



RECEIVED

MAY 18 2017

Educator Licensing

STATE OF TENNESSEE
STATE BOARD OF EDUCATION

615-741-2966
www.state.tn.us/sbe

Director's Report Regarding Licensed Teacher/Administrator

Pursuant to Tennessee State Board of Education Rule 0520-2-4-.01(9), submit to:

Office of Teacher Licensing
State Department of Education
4th Floor, 710 James Robertson Parkway
Nashville, TN 37243
FAX: 615-532-1448

Date of Action: May 12, 2017

Name of Teacher/Administrator: Martin D. McFarlane

Teacher/Administrator License #: 000517977 S.S. # [REDACTED]

Last known address and phone number: 2 Castle Walk, Tullahoma, TN 37388
(931) 247-1361

Nature of LEA employment action (circle) Suspension | Termination | Resignation

Following allegations, which, if substantiated, would constitute (circle):

1. Conviction of a felony,
2. Conviction of possession of narcotics,
3. Being on school premises or at a school-related activity involving students while documented as being under the influence of, possessing or consuming alcohol or illegal drugs,
4. Falsification or alteration of a license or documentation required for licensure,
5. Denial, suspension or revocation of a license or certificate in another jurisdiction for reasons which would justify denial, suspension or revocation under this rule, or
6. Other good cause. Other good cause shall be construed to include noncompliance with security guidelines for TCAP or successor tests pursuant to T.C.A. § 49-1-607, default on a student loan pursuant to T.C.A. § 49-5-108(d)(2) or failure to report under part (e).

Details: On Thursday May 11, 2017, the Tullahoma Police Department in cooperation with the Federal Bureau of Investigation accomplished a search at the home of Martin McFarlane a teacher employed by Tullahoma City Schools. The search produced a quantity of a substance believed to be marijuana sufficient to warrant a felony arrest. As the details of the investigation were made available to the school district we

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Educator Licensing

learned that McFarlane is under investigation for "child exploitation." McFarlane was arrested and booked into the Coffee County jail and is currently released on bond.

Status of investigation(s):

- LEA: Tullahoma City Schools began our investigation of this issue on Friday May 12, 2017 and met with Mr. McFarlane regarding his arrest and charges levied as well as added investigations underway. McFarlane submitted his immediate resignation.

- DCS: _____

- Law enforcement (agency): Both the Tullahoma Police Department and the FBI continue the investigation related to drug charges and allegations of "child exploitation."

Further information may be obtained from the following people (include contact information, such as phone number and/or email address):

Principal Kathy Rose, (931) 454-2627 Kathy.rose@tcsedu.net

Dr. Greg Carter, Deputy Superintendent, (931) 454-2600, Greg.carter@tcsedu.net

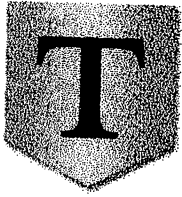
Assistant Principal Greg English, (931) 454-2620, greg.english@tcsedu.net



5/15/2017

Dr. Dan Lawson

LEA/School Filing Report: Tullahoma City Schools



TULLAHOMA CITY SCHOOLS

Dr. Dan Lawson, Director of Schools
Dr. Greg Carter, Deputy Director
Ms. Susa Fanning, Director of Instruction
Mr. Mike Roggli, Director of Business

510 South Jackson Street
Tullahoma, Tennessee 37388
(931) 454-2600
(931) 454-2642 (f)

MEMORANDUM

To: Whom It May Concern

From: Greg Carter

Re: Resignation of Martin McFarlane

Date: May 15, 17

After trying to meet with Mr. McFarlane all day, he finally was contacted by Phyllis Dillingham and she asked him to come in to the office at around 4:00 p.m. Mr. McFarland, Dr. Charles Lawson, and I met.

I told Mr. McFarlane that I knew he was under investigation. I asked if there was anything else I needed to know and his reply was, "No". I asked if he wanted to resign and he said, "Yes", and he filled out a paper with his recognition.

I hereby resign effective immediately.

