

IN THE SUPREME COURT OF TENNESSEE  
AT NASHVILLE

**FILED**  
SEP 17 2004  
Clerk of the Courts

IN RE: SHANNON LEIGH CLARK, BPR NO. 18218

\_\_\_\_\_  
BOPR NO. 2004-1461-3-JV(14)

No. M 2004-02265-SC-BPO-RP

\_\_\_\_\_  
**ORDER**

This matter is before the Court pursuant to Section 14 of Rule 9 of the Rules of the Supreme Court of Tennessee upon a certificate filed by Disciplinary Counsel for the Board of Professional Responsibility consisting of a certified copy of a minute entry in the United States District Court for the Eastern District of Tennessee at Chattanooga, No. 1:04-cr-57, (attached hereto as Exhibit A) and letter from Shannon Leigh Clark with accompanying plea agreement (attached hereto as Collective Exhibit B), demonstrating that on September 2, 2004, Shannon Leigh Clark, a Tennessee attorney, plead guilty to a charge involving a serious crime, to wit: bankruptcy fraud, 18 U.S.C. § 157.

It is, therefore, ORDERED, pursuant to Section 14 of Rule 9 of the Rules of the Supreme Court of Tennessee, that Shannon Leigh Clark 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 conviction.

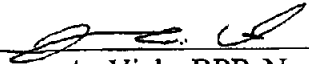
It is further ORDERED that Shannon Leigh Clark shall fully comply with the provisions of Tennessee Supreme Court Rule 9, Section 18, concerning disbarred or suspended attorneys.

ENTERED this 17<sup>th</sup> day of Sept., 2004.

FOR THE COURT:

  
\_\_\_\_\_  
Adolpho A. Birch, Jr., Justice

APPROVED FOR ENTRY:

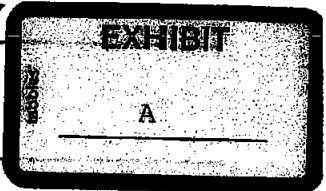
  
James A. Vick, BPR No. 9843  
Disciplinary Counsel  
Suite 730  
1101 Kermit Drive  
Nashville, Tennessee 37217  
(615) 361-7500

U. S. DISTRICT COURT for the EASTERN DISTRICT OF TENNESSEE at CHATTANOOGA

REARRAIGNMENT

WAIVER OF INDICTMENT / PLEA

CASE NO. 1:04-cr-57



USA v. Shannon Leigh Clark

PRESENT: Honorable Curtis L. Collier U. S. District Judge

Maureen Miller Bill Ottavino Apptd  Retd  Ltd App   
Asst. U.S. Attorney Attorney for Defendant

Deputy Clerk: Cyndee Palmer Pretrial Services / Probation Officer: Sherrie White

Court reporter: Elizabeth Coffey

PROCEEDINGS:  Deft sworn  Financial affidavit executed  Court appointed atty under Crim Justice Act

Court may require deft to repay govt for cost of atty  Defendant waived appointment of attorney

Defendant specifically advised of rights, Rule 11, FRCrP  Waiver executed

Defendant waived reading of indictment / information  Indictment / information read

Defendant pleads guilty to Counts 4

Court finds deft competent to plead; plea voluntary  Guilty plea accepted by Court; deft adjudged guilty

Plea agreement filed Agreement:  accepted /  not accepted;  sealed /  not sealed

Deft referred to Probation Office for presentence investigation

BOND: Court ordered deft. released on \_\_\_\_\_ bond with following conditions:

<input type="checkbox"/> Standard conditions	<input type="checkbox"/> No excessive use/	<input type="checkbox"/> No firearms	Travel restricted to: _____
<input type="checkbox"/> Report to Pretrial Svcs.	<input type="checkbox"/> no use of alcohol	<input type="checkbox"/> House arrest	
<input type="checkbox"/> Drug/alcohol screening	<input type="checkbox"/> No use of contr. subst	<input type="checkbox"/> Electronic mon.	

