

---

---

**SENTENCING MEMORANDUM**

---

---

**TO:** MS. YOUNG ADULT  
**FROM:** KEN QUILLEN  
**SUBJECT:** YOUR POSSIBLE SENTENCING EXPOSURE  
**DATE:** 7/5/2015  
**CC:** FILE

---

SENTENCING EXPOSURE

**Docket no. CR6526**

Count 1: 9/10/2002 Sale of > ½ oz. Marijuana - T.C.A §39-17-417

Class E felony

**1-2 YRS at 30% + mandatory \$2,000 fine up to \$5,000**

Count 2: 9/10/2002 Conspiracy to Sell > ½ oz. Marijuana - T.C.A §39-17-417 & § 39-12-103

Class A misdemeanor

**11 months, 29 days + fine up to \$2,500**

Count 3: 9/12/2002 Sale > ½ oz. Marijuana (T.C.A §39-17-432) within school zone

Class D felony

**2-4 YRS with a minimum sentence of 2 years day-for-day + mandatory \$2,000 fine up to \$5,000**

Count 4: 9/12/2002 Conspiracy to Sell > ½ oz. Marijuana (T.C.A §39-17-432) in school zone

Class E felony

**1-2 YRS with a minimum sentence of 1 year day-for-day + fine up to \$3,000**

**TENN. CODE ANN. § 39-17-432. Drug-free school zones; violations and penalties**

(a) It is the intent of this section to create Drug-Free School Zones for the purpose of providing all students in this state an environment in which they can learn without the distractions and dangers that are incident to the occurrence of drug activity in or around school facilities. The enhanced and mandatory minimum sentences required by this section for drug offenses occurring in a Drug-Free School Zone are necessary to serve as a deterrent to such unacceptable conduct.

(b) A violation of § 39-17-417, **or a conspiracy** to violate such section, that occurs on the grounds or facilities of any school or within one thousand feet (1,000') of the real property that comprises a public or private elementary school, middle school or secondary school shall be punished one (1) classification higher than is provided in § 39-17-417(b)-(i) for such violation.

(c) Notwithstanding any other provision of law or the sentence imposed by the court to the contrary, a defendant sentenced for a violation of subsection (b) **shall be required to serve at least the minimum sentence** for such defendant's appropriate range of sentence. Any sentence reduction credits such defendant may be eligible for or earn shall not operate to permit or allow the release of such defendant prior to full service of such minimum sentence.

(d) Notwithstanding the sentence imposed by the court, the provisions of title 40, chapter 35, part 5, relative to **release eligibility** status and parole, **shall not** apply to or authorize the release of a defendant sentenced for a violation of subsection (b) **prior to service of the entire minimum sentence for such defendant's appropriate range** of sentence.

(e) Nothing in the provisions of title 41, chapter 1, part 5 shall give either the governor or the board of probation and parole the authority to release or cause the release of a defendant sentenced for a violation of subsection (b) prior to service of the entire minimum sentence for such defendant's appropriate range of sentence.

(f) Nothing in this section shall be construed as prohibiting the judge from sentencing a defendant who violated subsection (b) to any authorized term of incarceration in excess of the minimum sentence for the defendant's appropriate range of sentence.

(g) The sentence of a defendant who, as the result of a single act, violates both subsection (b) and § 39-17-417(k), may only be enhanced one (1) time under such sections for each such act. The state must elect under which section it intends to seek enhancement of such defendant's sentence and shall provide notice of such election pursuant to § 40-35-202.