

EXPERIENCE MAGIC OF NARNIA
WEEKEND, 20-23F

NASHVILLE'S GRAMMY NODS
LIVING, 1D
Kanye West: 8 nominations.

SEC RECRUITING STARTS EARLY

One of the outcomes of our investigation into the Tennessee Highway Patrol.

TODAY'S WEATHER

▲ 32
▼ 17

JOHN PARTIPIO / STAFF

"The cancer and the whole TennCare thing just frightened me," said Robbie Fay Key of McMinnville, a breast cancer patient whose first appeal to remain on TennCare was denied.

Critics say TennCare hearings ignore rules

State, enrollee advocates differ on hearings' purpose

By ANITA WADHWANI
Staff Writer

People who legitimately qualify for TennCare are being cut from the program in an appeal process that violates promises made to federal regulators and a federal appeals court, lawyers for those on TennCare allege.

State officials say the guidelines they are following were spelled out and approved by federal regulators and upheld by the 6th U.S. Circuit Court of Appeals.

However, based on hearings observed by enrollee lawyers and interviews with hearing officers who preside over them, attorneys with the Tennessee Justice Center say the process "departs in several ways" from those promises.

"The discrepancies are material and their cumulative effect is to render the appeal process an empty exercise in almost every case," wrote Gordon Bonnyman, an attorney with the TJC, in a letter to state lawyers Nov. 28. "Few, if any, individuals who are actually eligible to continue receiving TennCare will be able to successfully use the appeals process, as it is now being administered, to keep their coverage."

The Department of Human Services is overseeing the appeals process of least 37,000 people.

► Please see **TENNCARE, 15A**

Seven schools win reprieve from closing

Metro decides gain not worth the pain, will do studies first

By DIANE LONG
Staff Writer

Metro parents and community supporters of seven under-capacity schools got a reprieve last night when school board members decided not to close them for at least another year.

"It makes me so happy," said Elaine Goodman, whose grandnieces and grandnephews attend Joelton Middle, one of the schools that had been slated for possible closure in a cost-cutting move. "It relieves the pressure of wondering where the kids would be bused."

The proposed school closures were a \$4.6 million part of an overall package to shave at least \$25 million from next year's schools budget. That reduction is necessary, board members say, after voters in September rejected a proposal to raise the city's sales tax to generate more money for schools.

With the closures eliminated, more programs and teachers will have to be cut to accomplish the savings.

► Please see **SCHOOLS, 6A**

Preliminary results released by governor show dozens of troopers were accused of crimes

DUI/DWI: 14 ASSAULT: 7 DRUGS: 5 LARCENY: 2 SUSPENDED LICENSE: 17

CRONYISM PERMEATES THP, BREDESEN SAYS

Trooper ticket probe on again

By TRENT SEIBERT
Staff Writer

An on-again/off-again probe into ticket fixing at the Tennessee Highway Patrol is on again.

"We will follow this investigation to its fruition, and whatever comes out of it will just come out of it," Tennessee Bureau of Investigation Director Mark Gwyn said yesterday. "If that file needs to be completely reinvestigated, we'll completely reinvestigate it."

TBI's determination to get to the bottom of a THP Internal Affairs investigation stepped up yesterday, after a *Tennessean* story revealed that the agency intended to take little action.

In the case in question, Trooper Jerry Dean Watson was accused of fixing tickets in return for ham from a Knoxville meat-packing company. He pleaded guilty to a felony forgery charge, but his record has since been expunged.

