

# The Daily Edition

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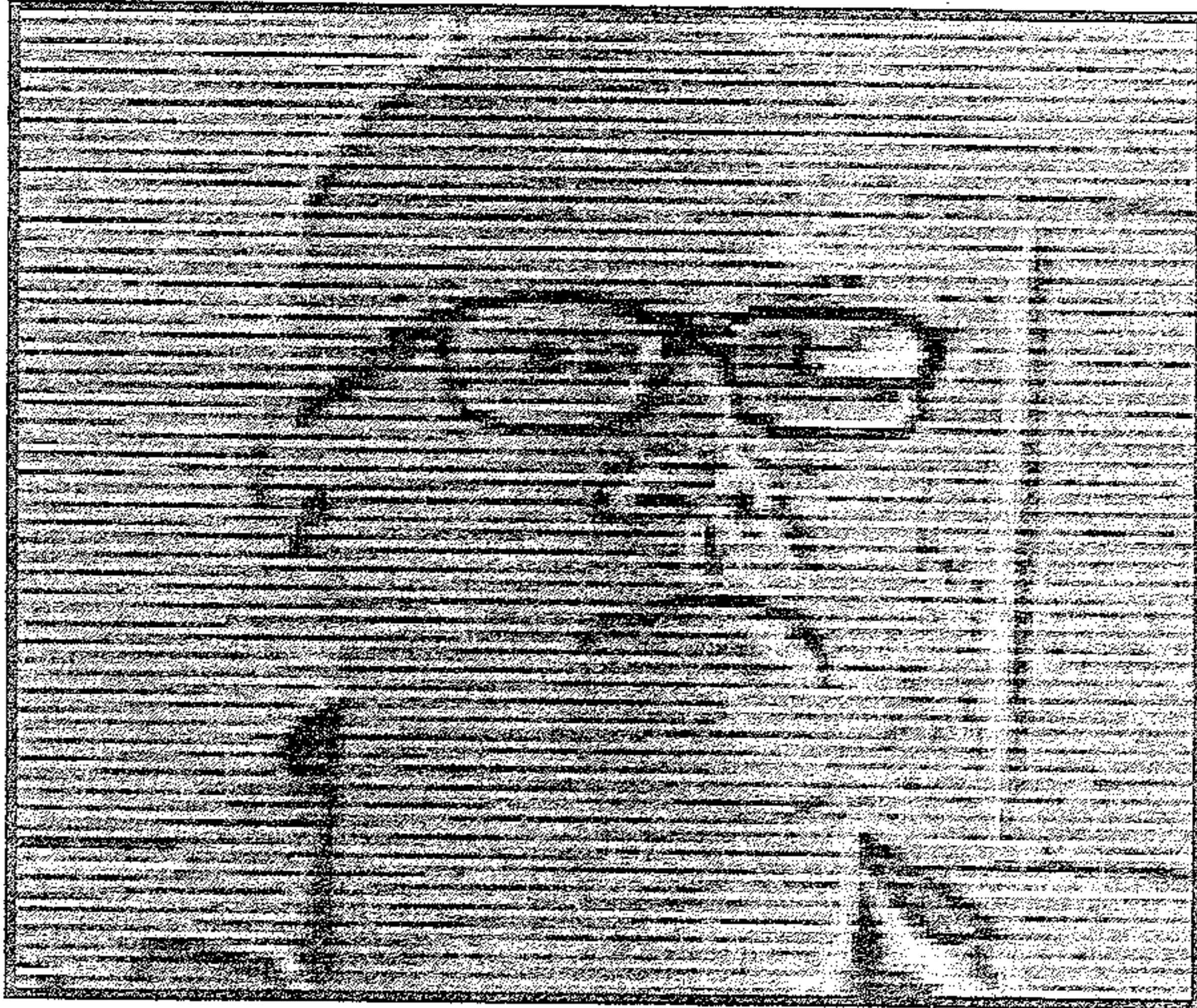
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Wednesday, June 17, 2020

## Aggravated Assault Charge For Man Who Pushed Victim Down Steps

Officer Jeremy Dishner, LCPD responded to a domestic assault on A Street in Lenoir City. Upon arrival the officer found the victim with visible injuries and they reported the assailant has pushed them down the stairs and then threw items striking the victim in the head and face area.

see Agg. Assault pg. 2



Gregory Ledbetter

## GB Man Crashes into Power Pole after Falling Asleep

*Heroin/Fentanyl mix discovered*



Brian McCollum

see Crash pg. 2

## Local Woman Sentenced For Fraud Charges

On June 10, 2020, Marilyn Yvette Cook (also known as Marilyn Yvette Powell), 57, of Alcoa, was sentenced by the Honorable Pamela L. Reeves, Chief U.S. District Judge for the Eastern District of Tennessee at Knoxville. Cook was sentenced to 51 months in prison, followed by five years of super-

vised release.

