication failures, but each petitioner also erroneously believed his attorney was pursuing his legal matter on his behalf. In contrast, Mr. Whitehead was given an incorrect date for filing a timely petition and was delayed in receiving files from his former attorney. Mr. Whitehead never operated under the misconception that the pursuit of post-conviction relief was not his responsibility or that his former appellate attorney was pursuing his post-conviction claim.

The trial court determined that the attorney-client relationship between Mr. Whitehead and his appellate counsel terminated when the United States Supreme Court denied his writ of certiorari on March 5, 2008. The trial court found that:

In this case Mr. Whitehead knew that he no longer had counsel. Mr. Whitehead knew that it was on him from the time that the Supreme Court of the United States denied cert, at least at that point he knew he no longer had [appellate counsel] as his lawyer. So whatever occurred after that was up to him.... if I accept Mr. Whitehead's statement that he knew nothing about post-convictions until he got that letter in August, he still had time because he testified that as soon as he read that word post-conviction he wanted to find out what it was and goes to the library and he starts reading up on it.

GSY

The majority does not conclude that the evidence preponderates against the trial court's factual findings. Giving due deference to those findings, Mr. Whitehead knew that his former counsel's representation ended when the United States Supreme Court denied certiorari. Any negligence attributable to Mr. Whitehead's former counsel occurred after her representation of him ended. Under these circumstances, I cannot find his former attorney's negligence to have constituted abandonment.

For a number of years we have applied the test established in Burford and found due process tolling warranted in extremely limited circumstances. The majority concedes that "[n]one of [appellate counsel's] failures, standing alone, would be sufficient" to toll the statute of limitations under our prior case law. Although Mr. Whitehead's situation is unfortunate, the cumulative negligent acts of his former attorney do not constitute attorney abandonment or an extraordinary circumstance and do not fall within our narrowly carved due process tolling exceptions. I find no reason to adopt a new test or to add attorney abandonment as

a new ground for due process tolling under the facts of this case. Therefore, I respectfully dissent.

FootNotes

1. See *Frazier v. State*, 303 S.W.3d 674, 682 (Tenn.2010) ("[A]n attorney in a post-conviction proceeding who has represented the same petitioner on direct appeal has a clear conflict of interest."). Nevertheless, the American Bar Association encourages criminal defense attorneys to provide a bit of parting post-conviction advice to their clients. After a conviction is affirmed on appeal, appellate counsel should determine whether there is any ground for relief under other post-conviction remedies. If there is a reasonable prospect of a favorable result, counsel should explain to the defendant the advantages and disadvantages of taking such action. Appellate counsel is not obligated to represent the defendant in a post-conviction proceeding unless counsel has agreed to do so. In other respects, the responsibility of a lawyer in a post-conviction proceeding should be guided generally by the standards governing the conduct of lawyers in criminal cases.

ABA Criminal Justice Standard 4-8.5, available
[athttp://www.americanbar.org/publications/criminal_justice_section_archive/crimjust_standards_dfunc_blk01d.html](http://www.americanbar.org/publications/criminal_justice_section_archive/crimjust_standards_dfunc_blk01d.html). When a lawyer elects to provide such advice, of course, the lawyer should strive to do no harm.

2. See Act of May 25, 1967, ch. 310, 1967 Tenn. Pub. Acts 801 (codified as amended at Tenn. Code Ann. §§ 40-30-101 to -122 (2012)); see also Gary L. Anderson, Post-Conviction Relief in Tennessee — Fourteen Years of Judicial Administration Under the Postconviction Procedure Act, 48 Tenn. L.Rev. 605, 608 (1981).

3. See Act of April 26, 1995, ch. 207, 1995 Tenn. Pub. Acts 305.

4. Mr. Whitehead suggests Tennessee should adopt a rule similar to the one found in 725 Ill. Comp. Stat. Ann. 5/122-1(c) (West 2010), which extends the deadline for filing for post-conviction relief when the prisoner also petitions for a writ of certiorari from the United States Supreme Court, as Mr. Whitehead did, and allows for tolling based on non-culpable negligence. See *People v. Rissley*, 206 Ill.2d 403, 276 Ill.Dec. 821, 795 N.E.2d 174, 182-84 (2003). Post-conviction relief is a statutory remedy. Adopting such a rule in Tennessee would be within the General Assembly's bailiwick, not ours.

5. Prior to May 10, 1995, the period for filing a petition for post-conviction relief was three years. See *Smith v. State*, 357 S.W.3d at 355.

6. Tenn. Code Ann. § 40-30-102(c) also provides that previously denied petitions for post-conviction relief may be reopened if one of the three circumstances is found to exist.

7. See Act of Apr. 25, 1996, ch. 995, 1996 Tenn. Pub. Acts 753.

8. See U.S. Const. amend. XIV, § 1 ("No State shall make or enforce any law which shall ... deprive any person of life, liberty, or property, without due process of law...."); Tenn. Const. art. I, § 8 ("[N]o man shall be taken or imprisoned, or disseized of his freehold, liberties or privileges, or outlawed, or exiled, or in any manner destroyed or deprived of his life, liberty or property, but by the judgment of his peers or the law of the land."); U.S. Const. amend. V ("No person shall be ... deprived of life, liberty, or property, without due process of law....").

9. Following an evidentiary hearing, the post-conviction court found that Mr. Williams had not been misled by his trial counsel regarding the filing of the Court of Criminal Appeals' opinion and denied the petition for post-conviction relief. The Court of Criminal Appeals affirmed this decision. *Williams v. State*, No. E2004-01267-

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CCA-R3-PC, 2005 WL 2148626 (Tenn.Crim.App. Sept. 7, 2005), perm. app. denied (Tenn. Dec. 19, 2005).