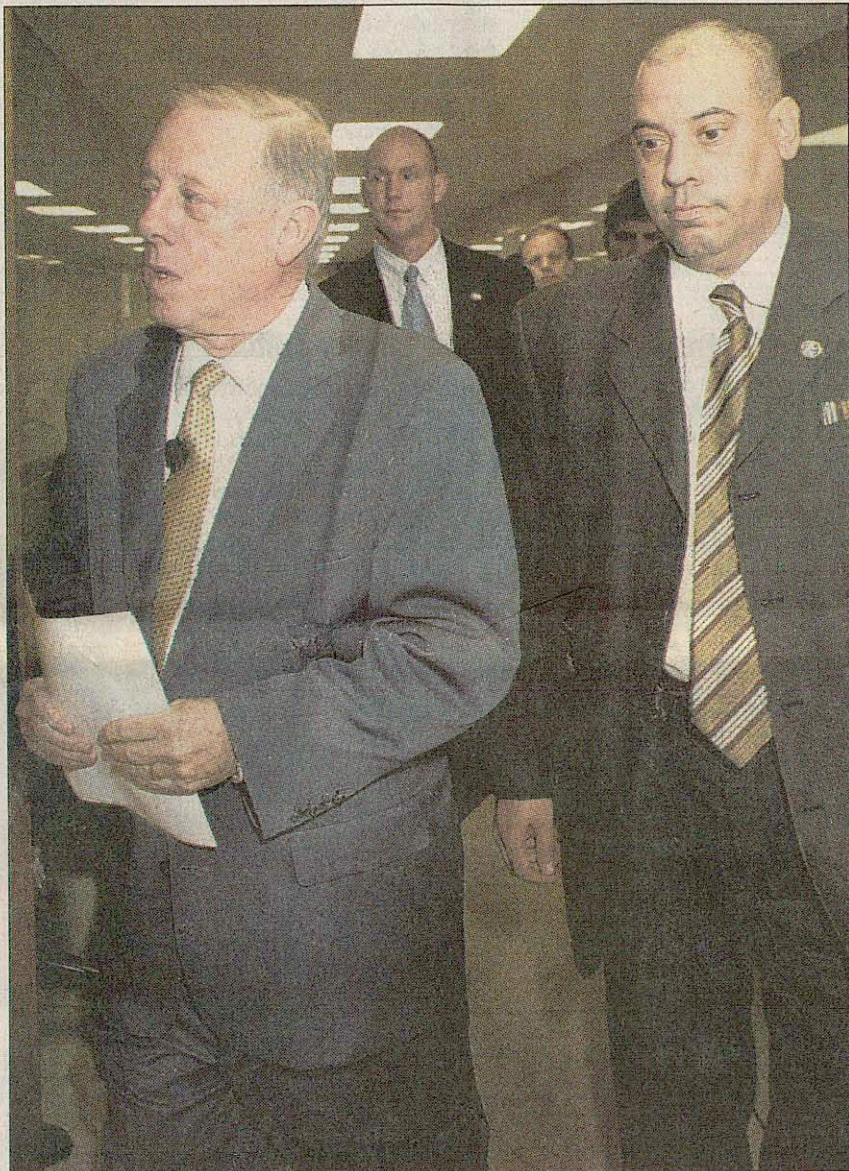
Witnesses indicated to investigators in 2001 that the practice was widespread.

The *Tennessean* brought the case to the attention of Gov. Phil Bredesen, who ordered the TBI to look into it last week. He said the THP's internal review of the matter was inadequate and required follow-up.

"I've taken that file and asked that it be sent to the TBI," Bredesen said then. "I've just told them I want that investigated ... You take it and follow it through to its conclusion."

As of Wednesday, TBI had done nothing. Gwyn told the newspaper that a previous TBI review of the matter would stand, and that he would not "Monday-morning quarterback" the previous investigative work.

► Please see **TICKETS, 9A**



Gov. Phil Bredesen, left, and TBI Director Mark Gwyn head into a news conference at the state Capitol, where the governor announced an expanded THP probe.

Breakdown of crimes troopers were accused of committing

► From vandalism to assault with a deadly weapon, a chart released yesterday details the criminal charges against 37 troopers and four dispatchers. **On Page 8A**

Officer	Charge	Date
SCHUER	DUI	4-Jun-01
SMITH	AGG. ASSAULT	4-Jun-01
	CHILD ABUSE	23-Apr-99
	TRESPASSING/PROWL	26-Jan-94
	FLIGHT TO AVOID	3-Jan-80
	REC. STOLEN PROPERTY	8-Apr-84
	CARRYING FIREARMS	19-Sep-84

Civil service tribunal part of expanded investigation

By BRAD SCHRADER
Staff Writer

The Tennessee Highway Patrol is rife with cronyism and a pattern of overlooking officers' criminal backgrounds that has made it likely that felons are in uniform and patrolling the state's highways, Gov. Phil Bredesen said yesterday.

Bredesen vowed for the second time in a week to clean up the state police agency, and he announced a widening TBI probe of the patrol that will include a special civil service tribunal to handle the workload.

Documents released yesterday showed that officers had been accused of such crimes as assault, grand larceny, drunken driving, drug possession, burglary and child abuse, according to the TBI's review of criminal and traffic offense histories of 41 officers and noncommissioned THP workers who were flagged in background checks.

The investigation found 14 other officers and one noncommissioned employee with criminal charges in their pasts, including assault, resisting arrest, drug possession and defrauding an innkeeper. Those records were wiped clean by expungement and legally can be hidden from the public.

In many cases, the charges occurred out of state and happened years ago, when the troopers were young, and long before they joined the Highway Patrol.

The sweeping review of the agency follows a months-long investigation of the THP by *The Tennessean*. The newspaper's reporting has shown that the patrol, which the state budget allots more than \$70 million a year, has a culture of political influence and favors for campaign donors and a pat-

► Please see **TROOPERS, 8A**

House OKs \$56 billion bill that extends tax cuts

It also would allow another year of sales tax write-off

Tennessean News Services

WASHINGTON — The House voted yesterday to preserve tax cuts for investors through the rest of the decade, safeguarding the centerpiece of the Republican tax agenda in a \$56 billion package of tax breaks.

