

IN THE CRIMINAL COURT OF HAMILTON COUNTY, TENNESSEE

STATE OF TENNESSEE

VS.

LACHARLESTON LEE HAGGARD

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Docket No 305660  
and all related charges  
and counts

HON. TOM GREENHOLTZ

**DEFENDANT LACHARLESTON  
LEE HAGGARD'S MOTION NO. 13  
MOTION TO DISMISS TRUE BILL**

Comes now the Defendant, LACHARLESTON LEE HAGGARD, through counsel, pursuant to U.S. Const., Amends. V, VI, & XIV, and Article I, sections VI, VIII, & IX of the Tennessee Constitution, and moves this Honorable Court for an Order dismissing the True Bill in this action as to all counts related to the Defendant, LACHARLESTON LEE HAGGARD.

For cause, the Defendant would show that the true bill, on its face, so vague and uncertain that it fails to inform the accused of the nature and cause of the accusation; denies him the privilege of exercising his right to have compulsory process for obtaining witnesses in his favor, as he is unable to ascertain the identity of necessary witnesses for whom process should issue, all in violation of the Fifth, Sixth, and Fourteenth Amendments of the U.S. Constitution; and Article I §§ VIII & IX of the Tennessee Constitution.

Moreover, the indictment is so vague that it denies the Defendant the assistance of counsel for his defense in that counsel is unable to: (1) determine the nature of the acts or transactions alleged with sufficient certainty to research the applicable law, (2) cross-examine witnesses offered by the prosecution or by codefendants, or (3) to otherwise prepare and try the case against this Defendant, all in violation of the Sixth Amendment to the United States Constitution, and Article I, section IX of the Tennessee Constitution.

Notice that is given in a "meaningful manner" is one in which the "contents of the notice are neither ambiguous nor obscure, but clearly inform the person of the nature of the charge against him [or

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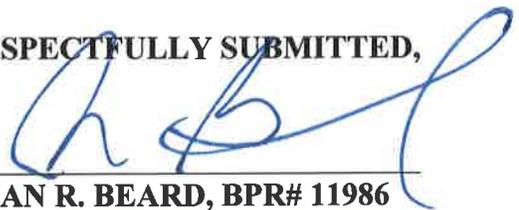
her].” *State v. Burgins*, 464 S.W.3d 298 (Tenn. 2015); quoting *State v. AAA Aaron's Action Agency Bail Bonds, Inc.*, 993 S.W.2d 81, 86 (Tenn. Crim. App. 1998) “The notice must also be “reasonably calculated under all the circumstances, to apprise interested parties of the claims of the opposing parties,” *Id.* at 308; quoting *McClellan v. Bd. of Regents*, 921 S.W.2d 684, 688 (Tenn. 1996).

The foregoing indictment is so vague that the underlying transactions and facts giving rise to the prosecution of this matter fail to mention the Defendant by name or provide any indicia of wrongdoing on the part of **LARCHARLESTON LEE HAGGARD**. “Due process protections prevent the government from infringing upon significant property or liberty interests without first providing notice and an opportunity to be heard at a meaningful time and in a meaningful manner.” *State v. Burgins*, 464 S.W.3d 298 (Tenn.2015). “To satisfy procedural due process requirement, the individual must be provided an effective opportunity to be heard, defend against any adverse witnesses, make arguments, and present evidence.” *State v. Burgins*, 464 S.W.3d 298 (Tenn. 2015).

Accordingly, the indictment is so vague that it fatally fails to apprise the Defendant of notice of the nature of the accusations against him, leaves the Defendant bereft of the opportunity to prepare a meaningful defense, leaves the Defendant without the assistance of counsel at trial, is violative of the Confrontation Clause of the Federal and State Constitutions, and is wholly violative of due process clauses of the State and Federal Constitutions.

WHEREFORE, Defendant prays that the Court enter an Order dismissing all counts in the indictment as to the Defendant, **LACHARLESTON LEE HAGGARD**.

**RESPECTFULLY SUBMITTED,**



**ALAN R. BEARD, BPR# 11986**  
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**CERTIFICATE OF SERVICE**

I hereby certify that I mailed or otherwise delivered a true and exact copy of the foregoing motion to all parties of interest or their counsel on this 17th day of Sept., 2018.

  
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ALAN R. BEARD

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