CS

Matth McZeh

5/12/17

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT WINCHESTER**

FILED
AUG 22 2017
Clerk, U.S. District Court
Eastern District of Tennessee
Winchester

UNITED STATES OF AMERICA

v.

MARTIN DREW MCFARLANE

)
)
)
)
)

4:17-CR- 31
Judges Mattie | Steger

INDICTMENT

COUNT ONE

(Transportation of Child Pornography)

The Grand Jury charges that in or about April, 2017, in the Eastern District of Tennessee, the Defendant, MARTIN DREW MCFARLANE, did knowingly transport, and cause another to transport, and aid and abet the transportation of child pornography, that is, visual depictions of a minor engaging in sexually explicit conduct, using any means and facility of interstate and foreign commerce, and in and affecting interstate and foreign commerce by any means, including by computer.

In violation of 18 U.S.C. § 2252A(a)(1) and 2.

COUNT TWO

(Possession of Child Pornography)

The Grand Jury charges that in or about April, 2017, in the Eastern District of Tennessee, the Defendant, MARTIN DREW MCFARLANE, knowingly possessed child pornography, as that term is defined in 18 U.S.C. § 2256(8)(A), that had been mailed, and shipped, and transported in interstate and foreign commerce by any means, including by computer.

In violation of 18 U.S.C. § 2252A(a)(5)(B) and 2252A(b)(2).

FORFEITURE ALLEGATIONS

1. The allegations contained in Counts One and Two of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeitures pursuant to Title 18, United States Code, Section 2253.

2. Pursuant to Title 18, United States Code, Section 2253, upon conviction of an offense in violation of Title 18, United States Code, Section 2252A, the defendant, MARTIN DREW MCFARLANE, shall forfeit to the United States of America:

a. Any visual depiction described in Title 18, United States Code, sections 2251, 2251A, or 2252, or any book, magazine, periodical, film, videotape, or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped or received in violation of Title 18, United States Code, Chapter 110;

b. Any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from the offenses; and

c. Any property, real or personal, used or intended to be used to commit or to promote the commission of the offenses.

The properties to be forfeited include, but are not limited to, the following:

ELECTRONIC EQUIPMENT

- a) Samsung Galaxy S6, IMEI: 990004876011952;
- b) Dell Inspiron 8600, Service Tag: JV63241;
- c) Hewlett Packard Pavilion, Model# dv9700, SN# CNF8302BBS;
- d) Motorola Droid Razr, Model# XT912; and
- e) ASUS Transformer Prime Tablet, Model# TF201, SN# 15-100-0222W000F4.

3. If any of the properties described above, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. have been transferred or sold to, or deposited with, a third party;
- c. have been placed beyond the jurisdiction of the court;
- d. have been substantially diminished in value; or
- e. have been commingled with other properties which cannot be divided without difficulty,

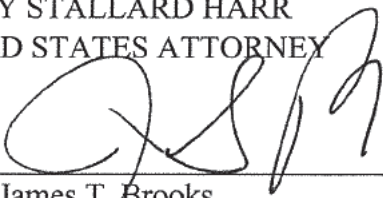
the United States of America shall be entitled to forfeiture of substitute properties pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 2253(b).

A TRUE BILL:


GRAND JURY FOREPERSON

NANCY STALLARD HARR
UNITED STATES ATTORNEY

By


James T. Brooks
Assistant United States Attorney

CRIMINAL CASE COVER SHEET**U.S. ATTORNEY'S OFFICE**Place of Offense (City & County): Tullahoma, Coffee County, Tennessee

Defendant Information:

Juvenile ☐ Yes ☒ No Matter to be Sealed: ☐ Yes ☒ NoDefendant Name: MARTIN DREW MCFARLANEInterpreter: No ☒ Yes ☐ Language Total # of Counts: ☐ Petty ☐ Misdemeanor (Class ☐) 2 Felony

	<u>ORIGINAL</u> U.S.C. Citation(s) and Description of Offense Charged	Count(s)
Set 1	Transportation of child pornography, in violation of 18 U.S.C. § 2252A(a)(1) and 2.	1
Set 2	Possession of child pornography, in violation of 18 U.S.C. § 2252A(a)(5)(B) and 2252A(b)(2)	2

(Use tab key after entering counts to create additional rows)

	<u>SUPERSEDING INDICTMENT</u> U.S.C. Citation(s) and Description of Offense Charged	New count? Y or N	New Count #	Old Count # (if applicable)
Set 1				

(Use tab key after entering counts to create additional rows)

Current Trial Date (if set): n/a before Judge Criminal Complaint Filed: No ☒ Yes ☐ Case No.