10. The prisoner in Stokes v. State faced a situation similar to that of Mr. Williams. However, the attorney who failed to withdraw or file an appeal in Stokes v. State was the prisoner's postconviction counsel. Because "there is no right to effective assistance of counsel in post-conviction proceedings," this Court unanimously held that due process did not require tolling the statute of limitations. Stokes v. State, 146 S.W.3d 56, 57, 60-61 (Tenn.2004); accord Pennsylvania v. Finley, 481 U.S. at 554-55, 559, 107 S.Ct. 1990; House v. State, 911 S.W.2d 705, 712 (Tenn. 1995).

11. See Nunn v. State, No. M2007-00974-CCA-R3-PC, 2008 WL 3843906, at *9-11 (Tenn.Crim.App. Aug. 18, 2008) (No Tenn. R.App. P. 11 application filed); Alderson v. State, No. M2010-00896-CCA-R3-PC, 2010 WL 4888137, at *3 (Tenn.Crim.App. Nov. 30, 2010) (No Tenn. R.App. P. 11 application filed); Oliver v. State, No. W2009-02113-CCA-R3-PC, 2011 WL 4432884, at *1-5 (Tenn.Crim.App. Sept. 23, 2011) (No Tenn. R.App. P. 11 application filed).

12. See, e.g., Jacobs v. State, No. M2009-02265-CCA-R3-PC, 2010 WL 3582493, at *3 (Tenn.Crim.App. Sept. 15, 2010), perm. app. denied (Tenn. Jan. 20, 2011) (declining to toll the statute of limitations for attorney abandonment because "a petitioner's personal ignorance of post-conviction procedures, 'even when alleged to stem from an attorney's negligent failure to render advice to the petitioner,'" does not toll the statute); Williams v. State, No. M2007-00386-CCA-R3-PC, 2008 WL 544636, at *2 (Tenn.Crim.App. Feb. 21, 2008), perm. app. denied (Tenn. June 23, 2008) (declining to toll the statute of limitations for reasons of attorney abandonment when the petitioner did not allege "that counsel ever misrepresented anything to him"); Jarrett v. State, No. W2006-02033-CCA-R3-PC, 2007 WL 2120182, at *2 (Tenn.Crim.App. July 24, 2007), perm. app. denied (Tenn. Oct. 22, 2007) (declining to toll the statute of limitations when a petitioner missed the post-conviction deadline due to attorney abandonment because the petitioner "has not alleged that his attorney misrepresented anything to him").

13. See Carter v. Bell, 279 S.W.3d 560, 565 (Tenn.2009).

14. In fact, two members of this Court have described due process tolling under the Burford line of cases as "equitable tolling." Harris v. State, 301 S.W.3d at 148-49, 153 (Koch, J., concurring in part).

15. As one court explained, "[e]ven if a prisoner diligently checks an attorney's references and disciplinary records, he still cannot prevent the attorney from bungling his case. Nonetheless, we hold the prisoner responsible for his attorney's bungling." Modrowski v. Mote, 322 F.3d 965, 968 (7th Cir.2003).

16. See, e.g., Smith v. State, 357 S.W.3d at 358 ("In every case in which we have held the statute of limitations is tolled, the pervasive theme is that circumstances beyond a petitioner's control prevented the petitioner from filing a petition for post-conviction relief within the statute of limitations."); Williams v. State, 44 S.W.3d at 469 (describing mental incompetence and attorney misrepresentation as circumstances "beyond a defendant's control" that "essentially preclude[] a defendant from pursuing his legal remedies independently).

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Comment

Your Name

BOLZE v. WARDEN/STATE OF TENNESSEE

APPENDIX - H

AFFIDAVIT OF DENNIS ROGER BOLZE

I, Dennis Roger Bolze, do hereby swear or affirm under the penalties of perjury in accordance with United States Code Title 28 Section 1746, that my statement of facts, in this form, are true and correct to my own personal knowledge of those facts.

- 1). I am not under the influence of drugs or alcohol and I am making this statement with a free will.
- 2). I am over the age of eighteen years of age at the time this statement was made.
- 3). I was indicted and then arrested on May 31, 2001 in a state of Tennessee felony case involving 16-Counts of failure to file sales tax return in Case No. 8611. I was arraigned without a lawyer and pleaded not guilty to all charges.
- 4). Later that day, I was released after my wife posted the Court ordered \$5,000.00 bond through the services of a bail-bondman.
- 5). On June 2, 2001, I appeared for a "plea setting" hearing. This appearance was also without an attorney. The court allowed me 15 days to seek a lawyer and scheduled a plea hearing for August 28, 2001.
- 6). Between arraignment and the scheduled plea hearing, I spoke to several local attorneys seeking their assistance. Each agreed to represent me. But, all required to be paid - up front and in full, prior to any appearances in court on their part. The lowest offer was \$8,000.00. The fact my small business had failed, I did not have the money to make this advance payment. I had a wife and three young pre-teen children, a ruined credit history, a maxed out credit cards, and no assets. I had tried to, but could not borrow the money needed.
- 7). On August 28, 2001, I appeared for the scheduled plea hearing. While sitting in the gallery, Mr. Steven Hawkins, the Assistant District Attorney General, approached me and offered me a plea bargain.
- 8). He stated that if I took the offer - no jail-time, small fine, and a couple of years of probation.
- 9). I agreed to the offer and signed two forms Mr. Hawkins gave me. The two forms were the Plea Agreement itself, and a Waiver of Jury Trial and Guilty Plea forms; without any discussions from Mr. Hawkins, I signed the forms.

HG7

10). My hearing was called. I stood at the defense table - alone, without the presence of a lawyer. The Judge, speaking first to Mr. Hawkins stated he believed there was a plea. Mr. Hawkins stated there was and then stated what he had told me. The Judge then asked me if I agreed. I stated, "Yes." The Judge then sentenced me according to the state's offer - i.e., no jail-time, a small fine, and probation. The hearing only lasted about five minutes.