The bill, passed 234-197 along mostly party lines, would extend the 15% top tax rate for capital gains and dividends for two years, keeping them in place in 2009 and 2010.

It also would allow Tennesseans to deduct sales taxes from their federal income taxes for another year.

Republicans said tax cuts championed by President Bush had revved up a sluggish economy, and Treasury Secretary John Snow praised

the bill's passage, saying, "It would encourage investment and innovation — the lifeblood of the American economy."

Democrats disagreed. "The poor suffer. The rich benefit. The middle class is paying the bill," said House Minority Leader Nancy Pelosi, D-Calif.

Democrats said the tax cuts for investment income, and much of the GOP's economic agenda, exacerbated budget deficits and ignored average workers.

The 15% tax rate for investment income is scheduled to disappear at the end of 2008. If the reduction

► Please see **TAX CUTS, 3A**

Predators lose 5-1; Vokoun, Legwand hurt

The Predators may have lost more than a hockey game last night when they were beaten 5-1 by the Rangers. Goalie Tomas Vokoun and center David Legwand left the game with injuries. **On Page 1C**

Patriot Act extension limited to four years

House and Senate negotiators reached an agreement to extend the USA Patriot Act by four years, but one senator vows to hold up a vote on the anti-terrorism law. **On Page 14A**

Corporate gift giving makes a comeback

Corporate gift giving at the holidays, which had fallen out of favor for a time in the era of Enron, is back in full swing. **On Page 1E**

Disabled worker on Holiday Wish List

A former Peterbilt worker now disabled with chronic pain is featured in the Holiday Wish List, a series of articles about Midstate residents with special needs. **On Page 1B**

Highway crews worth their salt in winter

The Tennessee Department of Transportation is engaged in a briny battle to keep the state's highways snow- and ice-free this winter. **On Page 1B**

Metro will issue ID numbers to strippers

Strippers in Nashville soon will see some numbers attached to their names that have nothing to do with their physical endowments — identification numbers issued by Metro. **On Page 1B**

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TROOPERS IN TROUBLE

A chart released by Gov. Phil Bredesen yesterday showed criminal and traffic charges against 37 Tennessee Highway Patrol troopers and four dispatchers. The identities of additional THP employees whose records have been expunged were not included, and they do not appear here. Details of some of the offenses and charges are listed below.