Related Case(s):

Case Number	Defendant's attorney	How related
-------------	----------------------	-------------

Criminal Informations:Pending criminal case: No ☒ Yes ☐ Case No. New Separate Case Supersedes Pending Case Name of defendant's attorney: Retained: ☐ Appointed: ☐Date: August 22, 2017Signature of AUSA: 

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE CHATTANOOGA DIVISION

UNITED STATES OF AMERICA

JUDGMENT IN A CRIMINAL CASE

(For Offenses committed on or after November 1, 1987)

v.

Case Number: **4:17-CR-00031-HSM-CHS(1)**

MARTIN DREW MCFARLANE
USM#52567-074

Myrlene R Marsa
Defendant's Attorney

THE DEFENDANT:

- ☒ pleaded guilty to count(s): One of the Indictment
☐ pleaded nolo contendere to count(s) which was accepted by the court.
☐ was found guilty on count(s) after a plea of not guilty.

ACCORDINGLY, the court has adjudicated that the defendant is guilty of the following offense(s):

Title & Section and Nature of Offense

18 U.S.C. § 2252A(a)(1) and 2: Aid and Abet the Transportation of
Child Pornography

Date Violation Concluded Count

05/11/2017 1

The defendant is sentenced as provided in pages 2 through 7 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984 and 18 U.S.C. 3553.

- ☐ The defendant has been found not guilty on count(s).
☒ All remaining count(s) as to this defendant are dismissed upon motion of the United States.

IT IS ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant shall notify the court and the United States attorney of any material change in the defendant's economic circumstances.

May 24, 2018

Date of Imposition of Judgment

/s/ Harry S. Mattice, Jr.

Signature of Judicial Officer

Harry S Mattice Jr., United States District Judge

Name & Title of Judicial Officer

5/25/2018

Date

DEFENDANT: MARTIN DREW MCFARLANE
CASE NUMBER: 4:17-CR-00031-HSM-CHS(1)

Judgment - Page 2 of 7

IMPRISONMENT

The defendant is hereby committed to the custody of the Federal Bureau of Prisons to be imprisoned for a total term of:

60 months as to count one.

☐ The court makes the following recommendations to the Bureau of Prisons:

☐ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at ☐ a.m. ☐ p.m. on

☐ as notified by the United States Marshal.

☒ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☒ on or before 2 p.m. on June 27, 2018.

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on

to _____,

at _____,

with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: MARTIN DREW MCFARLANE
CASE NUMBER: 4:17-CR-00031-HSM-CHS(1)

Judgment - Page 3 of 7

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of **five (5) years**.

MANDATORY CONDITIONS

1. You must not commit another federal, state or local crime.
2. You must not unlawfully possess a controlled substance.
3. You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.
 - ☐ The above drug testing condition is suspended, based on the court's determination that you pose a low risk of future substance abuse. *(check if applicable)*
4. ☐ You must make restitution in accordance with 18 U.S.C. §§ 3663 and 3663A or any other statute authorizing a sentencing of restitution. *(check if applicable)*
5. ☒ You must cooperate in the collection of DNA as directed by the probation officer. *(check if applicable)*
6. ☒ You must comply with the requirements of the Sex Offender Registration and Notification Act (34 U.S.C. § 20901, et seq.) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which you reside, work, are a student, or were convicted of a qualifying offense. *(check if applicable)*
7. ☐ You must participate in an approved program for domestic violence. *(check if applicable)*

You must comply with the standard conditions that have been adopted by this court as well as with any other conditions on the attached page.