11). At no time, either prior to or during the hearing, did the Judge inquire about the need for a lawyer, whether I wanted to go it alone, whether I wanted a lawyer, or if I could or could not afford a lawyer.

12). In July of 2003, about two years later, the state probation officer told me to get a lawyer and get off probation. I then followed his instruction. I retained Mr. Dennis Campbell, a lawyer, who filed the request with the court. On August 3, 2003, the requested was granted.

13). On March 12, 2009, I was arrested on a Federal Complaint for operating a Ponzi-type investment scheme.

14). On March 30, 2009, I made my initial appearance in the United States District Court for the Eastern District of Tennessee. I was appointed a Federal Public Defender - i.e., Mr. Kim Tollison. I pleaded not guilty and was detained in Federal custody in Case No. 3:09-cr-0093.

15). On July 21, 2009, I was indicted in a Six-Count Indictment for wire fraud (18 U.S.C. §1343) and money laundering (18 U.S.C. §1957).

16). On November 10, 2009, I pleaded guilty through a written Plea Agreement to all counts.

17). Shortly thereafter, with Mr. Tollison in attendance, the U. S. Probation Office conducted a jail-house interview, in order to prepare a report for the court.

18). On April 1, 2010, the probation officer gave a copy of her report to Mr. Tollison.

19). Mr. Tollison and I reviewed the report in the attorney/client interview room at the Blount County Detention Center.

20). During this review, I told Mr. Tollison that the statement "[I] was represented by counsel" during the 2001 state felony conviction was wrong. I explained how the events of that prosecution happened.

21). Mr. Tollison asked questions about whether the judge asked me about my background, education, or knowledge of the law. I stated, "No." He asked if the judge offered me a lawyer or if I wanted to represent myself. If so, whether the judge indicated he would delay the hearing to allow me time to prepare. I stated, "No." He asked me what document that I remembered signing, I stated, "Two."

22). Mr. Tollison stated he would have to look into it because it had a direct impact on my criminal history scoring and the ultimate sentence, as we reviewed the probation officer's report.

23). After the meeting, I tried to visit the Blount County Jail's law library to understand what Mr. Tollison had talked to me about. That is, if I had not waived a right of counsel, then it could not be used against me. I was told by staff, that a Federal detainee had no right to visit it.

24). I never saw, read, or discussed with Mr. Tollison what type of objection or legal argument he was going to file or bring to the Court concerning the un-waived state conviction.

25). At the hearing to resolve any outstanding objections from the probation officer's report, the subject of the state felony conviction was not raised. I asked Mr. Tollison why not. He stated he was not prepared to bring the issue at this point. It was a sentencing issue and would be brought up at that time.

26). On August 26, 2010, I was sentenced and before I could ask Mr. Tollison why he did not mention the state conviction, I was quickly escorted by U.S. Marshals to the holding cell. Mr. Tollison told me to call his office.

27). After the sentencing hearing, I never was able to speak to or meet with Mr. Tollison again in any manner. Letters written to his office were never answered by him. The Federal Public Defenders Office told me that he had retired and to stop writing.

28). During the sentencing hearing, the judge began by fashioning his sentence based on my conduct and relevant factors. He made a clear citation to the state conviction as the reason for imposing the high-end of a within Guideline sentencing range. That determination changed my sentence by 117 months.

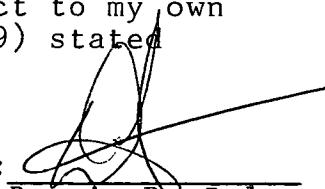
29). I would testify to these statement of facts, under oath, as being the truth.

X99

30). I, Dennis Rozer Bolze, under the pains and penalties of perjury certify that the statement of facts contained within these four pages are true and correct to my own personal knowledge of those twenty-nine (29) stated events or facts.

Executed on August 14, 2019

Signature:


Dennis R. Bolze
Pro Se
Reg. No. 14825-67
FCC Coleman Low
P.O. Box 1031
Coleman, FL 33521

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H100

Child Support Division 865.429.5270
Criminal Division 865.774.3731
Criminal Fax 865.774.3620
Civil Division 865.453.5536
Civil Fax 865.774.9792



Email: rellison@seviercountyn.org
Circuit Court - 125 Court Avenue
Room 204 E - Courthouse
Sevierville, TN 37862

Rita D. Ellison
Circuit Court Clerk

September 6, 2017

Mr. Dennis R. Bolze
Reg. No. 14825-067
FCC Coleman Low
P.O. Box 1031
Coleman, FL 33521-1031

Re: Your letter dated July 21, 2017

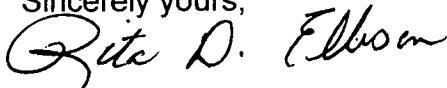
Dear Mr. Bolze:

I have made contact through the AOC with all the court reporters who previously worked as a court reporter in the 4th Judicial District during the timeframe you have requested, and all stated they did not check out the cassette tape from Case #8611 dated August 28, 2001.

All cassette tapes were transferred to the Sevier County Archives Building many years ago before I was elected clerk. I have done a diligent search for the cassette tape. I, personally, have searched the office of Circuit Court and it is not filed here.

I will continue to look for your cassette tape.

Sincerely yours,

A handwritten signature in black ink that reads "Rita D. Ellison". The signature is fluid and cursive, with "Rita D." on top and "Ellison" on the line below.