On July 31, 2019, following a two-day trial, a jury convicted Cook of presenting a fictitious obligation and submitting a false claim to the United States. At trial, the jury heard testimony that, in October of 2017, Cook attempted to deposit a false "bill of exchange," with a

see Fraud pg. 3

## DA General Russell Johnson files response to Julia Hurley's Attorney T. Scott Jones Motions to Dismiss and Disqualify

After a long investigation, District Attorney, Russell Johnson, filed suit, back in March, to have 2nd District Commissioner, Julia Hurley, removed from her elected position for moving outside her elected district. In May, Hurley's attorney, T. Scott Jones, filed several motions with the court to have the case dismissed. Now Johnson has filed his own mo-

tions in response to the Jones motion.

The legal process has really been stretched out due to the Chinese Corona Virus, shutdown of the courts. The courts are slowly beginning to reopen now. The motion and counter motion could be heard as soon as this month or next.

The Court Documents Read as Follows: Response to Respondent's Motion To

Dismiss

In response to the Respondent's Motion to Dismiss, The Petitioner, the State of Tennessee, on relation of Russell Johnson, District Attorney General for the Ninth Judicial District of Tennessee, moves this Honorable Court to deny the Respondent's Motion to Dismiss because the

See Hurley P.4

### Verse of the Day

... what counts is a new creation. Peace and mercy to all who follow this rule, even to the Israel of God.  
— Galatians 6:16

### Wazzup

A Big Shout Out To Rachel Chatfield She Is

An AMAZING WOMAN Who Does SO MUCH For The Community! Just Wanna Say Thanks Little Lady!

### Weather

Today: Sunny. High of 79F.  
Tonight: Clear. Low of 59F  
Tuesday: Storms. High of

81F.

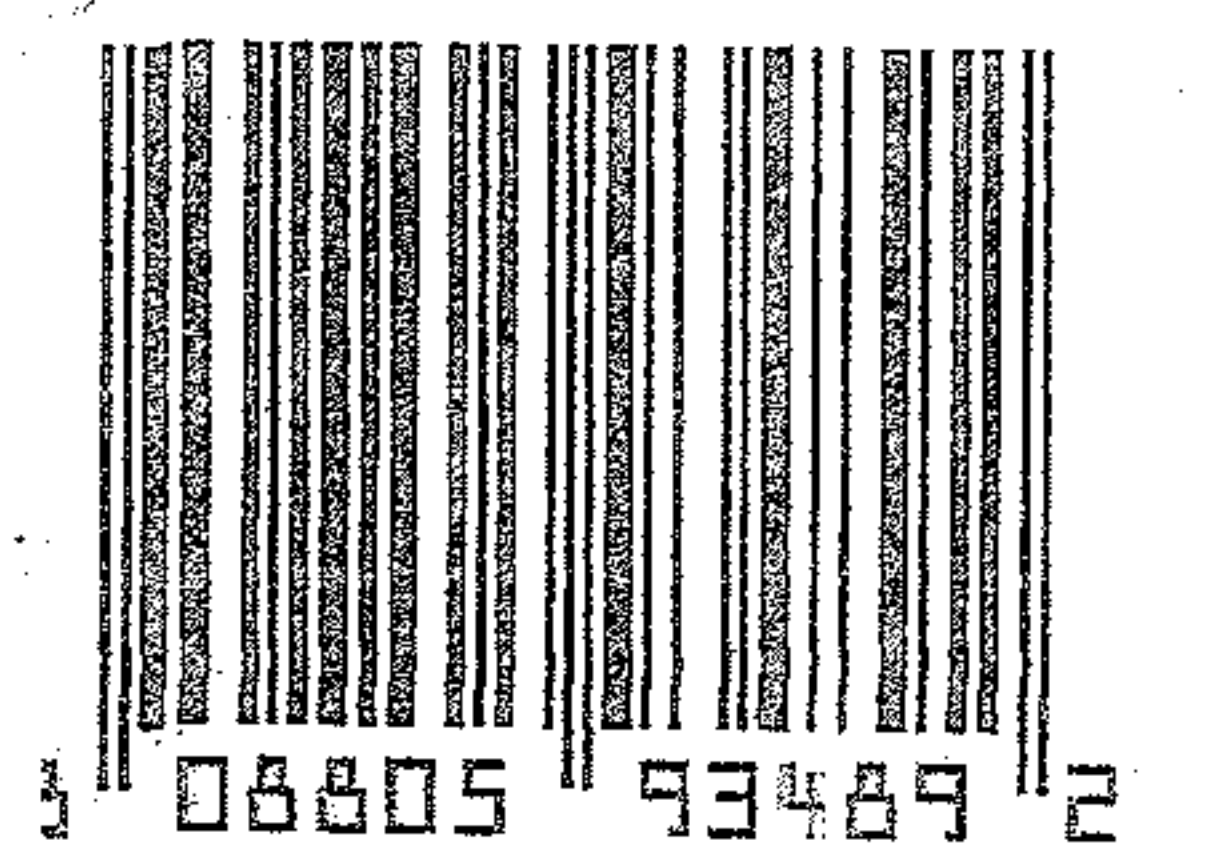
Tuesday night: Storms. Low of 61F.

