



COLBERT COUNTY

CASE NUMBER

-CC-

85-59

[illegible]

Date

ACTIONS, JUDGMENTS, CASE NOTES

3-27-85

Defendant appeared in open court in person and represented by counsel, this being the day set for arraignment. The defendant waived the reading of the indictment and plead not guilty and not guilty by reason of insanity. This case is set for trial on the 1st day of April, 1985 at 9:00 a.m.

[Signature]
Presiding Circuit Judge

5/14/85

This cause is set for trial on the 14th day of June, 1985, at 8:00 a.m.

[Signature]
Judge

9-10-85

Defendant appearing in open court with his attorney and files a written request to enter a guilty plea, after determining defendant understands the effects of a guilty plea, the Court accepts the written request. Defendant pleads guilty to Burglary 1st Degree as charged in the indictment, and the Court finds and adjudges defendant guilty as charged, and when asked if he had anything to say why sentence should not be imposed, defendant replied, no, Your Honor, and the Court sentenced defendant to twelve years in the state penitentiary. The Court advised defendant of his right to appeal.

[Signature]
Judge

CRIMINAL FEE SHEET

Case Number

CC 85 59

IN THE CIRCUIT CRIMINAL COURT OF COLBERT COUNTY, ALABAMA

David Earl Burgert, Jr., DEFENDANT

ARREST TYPE: COUNTY x STATE AL APPEAL FROM

DOCKET FEES:
 Felony \$ ~~100.00~~ \$117.00
 Misdemeanor \$ ~~55.00~~ 65.00
 Traffic \$ 50.00
 Conservation \$ 50.00

\$ 117.00 *pd*

FINE: \$

RESTITUTION: \$

FAIR TRIAL TAX RECOUP: \$

PRELIMINARY HEARING:

\$ 15.00 *pd*

BOND FORFEITURE: \$

SUBPOENAS:

Preliminary \$ 24.00 *pd*

FORFEITURE SERVICE: \$

Grand Jury \$ 8.00 *pd*

ALIAS WRIT: \$

Circuit Court \$

EXECUTION: \$

WITNESSES FEES:

\$

OTHER: \$

Grand Jury \$

Circuit Court \$

LIBRARY TAX: \$ 2.00 *pd*

LOWER COURT COST: \$

TOTALS: COST \$ 166.00 + OTHER ASSESSMENTS \$ = \$

CASH RECEIPTS

RECEIVED FROM	DATE RCVD	RCPT. NO.	AMOUNT PD.	BALANCE DUE	N.F.
<i>Director Mark Bell</i>	<i>4-28-87</i>	<i>960</i>	<i>74.00</i>	<i>92.00</i>	<i>1.00</i>
<i>David Burgert, Jr.</i>	<i>5-26-87</i>	<i>1017</i>	<i>74.00</i>	<i>18.00</i>	<i>1.00</i>
	<i>6-29-87</i>	<i>1158</i>	<i>15.00</i>	<i>3.00</i>	<i>1.00</i>
				<i>(Balance)</i>	

[illegible]

DISTRICT COURT AFFIDAVIT.

THE STATE OF ALABAMA
COLBERT COUNTY

DISTRICT COURT OF COLBERT COUNTY

Before me, GEORGE E. CARPENTER, Judge of said Court, personally appeared _____

Robert Hall

_____, who being duly

sworn, does depose and say that he has probable cause for believing, and does believe that

David Earl Burgart, Jr., did, knowingly enter or remain unlawfully in the residence of Robert Martin with intent to commit a crime therein to-wit: theft in violation of 13A-7-7 of the Code of Alabama,

in said County of Colbert within twelve months before making this affidavit, against the peace and dignity of the State of Alabama.

Robert Hall

The above subscribed and sworn to before me this 28th day of January, 19 60

[Signature]
District Judge

Witnesses for State

Robert Hall
MSC P. D.

Linda Martin
203 Lakeshore Drive
MSC

Bobby Hamilton
MSC P. D.

Witnesses for Defendant

**THE STATE OF ALABAMA
COLBERT COUNTY**

District Court of Colbert County

THE STATE OF ALABAMA

vs.

David Earl Burgart, Jr.

FOR THE OFFENSE OF

Burglary 3rd Degree

Filed this 28 day of

January, 19 85

Philip Burgart
Clerk.

DISTRICT COURT WARRANT OF ARREST.

THE STATE OF ALABAMA }
COLBERT COUNTY }

No. *DC 85-66*

DISTRICT COURT OF COLBERT COUNTY

To Any Sheriff or Any Constable of Said State:

You are hereby commanded to arrest

David Earl Burgart, Jr.

and bring him before the District Court of Colbert County at the next term thereof, to answer the State of Alabama

charge of **Burglary 3rd Degree**

preferred by **Robert Hall**

and have you then and there this writ with your return thereon

Witness my hand this

28th

day of

January

[Signature]
David Judge

RECEIVED

JAN 28 1985

, 19

JOHN L. ALDRIDGE

, Sheriff.

SHERIFF, COLBERT COUNTY

I have executed this warrant this

1-29

, 1985

by arresting the within named Defendant

and placing in jail

John L. Aldridge

, Sheriff.

R. Stanley

, D. S.

Summons Witnesses for the State

Summons Witnesses for Defendant

No.

THE STATE OF ALABAMA
COLBERT COUNTY

District Court of Colbert County

CHARGE AGAINST

David Earl BURGERT, Jr.

WARRANT OF ARREST

The officer arresting may admit the Defendant to bail entering into bond to the amount of Hundred Dollars and two good securities, approved by said officer. On failure to make bond commit Defendant to jail.

District Judge

I hereby certify that I have traveled miles and raised gallons of liquor in this case.

Shank

STATE OF ALABAMA
COLBERT COUNTY

I
X
I

DISTRICT COURT

W A I V E R

STATE OF ALABAMA,
Plaintiff

vs.

CASE NO. DC 85-66

DAVID EARL BURGERT, JR.
Defendant

I hereby waive my case to the action of the next Grand
Jury of Colbert County, Alabama.

Witness my hand this the 13th day of FEBRUARY, 1986

David Burgert, Jr.
Defendant

COLBERT COUNTY Jail

Address

ATTORNEY FOR DEFENDANT:

ATTEST: Jim Stansell

- Filed in office this 15
day of Feb, 1986
Richard B. Stansell
Clerk of the District Court

Grand Jury No. 18

INDICTMENT

1042-2

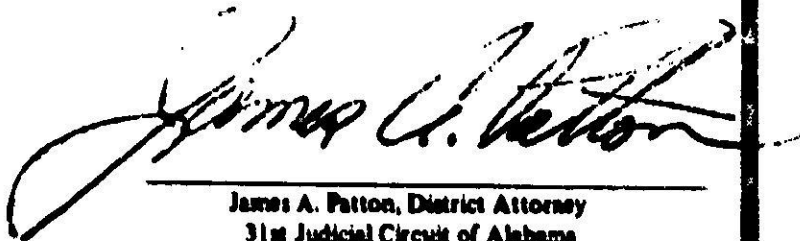
THE STATE OF ALABAMA, COLBERT COUNTY

...
Circuit Court, March Term, 19 85

The Grand Jury of said County charge that before the finding of this Indictment David Earl Burgert, Jr., alias Dave Burgert, Jr.,

whose name is otherwise unknown to the Grand Jury than as stated, did, knowingly and unlawfully enter or remain unlawfully in a dwelling of Robert Martin with intent to commit a crime therein to-wit: theft, and while affecting entry or while in the dwelling or in immediate flight therefrom, said defendant, to-wit: David Earl Burgert, Jr., was armed with a deadly weapon, to-wit: a pistol, in violation of 13A-7-5 of the Code of Alabama,

against the peace and dignity of the State of Alabama.