Name	Position	Criminal History	Date of Offense	Class	Commission Date	Disposition	Driver's License History
Anderson, Brian W.	Dispatcher	DUI	Jan. 6, 2002	Misdemeanor	Oct. 16, 2005	Guilty	License Suspended
1 Andes, Jason E.	Trooper	Drug possession	July 27, 1995	Felony	July 2, 2000	Guilty	None
		Possession of drug paraphernalia	July 27, 1995	Felony		Dismissed	
		Handgun on person	July 27, 1995	Misdemeanor		Dismissed	
		Handgun in vehicle	July 27, 1995	Misdemeanor		Dismissed	
Appleton, Victor J.	THP SGT	Carrying a weapon	May 16, 1981	Misdemeanor	Oct. 01, 1989	Dismissed	None
		Possession controlled substance	May 16, 1981	Misdemeanor		Dismissed	
Avera Jr., William H.	THP SGT	Family offense	Dec. 13, 1977	Misdemeanor	July 15, 1983	Dismissed	None
2 Badacour, Gregory R.	Capitol SGT	Unlawful photography	Sept. 14, 2004	Misdemeanor	April 21, 1997	Guilty	None
Brown, Martin E.	Trooper	Public intoxication	May 26, 2001	Misdemeanor	Jan. 2, 2004	Unknown	None
3 Brown, Teresa L.	Trooper	DUI	April 10, 1980	Misdemeanor	Jan. 1, 1994	Dismissed	DUI
Burns, David A.	THP SGT	DUI	Jan. 1, 1994	Misdemeanor	Dec. 1, 1994	Unknown	License Suspended
4 Bush, Gary W.	Trooper	None	April 4, 1983	Misdemeanor	July 1, 1996		License Revoked
			April 23, 1983	Misdemeanor			
Butler, Bryan S.	Trooper	None	Feb. 2, 2000	Misdemeanor	Jan. 13, 2002		License Suspended
5 Crawford, Angelinette L.	Trooper	Assault with a deadly weapon	Sept. 1, 2004	Felony	June 1, 2002	Diversion	None
			Sept. 1, 2004	Felony			
6 Despain, Donald A.	THP SGT	Possession drugs, intent to distribute	Aug. 18, 1972	Felony	Jan. 5, 1986	Dismissed	None
			May 23, 1974	Misdemeanor			
Fitzgerald, Bill R.	Trooper	None	Oct. 15, 1998	Misdemeanor	Jan. 16, 2002		License Suspended
			Dec. 28, 1998	Misdemeanor			
7 Gooding, Harold E.	THP SGT	Grand Larceny	Dec. 17, 1973	Felony	Dec. 16, 1991	Nolle Pros*	None
Green, Charlene D.	Trooper	None		Misdemeanor	Jan. 2, 2004	Nolle Pros*	License Suspended
8 Green, Leo H.	Trooper	DUI	March 15, 2000	Misdemeanor	July 21, 1980	Unknown	License Suspended
9 Hall, Guinn E.	Trooper	DUI	March 22, 2002	Misdemeanor	Jan. 5 1986	Dismissed	DUI
			March 22, 2002	Misdemeanor			
Harding, Keesha F.	Dispatcher	None		Misdemeanor	March 11, 2002		License Suspended
10 Harmon, David S.	Trooper	Resisting arrest	June 19, 1977	Misdemeanor	July 11, 1983	Dismissed	None
11 Hollandsworth, David S.	Trooper	None		Misdemeanor	June 16, 1979	Unknown	DUI
12 Hughes, Ronald W.	Trooper	DUI	April 28, 2001	Misdemeanor	March 11, 1974	Nolle Pros*	DUI
Idol, Judith M.	Trooper	Refusing a sobriety test	April 28, 2001	Misdemeanor		Nolle Pros*	
Isleman, Jonathan R.	Dispatcher	Evading arrest	April 28, 2001	Felony		Nolle Pros*	