### Horoscope

Gemini 5/21-6/20

If a decision has been made that favors against you, try to find the silver lining

to this cloud. Now that a looming question has finally been answered, its closure will allow you to move forward instead of standing still. Spend some quiet moments alone consulting your conscience, .





### Agg. Assault

Gregory Ledbetter, 47, North A Street Lenoir City, was charged with Aggravated Assault. Officer J. Dishner LCPD, was dispatched to A Street in reference to a domestic assault. Dispatch advised a female had been pushed down some stairs at the residence. Upon arrival Officer came in contact with the victim who stated her boyfriend Gregory Ledbetter had texted her earlier in the day and told victim to pack her belongings and leave the house.

The victim stated that she was moving items from the house when Ledbetter, who was intoxicated arrived at the residence. The victim and witness stated Ledbetter began yelling at them. The victim stated they were trying to leave out the back door.

The victim stated that Ledbetter pushed her down the steps and began throwing items out the back door that struck the victim in the head knocking her hat and glasses off. Officer did locate broken glasses under a garbage bag with miscellaneous items in the carport area, which is adjacent to the back door.

After an investigation and statements from the victim and witness Officer determined Gregory Ledbetter to be primary aggressor and was placed under arrest and transported to Loudon County Jail.

### Crash

Brian McCollum, 64, Stone Drive Greenback, was charged with Simple Possession x2. Deputy C. Huskins LCSO, was dispatched to a vehicle wreck no injury. When Deputy arrived on scene he made contact with a

### IN THE PROBATE COURT FOR LOUDON COUNTY TENNESSEE

Regarding the Estate of: Glenn James Oletzke, deceased DKT#6102

NOTICE TO CREDITORS (As required by Chapter No. 180, Public Acts of Tennessee 1809 As Amended by Public Chapter 806 on 05/09/2012)

Notice is hereby given that on the 15th DAY OF JUNE 2020 Letters of Testamentary in respect of the estate of Glenn James Oletzke who died on the 19th day of MARCH 2020 be issued to the undersigned by the Loudon County Probate Court of Loudon County, Tennessee. All persons, resident and non-resident, having claims, matured or unmatured against the estate are required to file the same with the Clerk of the abovenamed court on or before the earlier of the dates prescribed in (1) or (2) otherwise their claim will be forever barred:

(1) (A) Four (4) months from the date of the first publication (or posting, as the case may be) of this notice if the creditor received an actual copy of this notice to creditors at least sixty (60) days before the date that is four (4) months from the date of the first publication (or posting); or

(B) Sixty (60) days from the date the creditor received an actual copy of the notice to creditors if the creditor received the copy of the notice less than sixty (60) days prior to the date that is four (4) months from the date of first publication (or posting) as described in (1) (A); or (2) Twelve (12) months from the decedent's date of death.