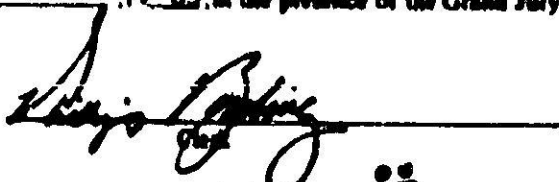

James A. Patton, District Attorney
31st Judicial Circuit of Alabama

No Prosecutor

A True Bill


Foreman of the Grand Jury

Filed in Open Court, this 5 day of March, 19 85, in the presence of the Grand Jury.


Judge

Upon the arrest of Defendant let him be admitted to bail on giving bond in the sum of \$3000.00 DOLLARS.

This 5 day of March, 19 85.


Judge

No. Q-85-59

THE STATE OF ALABAMA

COULBERT COUNTY

CIRCUIT COURT

March Term, 1985

THE STATE

vs.

David Earl BURGERT, Jr., alias

Dave BURGERT, Jr.

INDICTMENT

Burglary 1st Degree

No prosecutor

WITNESSES:

Robert Hall, MSC P. D.

Linda Martin, 203 Lakeshore Drive

MSC

Bobby Hamilton, MSC P. D.

THE STATE OF ALABAMA

COUNTY

Circuit Court, Term, 19

To the Sheriff of said County:

I hereby certify that this is a true and complete copy of the Indictment presented to the Court by the Grand Jury of said County

against

charged with

together with all endorsements on said Indictment, and that the trial is set for

19, and you will serve this copy of Indictment on

or

his counsel.

Witness my hand, this, 19, Clerk

I hereby certify that I have received above stated copy of Indictment from the Circuit Court Clerk of said County, and served same on

at o'clock M., 19

, Sheriff

, D. S.

WRIT OF ARREST

THE STATE OF ALABAMA, }
Colbert County, }

To Any Sheriff of the State of Alabama — Greeting:

An indictment having been found against David Earl BURGERT, JR.

at the March Term, 19 85, of the Circuit Court of Colbert County, for the
offense of Burglary First Degree

You are therefore commanded forthwith to arrest said defendant and commit the defendant to
jail unless bail is given to answer such indictment, and that you return this writ according to law.

Witness my hand 5 day of March, 19 85

Executed by arresting the within named Defendant

March 6, 1985
John J. Kelly
Sheriff

Clark
Clerk

\$ 3,000.00 Bond

18

David Earl Burgert, Jr.
Jail

STATE OF ALABAMA
COUNTY OF COLBERT

IN THE CIRCUIT COURT OF
COLBERT COUNTY, ALABAMA

STATE OF ALABAMA

Vs.

CASE NO. CC 85-59

DAVID E. BURGERT, JR.

APPLICATION FOR YOUTHFUL OFFENDER ARRAIGNMENT

1. I, DAVID E. BURGERT, JR., after having been advised by my attorney, TIM STANSEW, represent to the Court that I am 21 years of age and that I was under twenty-one years of age when the alleged offense was committed, and hereby make application to the Court for Youthful Offender Arraignment.
2. I understand and have been advised by the Court that if I am allowed Youthful Offender Arraignment (a) I will not be disqualified to hold public office or public employment (b) none of my rights or privileges will be forfeited (c) I will not be ineligible to receive any license granted by public authority (d) adjudication as a Youthful Offender shall not be deemed a conviction of a crime (e) fingerprints or photographs or other records concerning the within case shall not be opened to public inspection except permitted by the Court.
3. I hereby consent to an investigation by the Probation Officer appointed by the Court and examination by the Court.
4. I understand that if I am allowed Youthful Offender Arraignment, I give up any right to a public jury trial. I have been advised that I am absolutely entitled to a jury trial if I do not apply for Youthful Offender Arraignment. I understand that at such trial I would have my attorney represent me during the proceedings. I understand that I would have the right to face and cross-examine every witness the State presents against me. I understand that I would have the right to testify myself at such trial but I would not have to do so if I chose not to. I understand that the State would have to prove my guilt beyond a reasonable doubt before I could be convicted.
5. I further understand that no statement, admission, or confession made by me to the Court or to any officer thereof, during the examination and investigation in this case shall be admissible as evidence against me or my interests except that the Court may take such statement, admission or confession into consideration at the time of sentencing after I have been found guilty of a crime or adjudged a Youthful Offender.
6. And I further understand that if I am adjudged a Youthful Offender and the underlying charge is a felony, the Court shall:
 - (a) Suspend the imposition or execution of sentence with or without probation, or
 - (b) Place me on probation for a period not to exceed three years, or
 - (c) Impose a fine as provided by law for the offense with or without probation or commitment, or
 - (d) Commit me to the custody of the Director of the Department of Corrections for a term of three years or a lesser term, and where sentence or fine is not otherwise authorized by law, in lieu or in

addition to any of the dispositions authorized in this paragraph, the Court may impose a fine of not more than One Thousand Dollars (\$1,000.00).

I further understand that in imposing a fine, the Court may authorize its payments in installments and, in placing me on probation, the Court shall direct that I be placed under the supervision of the appropriate probation agency or if my charge is a misdemeanor and if I am adjudged a Youthful Offender, I may be given additional correctional treatment.

7. I understand that if I am allowed Youthful Offender Arraignment, any trial would be before the Judge without a jury, and the Judge alone would decide my guilt or innocence and I hereby waive a jury trial.

DATED: 3/19/85

John Burgess

Defendant

I have assisted my client in the completion of the foregoing and have satisfied myself from a professional standpoint that the request to be treated as a Youthful Offender and waive jury trial is in his best interest and therefore recommended it to him and to the Court based on my professional judgment.

Jim Skupell

Attorney for Defendant

WAIVER OF RIGHT TO MAKE APPLICATION FOR YOUTHFUL OFFENDER ARRAIGNMENT

My right to make application to be arraigned as a Youthful Offender has been explained to me. I understand this right and hereby waive my right to be arraigned as a Youthful Offender.

Defendant

I have explained to my client his right to be treated as a Youthful Offender. He has selected to waive his right to make such application.

