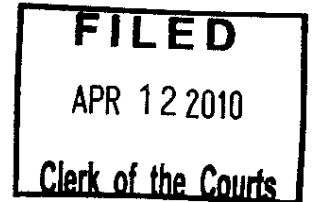


IN THE SUPREME COURT OF TENNESSEE  
AT NASHVILLE

**BOBBY A. McGEE, BPR #009222**

An Attorney Licensed in Tennessee  
(Perry County)



No. M2010-00779-SC-BPO-PP

BOPR Docket No. 2010-1916-0-CM (14)

**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 the Indictment and Order on Change of Plea in the criminal case, United States of America vs. Bobby A. McGee, CR. No. 08-20189-M1 (attached hereto as Collective Exhibit A), filed in the United States District Court for the Western District of Tennessee, on August 7, 2009, demonstrating that Bobby A. McGee, a Tennessee attorney, has pled guilty to the following criminal offenses: knowingly possessing one-hundred and eight-five (185) child pornography computer images files in violation of 18 U.S.C Section 2256 and 18 U.S.C. Section 2252(a)(4)(B).

This matter is also 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 the Indictment, Jury Verdict and Judgment in the criminal case, United States of America vs. Bobby Albert McGee, Case No. 4:07cr72-SPM (attached hereto as Collective Exhibit B), filed in the United States District Court Northern District of Florida Tallahassee Division, on March 5, 2009, demonstrating that Bobby A. McGee, a Tennessee attorney, was found guilty by jury verdict of the following criminal offenses: two (2) counts of Using Interstate Commerce to Induce a Minor to Engage in Sexual Activity in violation of 18 U.S.C. Section 2422(h).

It is therefore **ORDERED, ADJUDGED** and **DECREED** by the Court:

1. That Bobby A. McGee is suspended from the practice of law on this date pending further orders of this Court, pursuant to Section 14 of Rule 9, Rules of the Supreme Court of Tennessee.

2. 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.
3. That Bobby A. McGee shall fully comply with the provisions of Tennessee Supreme Court Rule 9, Section 18, concerning disbarred or suspended attorneys.
4. That the Board of Professional Responsibility shall cause notice of this suspension to be published as required by Supreme Court Rule 9.
5. Unless otherwise provided in a future order, no action in this case shall be effective to set aside or otherwise interfere with the Order of Enforcement entered against Bobby A. McGee in Case No. M2008-02248-SC-BPR-BP on October 7, 2008, in which Mr. McGee was suspended from the practice of law for three (3) years less ninety (90) days, such suspension being scheduled to expire on July 19, 2011.

FOR THE COURT:

*Cornelia A. Clark*  
\_\_\_\_\_  
CORNELIA A. CLARK, JUSTICE

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

UNITED STATES OF AMERICA )  
Plaintiff, )

VS. )

CR. NO. 08-20189-M1

BOBBY A. MCGEE )  
Defendant. )

ORDER ON CHANGE OF PLEA

This cause came on to be heard on August 7, 2009 the United States Attorney for this district, Dan Newsom, appearing for the Government and the defendant, Bobby A. McGee, appearing in person and with counsel, April Goode.

With leave of the Court, the defendant withdrew the not guilty plea heretofore entered and entered a plea of guilty as to Count 1 of the Indictment.

Plea colloquy was held and the Court accepted the guilty plea.

SENTENCING in this case is SET for THURSDAY, NOVEMBER 5, 2009, at 9:00 a.m., in Courtroom No. 1, on the 11<sup>th</sup> floor before Judge Jon Phipps McCalla.

Defendant is remanded to the custody of the U. S. Marshal.

ENTERED this the 7<sup>th</sup> day of August, 2009.

s/Jon Phipps McCalla  
UNITED STATES DISTRICT COURT



CERTIFIED TRUE COPY  
THOMAS M. GOULD, CLERK  
BY *[Signature]*  
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

UNITED STATES OF AMERICA, )

Plaintiff, )

vs. )

BOBBY A. McGEE, )

Defendant. )

Cr. No. 08 - 20189

18 U.S.C. § 2252(a)(4)(B)

INDICTMENT

THE GRAND JURY CHARGES:

COUNT 1

On or about October 5, 2007, in the Western District of Tennessee, the defendant,