THIS THE 15th DAY OF JUNE 2020

Steve Harrelson, Clerk  
BY: Robyn Shannon, Deputy Clerk  
Penny Glasgow, Chief Deputy Clerk

By Personal Representative(s)  
Jenny Hofer Brigitte Steinbruegge  
Notice to Creditors:

All Claims must be submitted on a claim form, notarized with invoices/statements; in triplicate, with a fee of \$11.00 to Loudon County Probate Court 12680 Highway 11 West Ste. 3 Lenoir City, TN 37971

publication dates June 17 and June 24, 2020

white vehicle in a field. The driver of the vehicle Brian McCollum states that he fell asleep at the wheel, and when he realized he was on the wrong side of the road he tried to correct the vehicle but unsuccessful in his efforts, running through a barbed wire fence, striking a power pole cutting it in half, and crashing in a 6 ft. deep culvert. McCollum was asked if he had anything illegal in the vehicle he stated no.

Deputy patted McCollum down and located a silver pill phob with a small amount of heroin inside in McCollum left front pocket. The heroin was tested and was positive for heroin fentanyl base mix. In the same pocket was 3 un-open suboxone strips without a prescription. Brian McCollum was checked medically and released from the scene. Brian McCollum was placed under arrest and transported to the Loudon County Jail.

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The Daily Edition also serves Monroe, Knox, Anderson, Roane and Blount counties and serves 30,000 readers weekly. Send mail to PO Box 1240, Lenoir City TN 37771. 865-771-2249. email: dan1204us@yahoo.com

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**IN THE PROBATE COURT FOR LOUDON COUNTY TENNESSEE**

Regarding the Estate of:  
Mary Lou Hughes, deceased  
DKT# 6096

**NOTICE TO CREDITORS**

(As required by Chapter No 180, Public Acts of Tennessee 1809 As Amended by Public Chapter 806 on 05/09/2012 )

Notice is hereby given that on the 8th DAY OF JUNE 2020 Letters of Testamentary in respect of the estate of Mary Lou Hughes who died on the 5th day of MARCH 2020 be issued to the undersigned by the Loudon County Probate Court of Loudon County, Tennessee. All persons, resident and nonresident, having claims, matured or unmatured against the estate are required to file the same with the Clerk of the abovenamed court on or before the earlier of the dates prescribed in (1) or (2) otherwise their claim will be forever barred:

(1) (A) Four (4) months from the date of the first publication (or posting, as the case may be) of this notice if the creditor received an actual copy of this notice to creditors at least sixty (60) days before the date that is four (4) months from the date of the first publication (or posting); or

(B) Sixty (60) days from the date the creditor received an actual copy of the notice to creditors if the creditor received the copy of the notice less than sixty (60) days prior to the date that is four (4) months from the date of first publication (or posting) as described in (1) (A); or  
(2) Twelve (12) months from the decedent's date of death.

THIS THE 8th DAY OF JUNE 2020

Steve Harrelson, Clerk  
BY: Robyn Shannon, Deputy Clerk  
Penny Glasgow, Chief Deputy Clerk

By Personal Representative(s)  
Carolyn Logan

Notice to Creditors:  
All Claims must be submitted on a claim form, notarized with invoices/statements; in triplicate, with a fee of \$11.00 to Loudon County Probate Court, 12680 Highway 11 West Ste. 3, Lenoir City, TN 37971

publication dates June 10 and June 17, 2020

**IN THE PROBATE COURT FOR LOUDON COUNTY TENNESSEE**

Regarding the Estate of:  
Margie Louise Hamilton, deceased  
DKT# 6101

**NOTICE TO CREDITORS**

(As required by Chapter No 180, Public Acts of Tennessee 1809 As Amended by Public Chapter 806 on 05/09/2012 )

Notice is hereby given that on the 15th DAY OF JUNE 2020 Letters of Testamentary in respect of the estate of Margie Louise Hamilton who died on the 23rd day of MARCH 2020 be issued to the undersigned by the Loudon County Probate Court of Loudon County, Tennessee. All persons, resident and nonresident, having claims, matured or unmatured against the estate are required to file the same with the Clerk of the abovenamed court on or before the earlier of the dates prescribed in (1) or (2) otherwise their claim will be forever barred:

(1) (A) Four (4) months from the date of the first publication (or posting, as the case may be) of this notice if the creditor received an actual copy of this notice to creditors at least sixty (60) days before the date that is four (4) months from the date of the first publication (or posting); or

(B) Sixty (60) days from the date the creditor received an actual copy of the notice to creditors if the creditor received the copy of the notice less than sixty (60) days prior to the date that is four (4) months from the date of first publication (or posting) as described in (1) (A); or  
(2) Twelve (12) months from the decedent's date of death.