Attorney for Defendant

FILED IN OPEN COURT:

Circuit Court Clerk

IN THE CIRCUIT COURT FOR
COLBERT COUNTY, ALABAMA

CASE NO.: CC 85-59⁽¹⁾

vs
DAVID E. BURGERT, JR.
Defendant

FILED IN OFFICE
JUN 29 PM 12 57

Comes now Jim Stansell, attorney for the defendant, and shows the Court as follows:

1. On or about January 29, 1985, I was retained by the defendant's mother and stepfather to represent him.

The defendant is indigent, having no source of income nor any personal estate. At present, he is totally reliant upon his parents for his needs.

2. I have had occasion to observe Mr. Burgert in preliminary hearing (in February, 1985), through extensive interviews at the jail and in open court sessions conducted for arraignment and settlement.

I have had interviews with the investigating officers in this case, the jailers and sheriff's department personnel since Mr. Burgert was incarcerated for the alleged offense with which he is charged.

The observations and interviews convince me that Mr. Burgert is not competent to stand trial at this time; that he is presently incapable of helping or assisting me in his own defense and is in fact so despondent, I fear for his sanity and life.

WHEREFORE, counsel prays that an order be issued from the Court requiring that the defendant be examined by a competent psychiatrist and that a report of such examination be submitted to the Court, attorney for the defendant, and the District attorney.

It is further requested that the order direct the psychiatrist to direct his/her attention to the following questions, to-wit:

A. Whether or not the defendant is capable of understanding the nature of the charges against him;

B. Whether or not the defendant understands the object of the proceedings going on against him;

C. Whether or not the defendant rightly comprehends his own condition in reference to such proceedings;


D. Whether or not the defendant is capable of rendering his attorney such assistance as is needed in order to prepare a proper defense to the indictment which has been preferred against him.

Defendant further prays that the Court order the examining psychiatrist to determine and report his or her opinion as to the defendant's mental condition at the time of the alleged crime with respect to the following principles of law:

1. mental capacity-insanity-a person is not responsible for criminal conduct if at the time of such conduct, as a result of mental disease or defect, he lacks substantial capacity to appreciate the criminality of his conduct or to conform his conduct to the requirements of law;

2. delusional compulsion-a person shall not be found guilty of a crime when at the time of the act, omission, or negligence constituting the crime, such person, because of mental disease, injury, or congenital deficiency, acted as he did because of a delusional compulsion as to such act which overmastered his will to resist committing the crime.

WHEREFORE, the defendant prays for such other relief to which he may be entitled but for which he has not specifically prayed and which the Court deems proper.


JIM STANSELL
Attorney for the Defendant
Post Office Box 2433
Muscle Shoals, Alabama 35662
Telephone: (205) 386-7960

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the foregoing petition upon the Honorable James A. Patton, District Attorney for the 31st Judicial Circuit, by hand delivery.

Done this the 28th day of March, 1985.



JIM STANSELL

ORDER

The Court having been presented a Petition for Psychiatric Evaluation of the defendant in the foregoing case, and having considered same, it is hereby ORDERED, ADJUDGED and DECREED that a hearing be held on the 29th day of March, 1985, in

Courtroom number 1, at 9 o'clock A.m. to determine
whether or not the relief requested shall be granted.

Done this the 28th day of March, 1985.


Circuit Judge

THE CIRCUIT COURT OF COLBERT COUNTY
TUSCUMBIA, ALABAMA

THE STATE OF ALABAMA

VS.

DAVID EARL BURGERT, JR.

CASE NO. 85-59

O R D E R

The above named defendant is presently incarcerated in the Colbert County Jail, having been charged with the offense(s) of Burglary
First Degree. WHEREAS, the Court has received information suggesting that the defendant may presently be Incompetent to Stand Trial, and, further may have been Insane at the time of the alleged offense(s), it is hereby ORDERED that:

- (1) The Sheriff of Colbert County shall transport the defendant from the County Jail to the Taylor Hardin Secure Medical Facility in Tuscaloosa, Alabama;
- (2) The Director of Taylor Hardin Secure Medical Facility shall admit the defendant to said hospital and shall provide a safe and secure environment for the defendant until his discharge from that facility;
- (3) The defendant, pursuant to Alabama Code, Sec. 15-16-20, shall be examined by the clinical staff of the Taylor Hardin Secure Medical Facility regarding his present mental condition as related to his ability to understand the nature and object of the proceedings pending against him and his ability to assist his defense in a reasonable and rational manner; the defendant shall also be examined and clinical opinion formulated, if possible, concerning his mental condition as the time of the alleged offense(s), specifically, whether any mental disease or defect existed at the time of the alleged offenses which would have rendered the

defendant substantially lacking in his ability to either appreciate the criminality of his conduct or to conform his conduct to the requirements of the law.

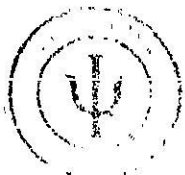
- (4) The District Attorney shall provide information to the clinical staff of Taylor Hardin Secure Medical Facility concerning the nature and circumstances of the offense which the defendant is charged as well as pertinent prior legal history; and the Defense Attorney shall provide such information as may be in his possession as may assist the clinical staff of said hospital in the completion of the clinical evaluations regarding competency and insanity;
- (5) Upon completion of the clinical examination a report shall be submitted by the Director of the hospital, advising the Court of the defendant's present mental condition as related to his competency to stand trial, and the opinion of the clinical staff regarding the defendant's state of mind at the time of the alleged offense(s).
- (6) Upon receipt of the above report, the Court shall notify the Colbert County Sheriff to take into custody the defendant at Taylor Hardin Secure Medical Facility and transport him back to the County Jail until such time as a competency hearing or other legal proceeding may be initiated.

Done and ORDERED this the 29th day of March, 1985.



Circuit Judge

cc: District Attorney of Colbert County
Defendant Attorney
Sheriff of Colbert County
Taylor Hardin Secure Medical Facility Director



JAMES R. POUNCEY
ASSOCIATE COMMISSIONER
FOR MENTAL ILLNESS

STATE OF ALABAMA

**DEPARTMENT OF MENTAL HEALTH
AND MENTAL RETARDATION**

TAYLOR HARDIN SECURE MEDICAL FACILITY

1301 RIVER ROAD, NORTHEAST
TUSCALOOSA, ALABAMA 35405

PHONE (205) 556-7000



GEORGE C. WALLACE
GOVERNOR

April 2, 1985

Honorable M. Pride Tompkins
Judge of the Circuit Court
Colbert County Courthouse
Tuscumbia, Alabama 35674

BURGERT, DAVID EARL, JR.
Case No.: CC 85-59
SMF File No.: 06 50 08 15

Dear Judge Tompkins:

Per your order, Mr. David Earl Burgert, Jr. was admitted on Monday,
April 1, 1985, to the Taylor Hardin Secure Medical Facility.

Should you have any questions, please do not hesitate to advise.