DEFENDANT: MARTIN DREW MCFARLANE
CASE NUMBER: 4:17-CR-00031-HSM-CHS(1)

Judgment - Page 4 of 7

STANDARD CONDITIONS OF SUPERVISION

As part of your supervised release, you must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for your behavior while on supervision and identify the minimum tools needed by probation officers to keep informed, report to the court about, and bring about improvements in your conduct and condition.

1. You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of your release from imprisonment, unless the probation officer instructs you to report to a different probation office or within a different time frame.
2. After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
3. You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.
4. You must answer truthfully the questions asked by your probation officer.
5. You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
6. You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
7. You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
8. You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
9. If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
10. You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).
11. You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
12. If the probation officer determines that you pose a risk to another person (including an organization), the probation officer may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.
13. You must follow the instructions of the probation officer related to the conditions of supervision.

U.S. Probation Office Use Only

A U.S. probation officer has instructed me on the mandatory, standard, and any special conditions specified by the court and has provided me with a written copy of this judgment containing these conditions. For further information regarding these conditions, see *Overview of Probation and Supervised Release Conditions*, available at: www.uscourts.gov.

Defendant's Signature _____

Date _____

DEFENDANT: MARTIN DREW MCFARLANE
CASE NUMBER: 4:17-CR-00031-HSM-CHS(1)

Judgment - Page 5 of 7

SPECIAL CONDITIONS OF SUPERVISION

The defendant shall comply with the special conditions for sex offenders adopted under Standing Order 15-06. Conditions 1-6 and 3-13 shall be imposed.

The defendant must participate in a program of testing and/or treatment for drug and/or alcohol abuse, as directed by the probation officer, until such time as the defendant is released from the program by the probation officer.

The defendant must participate in a program of mental health treatment, as directed by the probation officer, until such time as the defendant is released from the program by the probation officer. The defendant must waive all rights to confidentiality regarding mental health treatment in order to allow release of information to the supervising United States Probation Officer and to authorize open communication between the probation officer and the mental health treatment provider.

DEFENDANT: MARTIN DREW MCFARLANE
CASE NUMBER: 4:17-CR-00031-HSM-CHS(1)

Judgment - Page 6 of 7

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the Schedule of Payments sheet of this judgment.

	<u>Assessment</u>	<u>JVTA Assessment*</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$100.00	\$.00	\$.00	\$.00

- ☐ The determination of restitution is deferred until *An Amended Judgment in a Criminal Case (AO245C)* will be entered after such determination.
- ☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

- ☐ Restitution amount ordered pursuant to plea agreement \$
- ☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options under the Schedule of Payments sheet of this judgment may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).
- ☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:
- | | | |
|---|-------------------------------|--|
| <input type="checkbox"/> the interest requirement is waived for the | <input type="checkbox"/> fine | <input type="checkbox"/> restitution |
| <input type="checkbox"/> the interest requirement for the | <input type="checkbox"/> fine | <input type="checkbox"/> restitution is modified as follows: |

* Justice for Victims of Trafficking Act of 2015, Pub. L. No. 114-22

** Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: MARTIN DREW MCFARLANE
CASE NUMBER: 4:17-CR-00031-HSM-CHS(1)

Judgment - Page 7 of 7

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

- A** ☒ Lump sum payment of \$ 100.00 due immediately, balance due
☐ not later than _____, or
☐ in accordance with ☐ C, ☐ D, ☐ E, or ☐ F below; or
- B** ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C** ☐ Payment in equal _____ (*e.g., weekly, monthly, quarterly*) installments of \$ _____ over a period
of _____ (*e.g., months or years*), to commence _____ (*e.g., 30 or 60 days*) after the date of this judgment; or
- D** ☐ Payment in equal _____ (*e.g., weekly, monthly, quarterly*) installments of \$ _____ over a period
of _____ (*e.g., months or years*), to commence _____ (*e.g., 30 or 60 days*) after release from imprisonment to a term of
supervision; or
- E** ☐ Payment during the term of supervised release will commence within _____ (*e.g., 30 or 60 days*) after release from
imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F** ☐ Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to **U.S. District Court, 900 Georgia Avenue, Joel W. Solomon Federal Building, United States Courthouse, Chattanooga, TN, 37402**. Payments shall be in the form of a check or a money order, made payable to U.S. District Court, with a notation of the case number including defendant number.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

- ☐ Joint and Several
See above for Defendant and Co-Defendant Names and Case Numbers (*including defendant number*), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.
☐ Defendant shall receive credit on his restitution obligation for recovery from other defendants who contributed to the same loss that gave rise to defendant's restitution obligation.
- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☒ The defendant shall forfeit the defendant's interest in the following property to the United States: As identified in the Notice of Forfeiture.