13 Jenks, Calvin W.	Trooper	Fraud - insufficient funds	May 29, 1976	Misdemeanor	Feb. 1, 1988	Unknown	None
Killingsworth, Leslie D.	THP LT	None		Misdemeanor			DUI
14 Lingo, Sherman W.	Trooper	Underage possession	Sept. 17, 2000	Misdemeanor	Jan 2, 2004	Dismissed	None
Luna, Jeremy L.	Dispatcher	Underage consumption	Sept. 17, 2000	Misdemeanor		Guilty	
15 Maldonado, Cesar A.	Trooper	Vandalism	Sept. 17, 2000	Misdemeanor		Guilty	
Marsh Jr. Raymond M.	Trooper	Civil rights violation	July 24, 1974	Unknown	July 21, 1980	Dismissed	None
Mathis, Kystal N.	Trooper	Burglary	Aug. 21, 1986	Felony	Nov.1, 1997	Guilty	DUI
McAnally, Jeremy C.	Trooper	Larceny	Aug. 21, 1986	Unknown		Guilty	
Morgan II, Michael D.	Trooper	DUI	July 16, 1988	Misdemeanor		Unknown	
16 Mathis, Kystal N.	Trooper	None		Misdemeanor	Jan. 9, 2002		Reckless Driving
17 Mcanally, Jeremy C.	Trooper	Assault	Dec. 30, 1998	Misdemeanor	June 1, 2002	Dismissed	DUI
Murphy, Patrick B.	Trooper	Possession controlled substance	Aug. 29, 1995	Misdemeanor		Guilty	
19 Robinson, Randy	Detecyive	Domestic violence assault	March 5, 1993	Misdemeanor		Dismissed	
20 Schuer, Tony M.	Trooper	DUI	March 10, 1999	Misdemeanor		Dismissed	
21 Smith, Richard M.	THP LT	None		Misdemeanor	July 2, 2000		License Revoked
22 Soto, Guadalupe P.	Trooper	Violation of bad check law	Jan. 3, 2000	Misdemeanor	Feb. 1, 2005	Diversion	None
23 Tipler, Jerry W.	Trooper	DUI	Oct. 9, 1993	Misdemeanor	July 2, 2000	Dismissed	DUI
Trivette, David W.	Trooper	Liquor	Oct. 9, 1993	Misdemeanor		Dismissed	
Wise, James E.	Trooper	None		Misdemeanor	Jan. 2, 2004		License Suspended
24 Wyatt, James A.	Trooper	None		Misdemeanor	Jan. 2, 1995	Unknown	License Suspended
13 Jenks, Calvin W.	Trooper	Failure to appear	Feb. 21, 1999	Misdemeanor	May 1, 1995	Unknown	License Suspended
20 Schuer, Tony M.	Trooper	Worthless checks	March 26, 1998	Unknown			License Suspended
21 Smith, Richard M.	THP LT	Child abuse		Misdemeanor			License Revoked
22 Soto, Guadalupe P.	Trooper	Trespassing/prowl		Misdemeanor			License Suspended
23 Tipler, Jerry W.	Trooper	Flight to avoid		Misdemeanor			License Suspended
Trivette, David W.	Trooper	Receiving stolen property		Misdemeanor			License Suspended
Wise, James E.	Trooper	Carrying a weapon		Misdemeanor			License Suspended
24 Wyatt, James A.	Trooper	Domestic violence assault		Misdemeanor			License Suspended
13 Jenks, Calvin W.	Trooper	Simple assault		Misdemeanor			License Revoked

* Same as dismissed

These details are taken largely verbatim from a narrative written by Bob Cooper, Gov. Phil Bredesen's legal counsel, based on Department of Safety personnel files, court records and other public records. Cooper did not make clear in his memo why these details were available for only 24 employees.

