

IN THE CRIMINAL COURT FOR MONROE COUNTY, TENNESSEE

STATE OF TENNESSEE

vs.

No. 10-005

JOHN EDWARD DAWSON,
Defendant

FILED
TIME _____ AM/PM

JUL 22 2011

RESPONSE TO MOTION TO DISMISS INDICTMENT

MARTHA M. COOK
CIRCUIT COURT CLERK

Comes now the State of Tennessee, by and through the office of the District Attorney General, Tenth Judicial District, and for response to the motion to dismiss the indictment filed by the defendant in this cause says to the Court:

1. The defendant was incarcerated in the Monroe County Jail prior to his indictment in this cause upon writ from the Federal prison sentence he was serving in West Virginia, at his request upon filing of a request for speedy trial.
2. The averments of paragraph two of the motion are denied and proof demanded thereof.
3. As defense counsel has not gotten discovery from this office, the State does not know the source of the allegations in paragraph three and so denies the same.
4. As defense counsel has not stated with specificity the source or content of the information alleged in paragraph four of the motion, the State will not guess as to either and so denies the same, demanding strict proof thereof.
5. The defendant was indicted January 7, 2010, for the murder of Troy Green. In other proceedings, the defendant has testified that he realized who Todd Sweet was and what he was up to as a cellmate on April 9, 2009, some 9 months before the institution of charges in this cause. So, at the times pertinent to the defendant's

motion, he was not charged and did not have counsel in this case.

6. The State asks the Court to consider that the defendant's motion does not set out any factual or legal basis for its averment that "outrageous conduct by the government actors" has deprived the defendant of any rights relative to the prosecution or defense of this murder charge. Further, there has been no basis set out to support the alleged interference with any right of the defendant. Since defense counsel has never reviewed the file of the State for discovery, there obviously cannot be any allegation that any proof to be used in the prosecution of the defendant in this cause was improperly obtained. The State, in fact, questions the good faith basis for the motion since counsel has never reviewed the evidence on which the State intends to rely since the time of his appointment.

Wherefore, premises considered, the State prays the motion be set for hearing and the defendant required to present such proof as he may have as to the factual basis for the same and the legal authority which entitles him to relief, and failing the same, the Court impose sanctions as it may deem appropriate.



James H. Stutts, Asst. Dist. Atty. Gen.
State of Tennessee

CERTIFICATE OF SERVICE: I hereby certify that a copy of the foregoing response has been given to counsel of record for the defendant in this cause by facsimile transmission this 21 day of July, 2011, and by hand delivery to said counsel on the 22 day of July, 2011.