THIS THE 15th DAY OF JUNE 2020

Steve Harrelson, Clerk  
BY: Robyn Shannon, Deputy Clerk  
Penny Glasgow, Chief Deputy Clerk

By Personal Representative(s)  
Leland Hamilton

Notice to Creditors:  
All Claims must be submitted on a claim form, notarized with invoices/statements; in triplicate, with a fee of \$11.00 to Loudon County Probate Court, 12680 Highway 11 West Ste. 3, Lenoir City, TN 37971

publication dates June 17 and June 24, 2020

**Fraud**

face value of \$1 million, to the Regions Bank branch in Alcoa. In support of the "bill of exchange," which had the appearance of a bank check, Cook presented fictitious documents purporting to show that she possessed Treasury bonds worth more than \$100 billion. The jury also heard testimony that, in January 2017, Cook filed a fraudulent federal tax return through which she sought a tax refund of more than \$251,000. In addition, the jury learned that Cook had been convicted in 2006 for multiple counts of defrauding the United States through false tax returns, using personal information of indigent individuals receiving assistance from Cook's faith-based organization, Sheep Ministries, Inc.


"The sentence imposed by the Court is the maximum under this defendant's sentencing guidelines, which reflects this office's and the Court's view regarding the seriousness of the defendant's fraudulent conduct," said U. S. Attorney J. Douglas Overbey. "The prosecution of individuals like this

defendant and the lengthy sentence imposed serve to protect our banking institutions and their depositors and deter others from engaging in similar fraudulent conduct in the Eastern District of Tennessee."

Law enforcement agencies participating in the joint investigation which led to indictment and subsequent conviction of Cook include the U.S. Department of Treasury, Office of Inspector General, the Internal Revenue Service, U.S. Secret Service, and the Alcoa Police Department.

Assistant U.S. Attorneys Frank M. Dale, Jr. and Jennifer Kolman represented the United States at trial.

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**Nursing Home Company Submitted Unallowable Expenses to State**

Health Services Management Group, LLC is based in Cleveland, TN

An audit by the Tennessee Comptroller's Office has revealed numerous unallowable expenses that were submitted to the state by Health Services Management Group, LLC, (HSMG) which operates several nursing homes in Tennessee. The expenses were included on cost reports submitted to calculate Medicaid reimbursement rates for HSMG's nursing facilities.

Comptroller auditors identified a total of \$1,060,146.27 of nonallowable expenses on HSMG's cost reports for the fiscal years ended December 31, 2016, and December 31,

2017.

The nonallowable amounts consisted of many items including late fees, marketing expenses, unsupported expenses, unpaid expenses, expenses not related to Tennessee facilities, and duplicate expenses.

Auditors also found lesser expenses related to alcohol, parties, unsupported travel, a traffic ticket, flowers, trips abroad, and a retirement vacation package.

"Nursing facilities and their parent companies have a responsibility to ensure all reported expenses are adequately supported," said Comptroller Justin P. Wilson. "Expenses should also be related to patient care and comply with all applicable rules and regulations."

As a result of the audit, a new reimbursement rate will

be calculated for HSMG's Tennessee facilities. Previously submitted claims will be reprocessed based on the new rate.

To view the audit report, go to: <https://comptroller.tn.gov/content/dam/cot/sa/advanced-search/2020/md19027.pdf>

If you suspect fraud, waste or abuse of public money in Tennessee, call the Comptroller's toll-free

hotline at 800.232.5454, or file a report online at: [tncot.cc/fraud](http://tncot.cc/fraud). Follow us on twitter: @TNCOT

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**IN THE PROBATE COURT FOR LOUDON COUNTY TENNESSEE**

Regarding the Estate of:  
Mary Katherine Craig, deceased DKT# 6094

**NOTICE TO CREDITORS**

(As required by Chapter No 180, Public Acts of Tennessee 1809 As Amended by Public Chapter 806 on 05/09/2012 )

Notice is hereby given that on the 2nd DAY OF JUNE 2020 Letters of Testamentary in respect of the estate of Mary Katherine Craig who died on the 10th day of August 2019 be issued to the undersigned by the Loudon County Probate Court of Loudon County, Tennessee. All persons, resident and nonresident, having claims, matured or unmatured against the estate are required to file the same with the Clerk of the abovenamed court on or before the earlier of the dates prescribed in (1) or (2) otherwise their claim will be forever barred:

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(2) Twelve (12) months from the decedent's date of death.