~~BOBBY A. McGEE~~

knowingly possessed an item, that is, one E-machine desktop CPU, S/N GRC66700D1652 which then contained approximately 185 visual depictions (computer image files) which included the image files designated "6.jpg", "9.jpg", "y026.jpg", "y047.jpg", "yoass(18).jpg", and "IHANDJ.jpg"; which had been shipped and transported in interstate commerce, and which were produced using materials which had been shipped and transported in interstate commerce; the production of each said visual depiction involved the use of a minor engaging in sexually explicit conduct, as defined in Title 18, United States Code, Section

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THOMAS M. GOULD, CLERK  
BY [Signature]  
DEPUTY CLERK

2256, and each said visual depiction is of such conduct; all in violation of Title 18, United States Code, Section 2252(a)(4)(B).

A TRUE BILL:

s/Grand Jury Foreperson

FOREPERSON

DATE: June 17, 2008

*Asst.* Steven R. Donelan  
UNITED STATES ATTORNEY



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TITLE 18 > PART 1 > CHAPTER 110 > § 2252

### § 2252. Certain activities relating to material involving the sexual exploitation of minors

(a) Any person who—

(1) knowingly transports or ships using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce by any means including by computer or mails, any visual depiction, if—

- (A) the producing of such visual depiction involves the use of a minor engaging in sexually explicit conduct; and
- (B) such visual depiction is of such conduct;

(2) knowingly receives, or distributes, any visual depiction using any means or facility of interstate or foreign commerce or that has been mailed, or has been shipped or transported in or affecting interstate or foreign commerce, or which contains materials which have been mailed or so shipped or transported, by any means including by computer, or knowingly reproduces any visual depiction for distribution using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce or through the mails, if—

- (A) the producing of such visual depiction involves the use of a minor engaging in sexually explicit conduct; and
- (B) such visual depiction is of such conduct;

(3) either—

(A) in the special maritime and territorial jurisdiction of the United States, or on any land or building owned by, leased to, or otherwise used by or under the control of the Government of the United States, or in the Indian country as defined in section 1151 of this title, knowingly sells or possesses with intent to sell any visual depiction; or

(B) knowingly sells or possesses with intent to sell any visual depiction that has been mailed, shipped, or transported using any means or facility of interstate or foreign commerce, or has been shipped or transported in or affecting interstate or foreign commerce, or which was produced using materials which have been mailed or so shipped or transported using any means or facility of interstate or foreign commerce, including by computer, if—

- (i) the producing of such visual depiction involves the use of a minor engaging in sexually explicit conduct; and
- (ii) such visual depiction is of such conduct; or

(4) either—

(A) in the special maritime and territorial jurisdiction of the United States, or on any land or building owned by, leased to, or otherwise used by or under the control of the Government of the United States, or in the Indian country as defined in section 1151 of this title, knowingly possesses, or knowingly accesses with intent to view, 1 or more books, magazines, periodicals, films, video tapes, or other matter which contain any visual depiction; or

(B) knowingly possesses, or knowingly accesses with intent to view, 1 or more books, magazines, periodicals, films, video tapes, or other matter which contain any visual depiction that has been mailed, or has been shipped or transported using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce, or which was produced using materials which have been mailed or so shipped or transported, by any means including by computer, if—

- (i) the producing of such visual depiction involves the use of a minor engaging in sexually explicit conduct; and
- (ii) such visual depiction is of such conduct;

shall be punished as provided in subsection (b) of this section.

(b)

(1) Whoever violates, or attempts or conspires to violate, paragraph (1), (2), or (3) of subsection (a) shall be fined under this title and imprisoned not less than 5 years and not more than 20 years, but if such person has a prior conviction under this chapter, section 1591, chapter 71, section 1591, chapter 71, chapter 109A, or chapter 117, or under section 920 of title 10 (article 120 of the Uniform Code of Military Justice), or under the laws of any State relating to aggravated sexual abuse, sexual abuse, or abusive sexual conduct involving a minor or ward, or the production, possession, receipt, mailing, sale, distribution, shipment, or transportation of child pornography, or sex trafficking of children, such person shall be fined under this title and imprisoned for not less than 15 years nor more than 40 years.

