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IN THE CRIMINAL COURT, DIVISION VI  
FOR DAVIDSON COUNTY, TENNESSEE

STATE OF TENNESSEE, )  
)  
Plaintiff, )  
) Case No. 2019-I-384  
VS. )  
)  
MICHAEL JOHN REYNOLDS, )  
)  
Defendant. )  
X

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TRANSCRIPT OF PROCEEDINGS  
TAKEN ON SEPTEMBER 12th, 2019  
THE HONORABLE MARK J. FISHBURN, PRESIDING

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*Prepared by:*  
*G. Thomas Nebel*  
*Briggs & Associates*  
*222 Second Avenue, North, Suite 340M*  
*Nashville, Tennessee 37201*

**BRIGGS & ASSOCIATES 615-482-0037**

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APPEARANCES:

FOR THE PLAINTIFF:

GEN. TAMMY MEADE, ESQUIRE  
GEN. BRIAN EWALD, ESQUIRE  
222 SECOND AVENUE, NORTH  
SUITE 500  
NASHVILLE, TENNESSEE 37201

FOR THE DEFENDANT:

WALTER JUSTIN ADAMS, ESQUIRE  
511 UNION STREET  
SUITE 1600  
NASHVILLE, TENNESSEE 37219

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1 (Whereupon, the following proceedings were  
2 held in open court.)

3 (Whereupon, the Defendant was duly sworn.)

4 THE COURT: All right, you can be seated.  
5 Mr. Reynolds, I have before me a petition to enter a  
6 plea of guilty in your case. I need to ask you some  
7 questions regarding your decision to enter the plea of  
8 guilty as well as some questions regarding the rights  
9 that you have as a criminal defendant. Most of the  
10 questions I will ask you will require you to give a yes  
11 or no answer. It's very important that you verbalize  
12 the word yes or no. I can not accept any uh-huh's,  
13 huh-huh's, nodding or shaking of your head. I need to  
14 have a clear record of what your response is. Also, if  
15 I ask you a question that you do not understand, you  
16 need to let me know that. I'll rephrase the question  
17 until such time as we have a clear understanding with  
18 each other. And finally, if for any reason you need to  
19 speak to your attorney during the course of these  
20 proceedings, let me know that. I'll stop the  
21 proceedings, give you an opportunity to have those  
22 discussions before we proceed any further. Do you  
23 understand the rules I just went over, sir?

24 MR. REYNOLDS: I do.

25 THE COURT: Do you understand, sir, that

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1 you've just taken an oath -- just taken an oath to tell  
2 the truth and if, for any reason, you should answer my  
3 questions falsely or any questions asked of you by the  
4 District Attorney General falsely while in open court in  
5 the presence of you lawyer, you could be subjecting  
6 yourself to the possibility of being prosecuted for  
7 perjury?

8 MR. REYNOLDS: I do.

9 THE COURT: How far did you go in school,  
10 sir?

11 MR. REYNOLDS: I am in the process of getting  
12 my Bachelor's degree now, sir.

13 THE COURT: I assume you're able to read and  
14 write?

15 MR. REYNOLDS: Yes, sir.

16 THE COURT: Are you currently taking any  
17 medications, whether they be prescribed, over the  
18 counter or otherwise?

19 MR. REYNOLDS: No, sir.

20 THE COURT: Have you consumed any type of  
21 alcoholic beverage or other intoxicant in the last  
22 twenty-four hours?

23 MR. REYNOLDS: No, sir.

24 THE COURT: Have you ever been diagnosed with  
25 suffering from any type of mental illness or other

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1 mental disorder?

2 MR. REYNOLDS: No, sir.

3 THE COURT: Is there any reason that you can  
4 think of that you would not be able to fully understand  
5 and appreciate what it is you're doing here today?

6 MR. REYNOLDS: No, sir.

7 THE COURT: You have submitted to the Court a  
8 petition to enter a plea of guilty in your case, which  
9 appears to have been signed by you. Did you in fact  
10 sign the petition?

11 MR. REYNOLDS: I did.

12 THE COURT: Before signing the petition, did  
13 you have an opportunity to either read the petition in  
14 its entirety or have your attorney read it to you?