THIS THE 2nd DAY OF JUNE 2020  
Steve Harrelson, Clerk  
BY: Robyn Shannon, Deputy Clerk Penny Glasgow, Chief Deputy Clerk

By Personal Representative(s)  
Garlin B. Craig, Jr.

Notice to Creditors:  
All Claims must be submitted on a claim form, notarized with invoices/statements; in triplicate, with a fee of \$11.00 to Loudon County Probate Court, 12680 Highway 11 West Ste. 3, Lenoir City, TN 37971

publication dates June 10 and June 17, 2020

**IN THE PROBATE COURT FOR LOUDON COUNTY TENNESSEE**

Regarding the Estate of:  
John L. Hill, deceased DKT# 6095

**NOTICE TO CREDITORS**

(As required by Chapter No 180, Public Acts of Tennessee 1809 As Amended by Public Chapter 806 on 05/09/2012 )

Notice is hereby given that on the 4th DAY OF JUNE 2020 Letters of Testamentary in respect of the estate of John L. Hill who died on the 15th day of April 2020 be issued to the undersigned by the Loudon County Probate Court of Loudon County, Tennessee. All persons, resident and nonresident, having claims, matured or unmatured against the estate are required to file the same with the Clerk of the abovenamed court on or before the earlier of the dates prescribed in (1) or (2) otherwise their claim will be forever barred:

(1) (A) Four (4) months from the date of the first publication (or posting, as the case may be) of this notice if the creditor received an actual copy of this notice to creditors at least sixty (60) days before the date that is four (4) months from the date of the first publication (or posting); or

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(2) Twelve (12) months from the decedent's date of death.

THIS THE 4th DAY OF JUNE 2020  
Steve Harrelson, Clerk  
BY: Robyn Shannon, Deputy Clerk Penny Glasgow, Chief Deputy Clerk

By Personal Representative(s)  
Lisa Petri

Notice to Creditors:  
All Claims must be submitted on a claim form, notarized with invoices/statements; in triplicate, with a fee of \$11.00 to Loudon County Probate Court, 12680 Highway 11 West Ste. 3, Lenoir City, TN 37971

publication dates June 10 and June 17, 2020

**Hurley**

Petitioner satisfied the requirement of Tenn. Code Ann. 29-35-110.

The Respondent's Motion to Dismiss is disjointed and based upon unrelated legal principles that are not relevant to the case at hand. First the Respondent relies upon Johnson vs. Hopkins and asserts that the bond is jurisdictional, Petitioner does not see how this bares any relation to the present issue but will address Respondent's assertion.

Johnson vs. Hopkins is a landlord tenant case out of Davidson County with the principal dispute being whether the tenant who appealed a decision from the general sessions court needed to post a bond equivalent to a one-year of rent. 432 S.W.3d 840 (Tenn. 2013). There is no basis within the case cited by the Respondent to support Respondent's assertion that security for costs

is a prerequisite to filing a lawsuit.

Next, the Respondent relies upon the assertion that Mr. Henry Cullen cannot act as a surety in this action and relies upon Bernatsky vs. Designer Baths & Kitchen LLC. The section cited by the Respondent is in reference to how a criminal defendant would post bond with a bonding company and describes the relationship between the bonding company and the criminal defendant. Bernatsky vs. Designer Baths & Kitchen LLC is another case dealing with an appeal from general sessions to circuit court, claiming the appellant failed to satisfy Tenn. Code Ann. 27-5-103. No W2012-00803-COA-R3-CV, 2013 Tenn. App. Lexis 106, at \*1 (Ct. App. Feb. 15, 2013). The citation relied on by the Respondent has no relation to the issue other than to misinform the court. Proper security was given by Henry

see Hurley ctd. pg. 7

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Hurley etd. from pg. 5

Cullen executing a cost bond on the Quo Warranto petition and the issuance of process by the Clerk and Master on March 26, 2020. Tennessee Code Annotated 20-12-120 provides that “{n}o leading process shall issue from any court without security being given at whose instance the action is brought for the successful prosecution of the party’s action...”

If this court does not believe that Henry Cullen’s execution of a cost bond is sufficient then Tennessee Code Annotated 20-12-124

provides that “{a}ny person required by law to give security for costs may, at any stage of the cause, be ruled to give such security, if it has not been previously been done, or to justify or give new or additional security on sufficient cause shown.”