Sincerely,

Beverly B. Strong
Beverly B. Strong
Community/Court Liaison

BBS/bt

RECEIVED
APR 3 1985
CLERK OF COURT
COLBERT COUNTY



JAMES R. POUNCEY
ASSOCIATE COMMISSIONER
FOR MENTAL ILLNESS

STATE OF ALABAMA

**DEPARTMENT OF MENTAL HEALTH
AND MENTAL RETARDATION**

TAYLOR HARDIN SECURE MEDICAL FACILITY
1301 RIVER ROAD, NORTHEAST
TUSCALOOSA, ALABAMA 35405
PHONE (205) 556-7000



GEORGE C. WALLACE
GOVERNOR

May 1, 1985

Honorable N. Pride Tompkins
Judge of the Circuit Court
Colbert County Courthouse
Tuscumbia, Alabama 35674

BURGERT, DAVID EARL, JR.
Case No.: CC 85-59
SMF File No.: 06 50 08 15

Dear Judge Tompkins:

Please find enclosed the Forensic Evaluation Report on Mr. David Earl Burgert, Jr. who was admitted to the Taylor Hardin Secure Medical Facility on April 1, 1985.

Details of Mr. Burgert's evaluation are filed in his medical record and will be furnished by the Director of Medical Records at the Taylor Hardin Secure Medical Facility upon receipt of an appropriate court order.

Our evaluation being completed, I am requesting that the appropriate court order be issued remanding Mr. Burgert to the custody of the Colbert County Sheriff's Department.

Sincerely,

Larry B. Stricklin
Larry B. Stricklin
Director

LDS/bt

Enclosure

xc: Mr. Phillip Bowling
Clerk of the Circuit Court
Colbert County Courthouse
Tuscumbia, Alabama 35674

Honorable James A. Patton
District Attorney
Colbert County Courthouse
Tuscumbia, Alabama 35674

Honorable James H. Stansell, Jr.
Attorney for the Defendant
P.O. Box 2433
Muscle Shoals, Alabama 35662

FILED IN OFFICE
1985 MAY -2 AM 11:09
PHILLIP BOWLING
CIRCUIT COURT CLERK

Taylor Hardin Secure
Medical Facility

Name: Burgert, David Earl, Jr.
File No.: 06 50 08 15
DOB: 1-19-64
Case No.: CC 85-59
Date of Admission: 4-1-85

FORENSIC EVALUATION REPORT

DATE OF REPORT: April 26, 1985

REFERRAL INFORMATION

Mr. David Earl Burgert, Jr., is a 21 year old, single, white male referred from Colbert County for an evaluation in regard to his competency to stand trial and probable state of mind at the time of the alleged offense. Mr. Burgert is currently charged with Burglary, First Degree.

SUMMARY OF DIAGNOSTIC PROCEDURES

Upon admission to the Taylor Hardin Secure Medical Facility, Mr. Burgert underwent a comprehensive evaluation including a Psychiatric Mental Status Examination, Social History Study, Physical Examination, and Psychological Evaluation. His Psychological Evaluation included psychometric testing in the form of the Minnesota Multiphasic Personality Inventory. In addition to these procedures, the patient's behavior was observed by Nursing Service personnel on a 24-hour a day basis and his behavior was documented on each shift.

SUMMARY OF BOARD REVIEW

The Competency Evaluation Board convened on April 26, 1985, to review Mr. Burgert's case. At that time, his medical records and available collateral information were reviewed. After discussion of these pertinent documents, Mr. Burgert was interviewed by those present.

It is noted that near the time of his admission to the Secure Medical Facility, Mr. Burgert was interviewed by Clifford B. Harden, M.D., Staff Psychiatrist, for the purpose of conducting a Psychiatric Mental Status Examination. At that time, he appeared worried in regard to his facial expression. He avoided eye contact and showed some agitation. Speech was normal. He was a little silly and very evasive. Flow of thought was normal. He had a slightly depressed mood. He admitted to suicidal thoughts and questionable plans. He felt guilty, hopeless, and worthless. No hallucinations or delusions were detected. He was oriented to time, place and person. He had a good memory of recent and past events. He could not do serial subtraction of sevens and could do only one out of three proverbs.

When interviewed by Psychology personnel, in regard to his ability to aid and assist an attorney in his own defense, Mr. Burgert was able to give a coherent description of his behavior during the time period of the alleged offense. He reported being under a good deal of emotional distress in regard to an unhappy situation with his girlfriend. Results of his administration of the Minnesota Multiphasic Personality Inventory

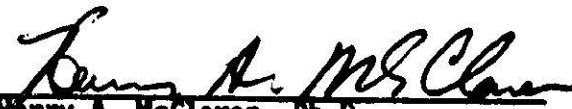
FORENSIC EVALUATION REPORT

Name: Burgert, David Earl, Jr.
File No.: 06 50 08 15

PAGE 3

DATE OF REPORT: April 26, 1985

professionals. As such, we regard our opinions to be only advisory. However, should the Court desire further information for the purpose of making its own determination, we would be glad to provide whatever expert testimony or medical records the Court should deem necessary.


Harry A. McClaren, Ph.D.
Supervisor of Psychology Services

5-1-85
Date

HAMcC/bt
Date Dictated: 4-26-85
Date Typed: 4-29-85
1606



JAMES R. POUNCEY
ASSOCIATE COMMISSIONER
FOR MENTAL ILLNESS

STATE OF ALABAMA

**DEPARTMENT OF MENTAL HEALTH
AND MENTAL RETARDATION**

TAYLOR HARDIN SECURE MEDICAL FACILITY

1301 RIVER ROAD, NORTHEAST
TUSCALOOSA, ALABAMA 35405

PHONE (205) 566-7060



GEORGE C. WALLACE
GOVERNOR

May 1, 1985

Honorable N. Pride Tompkins
Judge of the Circuit Court
Colbert County Courthouse
Tuscumbia, Alabama 35674

BURGERT, DAVID EARL, JR.
Case No.: CC 85-59
SMF File No.: 06 50 08 15

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Our evaluation being completed, I am requesting that the appropriate court order be issued remanding Mr. Burgert to the custody of the Colbert County Sheriff's Department.

Sincerely,

Larry G. Stricklin
Larry G. Stricklin
Director

LDS/bt

Enclosure

xc: Mr. Phillip Bowling
Clerk of the Circuit Court
Colbert County Courthouse
Tuscumbia, Alabama 35674

Honorable James A. Patton
District Attorney
Colbert County Courthouse
Tuscumbia, Alabama 35674

Honorable James H. Stansell, Jr.
Attorney for the Defendant
P.O. Box 2433
Muscle Shoals, Alabama 35662

FILED IN OFFICE
1985 MAY -6 AM 10 29
PHILLIP BOWLING
CIRCUIT COURT CLERK

STATE OF ALABAMA

COLBERT COLBERY

STATE OF ALABAMA

VS

DAVID EARL BURGERT, JR.,

DEFENDANT

IN THE CIRCUIT COURT OF

COLBERT COUNTY, ALABAMA

CASE NUMBER CC 85-59

ORDER

The Court having been informed that the Defendant, David Earl Burgert, Jr., should be returned to Colbert County from the Taylor Hardin Secure Medical Facility, and the Court considering the same; it is therefore ORDERED, ADJUDGED and DECREED by the Court that the Sheriff of Colbert County or any of his deputies return the said defendant from the Taylor Hardin Secure Medical Facility, Tuscaloosa, Alabama, to the Colbert County Jail, Tuscumbia, Alabama, at a date to be agreed upon between the Sheriff's Department and the Taylor Hardin Secure Medical Facility.

