

IN THE SUPREME COURT OF TENNESSEE  
AT NASHVILLE

FILED

2010 JUL 29 AM 9:30

IN RE: JOHN P. BRIZZOLARA, JR., BPR #22449

An Attorney Licensed to Practice Law in Tennessee  
(Little Rock, Arkansas)

APPELLATE COURT CLERK  
NASHVILLE

NO. M2010-01622-SC-BPO-BP

BOPR No. 2010-1951-0-KH(14)

**ORDER**

This matter is before the Court pursuant to Section 14 of Tennessee Supreme Court Rule 9 upon a certificate filed by Disciplinary Counsel for the Board of Professional Responsibility consisting of a certified copy of Orders entered in the Circuit Court of Williamson County, Tennessee, Nos. I-CR044797 and I-CR044798 (attached hereto as Collective Exhibit A), demonstrating that on May 25, 2010, John P. Brizzolara, Jr., a Tennessee attorney, pled guilty to charges involving serious crimes, to wit: Prescription Drug Fraud, in violation of Tenn. Code Ann. 53-11-402; Forgery, in violation of Tenn. Code Ann. 39-14-114; and Identity Theft, in violation of 39-14-150.

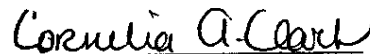
Further, Respondent is currently suspended from the practice of law for failure to pay registration fees and for noncompliance with Continuing Legal Education requirements.

It is, therefore, **ORDERED**, pursuant to Section 14 of Tennessee Supreme Court Rule 9, that John P. Brizzolara, Jr., is suspended from the practice of law on this date pending further orders of this Court.

It is further **ORDERED** that this matter be referred to the Board of Professional Responsibility for the institution of a formal proceeding in which the sole issue to be determined shall be the extent of the final discipline to be imposed as a result of the convictions.

It is further **ORDERED** that John P. Brizzolara, Jr., shall fully comply with the provisions of Tennessee Supreme Court Rule 9, Section 18, concerning disbarred or suspended attorneys.

FOR THE COURT:

  
CORNELIA A. CLARK  
JUSTICE

**OFFICE OF CIRCUIT COURT CLERK**  
FOR WILLIAMSON COUNTY, TENNESSEE

I, DEBBIE McMILLAN BARRETT, CLERK OF SAID COURT, DO HEREBY  
CERTIFY THAT THE FOREGOING IS A TRUE, PERFECT AND COMPLETE COPY  
OF THE INDICTMENTS, 40-35-313 (DIVERSION) ORDER OF SAID COURT,

PRONOUNCED MAY 25, 2010

IN THE CASE OF

STATE OF TENNESSEE  
VS  
JOHN PAUL BRIZZOLARA

AS APPEARS OF RECORD NOW ON FILE IN MY OFFICE, AS REFLECTED IN MINUTE

BOOK 354, PAGE 836.  
BOOK 356 PAGE 739-740

IN TESTIMONY WHEREOF, I HAVE HERE UNTO SET MY HAND AND AFFIXED THE  
SEAL OF THE COURT, AT OFFICE AT COURTHOUSE IN FRANKLIN, ON THIS,

THE 14TH DAY OF JULY 2010.

DEBBIE McMILLAN BARRETT  
CIRCUIT COURT CLERK

SEAL

Angela Walker

D.C.



CIRCUIT COURT NUMBER I-CR044798

STATE OF TENNESSEE, WILLIAMSON COUNTY  
CIRCUIT COURT

COUNT 1  
PRESCRIPTION DRUG FRAUD

The Grand Jurors for Williamson County, Tennessee, duly impaneled and sworn, upon their oath, present that **JOHN PAUL BRIZZOLARA**, heretofore, to-wit, on January 21, 2010, before the finding of this presentment, in said County and State, did unlawfully, knowingly, and feloniously obtain or attempt to obtain a controlled substance, to-wit: Lortab, being classified as controlled substance in Schedule III, by misrepresentation, fraud, forgery, deception or subterfuge, in violation of Tennessee Code Annotated, Section 53-11-402, a class D felony, and against the peace and dignity of the State of Tennessee.

COUNT 2  
FORGERY

The Grand Jurors for Williamson County, Tennessee, duly impaneled and sworn, upon their oath, present that **JOHN PAUL BRIZZOLARA**, heretofore, to-wit, on January 21, 2010, before the finding of this presentment, in said County and State, unlawfully, knowingly and feloniously did alter, make, complete, execute or authenticate any writing, so that it purports to be the act of another who did not authorize that act, with the intent to defraud or harm another, to-wit: a prescription for Lortab issued by Dr. Wayne Bruffett, M.D. for Greg Shield, in violation of Tennessee Code Annotated 39-14-114, a class E felony, and against the peace and dignity of the State of Tennessee.

