

IN THE CRIMINAL COURT FOR SULLIVAN COUNTY AT  
BLOUNTVILLE, TENNESSEE

STATE OF TENNESSEE

Vs.

MEGAN BOSWELL

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CASE NO. S 72,869

MOTION TO INCREASE BOND

COMES the State of Tennessee, by and through Barry P. Staubus, duly elected District Attorney General for the Second Judicial District, and would request that this Honorable Court increase the defendant's bond:

1. On February 25, 2020, the defendant was charged with False Report in RR48563 in the General Sessions Court for Sullivan County, Tennessee. On March 2, 2020, the defendant waived the case to the Criminal Court for Sullivan County, TN.
2. On February 18, 2020, a DCS referral was made reporting that Evelyn Boswell, a minor child age approximately one year of age, was missing and had not been seen since before Christmas 2019.
3. The defendant is the mother and legal custodian of Evelyn Boswell.
4. The defendant was interviewed by law enforcement and made multiple false statements regarding the possible location of the child.
5. As a result of the defendant's multiple statements, law enforcement expended tremendous resources in following possible leads and investigating areas that proved to be false.

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3-9-20 10:23 PM  
Bobby L. Russell, Jr.  
CLERK  
SULLIVAN COUNTY, TN.

6. On March 6, 2020, law enforcement searched the out-property of the Boswell family.
7. At that time, a child's body was located by law enforcement in an out-building on the property.
8. The child appeared to be of the same age and appearance as the missing child, Evelyn Boswell, and was wearing clothing that the defendant previously described as belonging to Evelyn Boswell.
9. The child's body is currently at the Pathology Department at East Tennessee State University awaiting an autopsy. Further, additional items collected from the out-building will be transported to the Crime Lab at the Tennessee Bureau of Investigation.
10. The above information was not known to the General Sessions Court Judge on March 2, 2020 when the bond amount was set.
11. Additionally, the defendant is not employed and does not have a residence should she post a bond.
12. The defendant currently has a bond of \$25,000. Given the recent developments in the investigation, it is the State's position that the Defendant is a flight risk. The State is aware that the defendant has made out-of-town trips in proximity to the relevant dates in this investigation. The defendant also has contacts out of state.
13. The State would aver that the defendant poses a substantial risk of harm to the community if she is released into the community.

WHEREFORE, the State of Tennessee would respectfully request that this Court increase the defendant's bond.

Respectfully submitted,

This the 9 day of March, 2020.



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BARRY P. STAUBUS  
District Attorney General

**CERTIFICATE OF SERVICE**

I hereby certify that I have delivered a true and correct copy of the foregoing Motion to the defendant's attorney, Brad Sproles, by electronic communication on this the 9<sup>th</sup> day of March, 2020.



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BARRY P. STAUBUS  
District Attorney General

**IN THE CRIMINAL COURT FOR SULLIVAN COUNTY,  
TENNESSEE, AT BLOUNTVILLE**

**STATE OF TENNESSEE,**  
**Plaintiff,**

**vs.**

**MEGAN BOSWELL,**  
**Defendant.**

Case No.: 572,869

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**RESPONSE TO MOTION TO INCREASE BOND**

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Comes now the Defendant, by and through counsel, and would respectfully respond to the Motion to Increase Bond filed by the State as follows:

1. That the Defendant admits that she is currently charged with the offense of Filing a False Police Report, and that her current bond is set at \$25,000.00;
2. That the Defendant asserts that she is not a flight risk, in that:
  - a. She has been a life-long resident of Sullivan County,
  - b. She was employed up to being incarcerated,
  - c. She has extensive family ties and relationships in Sullivan County,
  - d. She has no prior criminal record that is currently known,
  - e. She has no record of failing to appear at court appearances,
  - f. She has no record of flight to avoid prosecution,
  - g. The nature of the offense (False Report) does not indicate a risk of flight, and
  - h. As she has no prior criminal record, there is no likelihood that "because of that record the defendant will pose a risk of danger to the community," T.C.A. § 40-11-118(b)(7);
3. That the Defendant testified to the General Sessions Court that she does have a residence in Sullivan County, where she would reside if released on bond;

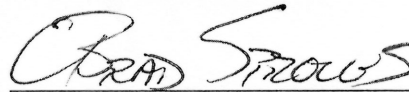
**FILED**  
3-9-20 10:28 AM  
Bobby L. Russell, DP  
CIRCUIT COURT CLERK  
SULLIVAN COUNTY, TN.



4. In their Motion, the State makes certain statements regarding developments of the on-going investigation into the disappearance of the child, Evelyn Boswell. The Defendant asserts that such statements are not relevant to a determination of her bond on the only charge which she is currently facing, Filing a False Report. The State seeks to have the Court increase her bond based upon the anticipation of possible future charges. The State's position is contrary to the purpose of a bond not being used to punish a Defendant, but to insure their continued appearance in court;
5. That the Defendant's current bond is greater than the presumptive normal bond for a felony charge which is not committed against a person; and
6. That the State's concerns can be addressed by less-restrictive means than an increase in bond, by the use of appropriate bond conditions, such as bond monitoring.

Therefore, the Defendant respectfully requests that the State's Motion be denied, and for any further relief which the Court deems appropriate.

**Respectfully Submitted:**



**C. BRAD SPROLES, BPR #22298**

Counsel for the Defendant

4924 Fort Henry Drive, Suite B

Kingsport, TN 37663

Phone: (423) 239-8090

Fax: (423) 239-7090

**Certificate of Service**

I hereby certify that I have hand delivery a copy of the foregoing pleading to Barry P. Staubus, District Attorney General, on this 9<sup>th</sup> day of March, 2020.



C. Brad Sproles

IN THE CRIMINAL COURT FOR SULLIVAN COUNTY  
AT BLOUNTVILLE, TENNESSEE

STATE OF TENNESSEE

Vs

Case No. S72869

Megan Boswell

Defendant

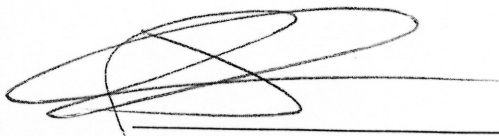
ORDER DIRECTING RECORDS TO  
BE FILED UNDER SEAL

FILED  
3-9-20 3:34 PM  
Bobby L. Russell  
CLERK  
SULLIVAN COUNTY, TN.

Upon Motion of the State of Tennessee for records to be filed under seal

IT IS HEREBY ORDERED said Motion be filed under Seal.

Entered this the 9th day of March, 20 20.



Criminal Court Judge