Done and ORDERED this the 6th day of May, 1985.



CIRCUIT JUDGE

CC: Sheriff of Colbert County
James A. Patton
James H. Stansell, Jr.

FILED
CIRCUIT COURT CLERK
MAY - 6 1985
1:50 PM

STATE OF ALABAMA

COLBERT COLBERY

STATE OF ALABAMA

VS

DAVID EARL BURGERT, JR.,

DEFENDANT

IN THE CIRCUIT COURT OF

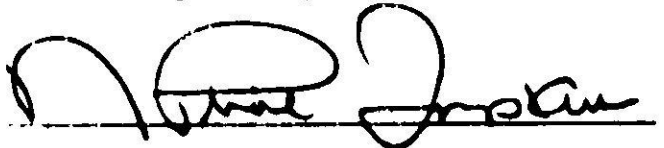
COLBERT COUNTY, ALABAMA

CASE NUMBER CC 85-59

ORDER

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Done and ORDERED this the 6th day of May, 1985.



CIRCUIT JUDGE

STATE OF ALABAMA
COLBERT COUNTY; Sheriff of Colbert County

J. John L. Aldridge, Sheriff of Colbert County
do hereby certify that I have signed this order, Jr.

[Handwritten notes and signatures]
Picking up David Burgert
from Taylor Hardin Secure Medical Facility
and returning him to Colbert County Jail on May 8, 1985
J. John L. Aldridge
J. L. Aldridge
J. L. Aldridge

COB 85-59
MAY - 6 AM 10 29
CIRCUIT CLERK

STATE OF ALABAMA
COLBERT COUNTY

STATE OF ALABAMA,
Plaintiff

vs

DAVID E. BURGERT, JR.,
Defendant

) IN THE CIRCUIT COURT FOR
) COLBERT COUNTY, ALABAMA
)
)
)
)
)
)
)

CASE NO.: CC 85-59

MOTION FOR COURT-ORDERED DISCOVERY

Comes now the Defendant, David E. Burgert, Jr., by and through his attorney, and moves the Court for an order to the State of Alabama Department of Mental Health, Taylor Hardin Secure Medical Facility, to deliver up certified copies of medical, psychological and psychiatric records, including but not limited to the notes and evaluations of case worker Claire Holt, of the Defendant.

For grounds for said motion, the Defendant recites as follows:

1. The records are needed to establish a factual defense based on the grounds that the Defendant was suffering from mental disease or defect at the time of the alleged crime.

Respectfully submitted,

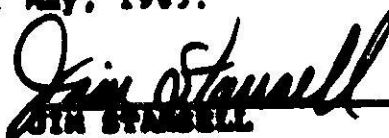


JIM STANSSELL
Attorney for Defendant
Post Office Box 2433
Muscle Shoals, Alabama 35662
Telephone: (205) 386-7960

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the foregoing upon the District Attorney, James A. Patton, by hand delivery.

Done this the 15th day of May, 1985.


JIM STANSSELL

FILED IN OFFICE

1985 MAY 15 AM 10:47

FILED IN OFFICE
CIRCUIT COURT CLERK

DAVID E. BURGERT, JR.,
Defendant

IN THE CIRCUIT COURT FOR
COLBERT COUNTY, ALABAMA

CASE NO.: CC 85-59

Jim Stansell
JIM STANSELL

STATE OF ALABAMA

COLBERT COUNTY

STATE OF ALABAMA

VS

DAVID BURGERT, JR.,

DEFENDANT

IN THE CIRCUIT COURT OF

COLBERT COUNTY, ALABAMA

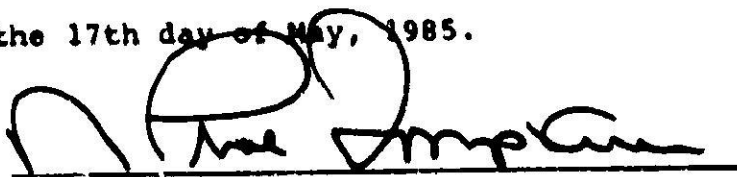
CASE NUMBER CC 85-59

ORDER

This cause coming before the Court on the Motion for Court-Ordered Transportation and Custodial Assistance, and the Court considering the same; it is, therefore

ORDERED, ADJUDGED and DECREED by the Court that said motion is granted and the Sheriff of Colbert County is to assist in transporting the defendant to the Riverbend Mental Health Center on May 21, 1985, at 1:30 p.m. and at any other time that may reasonably be required for his mental evaluation by Dr. Joe Sides.

Done and ORDERED this the 17th day of May, 1985.



CIRCUIT JUDGE

CC: James A. Patton

James Stansell

Riverbend Mental Health Center

Sheriff John Aldridge

FILED
CIRCUIT COURT CLERK

MAY 17 PM 1:26

23 9 00000

STATE OF ALABAMA
COLBERT COUNTY

STATE OF ALABAMA

vs

DAVID E. BURGERT, JR.
Defendant

IN THE CIRCUIT COURT FOR
COLBERT COUNTY, ALABAMA

CASE NO.: CC 85-59

PHILIP JOHNSON
CIRCUIT COURT CLERK

1985 MAY 23 PM 4:29

FILED IN OFFICE

MOTION FOR IMMEDIATE PSYCHIATRIC COMMITMENT

Comes now Jim Stansell, attorney for the Defendant,
shows the Court as follows:

1. On or about the 23 day of May, 1985, the Defendant's attorney was informed by Tom Wimberly, Colbert County Sheriff's Deputy, that a letter from the Defendant to him and other deputies contained statements leading them to believe that the Defendant is contemplating suicide and that absent psychiatric help, the Defendant has the present capability and attitude of a suicidal person.

2. That space is available for the Defendant to be treated at the Taylor Hardin Secure Psychiatric Facility in Tuscaloosa, and transportation to said facility is immediately available.

3. The Defendant's attorney believes that the Defendant is capable and will in fact take his own life if given the opportunity and if he is not dealt with immediately.


WHEREFORE, the Defendant's attorney requests an order immediately committing the Defendant to the Taylor Hardin Secure Psychiatric Facility in Tuscaloosa.


JIM STANSELL

Attorney for the Defendant
Post Office Box 2433
Muscle Shoals, Alabama 35662
Telephone: (205) 386-7960

CERTIFICATE OF SERVICE

I hereby certify that I have delivered a copy of the foregoing motion to the District Attorney for the 31st Judicial Circuit by hand delivery on this the 23 day of May, 1985.


Jim Stansell

STATE OF ALABAMA

COLBERT COUNTY

THE STATE OF ALABAMA

VS

DAVID BURGERT, JR.,

DEFENDANT

IN THE CIRCUIT COURT OF

COLBERT COUNTY, ALABAMA

CASE NUMBER CC 85

FILED IN OFFICE
1985 MAY 23 PM 4:29
PHILLIP HOWLING
CIRCUIT COURT CLERK

ORDER

This cause coming before the Court on the Motion for Immediate Psychiatric Commitment, and the Court considering the same; it is therefore ORDERED, ADJUDGED and DECREED by the Court that the Sheriff of Colbert County or any of his deputies transport the defendant to the Taylor Hardin Secure Medical Facility in Tuscaloosa, Alabama, for treatment.