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) JVTA Assessment, (8) penalties, and (9) costs, including cost of prosecution and court costs.

U.S. DISTRICT COURT for the EASTERN DISTRICT OF TENNESSEE at CHATTANOOGA

JUDGMENT: Case No. 4:17-cr-31 USA v. Martin Drew McFarlane

PRESENT: Honorable Harry S. Mattice, Jr. ☒ U.S. District Judge **OR** ☐ U.S. Magistrate Judge

James Brooks Myrlene Marsa Mary Ann Zwicknagel

Assistant U.S. Attorney Attorney for Defendant Probation Officer

Allison Laster Shannan Andrews

Courtroom Deputy Court Reporter Interpreter ☐ **SWORN**

PROCEEDINGS: ☒ Plea agreement accepted by Court ☒ PSR guidelines are ☒ accurate ☐ as modified ☒ PSR SEALED

☒ Govt/Deft motion for downward departure: ☒ granted ☐ denied Govt motion for third point reduction for acceptance of
upward departure: ☐ granted ☐ denied responsibility ☐ granted ☐ denied
non-guidelines sentence: ☐ granted ☐ denied
☒ Deft speaks **OR** ☐ Deft declines to speak Document(s) ☐ unsealed ☐ remain sealed

TESTIMONY BY: _____

☐ Exhibits attached to minutes ☐ Exhibits in vault

IMPRISONMENT: 60 MONTHS on COUNT(s) One of the Indictment

SUPERVISED RELEASE/PROBATION: 5 YEARS on COUNT(s) One of the Indictment

CONDITIONS OF SUPERVISED RELEASE/PROBATION:

- | | |
|--|--|
| <input checked="" type="checkbox"/> report to Probation Officer w/in 72 hrs of release | <input type="checkbox"/> pay any financial penalty due |
| <input checked="" type="checkbox"/> not commit another federal, state or local crime | <input type="checkbox"/> provide Probation Office w/access to any required financial info |
| <input checked="" type="checkbox"/> abide by standard conditions on Local Rule 83.10 | <input type="checkbox"/> not incur new credit charges or open additional lines of credit |
| <input checked="" type="checkbox"/> not possess a firearm or other destructive device | <input type="checkbox"/> no contractual agreements which obligate funds |
| <input checked="" type="checkbox"/> not illegally possess or use a controlled substance | <input type="checkbox"/> not be employed in position of trust |
| <input checked="" type="checkbox"/> participate in collection of DNA | <input checked="" type="checkbox"/> participate in program of testing/treatment for drug/alcohol abuse |
| <input type="checkbox"/> submit to search | <input type="checkbox"/> wear electronic device and pay for service at prevailing rate |
| <input type="checkbox"/> perform _____ hours of community service | <input type="checkbox"/> maintain telephone w/out any special services or devices |
| <input type="checkbox"/> comply with any BICE deportation orders | <input type="checkbox"/> report to nearest probation office w/in 48 hrs of reentry in the U.S. |
| <input checked="" type="checkbox"/> participate in program of mental health treatment/anger management and waive all rights to confidentiality regarding treatment | |
| <input checked="" type="checkbox"/> comply with Local Rule 83.10 - Sex Offender Treatment | |

OTHER CONDITIONS: comply with Standing Order 15-06, conditions 1-6 and 9-13

☐ Court recommends deft receive 500 hours substance abuse treatment from the BOP's residential drug treatment program

OTHER RECOMMENDATIONS: _____

RESTITUTION:

☐ Interest Waived ☐ No further payment required after sum of amounts paid by all defts has fully covered compensable injury

FINE: _____ **OR** ☒ Waived **SPECIAL ASSESSMENT:** 100.00 ☒ Payment due immediately ☐ Interest waived

☒ Court waived fine due to deft's inability to pay ☒ Deft informed of right to appeal ☒ Remaining counts dismissed

Deft ☐ remanded to custody of U.S. Marshal ☐ remained in custody ☐ remained on bond

Deft to self-report on or before June 27, 2018 at 2:00 p.m.