For the above stated reasons, the Petitioner request this Honorable Court to deny the Respondent’s Motion to Dismiss; or in the alternative, if the court believes insufficient security has been provided that the Court order the posting of additional security by Henry Cullen.

On the Response to Respondent’s Motion To Disqualify:

In response to the Respondent’s Motion of Dismiss, the Petitioner, the State of Tennessee, on relation of Russell Johnson, District Attorney General for the Ninth Judicial District of Tennessee, moves this Honorable Court to deny the Respondent’s Motion Disqualify, as the motion is based on supposition and meant to distract the Court from the true issue at hand. Respondent contends that this action is politically motivated and therefore should be thrown out; however, that is not the basis of the action brought by the State of Tennessee.

A brief summary of the case brought by the State of Tennessee is that Ms. Hurley moved out of her elected district (the 2nd Commission District in Loudon County) and moved to the 5th Commission District, therefore vacating her elected office as

a County Commissioner for the 2nd District in Loudon County. Factually, there is very little proof that is relevant for the Court’s consideration, but the Respondent desires to inject extraneous irrelevant information into this proceeding asserting there is a conspiracy against her when the case actually boils down to a simple question of whether she vacated her residence in the 2nd Commission District and moved into a new residence in the 5th Commission District.

The assertions made within the Respondent’s Motion to Disqualify are premature and irrelevant to the matter before the Court. The Respondent is attempting to make District Attorney General Russell Johnson a witness in this matter when the only information he could offer is hearsay as he super-

see Hurley come. pg. 8

**Public Notice**  
 The June 29th Loudon County Commission Meeting time & location has been changed to 5:00 PM at the Courthouse Annex.

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Hurley conc. from pg. 7

vised the investigation, not different than a person injury attorney sending an investigator out to gather information and receiving a report back. The Tennessee Rules of Professional Responsibility require that “[a] lawyer shall not bring or defend a proceeding, or assert or controvert an issue therein, unless after reasonable inquiry the lawyer has a basis in law and fact for doing so this is not frivolous...” Tenn. S. Ct. R. 8, RPC 3.1 (emphasis added). Part of District Attorney General Johnson’s due diligence prior to filing this action was to review the investigation and speak with potential witnesses regarding the veracity of the allegation forming the basis of the Quo Warranto petition.

The Respondent has provided neither proof that District Attorney General Johnson is the only source from which she can obtain the alleged information she wishes to present, nor has she shown that said information is relevant or even admissible in this proceeding. There is little case law on the question of disqualifying an attorney as a necessary witness under Tenn. S. Ct. R. 8, RPC 3.7, however, *State vs. Spears*

speaks to the issue plainly:

{S}everal courts within the Sixth Circuit have addressed what it means to be a “necessary witness” for purposes of disqualification. In both Ohio and Michigan, whose rules of professional conduct pertaining to disqualification contain language identical to our own rule, there are cases interpreting what qualifies as a necessary witness for purposes of disqualification. See e.g. MRPC 3.7(a); Ohio R. Prof’l Conduct 3.7(a). Ohio has defined a necessary witness as a witness whose “proposed testimony was relevant, material and unobtainable elsewhere.” *Puritas Metal Prods. v. Cole*, 2008-Ohio-4653, 2008 WL 4193934, at \*8 (Ohio Ct. App. 2008). In Michigan, “attorneys are not necessary witnesses if the substance of their testimony can be elicited from other witnesses and the party seeking disqualification did not previously state an intent to call the attorney as a witness.” *People v. Tesen*, 276 Mich. App. 134, 739 N.W.2d 689, 695 (Mich. Ct. App. 2007) (citing *Smith v. Arc-Mation, Inc.* 402 Mich. 115, 261 N.W.2d 713, 715 (Mich. 1978); *In re Susser Estate*, 254 Mich. App. 232, 657 N.W.2d

147, 151-52 (Mich. Ct. App. 2002)).

*State v. Spears*, No E2017-08136-CCA-R9-CD, 2018 Tenn. Crim. App. Lexis 548, at \*10-11 (Crim. App. July 23, 2018).