15 MR. REYNOLDS: Yes, sir.

16 THE COURT: During the time that you were  
17 reading the petition or your attorney was reading it to  
18 you, to the extent that you had any questions, did your  
19 attorney satisfactorily answer those questions?

20 MR. REYNOLDS: Yes, sir.

21 THE COURT: Do you believe you fully and  
22 completely understand the contents of the petition as  
23 you sit here today?

24 MR. REYNOLDS: I do.

25 THE COURT: You're charged in Case 2019-I-384

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1 with aggravated burglary carrying a three to  
2 fifteen-year sentence in the state penitentiary and a  
3 fine of up to ten thousand dollars. The range  
4 applicable to you being three to six years. You're also  
5 charged with three counts of assault, each carrying a  
6 sentence of up to eleven months, twenty-nine days in  
7 jail and fines of up to twenty-five hundred dollars. Is  
8 that your understanding, sir, of what you're charged  
9 with and the possible punishment related to those  
10 offenses?

11 MR. REYNOLDS: Yes, sir.

12 THE COURT: Do you understand that each of  
13 those are separate offenses and, if convicted of more  
14 than one of them at the trial of the case, you would be  
15 punished separately for each conviction?

16 MR. REYNOLDS: Yes, sir.

17 THE COURT: Do you understand what it takes  
18 under the law -- what it takes under the law to be found  
19 guilty of each of these charges, in other words, what  
20 the State would have to show you did at the trial of the  
21 case in order for a jury to convict?

22 MR. REYNOLDS: I do.

23 THE COURT: I understand you're going to be  
24 entering a no-contest plea to one count of aggravated  
25 criminal trespass and three counts of assault. You're

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1 going to have a separate sentencing hearing for the  
2 Court to determine the length and manner of service of  
3 the sentence, and whether or not the sentencing will run  
4 concurrent or consecutive, and whether or not you  
5 qualify or should be granted judicial diversion. Is  
6 that your understanding -- and also restitution, the  
7 amount of restitution that will be required. Is that  
8 your understanding, sir, of what you're pleading to as  
9 well as the potential punishment that can be imposed?

10 MR. REYNOLDS: Yes, sir.

11 THE COURT: Do you have any questions at all  
12 regarding what you're charged with, the possible  
13 punishment related to those offenses or what you're  
14 pleading to and the potential punishment that can be  
15 imposed?

16 MR. REYNOLDS: No, sir.

17 THE COURT: Before deciding to enter these  
18 pleas -- no-contest pleas, did you have an opportunity  
19 to discuss in detail with your attorney the facts and  
20 circumstances leading up to your arrest?

21 MR. REYNOLDS: I did.

22 THE COURT: During those discussions, did  
23 your attorney explain to you the law that applies to  
24 your case as well as the evidence the State says that  
25 they have against you?

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MR. REYNOLDS: Yes, sir.

THE COURT: Also, during those discussions, did you attorney explain to you any defenses that you might have to these charges, in other words, what strategies you would use in an effort to overcome or negate the evidence the State says that they have against you?

MR. REYNOLDS: Yes, sir.

THE COURT: During the course of those discussions, to the extent that you had any questions, did you attorney satisfactorily answer those question?

MR. REYNOLDS: Yes, sir.

THE COURT: Do you believe -- do you have any complaints whatsoever regarding the representation your lawyer has provided you in this case?

MR. REYNOLDS: No, sir.

THE COURT: All right. Mr. Reynolds, I need to ask you some questions regarding the rights that you have as a criminal defendant. Please listen closely to my questions, make sure you understand what your rights are because, as a condition of the plea agreement, you will be required to waive or give them up. Therefore, it's important that you understand them so you can make an intelligent decision as to whether or not you in fact wish to waive them. First of all, do you understand

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1 that you have a right to persist in your plea of not  
2 guilty, demand a trial by a jury and require the State  
3 to prove your guilt beyond a reasonable doubt?