Rita D. Ellison
Circuit Court Clerk

re

HIDL

FROM: Dennis R. Bolze
Reg. No. 14825-067
FCC Coleman Low
P.O. Box 1031
Coleman, FL 33521-1031

DATE: July 15, 2017

TO: Ms. Rita D. Ellsion
Circuit Court Clerk
125 Court Avenue,
Room 204 E, Courthouse
Sevierville, TN 37862

RE: Transcripts from a Criminal Case No. 8611.

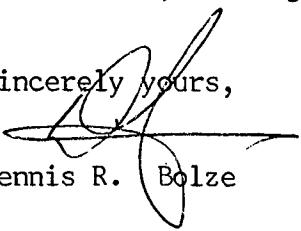
Dear Ms. Ellison:

In our last communication you had advised me that you would keep me informed on the progress to obtain the transcripts from a felony criminal court hearing. At the time, you indicated that you were still trying to locate the last court reporter to see if see had checked out the "tape." I have enclosed a copy of your letter.

Since I have not heard from you for a while, I thought I would drop you a note and see where you are in the process. I have one question, I guess...and that is simply, is there hope, some hope, little hole, or no hope at this point of ever locating the "tape" and securing a copy of the transcript?????

Please let me know your thoughts and if there is no hope, then I guess I will move on to other things. Thank you for your time and continued consideration in this matter, it is greatly appreciated.

Sincerely yours,


Dennis R. Bolze

H162

Child Support Division 865.429.5270
Criminal Division 865.774.3731
Criminal Fax 865.774.3620
Civil Division 865.453.5536
Civil Fax 865.774.9792



Email:rellison@seviercountytn.org
Circuit Court - 125 Court Avenue
Room 204 E - Courthouse
Sevierville, TN 37862

Rita D. Ellison
Circuit Court Clerk

January 25, 2016

Mr. Dennis R. Bolze
USM# 14825-067
1900 Simler Avenue
Big Spring, TX 79720

Re: Your letters dated November 23, 2015, January 21, 2016

Dear Mr. Bolze:

Since our last communication, I wanted to give you an update:

I have made a list of previous state court reporters in 2001 and am currently contacting each court reporter to see if they checked out the tape from the former circuit clerk in 2001.

I have contacted all the court reporters on my list except one. I cannot locate her. I have e-mailed five circuit court clerks in upper East Tennessee to see if she works in their county. I will continue to keep you informed.

Sincerely yours,

Rita D. Ellison
Rita D. Ellison
Circuit Court Clerk

re

K103

Child Support Division 865.429.5270
Criminal Division 865.774.3731
Criminal Fax 865.774.3620
Civil Division 865.453.5536
Civil Fax 865.774.9792



Email:rellison@seviercountytn.org
Circuit Court - 125 Court Avenue
Room 204 E - Courthouse
Sevierville, TN 37862

Rita D. Ellison
Circuit Court Clerk

January 25, 2016

Mr. Dennis R. Bolze
USM# 14825-067
1900 Simler Avenue
Big Spring, TX 79720

Re: Your letters dated November 23, 2015, January 21, 2016

Dear Mr. Bolze:

Since our last communication, I wanted to give you an update:

I have made a list of previous state court reporters in 2001 and am currently contacting each court reporter to see if they checked out the tape from the former circuit clerk in 2001.

I have contacted all the court reporters on my list except one. I cannot locate her. I have e-mailed five circuit court clerks in upper East Tennessee to see if she works in their county. I will continue to keep you informed.

Sincerely yours,

Rita D. Ellison
Circuit Court Clerk

re

11/10/14

From: Dennis R. Bolze
Reg. No. 14825-067
F.C.I. Big Spring
1900 Simler Avenue
Big Spring, TX 79720

Certified Mail #

7014 3490 6007 9734-9809

DATE: January 21, 2016

TO: Ms. Rita D. Ellison
Circuit Court Clerk
125 Court Avenue
Room 204E - Courthouse
Sevierville, TN 37862

RE: Follow up letter from November 23, 2015.

Dear Ms. Ellison:

I am following up on my letter dated November 23, 2015 (which is included) to see if there has been any news on the finding the transcripts from my case.

Please, update me on the process. Thank you for your time and consideration, it is greatly appreciated.

Sincerely yours

Dennis R. Bolze

H105

FROM: Dennis R. Bolze
Reg. No. 14825-067
F.C.I. Big Spring
1900 Simler Avenue
Big Spring, TX 79720

DATE: November 23, 2015

TO: Ms. Rita D. Ellison
Circuit Court Clerk
Circuit Court
125 Court Avenue
Room 204E - Courthouse
Sevierville, TN 37862

RE: Your Letter dated October 7, 2015.

Dear Ms. Ellison:

Over the past little bit we have been writing each other about obtaining a copy of the transcripts from Case No. 8611 back on August 28, 2001, as you might remember.

Back on October 7, 2015, you sent a letter stating that you were still waiting for two former court reporters to return your phone call; (see; copy of letter).

So, I am writing to see how your endeavors are going and if you have been able to narrow this down yet. Of course, when you watch Law and Order and they go looking for stuff, in a vast warehouse, it reminds me of the movie Raiders From The Lost Ark, as they were endless rows of boxes.

Please let me know where we stand at this point, and I hope that you and your staff have a great Thanksgiving holiday.

Thank you for your time and extended consideration in this matter, it is greatly appreciated.

Sincerely yours

Dennis R. Bolze

X106

Child Support Division 865.429.5270
Criminal Division 865.774.3731
Criminal Fax 865.774.3620
Civil Division 865.453.5536
Civil Fax 865.774.9792



Email:rellison@seviercountytn.org
Circuit Court - 125 Court Avenue
Room 204 E - Courthouse
Sevierville, TN 37862

Rita D. Ellison
Circuit Court Clerk

October 7, 2015

Mr. Dennis R. Bolze
USM# 14825-067
1900 Simler Avenue
Big Spring, TX 79720

Re: Your letter dated September 8, 2015

Dear Mr. Bolze:

This letter is in response to your letter dated September 8, 2015. Since our last communication, I wanted to give you an update. I personally retrieved the 2001 Circuit Clerk's cassette tapes from the clerk's storage and searched the box. I could find no cassette tape labeled August 28, 2001.