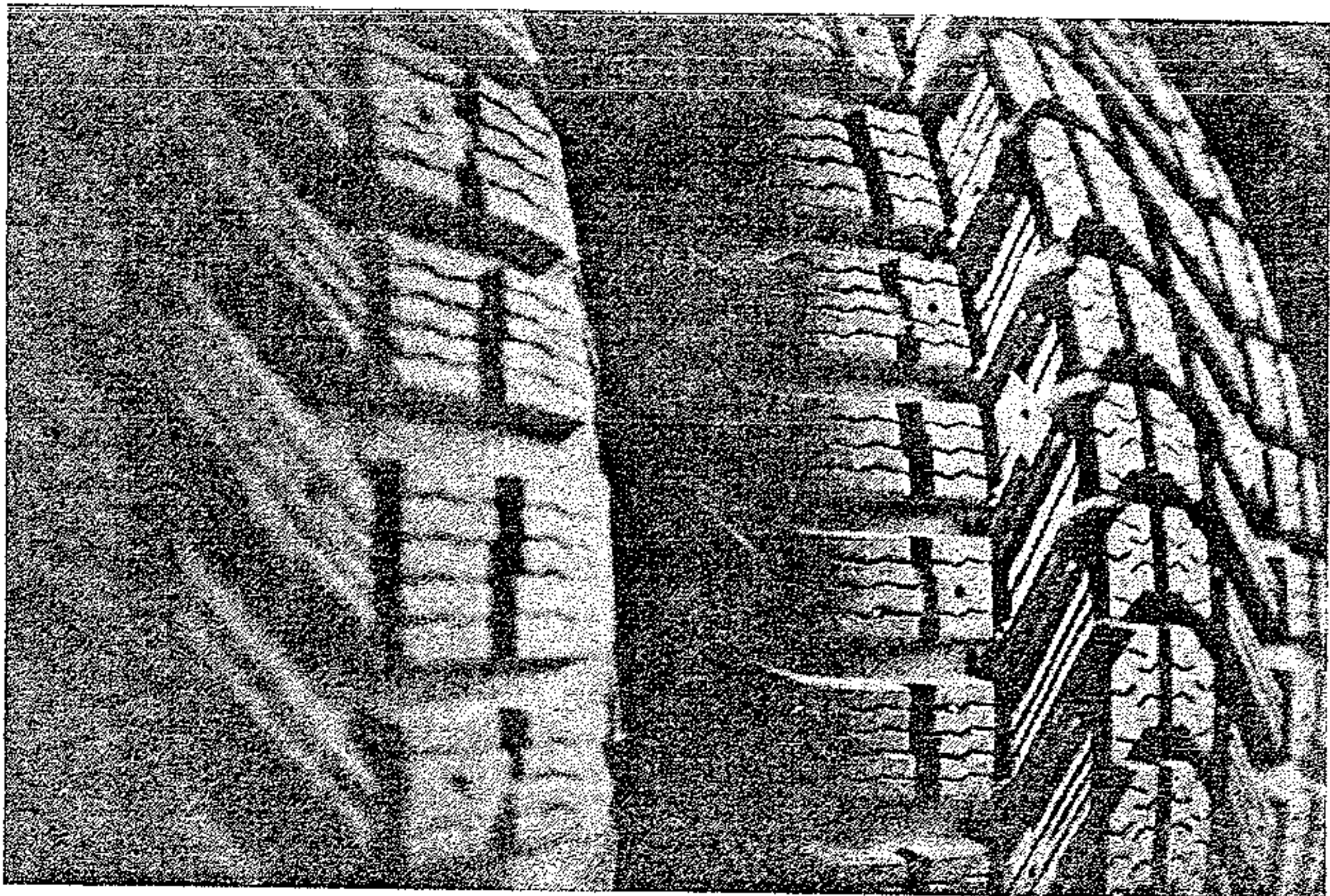
As to the position stated in *State vs. Spears*, the Respondent has presented no evidence that District Attorney General Russell Johnson is the only source of information she wishes to attempt to introduce, and therefore; General Johnson is not a necessary witness to this proceeding.

The Respondent wishes to paint the picture of a political conspiracy when it is undisputed that she moved from the 2nd Commission District to the 5th Commission District irrespective of whatever explanation she has concocted to justify moving out of her elected district.

Wherefore, the Petitioner moves this Honorable Court to deny the Respondent’s Motion to Dismiss on the basis that District Attorney General Russell Johnson is not a material witness to this proceeding.

The Motions were filed May 29, 2020 and will be taken up by the Court as soon as they open again.

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