Done and ORDERED this the 23rd day of May, 1985.



CIRCUIT JUDGE

CC: James A. Patton, District Attorney

James Stansell, Attorney for Defendant

Sheriff of Colbert County

Taylor Hardin Secure Medical Facility



JAMES R. POUNCEY
ASSOCIATE COMMISSIONER
FOR MENTAL ILLNESS

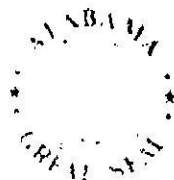
STATE OF ALABAMA

**DEPARTMENT OF MENTAL HEALTH
AND MENTAL RETARDATION**

TAYLOR HARDIN SECURE MEDICAL FACILITY

1301 RIVER ROAD, NORTHEAST
TUSCALOOSA, ALABAMA 35405

PHONE (205) 836-7000



GEORGE C. WALLACE
GOVERNOR

May 27, 1985

Honorable N. Pride Tompkins
Judge of the Circuit Court
Colbert County Courthouse
Tuscumbia, Alabama 35674

BURGERT, DAVID EARL, JR.
Case No.: CC 85-59
SMF File No.: 06 50 08 15

Dear Judge Tompkins:

Per your order, Mr. David Earl Burgert, Jr. was admitted on May 24, 1985, to the Taylor Hardin Secure Medical Facility.

Should you have any questions, please do not hesitate to advise.

Sincerely,

Beverly B. Strong
Beverly B. Strong
Community/Court Liaison

BBS/jd

FILED IN OFFICE
1985 MAY 30 AM 10 51
PHILIP L. LUNDGREN
CIRCUIT COURT CLERK



JAMES R. POUNCEY
ASSOCIATE COMMISSIONER
FOR MENTAL ILLNESS

STATE OF ALABAMA

**DEPARTMENT OF MENTAL HEALTH
AND MENTAL RETARDATION**

TAYLOR HARDIN SECURE MEDICAL FACILITY

1301 RIVER ROAD, NORTHEAST
TUSCALOOSA, ALABAMA 35405

PHONE (205) 556-7000



GEORGE C. WALLACE
GOVERNOR

June 26, 1985

Honorable N. Pride Tompkins
Judge of the Circuit Court
Colbert County Courthouse
Tuscumbia, Alabama 35674

Re: BURGERT, DAVID EARL, JR.
SMF File No.: 06 5Q 08 15

Dear Judge Tompkins:

MR. DAVID EARL BURGERT, JR., admitted to Taylor Hardin Secure Medical Facility on May 24, 1985, was discharged on June 25, 1985, to the custody of the Colbert County Sheriff's Department, Tuscumbia, Alabama.

Sincerely,

Beverly B. Strong
Community/Court Liaison

BBS/bt

xc: Ms. Phyllis Tidwell
Route 4, Box 75
Rogersville, Alabama 35652

2001700-0000

JUN 27 PM 1:33

1797400000

EXPLANATION OF RIGHTS AND PLEA OF GUILT

(AFTER INDICTMENT)

Case Number

CC 82 59
ID YR Number

IN THE CIRCUIT COURT OF COLBERT COUNTY
STATE OF ALABAMA VS. DAVID EARL BURGERT, JR.

TO THE ABOVE NAMED DEFENDANT:

This is to inform you of your rights as a defendant in this criminal case. Under the indictment returned against you in this case by the Grand Jury of this county, you are charged with the crime of BURGLARY IN THE FIRST DEGREE which is a Class A Felony. In the event you plead guilty to said crime, or if the jury finds that you are guilty of said crime, the law provides for punishment by imprisonment in the penitentiary for not less than 10 YRS nor more than 99 YRS for such offense and by imposition of a fine not to exceed \$ 20,000.00. Provided further that at a sentencing hearing should the State of Alabama prove to this Court that prior to committing this offense, you have previously been convicted of any one (1) felony, then the said imprisonment term must be for not less than 15 YRS nor more than 99 YRS, and a fine not to exceed \$ 20,000.00. Likewise, if the State proves you have been so convicted of any two (2) prior felonies, then the said imprisonment term must be for not less than 99 YRS nor more than Life and a fine not to exceed \$ 20,000.00. And, if the State proves that you have been so convicted of any three (3) prior felonies, then the said imprisonment must be for not less than Life w/o Parole nor more than _____, and a fine not to exceed \$ _____.

Further, you may be ordered to pay restitution in an amount determined by the court, for the use and benefit of the victim of your criminal offense.

In accordance with §15-23-17, Code of Alabama 1975, if the above-mentioned crime involved personal injury or death to a victim you shall be ordered to pay a victim compensation assessment of not less than \$25.00 nor more than \$10,000.

IN ENTERING A PLEA OF GUILTY IN THIS COURT, YOU ARE WAIVING A TRIAL BY JURY AND THE FOLLOWING RIGHTS TO WHICH YOU ARE ENTITLED IN THE EVENT OF A JURY TRIAL.

Under the Constitutions of the United States and of the State of Alabama you have a right or privilege not to be compelled to give evidence against yourself. In the trial of your case before the jury, you have the right to take the witness stand and to testify on your own behalf, if you so desire, but no one can require you to so testify. If you testify, you can be cross-examined by the state. If you do not testify, no one can even comment to the jury as to your failure to testify. You have the right to remain absolutely silent, but anything that you voluntarily say, with knowledge of your rights, may be used against you. Your conversations with your attorney are confidential and cannot, and will not, be disclosed by your attorney.

You have the right to stand on your plea of not guilty, and the right to a public trial before a duly selected jury. In a jury trial, the jury would determine whether you are guilty or whether you are innocent, based upon the evidence in the case.

In the trial of your case, your attorney could subpoena witnesses on your behalf, make legal objections to matters that he felt were objectionable, cross-examine the witnesses of the state, examine your own witnesses, and argue the matter before the jury. He would be bound to do everything that he could honorably and reasonably do to see that you obtain a fair and impartial trial. You have the right to have witnesses subpoenaed to testify as to pertinent facts in your favor.

In the trial of your case, you will come into court clothed with a presumption that you are not guilty and this presumption of innocence will follow you throughout the course of the trial until the evidence produced by the state convinces each juror beyond a reasonable doubt of your guilt. The burden of proof is upon the State of Alabama to convince each and every juror, from the evidence in the case, that you are guilty beyond a reasonable doubt before the jury would be authorized to find you guilty. If the state does not meet such burden of proof, it will be the jury's duty to find you not guilty. You will have no burden of proof whatsoever in your trial.

To the charges set forth in the indictment you have the right to enter a plea of guilty, not guilty, not guilty by reason of insanity or any other special plea. You will enter a plea of guilty only if you are actually guilty of said crime and if you do not desire a jury trial. IF YOU PLEAD GUILTY THERE WILL BE NO JURY TRIAL. AS HAS BEEN HERETOFORE EXPLAINED TO YOU.

