

IN THE CRIMINAL COURT FOR HAMILTON COUNTY, TENNESSEE

STATE OF TENNESSEE,

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NO. 305660

vs.

SECOND DIVISION

LACHARLESTON LEE HAGGARD,  
*Defendant.*

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STATE'S RESPONSE TO DEFENDANT LACHARLESTON LEE HAGGARD'S  
MOTION NUMBER 13: MOTION TO DISMISS TRUE BILL

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COMES NOW the State of Tennessee, by and through counsel, the District Attorney General of Hamilton County, Tennessee, Neal Pinkston, for the 11<sup>th</sup> Judicial District, and submits this response to the defendant's motion and memorandum of law to dismiss the RICO Presentment Count One and Count Two.

The State of Tennessee would submit the following reasons as to why the defense motion should not be granted:

**The indictment is not vague.**

T.C.A. § 40-13-202 states "The indictment must state the facts constituting the offense in ordinary and concise language, without prolixity or repetition, in a manner so as to enable a person of common understanding to know what is intended and with that degree of certainty which will enable the court, on conviction, to pronounce the proper judgment."

The Defendant was indicted for violation of T.C.A. § 39-12-204 (c) and (d). The State pled information as to "the Racketeering Enterprise", the "Purposes of the Enterprise", and Defendants "Predicate Acts." All were described in plain language.

In *State v. Lemacks*, 996 S.W.2d 166, the Court stated "It is a well-known principle of law that a criminal [\*\*18] indictment must include a sufficient description of the charged offense to insure that the accused understands the special nature of the charge he is called upon to answer. *Jackson v. Virginia*, 443 U.S. 307, 314, 99 S. Ct. 2781, 2786, 61 L. Ed. 2d 560 (1979); *State v. Byrd*, 820 S.W.2d 739, 740-41 (Tenn. 1991). The essential functions of the indictment are to provide notice of the charged offense, to enable the trial court to enter a proper judgment upon conviction, and to afford protection for the accused against double

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jeopardy. Byrd, 820 S.W.2d at 741.”


The Enterprise is described in the indictment. That the Defendant is associated with the Athens Park Bloods has been pled in the indictment. The State further pled that the defendant knowingly [conducted] [participated in], directly or indirectly, the enterprise through a pattern of racketeering activity as described by Defendant’s predicate acts and the acts of others.

All of the above is sufficient in order to allow the Defendant to understand what is intended.

UPON CONSIDERATION OF THESE OBJECTIONS AND SUPPORTING LEGAL ARGUMENT, the State of Tennessee, respectfully prays that this court deny Defendants motion to dismiss.

Respectfully submitted,

NEAL PINKSTON  
District Attorney General

By:   
COLIN CAMPBELL,  
BPR# 019672  
Assistant District Attorney  
600 Market Street, Suite 300  
Chattanooga, TN. 37402

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and exact copy of this pleading was provided to:

**Allen Beard**  
Attorney for the defendant, LaCharleston Haggard  
23 Patten Parkway  
Chattanooga, Tennessee 37403

Either by hand-delivery or by placing the same in the United States Postal system, with sufficient postage affixed and paid to allow the document to be sent to Mr. **Allen Beard** on this 31st day of Oct, 2018.

A handwritten signature in cursive script, appearing to read "Colin Campbell", is written over a horizontal line.

COLIN CAMPBELL,  
BPR# 019672  
Assistant District Attorney  
600 Market Street, Suite 300  
Chattanooga, TN. 37402