COUNT 3  
IDENTITY THEFT

The Grand Jurors for Williamson County, Tennessee, duly impaneled and sworn, upon their oath, present that **JOHN PAUL BRIZZOLARA**, heretofore, to-wit, on January 21, 2010, before the finding of this presentment, in said County and State, unlawfully, knowingly and feloniously did use personal identification of another person to wit: the name of Dr. Wayne Bruffett, M.D., with the intent to commit any unlawful act, to wit: fraudulently obtain Lortab, a prescription controlled substance, in violation of Tennessee Code Annotated 39-14-150, a class D felony, and against the peace and dignity of the State of Tennessee.

  
KIM R. HELPER  
District Attorney General

354 836

CIRCUIT COURT NUMBER ECR044798

STATE OF TENNESSEE

v.

JOHN PAUL BRIZZOLARA

A TRUE BILL

*Laurie Allan*  
*Diana Ramsey*  
*Walter Lindsey*  
*John [unclear]*  
*[unclear]*  
*[unclear]*

*Annix Beard*  
*[unclear]*  
*[unclear]*  
*John B. [unclear]*  
*[unclear]*

*[Signature]*  
GRAND JURY FOREMAN

TO THE CLERK:

SUBPOENA THE FOLLOWING WITNESSES FOR THE STATE OF TENNESSEE

1. Agt. William Whitney, DTF
2. Sonya Looney, Fred's Pharmacy, 7240 Nolensville Road, Nolensville, TN 37135, (615) 776-2273
3. Rebakah Adkins, Fred's Pharmacy, 7240 Nolensville Road, Nolensville, TN 37135, (615) 776-2273
4. Megan Womble, Fred's Pharmacy, 7240 Nolensville Road, Nolensville, TN 37135, (615) 776-2273
5. Dr. Wayne Bruffett, 500 South University Avenue, Suite 815, Little Rock, AR 72205, (501) 663-8900

*Kim R. Helper*  
KIM R. HELPER  
District Attorney General

Filed and entered

CIRCUIT COURT CLERK

April 12, 2010

By *Debbie McMillan Barrett*

354 837  
SEAN B. DUBBY

IN THE CIRCUIT COURT OF WILLIAMSON COUNTY, TENNESSEE  
AT FRANKLIN

STATE OF TENNESSEE

vs.

NO. I-CR044798

FILED

MAY 25 2010

Debbie McMillan Barrett  
Circuit Court

John P. Bazzano, Jr.  
D.O.B.: 11-24-73

ORDER

This cause came to be heard on the 25<sup>th</sup> day of May, 2010, upon the defendant's plea of guilty to the offense of Bank Fraud, Federal 4 ID THEFT a Class D/E, Felony. Pursuant to an agreement between the State and the Defendant, this plea will be accepted by the Court, but adjudication of the defendant's guilt will be withheld pursuant to T.C.A. 40-35-313, for a period of 2 yrs. During this time the defendant shall be on Supervised probation subject to the usual conditions of probation and the following special conditions:

1. Pay Compensation of \$3850<sup>00</sup> to 21<sup>st</sup> DTF
2. See Attached Defendant's Conditions
- 3.

A supplemental order of probation setting forth the usual and special conditions of probation shall be prepared and filed with the Court

So ORDERED this the 25<sup>th</sup> day of May, 2010.

Jeff Bini  
Judge

Approved for entry:

[Signature]  
Attorney for the State

Richard D. Binley  
Attorney for the Defendant

**STATE OF TENNESSEE V. JOHN PAUL BRIZZOLARA, JR.**  
**CASE No.: I-CR044798**

**ATTACHED DIVERSION CONDITIONS**

- Defendant must successfully complete all aspects of the 21<sup>st</sup> Judicial District Drug Court program as a condition of his probation
- Defendant to pay all contributions and costs on a schedule TBD by his probation officer
- Defendant is not to ingest or consume any controlled substances without prior approval of his/his probation officer
- If defendant is prescribed a controlled substance or issued a refill for a current prescription of a controlled substance, the defendant, prior to obtaining or attempting to obtain said prescription, shall provide a letter to his probation officer from the prescribing doctor stating the following:
  1. The reason for the prescription
  2. Acknowledgment by the doctor of the defendant's criminal offense of Prescription Fraud
  3. Statement by the doctor that there is no non-controlled alternative available
- Defendant is required to sign any and all necessary medical releases of information in order to comply with the requirements of their probation
- If defendant is prescribed a controlled substance and said prescription is approved by his probation officer, the defendant must choose a single pharmacy location from which to obtain any and all prescriptions for controlled substances. The defendant must provide his probation officer with the location of said pharmacy prior to obtaining any prescriptions