Your attorney will go over these rights with you, but if you have any questions about any of them, please ask the undersigned judge and he will make further explanation thereof to you.

DATE Sept 12, 1985

JUDGE [Signature]

Comes the defendant in the above-styled cause and states to the court that he has read, or has had read to him, the matters and things hereinabove set forth, that his attorney has thoroughly gone over said matters and things with him and that he, the defendant, thoroughly understands them, that he is not under the influence of any drugs, medicines, or alcoholic beverages and has not been threatened or abused or offered any inducement or reward to get him to plead guilty. Defendant further states to the court that he is guilty as charged, in this case, and desires to plead guilty.

DATE 9/10/85

DEFENDANT [Signature]

Comes the attorney for the above-styled defendant and certifies that the above and foregoing rights were read by the defendant in my presence, or were read to him by me, that I discussed such rights with the defendant, in detail, and that a written copy of the above rights was given to the defendant or his attorney. Having gone over his rights with the defendant, in my judgment, the defendant understands his rights.

DATE 9/10/85

ATTORNEY [Signature]

Filed in Office This Date _____

Clerk _____ By _____

TRANSCRIPT of RECORD (Conviction Report)

Case Number

CC 85 - 59
ID YR NUMBER

In The CIRCUIT CRIMINAL Court Of COLBERT County

Court ORI 020015 J

STATE OF ALABAMA
VS.

NAME/
ALIASES

David Earl Burgert, Jr., alias Dave Burgert, Jr.

SID No.

AIS No.

INMATE
DESCRIPTION

DOB 1-19-64 Sex ☒ M ☐ F Height 6' 2" Weight 193 Hair Color Brown Eye Color Brown
Race ☒ W ☐ B ☐ Other (specify) Complexion Age (If DOB missing) Distinguishing Features or Marks

ARREST
INFORMATION

Date of Offense 1-25-85 Initial Arrest Date 1-29-85 Arresting ORI AL 0200300

CHARGES
LITERAL

On Conviction: Burglary First Degree Offense Class B A O B O C

COURT
INFORMATION

Judge Name N. Pride Tompkins Prosecuting Attorney Name James A. Patton

PROBATION
INFORMATION

Applied for: Date: ☐ Yes ☒ No Granted: Date: ☐ Yes ☐ No Rearrested: Date: ☐ Yes ☐ No Revoked: Date: ☐ Yes ☐ No

SENTENCE
INFORMATION

Term of Confinement YR MO DA Act 754-76 ☐ Yes ☒ No Probation Term (If Act 754) YR MO DA ☐ Yes ☐ No
Date Sentenced 9-10-85 Date Sentence Begins 9-10-85 Jail Credit Ordered ☒ Yes ☐ None
YR MO DA 17 13

SENTENCE
PROVISIONS

☐ Concurrent
☐ Consecutive

Restitution/Recoupment

Restitution _____

Attorney Fee _____

Court Cost _____

Fine _____

OTHER
SENTENCE
PROVISIONS

☐ Habitual Offender
☐ Youthful Offender (Act 335-72)
☐ Restitution (Specify & Attach Order)
☐ Recoupment (Specify & Attach Order)
☐ Life ☐ Life w/o Parole ☐ Death

APPEAL
INFORMATION

☐ Yes ☐ No Sentence Suspended Date Pending Appeal ☐ Yes ☐ No Sentence Affirmed Date Date Rearrested: ☐ Yes

REMARKS AND
OTHER INFOR
MATION (CON
TINUE ON
REVERSE SIDE
IF NEEDED)

This is to certify that the above information was extracted from official court records and is true and correct according to the record.

(Affix Court Seal)

September 11, 1985
Date

Phillip Bowling

Print or Type Name of Clerk

Phillip Bowling
Signature

STATE OF ALABAMA

**DEPARTMENT OF MENTAL HEALTH
AND MENTAL RETARDATION**

TAYLOR HARDIN SECURE MEDICAL FACILITY

1301 RIVER ROAD, NORTHEAST
TUSCALOOSA, ALABAMA 35405

PHONE (205) 556-7000

JAMES R. POUNCEY
ASSOCIATE COMMISSIONER
FOR MENTAL ILLNESS

GEORGE C. WALLACE
GOVERNOR

June 27, 1985

Honorable N. Pride Tompkins
Judge of the Circuit Court
Colbert County Courthouse
Tuscumbia, Alabama 35674

Re: BURGERT, DAVID EARL, JR.
Case No.: CC-85-59
SMF File No.: 06 50 08 15

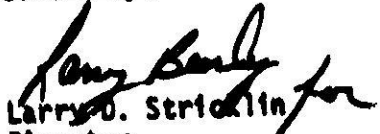
Dear Judge Tompkins:

Please find enclosed the Forensic Evaluation Report on Mr. David Earl Burgert, Jr., who was admitted to the Taylor Hardin Secure Medical Facility on May 24, 1985.

Details of Mr. Burgert's evaluation are filed in his medical record and will be furnished by the Director of Medical Records at the Taylor Hardin Secure Medical Facility upon receipt of an appropriate court order.

Our evaluation being completed, I am requesting that the appropriate court order be issued remanding Mr. Burgert to the custody of the Colbert County Sheriff's Department.

Sincerely,


Larry D. Stricklin
Director

LDS/bt

Enclosure

xc: Mr. Phillip Bowling
Clerk of the Circuit Court
Colbert County Courthouse
Tuscumbia, Alabama 35674

Honorable James A. Patton
District Attorney
Colbert County Courthouse
Tuscumbia, Alabama 35674

Honorable James S. Stansell, Jr.
Attorney for the Defendant
P.O. Box 2433
Muscle Shoals, Alabama 35662

FILED
CIRCUIT COURT CLERK
JUL - 1 PM 2:07
FBI ED IN OFFICE

Taylor Hardin Secure
Medical Facility

Name: Burgert, David
File No.: 06 50 08 15
DOB: 1-19-64
Case No.: CC-85-59
Date of Admission: 5-24-85

FORENSIC EVALUATION REPORT

DATE OF REPORT: June 24, 1985

REFERRAL INFORMATION

Mr. David Burgert is a 21 year old, single, white male committed to this facility for psychiatric treatment by the Colbert County Circuit Court. He was previously admitted to this facility for an evaluation regarding his competence to stand trial on April 1, 1985, and was released from this facility on May 3, 1985. The present readmission was ordered due to an attempted suicide that occurred at the Colbert County Jail. Mr. Burgert is presently charged with Burglary, First Degree.

SUMMARY OF DIAGNOSTIC PROCEDURES

Upon admission to the Taylor Hardin Secure Medical Facility, Mr. Burgert underwent a comprehensive evaluation including a Psychiatric Mental Status Examination, Social History Study, Physical Examination, and Psychological Evaluation. In addition to these specific procedures, the patient's behavior was observed by Nursing Service personnel on a 24-hour a day basis and his behavior was documented on each shift.