(2) Whoever violates, or attempts or conspires to violate, paragraph (4) of subsection (a) shall be fined under this title or imprisoned

not more than 10 years, or both, but if such person has a prior conviction under this chapter, chapter 71, chapter 109A, or chapter 117, or under section 920 of title 10 (article 120 of the Uniform Code of Military Justice), or under the laws of any State relating to aggravated sexual abuse, sexual abuse, or abusive sexual conduct involving a minor or ward, or the production, possession, receipt, mailing, sale, distribution, shipment, or transportation of child pornography, such person shall be fined under this title and imprisoned for not less than 10 years nor more than 20 years.

**(c) Affirmative Defense.**— It shall be an affirmative defense to a charge of violating paragraph (4) of subsection (a) that the defendant—

- (1) possessed less than three matters containing any visual depiction proscribed by that paragraph; and
- (2) promptly and in good faith, and without retaining or allowing any person, other than a law enforcement agency, to access any visual depiction or copy thereof—
  - (A) took reasonable steps to destroy each such visual depiction; or
  - (B) reported the matter to a law enforcement agency and afforded that agency access to each such visual depiction.

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FLND Form 245B (rev 12/2003) Judgment in a Criminal Case  
4:07CR72-001 - BOBBY MCGEE

Page 1 of 7

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF FLORIDA  
TALLAHASSEE DIVISION

UNITED STATES OF AMERICA

-vs-

Case # 4:07CR72-001

BOBBY MCGEE

USM # 21816-076

Defendant's Attorney:  
Randolph Murrell (FPD)  
227 N. Bronough Street, Suite 4200  
Tallahassee, Florida 32301

JUDGMENT IN A CRIMINAL CASE

The defendant was found guilty on Counts 1 and 2 of the Indictment on November 18, 2008. Accordingly, **IT IS ORDERED** that the defendant is adjudged guilty of such counts which involve the following offenses:

<u>TITLE/SECTION NUMBER</u>	<u>NATURE OF OFFENSE</u>	<u>DATE OFFENSE CONCLUDED</u>	<u>COUNT</u>
18 U.S.C. § 2422(h)	Using Interstate Commerce to Induce a Minor to Engage in Sexual Activity	October 4, 2007	1
18 U.S.C. § 2422(h)	Using Interstate Commerce to Induce a Minor to Engage in Sexual Activity	October 4, 2007	2

The defendant is sentenced as provided in the following pages of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984, including amendments effective subsequent to 1984, and the Sentencing Guidelines promulgated by the U.S. Sentencing Commission.

**IT IS FURTHER ORDERED** that the defendant shall notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs and special assessments imposed by this judgment are fully paid.

Date of Imposition of Sentence:  
February 17, 2009

*s/ Stephan P. Mickle*

STEPHAN P. MICKLE  
UNITED STATES DISTRICT JUDGE

Date signed: March 5, 2009

**CERTIFIED A TRUE COPY**  
WILLIAM M. McCOOL, Clerk

By: *Kimberly J. Curles*  
Deputy Clerk





FLND Form 245B (rev 12/2003) Judgment in a Criminal Case  
4:07CR72-001 - BOBBY MCGEE

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### IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of **two hundred thirty-five (235) months as to each of Counts 1 and 2**, with said terms to run concurrently.

The Court recommends to the Bureau of Prisons that the defendant be designated to a medical facility capable of caring for the defendant, and as close to Linden, Tennessee as deemed eligible.

The defendant was previously denied bond, and is remanded to the custody of the United States Marshal.

### RETURN

I have executed this judgment as follows:

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---

---

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_  
at \_\_\_\_\_, with a certified copy of this judgment.

\_\_\_\_\_  
UNITED STATES MARSHAL

By: \_\_\_\_\_  
Deputy U.S. Marshal

### **SUPERVISED RELEASE**

Upon release from imprisonment, the defendant shall be on supervised release for a term of **twenty-five (25) years as to each of Counts 1 and 2**, with said terms to run concurrently with each other.

The defendant shall report to the probation office in the district to which the defendant is released within 72 hours of release from custody of the Bureau of Prisons.

The defendant shall not commit another federal, state, or local crime and shall not possess a firearm, destructive device, or any other dangerous weapon.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

The defendant shall cooperate in the collection of DNA as directed by the probation officer.

The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer.

### **STANDARD CONDITIONS OF SUPERVISION**

The defendant shall comply with the following standard conditions that have been adopted by this court.