I have made a list of previous state court reporters in 2001 and am currently contacting each court reporter to see if they checked out the tape from the former circuit clerk in 2001. I am currently waiting on two former court reporters to return my phone call.

Sincerely yours,

A handwritten signature in cursive ink that reads "Rita D. Ellison".

Rita D. Ellison
Circuit Court Clerk

re

A large, handwritten mark in black ink that appears to be a stylized "H" or "J" with a vertical line extending downwards.



Supreme Court of Tennessee

Administrative Office of the Courts
Nashville City Center, Suite 600
511 Union Street
Nashville, Tennessee 37219
615 / 741-2687 or 800 / 448-7970
FAX 615 / 741-6285

DEBORAH TAYLOR TATE
Director

September 16, 2015

Dennis R. Bolze
USM# 14825-067
F.C.I. Big Spring
1900 Simler Avenue
Big Spring, TX 79720

Dear Mr. Bolze:

We have received your letter in which you request a certified copy of a transcript from a 2001 criminal case in which you were the party of interest. Please be aware that audio recordings are not maintained in the AOC's office. These are maintained by the circuit court clerk's office.

We have also received a letter (attached) from the circuit court clerk in Sevier County, Rita Ellison, advising you that the audio recording used to produce a transcript was transferred for storage to the Sevier County Archives Building; however, she also advised that the staff at Archives could not locate the recording.

Since our office is not delegated as the keeper of the record, we suggest that you maintain contact with Ms. Ellison's office or contact the county attorney on how to proceed with your request.

Sincerely,

Connie D. Turner

Connie D. Turner
Coordinator of Court Reporting Services

pc: Rita Ellison

Attachment

1108

FROM: Dennis R. Bolze
USM# 14825-067
F.C.I. Big Spring
1900 Simler Avenue
Big Spring, TX 79720

DATE: September 8, 2015

TO: Ms. Connie Turner
Administrative Office of the Court
Nashville City Center, Suite 600
511 Union Street
Nashville, TN 37219

RE: SECOND Request for a Certified Copy of the Transcripts in a Criminal
Case Held in Sevier County, Tennessee.

Dear Ms. Turner:

Back on July 7, 2015, two months ago, I sent a letter to your office seeking a certified copy of the transcript from a criminal case in which I was the party of interest. Since that time, I have not heard directly from your office as to the status of my request, the process for obtaining those records, etc. I have enclosed a copy of the letter I sent back then.

I would like to know what the progress is and what needs to be done to obtain a certified copy of the transcript. If there is a processing fee of some kind, please let me know, so that I can make arrangements immediately.

Thank you for your time and consideration in this matter, it is greatly appreciated.

Sincerely yours

Dennis R. Bolze

K109

Child Support Division 865.429.5270
Criminal Division 865.774.3731
Criminal Fax 865.774.3620
Civil Division 865.453.5536
Civil Fax 865.774.9792



Email:rellison@seviercountytn.org
Circuit Court - 125 Court Avenue
Room 204 E - Courthouse
Sevierville, TN 37862

Rita D. Ellison
Circuit Court Clerk
July 22, 2015

Mr. Dennis R. Bolze
USM# 14825-067
1900 Simler Avenue
Big Spring, TX 79720

Re: Your letter dated June 16, 2015

Received
JUL 24 2015
TN Supreme Court
Admin. Office of the Courts

Dear Mr. Bolze:

This letter is in response to your letter dated June 16, 2015. All cassette tapes from 2001 criminal court are stored in the Sevier County Archives Building. In 2001, Janette Layman Ballard was the Circuit Court Clerk and Elaine Kelley was the State Court Reporter. Her district included Sevier, Cocke, Jefferson and Grainger Counties. Ms. Layman has retired and Ms. Kelley no longer works for the State of Tennessee. All cassette tapes recorded by Ms. Kelley in 2001 would have been turned over to the Clerk of the Court and stored in archives.

On Monday, May 11, 2015, Ms. Traci McClanahan of Hood & McMasters, Court Reporting Service, asked me to retrieve the cassette tape per your request relative to your plea in case #8611 on the date of August 28, 2001 in the Circuit Court for Sevier County. On May 11th, I personally called archives and requested the cassette tape be checked out to me. I received a response that they could not locate the cassette tape. I advised the court reporter.

On Friday, June 26, 2015, after receiving your request dated June 16, I again called Sevier County Archives and requested the cassette tape for Tuesday, August 28, 2001 be located. Again, Archives advised they could not locate the tape. I requested Archives make a copy of the archived calendar month of August, 2001 which I am enclosing for your file and a copy of the docket for August 28, 2001 before the Honorable Rex Henry Ogle, which I am also enclosing. Sevier County Archives will continue to locate the cassette recording on August 28, 2001. They advised they were conducting a diligent search.

Sincerely yours,

Rita D. Ellison
Circuit Court Clerk

110

Re/enclosures
c: Connie Turner, AOC

FROM: Dennis R. Bolze
USM# 14825-067
1900 Simler Avenue
Big Spring, TX 79720

DATE: September 8, 2015

TO: Ms. Rita D. Ellison
Circuit Court Clerk
Room 204-E - Courthouse
125 Court Avenue
Sevierville, TN 37862

RE: Status of a Request for Court Transcripts in Case No. 8611.

Dear Ms. Ellison:

Back on July 22, 2015, you wrote to me concerning my request for a copy of the transcripts in my Case No. 8611 before the Honorable Rex Ogle's Court. I have enclosed a copy of your letter for convenience.