Time: 2:00 to 2:38

Date: 5/24/2018

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT WINCHESTER

UNITED STATES OF AMERICA)	
)	Case No. 4:17-CR-31
v.)	
)	JUDGE MATTICE
MARTIN DREW MCFARLANE)	MAGISTRATE JUDGE STEGER

DISCOVERY AND SCHEDULING ORDER

If the parties in this action have not already done so, they shall within fourteen (14) days from the date of the entry of this order on the docket confer and the following shall be accomplished:

A. Upon request of the defendant, the government shall permit the defendant to inspect and copy the following items or copies thereof, or supply copies thereof, which are within the possession, custody or control of the government, the existence of which is known or by the exercise of due diligence may become known to the attorney for the government:

1. Any relevant written or recorded statements made by the defendant.
2. The defendant's arrest and conviction record.
3. Results or reports of physical or mental examinations, and of scientific tests, including, without limitation, any handwriting analysis or experiments, which are material to the preparation of the defense or are intended for use by the government as evidence in chief at the trial.

B. Upon request of the defendant, the government shall permit the defendant to inspect and copy the following items or copies thereof, or supply copies thereof, which are within the possession, custody or control of the government, or the existence of which is known or by the exercise of due diligence may become known to the government:

1. The substance of any oral statement made by the defendant before or after his arrest in response to interrogation by a then known to be government agent which the government intends to offer in evidence at trial.
2. Recorded grand jury testimony of the defendant relating to the offenses charged.
3. Books, papers, documents, photographs, tangible objects,

buildings or places which the government intends to use as evidence at trial to prove its case in chief, or were obtained from or belong to each defendant.

C. Upon receipt by a defendant of materials in A(3) or B(3) from the government, the defendant shall permit the government to inspect and copy the following items, or copies thereof, or supply copies thereof, which are within the possession, custody or control of the defendant, the existence of which is known or by the exercise of due diligence may become known to the defendant:

1. Books, papers, documents, photographs or tangible objects which each defendant intends to introduce as evidence in chief at trial.

2. Any results or reports of physical or mental examinations and of scientific tests or experiments made in connection with this case which the defendant intends to introduce as evidence in chief at trial, or which were prepared by a defense witness who will testify concerning the contents thereof.

D. Upon request of the defendant, the government shall disclose to the defendant a written summary of all expert testimony the government intends to use. This summary shall describe the witnesses' opinions, the bases and reasons therefor, and the witnesses' qualifications.

E. If a defendant intends to rely upon the defense of insanity at the time of the alleged crime, or intends to introduce expert testimony relating to a mental disease, defect or other condition bearing upon the issue of whether he had the mental state required for the offense charged, he shall give written notice thereof to the government. This notice shall be given within twenty (20) days of the entry of this order.

F. The government shall obtain the record of prior convictions of any alleged informant who will testify for the government at trial so that the record will be available to the defendant at trial.

G. The government shall state whether the defendant was identified in any lineup, showup, photo spread or similar identification proceeding, and produce any pictures utilized or resulting therefrom.

H. The government shall advise its agents and officers involved in this case to preserve all rough notes.

I. Upon request, the government shall advise the defendant of the general nature of any evidence it intends to offer at trial under Rule 404(b), Federal Rules of

Evidence.

J. The government shall state whether the defendant was an aggrieved person, as defined in 18 U.S.C. § 2510(11) of any electronic surveillance, and if so, shall set forth in detail the circumstances thereof.

K. Upon request, the government shall provide the defense, for independent expert examination, copies of all latent fingerprints or palm prints which have been identified by a government expert as those of the defendant.