SUMMARY OF BOARD REVIEW

Upon admission to the Taylor Hardin Secure Medical Facility, Mr. Burgert was interviewed by Clifford B. Harden, M.D., Chief Psychiatrist, for the purpose of conducting a Psychiatric Mental Status Examination. At that time, Mr. Burgert impressed Dr. Harden as having a sad general appearance and facial expression. Mr. Burgert's motor activity, speech, interview behavior, and flow of thought were normal, but he had a depressed mood. Mr. Burgert admitted to suicidal thoughts and plans as well as some antisocial ideas. He appeared suspicious, expressed feelings of unreality, guilt, hopelessness, and worthlessness.

Mr. Burgert was also interviewed near the time of his admission by Psychology personnel. At that time, he impressed the examining psychologist as being slightly depressed and having a sullen mood. He was later reinterviewed and demonstrated improvement in his mood as well as his affective presentation. It was the opinion of the examining psychologist that though Mr. Burgert had a satisfactory understanding of basic court procedures and the roles and responsibilities of key court personnel, Mr. Burgert's psychiatric difficulties may have interfered with his ability to perform effectively in the role of defendant at that time.

FORENSIC EVALUATION REPORT

Name: Burgert, David
File No.: 06 50 08 15

PAGE 2

DATE OF REPORT: June 24, 1985

The Competency Evaluation Board convened on June 24, 1985, to review Mr. Burgert's case. At that time, his medical records and collateral information were reviewed; Mr. Burgert was then interviewed by those present.

During the Competency Evaluation Board Review, Mr. Burgert presented as an individual of at least average intelligence, and presented some residual signs of a previously acute affective disorder. He was soft spoken but demonstrated a range of affect well within normal limits. He expressed a willingness to return to Colbert County to proceed with his trial. He demonstrated satisfactory knowledge of the roles and responsibilities of key court personnel, demonstrated adequate knowledge of legal strategies available to him, and expressed the motivation to cooperate with his attorney in developing the best possible defense. Mr. Burgert has good communication skills and, given his presentation during this Board Review, should be able to meaningfully work with an attorney in his own defense.

FORENSIC OPINION

Based on a thorough review of all available information, Mr. Burgert appears presently able to assume the role of a defendant and move forward in the trial process.

CONCLUSIONS AND RECOMMENDATIONS

As Mr. Burgert currently appears sufficiently psychiatrically stable to move forward in the trial process, it is recommended that he be returned to Colbert County for further disposition of his case. He has been treated, since his admission to this facility, with Elavil, 150 milligrams, at night, and a prescription for that medication will accompany Mr. Burgert upon his return to Colbert County.

We the staff at the Taylor Hardin Secure Medical Facility recognize and respect that decisions as to a criminal defendant's trial competency are decisions to be reached by the Court, not by mental health professionals. As such, we regard our opinions in this area as being only advisory. Should the Court desire further information for the purpose of making its own determination, we would be glad to provide whatever expert testimony or medical records the Court should deem necessary.


Alfred W. Jackson
Certified Forensic Examiner

6/26/85
late

AMJ/bt

Date Dictated: 6-24-85

Date Typed: 6-24-85

2284

State of Alabama Unified Judicial System Form INS-1 Rev. 9/84		CRIMINAL CASE HISTORY		1. COURT ORI: AL 0 2 0 0 1 5 J	
		CIRCUIT COURT OF <u>Colbert</u> COUNTY			
2. COURT CASE NUMBER: CC 85 59		3. CHARGE NUMBER: 1	4. DEFENDANT NUMBER: 1	5. OBTS NUMBER:	
ID YR NUMBER					
DEFENDANT'S NAME: David Earl BURGERT, Jr.			OFFENSE CHARGED: Burglary First Degree		
6. INITIAL ARREST DATE: 1 2 8 5 Month Day Year		7. LOWER COURT FILE DATE: Month Day Year	8. LOWER COURT DISP DATE: 2 1 3 8 5 Month Day Year	9. CIRCUIT COURT FILE DATE: 3 5 8 5 Month Day Year	
10. MANNER OF FILING: <input checked="" type="checkbox"/> I - Indictment <input type="checkbox"/> M - Appeal Municipal Court <input type="checkbox"/> R - Reinstated/Reopened <input type="checkbox"/> D - Appeal District Court <input type="checkbox"/> F - Information <input type="checkbox"/> A - Affidavit/Complaint <input type="checkbox"/> X - Other				11. CASE TYPE: <input checked="" type="checkbox"/> F - Felony <input type="checkbox"/> T - Traffic <input type="checkbox"/> M - Misd. <input type="checkbox"/> V - Violation	
PART 1. UPON FILING TEAR OFF AND SEND TO THE ADMINISTRATIVE OFFICE OF COURTS — DATA CONTROL					
12. ARRAIGNMENT DATE: 0 3 2 7 8 5 Month Day Year		13. TYPE COUNSEL: <input type="checkbox"/> A - Appointed <input type="checkbox"/> S - Self <input checked="" type="checkbox"/> R - Retained <input type="checkbox"/> P - Public Defender		14. VOS GRANTED: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
15a. COURT ACTION BY TRIAL: <input type="checkbox"/> C - Tried & Convicted <input type="checkbox"/> J - Jury <input type="checkbox"/> A - Tried & Acquitted <input type="checkbox"/> B - Judge		15b. COURT ACTION WITHOUT TRIAL: <input checked="" type="checkbox"/> G - Guilty Plea Accepted <input type="checkbox"/> W - Withdrawn & Filed <input type="checkbox"/> D - Dismissed <input type="checkbox"/> R - Remanded <input type="checkbox"/> N - Not Prossed <input type="checkbox"/> X - Other <input type="checkbox"/> P - Not Prossed/Dismissed - Plea Agreement		16. ACTION DATE: 0 9 1 0 8 5 Month Day Year	
18. NAME OF OFFENSE UPON CONVICTION: Burglary First Degree		19. TYPE: <input checked="" type="checkbox"/> F - Felony <input type="checkbox"/> T - Traffic <input type="checkbox"/> M - Misd. <input type="checkbox"/> V - Violation		20. OFFENSE CODE: (See back part 4) 2 2	
21. SENTENCE IMPOSED		22. CONFINEMENT Years Months Days		23. SENTENCE DATE: 0 9 1 0 8 5 Month Day Year	
24. PROBATION Years Months Days		25. FINE \$		26. DATE APPEAL REQUESTED: Month Day Year	
27. OTHER SENTENCE PROVISIONS (CHECK ALL THAT APPLY) <input type="checkbox"/> A - Concurrent <input type="checkbox"/> F - Habitual Offender Status <input type="checkbox"/> B - Consecutive <input type="checkbox"/> G - Restitution Ordered <input type="checkbox"/> C - County Jail <input type="checkbox"/> H - Recoupment Attorney Fees <input type="checkbox"/> D - Life <input type="checkbox"/> I - Death <input type="checkbox"/> E - Life w/o Parole <input type="checkbox"/> X - Other				28. <input type="checkbox"/> Check if Change from previous submission	

PART 1 — WHITE — DATA CONTROL
PART 2 — YELLOW — RETAIN IN COURT FILE OR FORWARD TO APPELLATE COURT
PART 3 — BLUE — RETAIN IN COURT FILE