

XXV NO 90

IN THE CRIMINAL COURT FOR SEVIER COUNTY

AT SEVIERVILLE, TENNESSEE

STATE OF TENNESSEE,

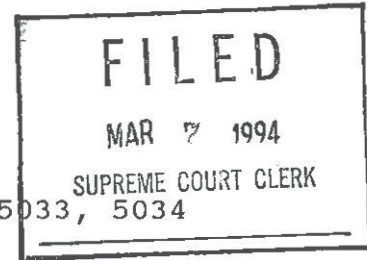
Plaintiff,

-VS-

GARY WAYNE SUTTON,

Defendant.

*
*
*
*
*
*
*
*
*
*
*



CASE #5033, 5034

TRANSCRIPT OF THE EVIDENCE:

Bond Hearing - Memorandum Opinion

August 25, 1992

BEFORE THE HONORABLE REX HENRY OGLE, PRESIDING JUDGE,
AND JURY

APPEARANCES:

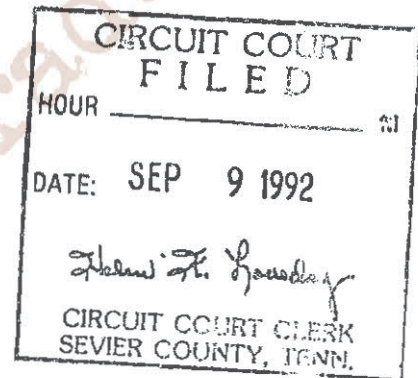
FOR THE STATE

GEN. AL SCHMUTZER, JR., D.A.
GEN. G. SCOTT GREEN, A.D.A.
Fourth Judicial District
Sevier County Courthouse
Sevierville, Tennessee

FOR THE DEFENDANT

MR. JAMES W. GREENLEE, JR.
Court Avenue
Sevierville, Tennessee

MR. DAVID W. WEBB
Court Avenue
Sevierville, Tennessee



Entered Minute Book A-4 Page 306-309

306

Courtesy of
Time of Death Podcast
by Beth Braden

IN THE CRIMINAL COURT FOR SEVIER COUNTY

AT SEVIERVILLE, TENNESSEE

STATE OF TENNESSEE,

Plaintiff,

-VS-

GARY WAYNE SUTTON,

Defendant.

*
*
*
*
*
*
*
*
*
*
*

CASE #5033, 5034

TRANSCRIPT OF THE EVIDENCE:

1 THIS CAUSE came on to be heard and was heard on the
2 25th day of August, 1992, before the Honorable Rex Henry Ogle,
3 Judge, holding the Criminal Court for Sevier County at
4 Sevierville, Tennessee, to-wit:

5 **

6 THE COURT: Gentlemen, the Court appreciates the
7 position of all counsel in this case. I appreciate the way you
8 have presented your case to the Court.

9 The Court, of course, finds that the issue relative
10 to bond is set forth in T.C.A. 40-11-118, and, of course,
11 pursuant to the Tennessee constitutional provision which
12 authorizes bail except in capital cases where the proof is
13 evident and the presumption is great.

14 The Court does point out that this hearing is not

307

Courtesy of
Time of Death podcast
by Beth Braden

1 determined by the standard of proof beyond a reasonable doubt
2 and a moral certainty, as is required as trial. The statutory
3 provisions talk about the probability of conviction, and the
4 likely sentence.

5 Now, obviously, this defendant has lived his entire
6 life or most of his life in Sevier County. That's undisputed.
7 His family has a life long history in this county. His family
8 are good people; this Court obviously knows them, and I think
9 a lot of them, and I know that they love this man, and they
10 support him, and they stand ready, willing, and able to help
11 him, and I appreciate that. So he does have family ties, and
12 a relationship to this community, and of course, his family.

13 However, as I understand the opinion by Judge Byers
14 that sent this matter back to this Court for re-trial, I was
15 reversed because I did not allow the defense to inquire further
16 of the officer who was testifying at that time. The Court must
17 note for the record that the defense did not subpoena that
18 officer for this hearing, but they did subpoena the Attorney
19 General for the Fourth Judicial District for the State of
20 Tennessee. I am assuming that the officer was subject to
21 subpoena. The burden is on the defendant.

22 Therefore, based upon the statements of counsel,
23 and the evidence in the record, the Court must find, especially
24 from the statements of the defendant that raises this case to
25 a different level, and for that reason, and based upon the

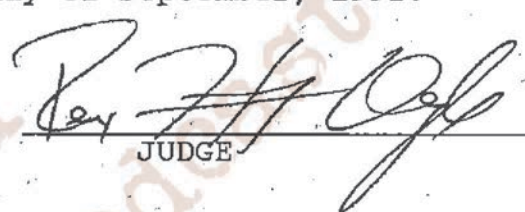
Courtesy of
Time of Death Podcast
by Beth Braden

1 criteria set forth in 40-11-120, the Court finds that the proof
2 in this case is evident, and that the presumption is great, and
3 for that reason the Court hereby denies bond.

4 The Court stands adjourned.

5 END OF REQUESTED TRANSCRIPT

6
7 ENTER this 7 day of September, 1992.

8
9
10 
11 JUDGE
12

Courtesy of
Time of Death Podcast
by Beth Braden