- 1 Trooper Jason Andes was arrested in Allegheny County, Md., for CDS (controlled dangerous substance) possession, possession of paraphernalia, handgun on person, handgun in vehicle. All charges were dismissed, except the controlled substance possession. At present, no dispositions were located for these charges or convictions. All of these charges occurred prior to employment with the THP and are noted in his background investigation.
- 2 Trooper Gregory Badacour was arrested by Metro Nashville Police Department on Sept. 14, 2004 for unlawful photography. Metro Nashville Police caught him filming a couple engaging in sexual activity. He was found guilty and placed on probation. His last day of probation will be Jan. 27, 2006. An Internal Investigation was completed by THP.
- 3 Trooper Teresa Brown was arrested for driving under the influence on April 10, 1980. This was prior to her employment as a state trooper. This case was dismissed on payment of costs on May 15, 1981. This information was disclosed by Trooper Brown prior to employment with THP.
- 4 Trooper Gary W. Bush was convicted of DUI and carrying a weapon on April 4, 1983. He was originally hired by the Public Service Commission and became a state trooper during the merger between the Department of Safety and Public Service Commission in 1996. The charges were prior to his employment with the state and a very limited background was completed by the Public Service Commission.
- 5 Trooper Angelinette Crawford was involved July 1, 2004 in an altercation with her brother. During this altercation she shot her brother with her service weapon. This incident was investigated by the Metro Nashville Police Department and also an internal investigation was completed by the THP. Crawford was indicted for reckless endangerment and assault with a deadly weapon. She was placed on pre-trial diversion for a period of one year.
- 6 THP Sgt. Donald Despain was hired by the Department of Safety on Jan. 8, 1986. Prior to his employment he was arrested in Fayetteville, N.C., for possession to distribute marijuana. This charge was dismissed. Despain was arrested by Hobbs, N.M., Police Department for Marijuana Possession. No dispositions could be located for Despain. This information was disclosed prior to employment with THP.
- 7 THP Sgt. Harold Gooding was arrested for grand larceny on Dec. 17, 1973. This charge was prior to his service with the state. This charge was nolle prosequi (prosecution dropped). This information was disclosed prior to employment with the THP.
- 8 Trooper Leo Green was originally hired by THP on July 21, 1980. He was arrested on March 14, 2000 for DUI and license suspicion by Chattanooga Police Department after having been involved in a wreck. On May 10, 2000 Green retired from the THP. Capt. John Savage and Commissioner Mike Green both recommended that he not be rehired. Green filed for rehired with the THP. He was rehired on May 1, 2001. Trooper Green currently has a valid Tennessee driver's license.
- 9 Trooper Guinn Hall was charged with DUI on March 22, 2002. Trooper Hall was hired on Jan. 5, 1986. The case was dismissed in General Sessions Court and also was presented to a Haywood County grand jury. A no true bill was returned. An internal investigation was also completed by the THP.
- 10 Trooper David Harmon was charged with Resisting Arrest in West Palm Beach, Fla., on June 19, 1977. This charge was dismissed, nolle prosequi by the state attorney. This charge was prior to employment with the THP. Capt. Gene Bollinger addressed this charge during the background investigation.
- 11 Trooper David Hollandsworth was arrested for DWI on Sept. 15, 1978 and also for license revocation on the same date. This occurred during his employment with the Tennessee Department of Transportation. He transferred to the Department of Revenue Motor Vehicle June 16, 1979. There was no application in the file. This incident would have been prior to his employment with THP but during his employment with the Department of Transportation. This information was disclosed prior to employment with the THP.
- 12 Trooper Ronald W. Hughes was arrested on April 28, 2001 for DUI, violation of implied consent, evading arrest, and reckless endangerment. He made an abrupt U turn at a roadblock in Marion County. On Dec. 12, 2001 a motion to suppress was filed on Trooper Hughes' behalf by his attorney. The motion to suppress was upheld and subsequently an order was entered by District Attorney General Mike Taylor to nolle prosequi (drop prosecution). An internal investigation completed on Trooper Hughes resulted in a recommendation of a suspension of 20 days. Trooper Hughes retired November 30, 2005.
- 13 Trooper Calvin Jenks was arrested for two counts of underage consumption and vandalism. He pleaded guilty to one count of underage consumption and vandalism. These charges were noted in the background investigation by CID Agent Jerry Dickey. Dickey recommended Jenks for hire. These charges were back when he was 18 years old and prior to his employment with THP.
- 14 Trooper Sherman Lingo was arrested in Lamar County Texas on July 16, 1988 for DUI. This charge was reduced to public intoxication. He was also arrested in Lamar County Texas in 1986 for burglary and larceny. He was found guilty of a Class B misdemeanor and received 6 months probation. It appears during the background investigation no record of his having been arrested was discovered.
- 15 Trooper Cesar Maldonado was arrested on December 30, 1998 for Assault. This charge was dismissed on Jan. 20, 2000. He was also charged for assault family violence on March 5, 1993. This charge was also dismissed at the complaining witness's request. While in the Army in 1995 Maldonado was arrested for possession of a controlled substance and received an Article 15 under the UCMT (Uniform Code of Military Justice). In March of 1999 Maldonado was charged with DUI. This charge was later dismissed by Judge Bill Faimon. Dispositions are included in this file of these charges.
- 16 Trooper Krystal Mathis was arrested for violation of the check law, passing a worthless check in Clarksville, Tenn. She received post trial diversion. This occurred prior to her employment with the Department of Safety. This charge was noted in her background investigation by CID Agent Neely.
- 17 Trooper Jeremy McAnally was arrested in Bedford County, Tenn., for DUI and illegal consumption of alcohol on Oct. 9, 1993. The DUI charge was reduced to reckless driving and he received a deferred judgment of 6-12 months probation and upon completion, dismissal of both charges. It appears that both charges are dismissed. Copies of warrants obtained from the Bedford County Clerk's Office indicate the charges were not presented to a grand jury. These charges occurred prior to employment with the THP. This information was disclosed prior to employment with the THP.
- 18 Trooper Patrick B. Murphy had a failure to appear charge (Feb. 21, 1999); worthless checks (March 26, 1998) and several license suspended and revoked charges on his driving record. Trooper Murphy currently has a valid driver's license. Documentation on disposition of each of these charges is being sought. These charges were disclosed prior to employment.
- 19 Randy Robinson, Special Agent, CID, was indicted for DUI and aggravated assault after striking a pedestrian. He was acquitted on both charges in a bench trial. This case was investigated by TBI and submitted to the DA's office for prosecution. Robinson was accused of misconduct in 1980, while working as a road trooper in Knox County. He resigned from the THP in 1980. He was rehired in 1983 and assigned to the road in Montgomery County.
- 20 Trooper Tony M. Schuer had a charge on his record of child abuse dated April 23, 1999 that had a listed disposition of dismissed. The child abuse charge was dismissed per the district attorney, May 24, 2000.
- 21 THP Lt. Richard M. Smith had three charges in 1964 and one charge in 1980 appear on his record. The listed charges for 1964 were trespassing/prowl, receiving stolen property and carrying firearms. The charge for January 3, 1980 was flight to avoid prosecution.
- 22 Trooper Guadalu