4 MR. REYNOLDS: I do.

5 THE COURT: Do you understand that, if you  
6 were to demand a trial by a jury, that you would be  
7 entitled to a public and speedy trial by a jury, in  
8 other words, I would have to set this matter for trial  
9 as quickly as possible in order for a jury to render a  
10 verdict in your case one way or the other?

11 MR. REYNOLDS: I do.

12 THE COURT: Do you also understand that, if  
13 you were to demand a trial by a jury, that it would in  
14 fact be the State's responsibility to prove your guilt  
15 beyond a reasonable doubt. You would have no  
16 responsibility to establish your innocence because,  
17 under the law, you're presumed to be innocent?

18 MR. REYNOLDS: I do.

19 THE COURT: Do you further understand that,  
20 if you were to demand a trial by a jury, that you would  
21 be entitled to a fair and impartial trial by a jury of  
22 your peers made up of citizens of Davidson County?

23 MR. REYNOLDS: I do.

24 THE COURT: Do you understand that, at the  
25 trial of the case, you would have the right through your

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1 attorney to confront and cross-examine the State's  
2 witnesses who would appear in open court to testify  
3 against you? They would sit right here in this witness  
4 chair. The State's attorney would ask questions and  
5 your attorney would have the right to ask questions  
6 challenging the witness's credibility, challenging their  
7 memory of the events that led to your arrest, anything  
8 that would be relevant, material and beneficial to your  
9 side of the case?

10 MR. REYNOLDS: I do.

11 THE COURT: Do you also understand that you  
12 would have the right to use the subpoena powers of the  
13 Court to require witnesses to come in and testify on  
14 your behalf if you had any such witnesses?

15 MR. REYNOLDS: I do.

16 THE COURT: Do you further understand that,  
17 at that trial of the case, you would have the right to  
18 testify if you chose to. However, no one can force you  
19 to testify against yourself and, if you chose not to  
20 testify, then I would tell the jury they could not use  
21 your silence to infer any guilt on your part. I would  
22 remind the jury that you are presumed innocent, you do  
23 not have to prove your innocence, the State has to prove  
24 you guilty and therefore you don't have to do anything  
25 at the trial. And if you chose not to testify, I would

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1 make it clear to the jury that they could not consider  
2 that during their deliberations. For example, they  
3 couldn't speculate that, by not testifying, you must be  
4 trying to hide something and therefore are guilty. It  
5 would be a matter they could not discuss or use against  
6 you for any reason whatsoever. Do you understand that?

7 MR. REYNOLDS: I do.

8 THE COURT: Do you understand that, if you  
9 were found guilty at that trial, you would have the  
10 right to have the jury set any fine in excess of fifty  
11 dollars, for the Court to set your punishment at a  
12 separate sentencing hearing? Furthermore, you would  
13 have the right to appeal both your conviction and your  
14 punishment to a higher Court, for that Court to review  
15 what occurred at your trial and sentencing hearing to  
16 ensure that you received a fair trial and sentencing  
17 hearing. And if that Court did not think that you had  
18 received a fair trial and/or sentencing hearing, they  
19 would grant you the appropriate relief including the  
20 possibility of a new trial?

21 MR. REYNOLDS: I do.

22 THE COURT: And finally, do you understand  
23 that, throughout all the proceedings I've just gone  
24 over, you have the right to an attorney? If you could  
25 not afford an attorney, I would appoint one to represent

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1 you, and it would include your appeal in the event that  
2 you were found guilty at the trial?

3 MR. REYNOLDS: I do.

4 THE COURT: Do you have any questions at all  
5 regarding the rights that you have as a criminal  
6 defendant?

7 MR. REYNOLDS: No, sir.

8 THE COURT: Do you understand, if I accept  
9 your no-contest plea today, the issue of guilt or  
10 innocence will be over. There will be a finding of  
11 guilt. You will not be allowed to appeal that issue.  
12 However, we will have a separate sentencing hearing for  
13 the Court to determine length, manner of service of your  
14 sentence as well as the type of community supervision  
15 you will be granted. Is it -- is there an issue on  
16 whether it's an alternative sentence or not or is it  
17 just -- I mean, is he subject to going to jail or is  
18 there an agreement that it's going to be community  
19 supervised?