Govt. motion for detention without bond:  granted  denied  Detention hearing: \_\_\_\_\_

Testimony by: \_\_\_\_\_

Defendant ineligible for release on bond:

SENTENCING: 11/19/04 @ 2:00 pm

OTHER MATTERS: Deft. to notify all courts where she is licensed, or has cases, of her guilty plea. Deft is not permitted to practice in federal or bankruptcy court. If there is necessity, to practice in some court other than federal, deft must notify this Court and receive permission.

Defendant  remanded custody U.S. Marshal  released on bond  remained in custody  remained on bond

Court ordered file  sealed  unsealed Time: 10:30 to 11:00 Date: 9/2/03

ATTEST: A true copy  
Certified this SEP 10 2004  
PATRICIA L. McNUTT, CLERK  
by [Signature] Dep. Clerk

# SHANNON CLARK

ATTORNEY AT LAW

RECEIVED

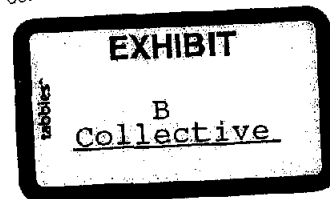
SEP 10 2004

BOARD OF PROFESSIONAL RESPONSIBILITY  
SUPREME COURT OF TENNESSEE

September 8, 2004

Mr. James Vick, Disciplinary Counsel  
Board of Professional Responsibility  
1101 Kermit Drive, Ste. 730  
Nashville, TN 37217

Via Facsimile and U.S. Mail  
615-367-2480



Dear Mr. Vick:

Please find attached a copy of the plea agreement that was signed by myself and which I entered a guilty plea in Federal Court on Thursday, September 2, 2004.

Sincerely,

A handwritten signature in cursive script that reads "Shannon L. Clark".

Shannon L. Clark

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
at CHATTANOOGA

UNITED STATES OF AMERICA

v.

SHANNON LEIGH CLARK

)  
:  
)  
:  
)

1:04-cr-57

Judge Collier

**PLEA AGREEMENT**

Pursuant to Rule 11(c)(1)(C) of the Federal Rules of Criminal Procedure, the United States through Harry S. Mattice, Jr., United States Attorney for the Eastern District of Tennessee, and Assistant United States Attorney Gary S. Humble, and the defendant, SHANNON LEIGH CLARK, and her attorney, William H. Ortwein, have agreed upon the following:

1. Ms. Clark agrees to plead guilty to Count Four of the Indictment, charging her with a violation of Title 18, United States Code, Section 157 (bankruptcy fraud). The United States will dismiss Counts One, Two, Three, Five, Six, and Seven at sentencing.
2. Ms. Clark understands that the penalties to which she is subject by virtue of her conviction are a maximum sentence of 5 years imprisonment and a \$250,000 fine, supervised release not to exceed three years, and a mandatory special assessment of \$100.
3. The parties agree pursuant to 11(c)(1)(C) that the defendant's base offense level should be calculated under § 2F1.1 of the 2000 Sentencing Guidelines, giving the defendant a base offense level of 6 pursuant to 2F1.1(a). The parties agree that the specific offense characteristic set forth in 2F1.1(b)(1)(E) shall apply to this case. That is,

the amount of loss did not exceed \$20,000. The total offense level is nine (9). This paragraph does not preclude the defendant from receiving a further two-level reduction under § 3E1.1 as set forth in ¶ 5 below.

4. Ms. Clark acknowledges that she understands that her case is governed by the United States Sentencing Guidelines and that any term of imprisonment imposed under the guidelines is non-parolable. Ms. Clark further acknowledges that she understands that the Court will determine the appropriate sentence under the Sentencing Guidelines.

5. If the defendant complies with the terms of this agreement, the United States will not oppose a two-level reduction for acceptance of responsibility under the provisions of U.S.S.G. §3E1.1(a). Should the defendant commit any act or omission or make any statements which would be inconsistent with accepting responsibility for the defendant's offense, the United States will be relieved from its obligations under this paragraph, and will be free to recommend to the Court that the defendant not receive any offense level reduction for acceptance of responsibility under U.S.S.G. §3E1.1(a).