L. The parties shall make every possible effort in good faith to stipulate all facts or points of law, the truth and existence of which is not contested and the early resolution of which will expedite the trial.

M. The parties shall collaborate in preparation of a written statement to be signed by counsel for each side, generally describing all discovery material exchanged, and setting forth all stipulations entered into at the conference. No stipulation made by defense counsel at the conference shall be used against the defendant unless the stipulation is reduced to writing and signed by the defendant and his counsel.

The government shall reveal to the defendant and permit inspection and copying of all information and material known to the government which may be favorable to the defendant on the issues of guilt or punishment within the scope of Brady v. Maryland, 373 U.S. 83 (1963), United States v. Agurs, 427 U.S. 97 (1976) (exculpatory evidence), and United States v. Bagley, 473 U.S. 667 (1985) (impeachment evidence). Timing of such disclosure is governed by United States v. Presser, 844 F.2d 1275 (6th Cir. 1988).

It shall be the continuing duty of counsel for both sides to immediately reveal to opposing counsel all newly discovered information or other material within the scope of this order.

Upon a sufficient showing, the Court may at any time, upon motion properly filed, order that the discovery or inspection provided for by this order be denied, restricted or deferred, or make such other order as is appropriate. It is expected by the Court, however, that counsel for both sides shall make every good faith effort to comply with the letter and spirit of this order.

All motions shall be filed in this cause no later than **Tuesday, October 3, 2017**. Any motion which requires the resolution of an issue of law must be accompanied by a supporting memorandum. Local Rule 7.1 EDTN. Without such a memorandum, the motion will not be considered by the Court. If either party desires a Daubert hearing regarding expert testimony, that party shall notify the Court by **Tuesday, October 3, 2017**.

Plea bargaining shall be concluded by Tuesday, October 17, 2017, and any written agreement shall be executed by said date.

All requests for jury instructions shall be submitted no later than **Tuesday, October 3, 2017**. A copy of the prepared jury instructions should be sent as an electronic mail attachment in WordPerfect format to mattice_chambers@tned.uscourts.gov.

A final pretrial conference shall be held before the United States District Judge at **3:00 p.m. on Monday, October 23, 2017**. Prior to the pretrial conference, the parties shall familiarize themselves with the Rules regarding the Jury Evidence Recording System (JERS) *available* at www.tned.uscourts.gov/jers.php. The parties shall disclose to one another and to the Court, technology they intend to use in the courtroom during the trial and how they intend to use it (e.g., display equipment, data storage, retrieval, or presentation devices). This disclosure shall list (1) equipment they intend to bring into the courtroom to use, and (2) equipment supplied by the Court the parties intend to use.

Further, the parties shall disclose to one another the content of their electronic or digital materials by the time of the final pretrial conference, and shall confirm the compatibility/viability of their planned use of technology with the Court's equipment by the final pretrial conference. General information on equipment supplied by the Court is available on the Eastern District of Tennessee website (www.tned.uscourts.gov). Specific questions about Court-supplied

equipment should be directed to the courtroom deputy (directory available on website).

The trial of this case will be held before the United States District Judge and a twelve-person jury beginning on **Tuesday, October 31, 2017**. Counsel shall be prepared to commence trial at **9:00 a.m.** on the date which has been assigned. If this case is not heard immediately, it will be held in line until the following day or anytime during the week of the scheduled trial date.

One principal purpose of this discovery order is to avoid the necessity of counsel for the defendant(s) filing routine motions for routine discovery. Accordingly, counsel for the defendant(s) shall make a request of the government for each item of discovery sought and be declined the same prior to the filing of any motion. Further, any motion filed on behalf of the defendant(s) shall include an accompanying certification by counsel for the defendant(s) that either:

(1) The item of discovery sought in the motion is not included in or covered by this discovery order; that a formal request for the item has been made to the government, and the government has declined the request, or

(2) The item of discovery sought in the motion is included in or covered by this discovery order; that a formal request for the item has been made to the government, and the government has declined the request.

Sanctions may be imposed for failure to follow this procedure.

SO ORDERED.

ENTER.

Christopher H. Steger
UNITED STATES MAGISTRATE JUDGE