20 GEN. MEADE: Judge, I believe, from the  
21 notes, that this is a sentencing hearing to determine  
22 length, manner, service, judicial diversion.

23 THE COURT: So, it's --

24 GEN. MEADE: Pretty much everything.

25 THE COURT: -- everything.

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1 GEN. MEADE: It's my understanding, yes.

2 MR. ADAMS: That's correct, Your Honor.

3 THE COURT: All right. Well, we will have a  
4 separate sentencing hearing for the Court to determine  
5 the length of the -- of the sentence that you will --  
6 that will be imposed on each of these cases, which would  
7 be a maximum of eleven months, twenty-nine days on each  
8 case, whether or not they're concurrent or consecutive  
9 and whether or not you have to serve jail time in full,  
10 in part, split confinement with other alternative  
11 sentencing or if you get straight out community  
12 supervision and, if that's the case, whether or not it's  
13 on probation or judicial diversion. Do you understand  
14 that?

15 MR. REYNOLDS: I do.

16 THE COURT: Has anyone -- do you understand  
17 that, if I accept these pleas here today and you're not  
18 granted judicial diversion, that you will have permanent  
19 criminal convictions on your record and, in the event  
20 you're convicted of a crime after today, the fact that  
21 you pled guilty -- entered a no-contest plea here today  
22 could be used against you to increase any punishment on  
23 any future convictions? In other words, the more crimes  
24 you commit, the worse the punishment becomes. Do you  
25 understand that?

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MR. REYNOLDS: Yes.

THE COURT: Do you understand that, if I grant you judicial diversion and you successfully complete the term of judicial diversion, then upon successful completion, you can come back to court, ask the cases against you be dismissed and your record expunged? In which case, you would not have a permanent criminal conviction on your record. However, if you should violate the terms and conditions of that judicial diversion, then upon violation of the diversion, you too would -- you would lose the benefit of that type of probation and, upon that occurring, you would again have a permanent criminal conviction on your record. Do you understand that?

MR. REYNOLDS: I do.

THE COURT: Has anyone threatened you with anything or promised you anything in order to get you to enter these pleas?

MR. REYNOLDS: No, sir.

THE COURT: Are you going to enter these pleas and not contest the evidence that the State has against you?

MR. REYNOLDS: No, sir.

THE COURT: You're --

MR. REYNOLDS: Oh, I do, yes, sir.

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THE COURT: Are these domestic violence?

GEN. MEADE: No.

THE COURT: I don't know anything about the case.

GEN. MEADE: No.

THE COURT: Okay. All right. Mr. Adams, do you believe your client understands the nature of the charges against him, the law that applies to those charges, the pros and cons of entering a plea versus going to trial and that he's entering a plea freely, knowingly and voluntarily?

MR. ADAMS: Yes, Your Honor.

THE COURT: And do you waive confrontation of witnesses?

MR. ADAMS: Yes, Your Honor.

THE COURT: General?

GEN. MEADE: Had this matter of *State of Tennessee v. Michael John Reynolds* gone to trial, the State's witnesses would testify that, on Monday, July 9th of 2018 at approximately 2:30 in the morning, the victim in this matter and her sons who reside on Ashwood Avenue here in Nashville, Davidson County, called police to report that someone was standing outside of a residence yelling. The victim reported that this person had made entry to the house. The victim had two older

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1 sons in the house, a seventeen year old and a twenty  
2 year old. They were present. The victim stated that  
3 the Defendant, who was later determined to be Michael  
4 John Reynolds, came inside the house. He was kicking  
5 the door. He did make entry into their home. He then  
6 moved the victims -- he moved toward them in a  
7 threatening manner after fighting with their dogs. The  
8 victim said she felt very threatened. She was very  
9 afraid of the Defendant who had kicked in the door and  
10 were threatening her family. She advised that her two  
11 sons stood between her and the Defendant. The sons were  
12 demanding that the Defendant leave the residence.  
13 She did tell the Defendant at that point the police were  
14 on the way. He stayed in the -- the Defendant stayed in  
15 the residence for several minutes yelling at them.  
16 Eventually, he did flee the residence. They were able  
17 to determine that this Defendant was actually staying in  
18 an airbnb next to their residence. Video surveillance  
19 from the neighborhood showed that to be true. He was  
20 arrested and a photo line-up was presented to the  
21 victim, and she did -- did pick out Mr. Michael John  
22 Reynolds as the person who broke into her house and  
23 threatened her family on that particular night. All  
24 those facts did occur here in Davidson County. Based on  
25 those facts, Judge, we recommend the conviction in this

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1 matter and set the matter for a sentencing hearing at a  
2 later date.