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Visit Tennessean.com and type **THP** into the keyword search box to see documents and stories from previous *Tennessean* coverage:

Aug. 7 — Trooper-like badges, IDs go to the well-connected.

Aug. 9 — Governor banishes honorary badges.

Aug. 14 — Troopers intercede in DUI for "captain," get tapped for promotion.

Aug. 16 — THP freezes promotions after claims of favoritism.

Oct. 14 — Legislators get free rides from troopers.

Nov. 13 — Troopers with "politics" win out on promotions.

Nov. 15 — Bredeesen to probe politicking at THP.

Nov. 17 — Retreat has had THP officers on patrol.

Nov. 19 — Bredeesen to workers: Favoritism not his way.

Dec. 1 — Background checks flag 48 state troopers.

Dec. 2 — THP rehired trooper after forgery.

Dec. 6 — THP chief's bid on seized boat may violate law.

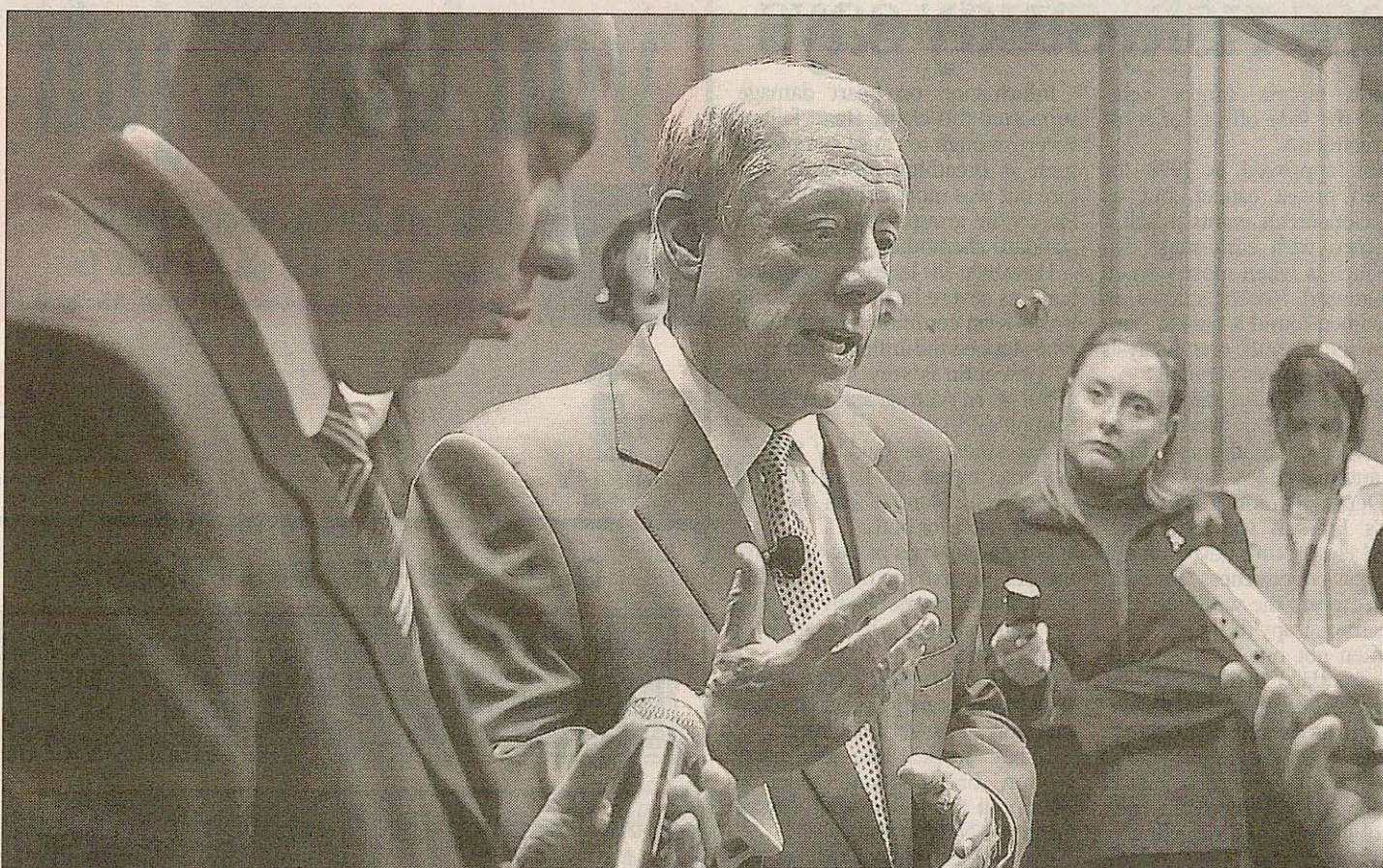
Dec. 6 — Troopers with records summoned to explain.

Dec. 7 — THP head Pitts quits; more changes likely.

Dec. 8 — TBI shelve THP ticket probe.

Dec. 8 — Interim THP head aided trooper after forgery.

Tickets: Bredeesen says he trusts TBI



Gov. Phil Bredeesen, center, answers questions at a news conference at the state Capitol yesterday, as TBI Director Mark Gwyn, left, listens.

FROM PAGE 1A

"My second-guessing it — anybody second-guessing it — is a very slippery slope," Gwyn said.

Also Wednesday, Gwyn had said that his agency planned only one action — to take the old report and hand it over to a district attorney general in East Tennessee for review.

Yesterday, at an 11:15 a.m. news conference, Bredeesen said he would need to talk with Gwyn about how TBI planned to handle the governor's request for a new review of ticket-fixing allegations. "I'm running out of public safety agencies to work through," Bredeesen said. "I trust the TBI, I really do."

Later in the day, Gwyn made his comments about how his agency will act. TBI also took a number of actions yesterday that showed its renewed determination:

- The TBI contacted the district attorney general in Knox County, the county where the ticket-fixing allegations were centered. Until yesterday, TBI officials had said they were going to hand the Internal Affairs investigation to the Jefferson County DA, who handled Watson's case — even though most of the allegations were in Knox County.

- Agents are independently reviewing the Internal Affairs file. Until yesterday, Gwyn had said any examination of the file would await collaboration with the Jefferson County DA, Al Schmutzer.

- Raised the possibility of agents' being sent into the field to interview troopers and possible witnesses. "That could very well happen," Gwyn said yesterday.

Before yesterday, Gwyn had said no further investigative action would be taken unless Schmutzer deemed it necessary. But Schmutzer told *The Tennessean* that he had no jurisdiction in the matter.