I want to thank you for taking time to personally contact the folks that archived the Court's recording on August 28, 2001. I understand that sometimes the simplest thing can become very complex in nature, especially when it is beyond your immediate control.

I am writing to see if there has been any updates in locating the cassette tape used during that August 28, 2001 hearing. Please advise me at your convenience. Thank you for your time and consideration in this matter, it is greatly appreciated.

Sincerely yours,

Dennis R. Bolze

PS: I have enclosed a self-addressed stamped envelope for your convenience...GO VOLS.

111

Child Support Division 865.429.5270
Criminal Division 865.774.3731
Criminal Fax 865.774.3620
Civil Division 865.453.5536
Civil Fax 865.774.9792



Email:rellison@seviercountyttn.org
Circuit Court - 125 Court Avenue
Room 204 E - Courthouse
Sevierville, TN 37862

Rita D. Ellison
Circuit Court Clerk
July 22, 2015

Mr. Dennis R. Bolze
USM# 14825-067
1900 Simler Avenue
Big Spring, TX 79720

Re: Your letter dated June 16, 2015

Dear Mr. Bolze:

This letter is in response to your letter dated June 16, 2015. All cassette tapes from 2001 criminal court are stored in the Sevier County Archives Building. In 2001, Janette Layman Ballard was the Circuit Court Clerk and Elaine Kelley was the State Court Reporter. Her district included Sevier, Cocke, Jefferson and Grainger Counties. Ms. Layman has retired and Ms. Kelley no longer works for the State of Tennessee. All cassette tapes recorded by Ms. Kelley in 2001 would have been turned over to the Clerk of the Court and stored in archives.

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Sincerely yours,

A handwritten signature in black ink that reads "Rita D. Ellison".

Rita D. Ellison
Circuit Court Clerk

112

Re/enclosures
c: Connie Turner, AOC

IN THE CIRCUIT COURT FOR SEVIER COUNTY
TUESDAY, AUGUST 28, 2001

HONORABLE REX HENRY OGLE, PRESIDING

#8242 STATE VS MIKE DONGARRA
STATUTORY RAPE; CONTRIBUTING TO DELINQUENCY OF MINOR (2 CTS)
BRYAN DELIUS

trial 1-16-02

#8521 STATE VS RICKY LEE ORTON
ASSAULT; DISORDERLY CONDUCT
PUBLIC DEFENDER

*Misd Assault - 11/29 Serve 5 days day for day; Bal
sup. prob., Pay \$608.25 rest w/n 120 days*

Ct II - Roll

#8611 STATE VS DENNIS R. BOLZE
FAILURE TO FILE SALES TAX RETURN (16 CTS)

*JIM CASS Pro Se
pled to Cts I, II, III, IV - others will merge 2 yrs on each ct*

Ct I + II - consecutive Cts III + IV consec. to Cts I + II

Cts III + IV - concurrent net 6 yrs - sup prob.

\$1,000 fine + cost

#6121 STATE VS LORI ANN SVETICH
AFDC FRAUD; FOOD COUPON FRAUD
CHARLES SEXTON

Reset 10-29-01

#8497 STATE VS CHARLES "CHUCK" GAMBLE
ESPECIALLY AGGRAVATED BURGLARY
JOANN ELLIS

Reset 9-17-01

#8517 STATE VS JUNIOR MCCARTER
BURGLARY (3 CTS)
PUBLIC DEFENDER

3 yrs method + manner @ sentencing 10-29-01

all concurrent

#8561 STATE VS WILLIAM WARREN BOLING
FORGERY LESS THAN \$500 (2 CTS)
appt PD

Plea 9-17-01

#8576 STATE VS JASON R. HODGE
DOMESTIC ASSAULT
DENNIS CAMPBELL

Reset - Trial

#8493 STATE VS BRANDON JAMES FAIRCLOTH
#8494 AGGRAVATED BURGLARY; AGGRAVATED BURGLARY
ATTORNEY STATUS

appt RD

Joann Ellis 9-17-01

11/13

#8600 STATE VS GLEN TUCKER, JR.
POSS. OF STOLEN PROPERTY; VIOLATION OF HMVO: VIOLATION OF OPEN
CONTAINER LAW
ATTORNEY STATUS

Reset for atty status 10-10-01

FROM: Dennis R. Bolze
USM# 14825-067
1900 Simler Avenue
Big Spring, TX 79720

DATE: July 7, 2015

TO: Ms. Connie Turner
Administrative Office of the Courts
Nashville City Center, Suite 600
511 Union Street
Nashville, TN 37219

RE: A Request for a Certified Copy of the Transcripts in a Criminal Case
Held in Sevier County, Tennessee.

Dear Ms. Turner:

I am the party of interest in a criminal case that occurred in Sevier County back in 2001. I have been actively working to obtain a copy of the transcripts in my case for a while now. The Clerk of the Courts finally advised me to contact your office; (See; Attached Letter).

On July 2, 2001, I appeared in the Circuit Court for Sevier County in front of the Honorable Judge Rex Henry Ogle for arraignment in Case No. 8611; (see; Attached Paperwork). On August 28, 2001, I appeared again and pleaded guilty to the terms of the plea agreement with the state; (see; Attached Paperwork).

These two appearance were brief in nature. I would like to obtain a "certified" copy of those two transcripts. I am sure that there is a processing fee of some kind and if you advise me of that cost, I will make immediate arrangements for payment to your office.

Thank you for your time and consideration in this matter, it is greatly appreciated.