3 THE COURT: Mr. Reynolds, did you hear the  
4 facts read by the District Attorney General?

5 MR. REYNOLDS: I did.

6 THE COURT: Do you understand that those are  
7 the -- that is the evidence that the State believes that  
8 they would be able to establish if this case were to go  
9 to trial?

10 MR. REYNOLDS: Yeah.

11 THE COURT: And your understanding of that  
12 and, after discussions with your attorney, have you  
13 decided you are going to allow the Court to accept that  
14 evidence and not contest it?

15 MR. REYNOLDS: Yes.

16 THE COURT: And are you going to waive your  
17 rights here today and enter a no-contest plea on each of  
18 these cases?

19 MR. REYNOLDS: Yes, sir.

20 THE COURT: In Case 2019-I-384, wherein  
21 you're charged with one count of aggravated criminal  
22 trespass and three counts of assault, how do you -- what  
23 is your no-contest plea?

24 MR. REYNOLDS: No contest.

25 THE COURT: Based on your no-contest plea of

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1 guilty, I find you guilty. I find there's a factual  
2 basis to support the pleas, you're competent to enter  
3 said pleas, and that you're doing so freely, knowingly  
4 and voluntarily. I'll therefore set this matter for a  
5 sentencing hearing on...

6 MS. SMITH: Do you want to do it like on a  
7 Friday?

8 MR. ADAMS: Let me check.

9 MS. SMITH: Yeah. I was looking maybe like  
10 on November 8th.

11 MR. ADAMS: Would a Thursday be possible  
12 simply due to his -- I believe his school schedule?  
13 Would a Thursday be possible? If not --

14 MS. SMITH: It will. That would just -- I  
15 don't know how lengthy it was. I mean, we could set it  
16 at a one o'clock.

17 MR. ADAMS: Yeah, that's fine.

18 MS. SMITH: Wait a minute. Yeah, the 7th?

19 MR. ADAMS: November 7th, okay. That's fine.

20 THE COURT: Is the... Is the indictment  
21 itself being dismissed?

22 GEN. EWALD: Yes, it's going to be *nolled*,  
23 yes, Your Honor.

24 THE COURT: *Nolle*.

25 MR. ADAMS: Was that November 7th?

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THE COURT: Yeah, that's what --

MR. ADAMS: Yes. Yes, that would work.

THE COURT: All right.

(Whereupon, the proceedings were concluded.)

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CERTIFICATE

STATE OF TENNESSEE        )  
COUNTY OF DAVIDSON        )

I, G. Thomas Nebel, Court Reporter with offices in Nashville, Tennessee, hereby certify that I have reported the foregoing transcript of proceedings in the case of *State of Tennessee v. Michael John Reynolds*, by stenomask, to the best of my skills and abilities, and thereafter the same was reduced to typewritten form by me.

I further certify that I am not related to any of the parties named herein, nor their counsel, and have no interest, financial or otherwise, in the outcome of the proceedings.

\_\_\_\_\_  
G. Thomas Nebel  
Criminal Court Reporter  
State of Tennessee  
222 Second Avenue, North  
Suite 340M  
Nashville, Tennessee 37201

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CERTIFICATE OF THE COURT

I, Mark J. Fishburn, Judge of the Criminal Court, Division VI, for Davidson County, Tennessee, hereby certify that I have read the foregoing transcript of proceedings in the case of *State of Tennessee v. Michael John Reynolds* and have found the same to be a true and accurate transcript of the proceedings.

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Judge Mark J. Fishburn