6. Pursuant to Rule 11(c)(1)(C) of the Federal Rules of Criminal Procedure, the parties expressly agree that [the] appropriate sentence in this case will be determined by application of the United States Sentencing Guidelines as set forth in paragraph three (3) above and there will be no departures from those guidelines. The parties agree that the sentencing court may consider any reliable evidence, including hearsay, in determining the guideline sentence and that the preponderance of the evidence standard will be applied. The defendant agrees to waive any challenge to the validity of the Sentencing Guidelines.

7. The defendant will tender payment of the special assessment in the sum of \$100 to the Clerk of the United States District Court and will obtain a receipt of payment from the Clerk, a copy of which will be submitted to the United States Attorney's Office with this plea agreement. The sum received by the Clerk will be applied toward the special assessment imposed by the Court. In the event this plea agreement becomes void, such sum shall be returned to the defendant.

8. The defendant agrees to pay any fine and/or restitution imposed by the Court to the Clerk of Court for eventual disbursement to the appropriate amount and/or victim(s). The defendant also agrees that the full fine and/or restitution amount shall be considered due and payable immediately. If the defendant cannot pay the full amount immediately and is placed in custody or under the supervision of the Probation Office at any time, she agrees that the custodial agency and the Probation Office will have the authority to establish payment schedules to ensure payment of the fine and/or restitution. By virtue of this plea agreement, defendant waives any statutory or constitutional right to have his payment schedule determined by the district court. The defendant further agrees to cooperate fully in efforts to collect the fine and/or restitution obligation by set-off of program payments, execution on non-exempt property, and any other means the Government deems appropriate. Finally, the defendant and counsel agree that Government officials may contact the defendant regarding the collection of any fine and/or restitution without notifying and outside the presence of counsel.

9. The defendant expressly waives any right she may have under the Sixth Amendment or otherwise to have any and all facts relevant to sentencing alleged in an indictment and determined by a jury beyond a reasonable doubt.

10. The parties further agree that this agreement constitutes the full and complete agreement and understanding between the parties concerning Ms. Clark's guilty plea to Count Four of the indictment, and further state that there are no other agreements, promises or understandings between Ms. Clark and the United States in this case.

11. The parties agree that the following facts are true: The defendant filed a bankruptcy petition on or about September 25, 2000, in Knoxville, Tennessee, located in the Eastern District of Tennessee. This petition was filed under Title 11 of the United States Bankruptcy Code. The defendant knowingly did not disclose in her bankruptcy petition all of her and her husband's assets and income, and knowingly attempted to conceal assets from the bankruptcy trustee. Specifically, the defendant did not disclose her husband's income in the year 2000. The defendant did not disclose accounts receivables, that is, some of her attorney's fees pursuant to her representation of clients in Chapter 13 filings in the United States Bankruptcy Court. The defendant also did not disclose all of her funds, which should have been properly disclosed. Nor did the defendant disclose her rental income for the year 2000. The value of the assets concealed did not exceed \$20,000.



12. By defendant's signature to this agreement, the defendant acknowledges that she has discussed with counsel each provision of this agreement and understands the meaning and potential consequences of each provision of this agreement.

HARRY S. MATTICE, JR.  
UNITED STATES ATTORNEY

By: *Gary S. Humble*  
Gary S. Humble  
Assistant United States Attorney  
1110 Market Street, Suite 301  
Chattanooga, TN 37402  
(423)752-5140  
BPR#007325

*Shannon Leigh Clark* Date: *8/9/04*  
Shannon Leigh Clark  
Defendant

*William H. Ortwein* Date: *8/9/04*  
William H. Ortwein  
Attorney for Defendant

I, Michael W. Catalano, Clerk, hereby certify that this is a true and exact copy of the original

*Order w/ Exhibits*  
filed in the cause.

This *17* day of *Sept*, 20*04*

CLERK OF COURT

By: *[Signature]*