Sincerely yours,

Dennis R. Bolze

W14

Child Support Division 865.429.5270
Criminal Division 865.774.3731
Civil Division 865.453.5536
Civil Fax 865.774.9792

Email:rellison@seviercountytn.org
Circuit Court- 125 Court Avenue
Room 207 E- Courthouse
Sevierville, TN 37862

Sevier County
TENNESSEE

Rita D. Ellison
Circuit Court Clerk

June 26, 2015

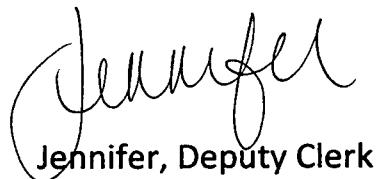
Dear Mr. Bolze,

We received your most recent letter stating you were having difficulty trying to obtain a copy of your court transcript from August, 2001. I spoke with our court reporter regarding this matter. She notified me that due to the fact the case is so old you will need to contact Connie Turner at the Administrative Office of the Courts. She would be able to help you with this. Her contact information is as follows:

Administrative Office of the Courts

Attn: Connie Turner
Nashville City Center, Suite 600
511 Union Street
Nashville, Tennessee 37219

Thank You,


Jennifer, Deputy Clerk

4115

FROM: Dennis R. Bolze
USM# 14825-067
1900 Simler Avenue
Big Spring, TX 79720

DATE: June 16, 2015

TO: Ms. Rita D. Ellison
c/o Jennifer, Deputy Clerk
Circuit Court Clerk
125 Court Avenue
Room 207 E - Courthouse
Sevierville, TN 37862

RE: Request for information

Dear Jennifer:

Back on March 18, 2015, you sent me a letter about how I could get a copy of my transcript. At that time, you stated that I needed to contact National Court Reporters Association, which I have twice (See; Attached Letters).

HOWEVER, I have not heard - one word -- from them. I have tried to call them several times, and it goes to voice mail. Since I am incarcerated, they could not call me, even if they wanted to.

Other than going to the Office of Professional Responsibility or filing a complaint with the Administrator of Court for the State of Tennessee, I personally do not know how to get in touch with the person that records the hearing in Judge Ogle's court and ask how I can obtain a copy of the transcript. Could you please ask the court reporter (in Judge Ogle's Court) exactly what I need to do in order to obtain this 5 minute hearing transcript. I will make arrangements for payments- ASAP.

Thank you for your time and consideration in this matter, it is greatly appreciated.

Sincerely yours,

Dennis R. Bolze

SEN
6/16/15

6/16

PS: I have enclosed a self addressed envelope to assist you in your efforts.

FROM: Dennis R. Bolze
USM# 14825-067
1900 Simler Avenue
Big Spring, TX 79720

DATE: April 17, 2015

TO: National Court Reporter Association
P.O. Box 24661
Knoxville, TN 37933

RE: Second Request for a Copy of a Court's Transcript.

Dear Sir/Madam:

This is my second request to obtain information or a form in order to receive a copy of a Sevier County's Court hearing held back on August 28, 2001 before the Honorable Judge Rex Ogle. The Case Number or Indictment Number) was 8611 and I have enclosed a copy of the final judgment.

I understand that there might be a cost associated with this request and if you would also inform me of the cost, I will forward the payment to your office ASAP.

Thank you for your time and consideration in this matter, it is greatly appreciated.

Sincerely yours,

Dennis R. Bolze

SET
4-17-15

KLB

FROM: Dennis R. Bolze
Reg. No. 14825-067
FCI Big Spring
1900 Simler Avenue
Big Spring, TX 79720

SET 1
3/27/14

DATE: March 27, 2014

TO: The Honorable Rex Henry Ogle
Circuit Court of Sevier County
Fourth Judicial District
125 Court Avenue
Sevierville, TN 37862

RE: Request for assistance in obtaining a transcript from a hearing held
in your Court. Criminal Case No. 8611 held on August 28, 2001

Your Honor:

I have been trying for a while now to obtain the transcript from the hearing held in Your Court back on August 28, 2001. The Case No. is 8611. As late as February 18, 2014, I send yet another letter seeking direction and advise on what steps are needed to obtain a copy. I even sent a pre-paid stamped envelope along to assist in the request.

I am now asking for your assistance, since my other requests have fallen on death ears. I would like the contact information for the Court Recorder, including a phone-number.

Thank you for your valuable time and consideration, it is greatly appreciated.

Sincerely yours,

Dennis R. Bolze

FROM: Dennis R. Bolze
USM# 14825-067
1900 Simler Avenue
Big Spring, TX 79720

DATE: March 24, 2015

TO: National Court Reporters Association
P.O. Box 24661
Knoxville, TN 37933

RE: Request for a copy of a transcript

Dear Sir/Madam:

I am the party of interest in a criminal case that flowed out of the Circuit Court in Sevier County, Tennessee on August 28, 2001 before the Honorable Judge Ogle. The case number (or Indictment Number) was 8611. The hearing only lasted 5-10 minutes. I understand that there is a cost associated with this request and if you will inform me of the cost, I will forward the payment ASAP.

Thank you for your time and consideration in this matter, it is greatly appreciated.

Sincerely yours,

Dennis R. Bolze

SEM
3/24/15

XIN

Child Support Division 865.429.5270
Criminal Division 865.774.3731
Civil Division 865.453.5536
Civil Fax 865.774.9792

Email:rellison@seviercountyn.org
Circuit Court- 125 Court Avenue
Room 207 E- Courthouse
Sevierville, TN 37862

Sevier County
TENNESSEE

Rita D. Ellison
Circuit Court Clerk

March 18, 2015

Dear Mr. Bolze,

I am writing in regards to the letter we received regarding the transcript from your hearing on August 28, 2001. Unfortunately the Circuit Court does not keep a copy of this. In order to obtain a copy of your court transcript you must contact National Court Reporters Association. Their information is as follows:

PO Box 24661
Knoxville, TN 37933
Office phone- 865-617-6329

Thank You,

Jennifer
Jennifer, Deputy Clerk

118

FROM: Dennis R. Bolze
USM# 14825-067
FCI Big Spring
1900 Simler Avenue
Big Spring, TX 79720

SEN
2/19/14

DATE: February 18, 2014

TO: Court Reporter
Sevier County Circuit Court
125 Court Avenue
Sevierville, TN 37862

RE: Request for Court transcript in Criminal Case No.
8611 held on August 28, 2001.