The Internal Affairs file for Watson is not the only one that TBI agents have been asked to investigate further. As part of a wider investigation that Bredeesen called for, the Department of Personnel has unearthed 236 files for which an Internal Affairs file exists for THP and other Safety employees.

Of those, Personnel officials have identified 43 files that "they think have in them something worthy of note," Bredeesen said. "Mark (Gwyn) is going to review those files and isolate any of them that we feel need some additional attention."

Trent Seibert can be reached at 259-8094 or tseibert@tennessean.com.

Evolving positions

"It really calls into question for me the effectiveness of the ... Internal Affairs ... that a file can exist with those kind of allegations in it that at the very least were not followed up on."

— Gov. Phil Bredeesen, asking TBI on Nov. 30 to review a THP internal investigation of ticket-fixing

"I'm the last person that should be Monday-morning quarterbacking this Internal Affairs, what they did."

— TBI Director Mark Gwyn, Wednesday

"Obviously, I want to talk with (Gwyn) about this and find out what his plans are and find exactly what he has. I'm running out of public safety agencies to work through. I trust the TBI, I really do."

— Bredeesen, yesterday

"We will follow this investigation to its fruition, and whatever comes out of it will just come out of it. ... If that file needs to be completely reinvestigated, we'll completely reinvestigate it."

— Gwyn, later yesterday

Those who told

People who told the TBI about ticket-fixing allegations, according to court records, THP documents and interviews conducted by the newspaper:

- Trooper Jerry D. Watson told TBI agent Chad Smith that he fixed a ticket for an employee of Lay Packing and that the firm had been giving free meat to troopers for years, according to court documents.

- Brandon L. Bright, the speeder and then-Lay employee whom Watson ticketed, told the TBI that he got his citation fixed via co-workers at Lay, and that he had regularly seen troopers at the plant to get free meat products, according to his signed statement to Smith. Bright told *The Tennessean* this week that he remembered telling the agent that it was common knowledge that Lay workers got tickets fixed by troopers.

- Cliff Liford, another then-Lay employee and co-worker of Bright, told *The Tennessean* this week that he, too, was interviewed by the TBI in 2001 and that he also had told the agent that troopers commonly fixed tickets for Lay workers. According to court documents, Bright told the TBI that he gave his copy of the ticket to Liford, who was to pass it along to another employee, Danny Henderlight, who worked in Lay's shipping department and "is the one who gets the tickets taken care of."

- Henderlight told *The Tennessean* this week that the TBI interviewed him in 2001. He said he told the agent that Howard Wittenbarger, his supervisor in Lay's shipping department, had told him to take an envelope out of his desk drawer and give it to Liford, who in turn would pass it along to Bright.

Henderlight said he had no idea at the time what was in the envelope. He said the TBI told him that it was Bright's ticket.

Henderlight told the newspaper that Wittenbarger had said to "give it to Cliff and let him give it back to him. I don't want to see it anymore." He said he worked at the company about a year and never saw any tickets fixed or meat given to state troopers.

It was not clear from the documents that the newspaper reviewed whether the TBI ever interviewed Wittenbarger. The agency has declined to detail its work in the original investigation, and its records are exempt from the state's public-records law.

Now employed as a trucker, Wittenbarger was out of town when *The Tennessean* visited his home near Seymour this week, and he did not return phone messages seeking comment.

— SHEILA WISSNER, TRENT SEIBERT

K

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EVERYTHING ON YOUR LIST

sale spectacular

Friday, December 9 thru Sunday, December 11

40% off*
All Martha Stewart Everyday™ Holiday 7.5' pre-lit trees



40% off*
All boxed holiday cards and single-roll holiday gift wrap**

**Excludes 3M and American Greetings



BUY ONE GET ONE FREE**
Joe Boxer® men's and women's 2-piece packaged pajamas or loungewear sets

Women's 2-piece pajama sets not available in Southern Florida.
**Buy one item at the reg. price and get a second item (of equal or lesser value) FREE.

everything

ON YOUR LIST TO DECORATE

everything

ON YOUR LIST TO GIVE

40% off*
All outdoor lighted trees



BUY ONE GET ONE FREE**

Barbie® American Idol, Birthday Bash or My Scene Goes Hollywood Doll

All other Barbie toys also on sale.
© Mattel Inc. Reg. TM
**Of equal or lesser value.



EXTENDED HOLIDAY HOURS
FRI & SAT 8 AM to 10 PM
SUN 7 AM to 11 PM
Kmart SuperCenters open 24 hours

COME IN FOR MORE SPECTACULAR SAVINGS ON MEN'S, WOMEN'S AND KIDS' APPAREL AND TOYS

While supplies last. Due to the seasonality of the merchandise on this ad, rain checks are not available.

*Reduction is off regular retail.