**OFFICE OF CIRCUIT COURT CLERK**  
FOR WILLIAMSON COUNTY, TENNESSEE

I, DEBBIE McMILLAN BARRETT, CLERK OF SAID COURT, DO HEREBY  
CERTIFY THAT THE FOREGOING IS A TRUE, PERFECT AND COMPLETE COPY  
OF THE INDICTMENTS, 40-35-313 (DIVERSION) ORDER, JUDGMENT OF SAID COURT,

PRONOUNCED MAY 25, 2010

IN THE CASE OF

STATE OF TENNESSEE

VS

JOHN PAUL BRIZZOLARA

AS APPEARS OF RECORD NOW ON FILE IN MY OFFICE, AS REFLECTED IN MINUTE

BOOK 354, PAGE 834.

BOOK 356 PAGE 726-727 & 731

IN TESTIMONY WHEREOF, I HAVE HERE UNTO SET MY HAND AND AFFIXED THE  
SEAL OF THE COURT, AT OFFICE AT COURTHOUSE IN FRANKLIN, ON THIS,

THE 14TH DAY OF JULY 2010.

DEBBIE McMILLAN BARRETT  
CIRCUIT COURT CLERK

SEAL

Angela Walker D.C.

CIRCUIT COURT NUMBER ECR044797

STATE OF TENNESSEE, WILLIAMSON COUNTY  
CIRCUIT COURT

COUNT 1  
PRESCRIPTION DRUG FRAUD


The Grand Jurors for Williamson County, Tennessee, duly impaneled and sworn, upon their oath, present that **JOHN PAUL BRIZZOLARA**, heretofore, to-wit, on February 08, 2010, before the finding of this presentment, in said County and State, did unlawfully, knowingly, and feloniously obtain or attempt to obtain a controlled substance, to-wit: Norco, being classified as controlled substance in Schedule III, by misrepresentation, fraud, forgery, deception or subterfuge, in violation of Tennessee Code Annotated, Section 53-11-402, a class D felony, and against the peace and dignity of the State of Tennessee.

COUNT 2  
FORGERY

The Grand Jurors for Williamson County, Tennessee, duly impaneled and sworn, upon their oath, present that **JOHN PAUL BRIZZOLARA**, heretofore, to-wit, on February 08, 2010, before the finding of this presentment, in said County and State, unlawfully, knowingly and feloniously did with the intent to defraud or harm another, did alter, make, authenticate any writing that it purport to be the act of another who did no authorize that act, to-wit: a prescription for Norco and Toprol XL50 issued to Dr. Robert Bishop, MD for Jeff Smith, in violation of Tennessee Code Annotated 39-14-114, a class E felony, and against the peace and dignity of the State of Tennessee.

COUNT 3  
IDENTITY THEFT

The Grand Jurors for Williamson County, Tennessee, duly impaneled and sworn, upon their oath, present that **JOHN PAUL BRIZZOLARA**, heretofore, to-wit, on February 08, 2010, before the finding of this presentment, in said County and State, unlawfully, knowingly and feloniously obtains, possesses, buys or uses the personal identification of another, to wit: Dr. Robert Bishop, MD, with the intent to commit any unlawful act, to wit: fraudulently obtain Norco, a prescription controlled substance, and Toprol XL 50, a legend drug, in violation of Tennessee Code Annotated 39-14-150, a class D felony, and against the peace and dignity of the State of Tennessee.

  
KIM R. HELPER  
District Attorney General



CIRCUIT COURT NUMBER JE02044797

STATE OF TENNESSEE

v.

JOHN PAUL BRIZZOLARA

A TRUE BILL

*Samie Allan*  
*Debra Summers*  
*Joseph Stacey*  
*[Signature]*  
*[Signature]*  
*[Signature]*

*[Signature]*  
*[Signature]*  
*Joseph B. Connors*  
*[Signature]*  
*[Signature]*

*[Signature]*  
GRAND JURY FOREMAN

TO THE CLERK:

SUBPOENA THE FOLLOWING WITNESSES FOR THE STATE OF TENNESSEE

1. William Whitney, DTF
2. Bailey Greenwalt, Assistant Director, DTF
3. Beth McDonald, Pharmacist, Walgreens Pharmacy, 101 Franklin Road Brentwood, TN 37027, (615) 221-8857
4. Annah Royal, Pharmacist, Walgreens Pharmacy, 101 Franklin Road, Brentwood, TN 37027, (615) 221-8857
5. Kaye Auditore, Pharmacy Technician, Walgreens Pharmacy, 101 Franklin Road Brentwood, TN 37027, (615) 221-8857
6. Lana Bell, Pharmacist, Walgreens Pharmacy, 4243 Harding Pike Nashville, TN 37205, (615) 297-6399
7. Dr. Robert Bishop, 397 Wallace Road Nashville, TN 37211, (615) 834-6166
8. George Smith, 1707 Riverwood Drive Nashville, TN 37216, (615) 403-6233

*Kim R. Helper*  
KIM R. HELPER  
District Attorney General

Filed and entered

CIRCUIT COURT CLERK

*April 12*, 20 *10*

By *Debra McMillen Barnett*

354 835

SEAN B. DUDDY

IN THE CIRCUIT COURT OF WILLIAMSON COUNTY, TENNESSEE  
AT FRANKLIN

STATE OF TENNESSEE

vs.

NO. J-CR044797

John P. [unclear] Jr.  
D.O.B.: 11-26-73

FILED

MAY 25 2010

Debbie McMillan Barrett  
Circuit Court

ORDER

This cause came to be heard on the 25<sup>th</sup> day of MAY, 2010, upon the defendant's plea of guilty to the offense of POSS. FRAUD + ID ~~THEFT (UNLAWFUL)~~ a Class D, FELONY. Pursuant to an agreement between the State and the Defendant, this plea will be accepted by the Court, but adjudication of the defendant's guilt will be withheld pursuant to T.C.A. 40-35-313, for a period of 4 yrs. During this time the defendant shall be on SUPERVISED probation subject to the usual conditions of probation and the following special conditions:

1. PAY COMPENSATION OF \$2750<sup>00</sup> TO 21<sup>st</sup> DTF
2. DRAW SET ATTACHED DIVIDEND COMPENSATION
3. \_\_\_\_\_

A supplemental order of probation setting forth the usual and special conditions of probation shall be prepared and filed with the Court

So ORDERED this the 25<sup>th</sup> day of May, 2010.

[Signature]  
Judge

Approved for entry:

[Signature]  
Attorney for the State

[Signature]  
Attorney for the Defendant

**STATE OF TENNESSEE V. JOHN PAUL BRIZZOLARA, JR.**  
**CASE No.: I-CR044797**

**ATTACHED DIVERSION CONDITIONS**

- Defendant must successfully complete all aspects of the 21<sup>st</sup> Judicial District Drug Court program as a condition of his probation
- Defendant to pay all contributions and costs on a schedule TBD by his probation officer
- Defendant is not to ingest or consume any controlled substances without prior approval of his/his probation officer
- If defendant is prescribed a controlled substance or issued a refill for a current prescription of a controlled substance, the defendant, prior to obtaining or attempting to obtain said prescription, shall provide a letter to his probation officer from the prescribing doctor stating the following:
  1. The reason for the prescription
  2. Acknowledgment by the doctor of the defendant's criminal offense of Prescription Fraud
  3. Statement by the doctor that there is no non-controlled alternative available
- Defendant is required to sign any and all necessary medical releases of information in order to comply with the requirements of their probation
- If defendant is prescribed a controlled substance and said prescription is approved by his probation officer, the defendant must choose a single pharmacy location from which to obtain any and all prescriptions for controlled substances. The defendant must provide his probation officer with the location of said pharmacy prior to obtaining any prescriptions

**IN THE CRIMINAL/CIRCUIT COURT OF WILLIAMSON COUNTY, TENNESSEE**

Case Number: 1-CR044797 Count # 2 Attorney for the State: SEAN B. DUDDY / DKS  
 Judicial District: 21st Judicial Division: \_\_\_\_\_ Counsel for Defendant: Nick Bailey  
 State of Tennessee  Retained  Appointed  Public Defender  
 vs.  Counsel Waived  Pro Se  
 Defendant: JOHN PAUL BRIZZOLARA Alias: \_\_\_\_\_  
 Date of Birth: 11/26/1973 Sex: Male Race: White SSN: 432-35-3300  
 Indictment Filing Date: 3/8/2010 TDOC # \_\_\_\_\_ State Control # \_\_\_\_\_  
 State ID # \_\_\_\_\_ County Offender ID # FILED

**JUDGMENT**

**MAY 25 2010**

Original  Amended  Corrected

Debbie McMillan Barrett  
Circuit Court

Comes the District Attorney General for the State and the defendant with counsel of record for entry of judgment.  
 On the 25 of May 2010 the defendant:

<input type="checkbox"/> Pled Guilty <input checked="" type="checkbox"/> Dismissed/Noile Prosequi <input type="checkbox"/> Nolo Contendere <input type="checkbox"/> Retired/Unapprehended Defendant <input type="checkbox"/> Guilty Plea - Pursuant to 40-35-313  Is found: <input type="checkbox"/> Guilty <input type="checkbox"/> Not Guilty <input type="checkbox"/> Jury Verdict <input type="checkbox"/> Not Guilty by Reason of Insanity <input type="checkbox"/> Bench Trial	Indictment: Class (circle one) 1 <sup>st</sup> A B C D E <input checked="" type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor Offense: <u>FORGERY</u> Amended Charge: _____ Offense Date: <u>2/8/2010</u> County: <u>Williamson</u> Conviction Offense: _____ Is this conviction offense methamphetamine related? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No TCA #: <u>39-14-114</u> Sentence Imposed Date: _____ Conviction: Class (circle one) 1 <sup>st</sup> A B C D E <input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor
--	--

After considering the evidence, the entire record, & all factors in T.C.A. Title 40 Chapter 35, all of which are incorporated by reference herein, the Court's findings & rulings are:

<p align="center"><b>Sentence Reform Act of 1989</b> Release Eligibility (Check One)</p> Offender Status (Check One) <input type="checkbox"/> Mitigated <input type="checkbox"/> Mitigated 20% <input type="checkbox"/> Multiple Rapist 100% <input type="checkbox"/> Standard <input type="checkbox"/> Mitigated 30% <input type="checkbox"/> Child Rapist 100% <input type="checkbox"/> Multiple <input type="checkbox"/> Standard 30% <input type="checkbox"/> Repeat Violent 100% <input type="checkbox"/> Persistent <input type="checkbox"/> Multiple 35% <input type="checkbox"/> Child Predator 100% <input type="checkbox"/> Career <input type="checkbox"/> Persistent 45% <input type="checkbox"/> 1 <sup>st</sup> Degree Murder <input type="checkbox"/> Repeat Violent <input type="checkbox"/> Career 60% <input type="checkbox"/> Drug Free Zone <input type="checkbox"/> Violent 100% <input type="checkbox"/> Gang Related	Concurrent with: _____ Consecutive to: _____	Pretrial Jail Credit Period(s): From _____ to _____ From _____ to _____ From _____ to _____ From _____ to _____
Sentenced To: <input type="checkbox"/> TDOC <input type="checkbox"/> County Jail <input type="checkbox"/> Workhouse Sentence Length: _____ Years _____ Months _____ Days _____ Hours _____ Weekends <input type="checkbox"/> Life <input type="checkbox"/> Life w/out Parole <input type="checkbox"/> Death Mandatory Minimum Sentence Length: <u>39-17-417, 39-13-513, 39-13-514</u> in Drug Free Zone or <u>55-10-401</u> DUI 4 <sup>th</sup> Offense or <u>39-17-1324</u> Possession/Employment of Firearm Period of incarceration to be served prior to release on probation: _____ Months _____ Days _____ Hours _____ Weekends Minimum service prior to eligibility for work release, furlough, trusty status and rehabilitative programs: _____ % (Misdemeanor Only) Alternative Sentence: <input type="checkbox"/> Probation <input type="checkbox"/> Diversion <input type="checkbox"/> Drug Court <input type="checkbox"/> Community Based Alternative - Specify _____ _____ Years _____ Months _____ Days Effective: _____	Court Ordered Fees and Fines: \$ _____ Court Costs <input type="checkbox"/> Defendant <input type="checkbox"/> State \$ _____ Fine Assessed \$ _____ Traumatic Brain Injury Fund (Drag Racing) \$ _____ Drug Testing Fund (TN Drug Control Act) \$ _____ CICF \$ _____ Sex Offender Tax \$ _____ Other: _____	Restitution: Victim Name _____ Address _____ Total Amount \$ _____ Per Month \$ _____ <input type="checkbox"/> Unpaid Community Service: _____ Hours _____ Days _____ Weeks _____ Months

The Defendant having been found guilty is rendered infamous and ordered to provide a biological specimen for the purpose of DNA analysis.  
 Pursuant to 39-13-521 the defendant is ordered to provide a biological specimen for the purpose of HIV testing.  
 Pursuant to 39-13-524 the defendant is sentenced to community supervision for life following sentence expiration.

Special Conditions

Hon. Jeff Bivins Judge's Name J. Bivins Judge's Signature 5-25-10 Date of Entry of Judgment  
356 737 Attorney for State/Signature (optional) \_\_\_\_\_ Defendant's Attorney/Signature (optional)  
 CR-3419 (Rev. 1/08) RDA 1167