Dear Sir/Madam:

I am the party of interest in the above cited criminal case. During a ten minute hearing, held on August 28, 2001, I was sentenced to a term of probation. However, during those proceedings some of my Constitutional Rights were violated. Therefore, I must present the transcript of that hearing to the Court in order to have those Rights reviewed.

I request that a copy of the transcript be provided as soon as possible for the Court's review. I have enclosed a pre-paid envelope for your convenience, if there is a fee associated with this request, please provide me with details so that I may make the proper arrangement. Thank you in advance for your time and consideration in this important legal matter, it is greatly appreciated.

Sincerely yours,

Dennis R. Bolze

4119

FROM: Dennis R. Bolze
USM# 14825-067
FCI Big Spring
1900 Simler Avenue
Big Spring, TX 79720

DATE: January 9, 2014

TO: Ms. Rita D. Ellison
Clerk of the Court
Room 204E
125 Court Avenue
Sevierville, TN 37862

RE: Request for the person who keeps the transcripts.

Dear Ms. Ellision:

I am requesting the contact information for the person who would have recorded the proceeding in the Circuit Criminal Court in August and September of 2001. I would like to obtain a copy of the transcripts from a criminal matter before the Court in which I was involved. Thank you in advance for your time and consideration in this matter.

Sincerely yours,

Dennis R. Bolze

SEPT
1/9/14
COPY

H120

Child Support Division 865.429.5270
Criminal Division 865.774.3731
Criminal Fax 865.774.3620
Civil Division 865.453.5536
Civil Fax 865.774.9792



Email:rellison@seviercountyn.org
Circuit Court - 125 Court Avenue
Room 204 E - Courthouse
Sevierville, TN 37862

Rita D. Ellison
Circuit Court Clerk

August 29, 2011

Dennis Bolze
Reg. No. 14825-067
F.C.I. WILLIAMSBURG
PO BOX 340
SALTERS, SC 29590

CR 8611

Dear Mr. Bolze,

Enclosed you will find a COMPLETE copy of your court file. I do not show any records of noone other than Attorney Dennis Campbell requesting to see your file. We are not linked to the internet so therefore no one could access our records via internet.

Thank you,

Christy
Christy

4121

Dennis Bolze
Reg. No: 14825-067
F.C.I. Williamsburg
P.O. Box 340
Salters, SC 29590

SENDED
8/11/11
RECEIVED
8/31/11

August 9, 2011

Ms. Rita D. Ellison
Circuit Court Clerk
Sevier County Courthouse
125 Court Ave. Suite 207F
Sevierville, TN 37862

RE: Documents filed in Case No: CR8611

Dear Ms. Ellison:

This is my second request for information on how I can obtain all the court filed documents relating to my case (CR8611). I wrote a letter asking for this information back on June 24, 2011 (copy included) and stating that, IF, there was a cost involved, please advise me, so I can arrange payment.

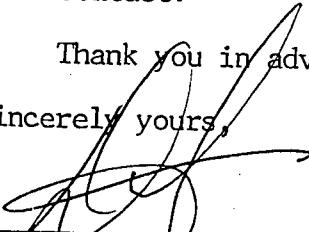
1). In addition to the court filed documents, I had two questions:
an entry made on 8/20/2003 "file checked out to"....what does this mean?

2). Secondly, in all official record keeping, there is always an audit trail. This shows that someone has made an inquiry into a certain record. This inquiry, in today's world, could be either at the court house, itself or through the internet. The question is; from January 1, 2009 until June 24, 2011 who, if any, made an inquiry into this case or asked for copies of the records.

3). Lastly, If I would like a transcript of the hearings, who would I contact?

Thank you in advance for your time and consideration.

Sincerely yours,


Dennis Bolze

1122

CC:file
(enclosure)

6/26/11
Scot
Dennis Bolze
Reg. No: 14825-067
F.C.I. Williamsburg
P.O. Box 340
Salters, SC 29590

June 24, 2011

Ms. Rita D. Ellison
Circuit Court Clerk
Sevier Count Courthouse
125 Court Ave. Suite 207E
Sevierville, TN 37862

RE: Documents filed in case CR8611

Dear Ms. Ellison:

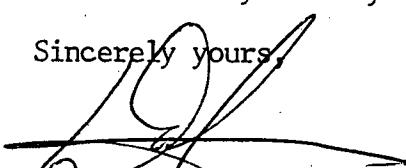
Thank you for your quick response to my letter dated June 11, 2011 where I had asked for the docket sheet to the above referenced case. After reviewing the docket sheet, I would like to obtain a copy of each of the documents filed in this case. Please advise me as to the cost, so I can arrange payment.

In addition, I have two questions. First, an entry made on 8/20/2003 "file checked out to"....what does this mean? Secondly, in all official record keeping, there is always an audit trail. This shows that someone made an inquiry into a record. This inquiry (in today's world) could be either at the Court House, itself, or through the internet. The question is; From January 1, 2009 until June 24, 2011 who has made an inquiry into this case or has asked for copies of the records.

Lastly, I would like to know, who I can contact to receive a copy of the transcripts from the proceedings held in open court.

Thankyou for all the work you are doing, and I pray that the Good Lord blesses you and yours.

Sincerely yours,


Dennis Bolze

4123
CC: file