1. the defendant shall not leave the judicial district without the permission of the court or probation officer;
2. the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
3. the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
4. the defendant shall support his or her dependents and meet other family responsibilities;
5. the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
6. the defendant shall notify the probation officer at least 10 days prior to any change in residence or employment;
7. the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
8. the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;

9. the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
10. the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
11. the defendant shall notify the probation officer within **72 hours** of being arrested or questioned by a law enforcement officer;
12. the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
13. as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.
14. if this judgment imposes a fine or a restitution obligation, it shall be a condition of supervision that the defendant pay any such fine or restitution in accordance with the Schedule of Payments set forth in the Criminal Monetary Penalties sheet of this judgment.

#### **ADDITIONAL CONDITIONS OF SUPERVISED RELEASE**

The defendant shall also comply with the following additional conditions of supervised release:

1. The defendant shall report in person to the probation office in the district to which he is released within 72 hours of his release from the Bureau of Prisons.
2. The defendant shall not own or possess a firearm, dangerous weapon or destructive device.
3. The defendant shall participate in sex offender treatment to include psychological testing.
4. The defendant shall provide the probation officer with all requested financial information, business and personal.
5. The defendant shall cooperate with the probation department in the collection of DNA samples as required by 42 U.S.C. § 14135a.
6. The defendant, in accordance with 42 U.S.C. § 16913, shall register as a sex offender in each jurisdiction where he resides, is employed, or is a student. Before the completion of his sentence, he shall register in this jurisdiction and also in the jurisdiction to which he is released, if it is different. The defendant is required to keep his registration current in at least one jurisdiction and appear in person to report any change in name, residence, employment, or student status not later than three business days after the change has occurred.
7. The defendant shall not possess or have under his control any material that depicts sexual activities with minors, and he shall provide the probation officer with access to his personal or home computer, including that of family members with his residence, for the specific purpose of identifying any material or communications that involve sexual activities with minors.

FLND Form 245B (rev 12/2003) Judgment in a Criminal Case  
4:07CR72-001 - BOBBY MCGEE

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8. The defendant shall not be in the presence of minors or have any contact in any form, direct or indirect, including but not limited to personally, by computer, telephone, letter or through another person with children under the age of 18 without the approval of the probation officer. Any contact must be reported immediately to the probation officer.
9. The defendant shall not obtain employment that will allow access to minors, and his employer shall be informed of his offense of conviction.
10. The defendant shall submit to a search of his person, property, house, vehicle, papers, computer, other electronic communication or data storage devices or media, and effects at any time, with or without warrant by any law enforcement or probation officer with reasonable suspicion concerning unlawful conduct or a violation of a condition of probation or supervised release, pursuant to 19 U.S.C. §§ 3563(b)(23) and 3583(d). The cost of any computer monitoring device or software necessitated by the defendant's use of a computer shall be paid by the defendant.

Upon a finding of a violation of probation or supervised release, I understand the Court may (1) revoke supervision, (2) extend the term of supervision, and/or (3) modify the conditions of supervision.

These conditions have been read to me. I fully understand the conditions and have been provided a copy of them.

\_\_\_\_\_  
Defendant

\_\_\_\_\_  
Date

\_\_\_\_\_  
U.S. Probation Officer/Designated Witness

\_\_\_\_\_  
Date

### CRIMINAL MONETARY PENALTIES

All criminal monetary penalty payments, except those payments made through the Bureau of Prisons' Inmate Financial Responsibility Program, are to be made to the Clerk, U.S. District Court, unless otherwise directed by the Court. Payments shall be made payable to the Clerk, U.S. District Court, and mailed to 111 N. Adams St., Suite 322, Tallahassee, FL 32301-7717. Payments can be made in the form of cash if paid in person.

The defendant shall pay the following total criminal monetary penalties in accordance with the schedule of payments set forth in the Schedule of Payments. The defendant shall pay interest on any fine or restitution of more than \$2,500, unless the fine or restitution is paid in full before the fifteenth day after the date of judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options in the Schedule of Payments may be subject to penalties for default and delinquency pursuant to 18 U.S.C. § 3612(g).

#### SUMMARY

<u>Special Monetary Assessment</u>	<u>Fine</u>	<u>Restitution</u>
\$200.00	NONE	NONE

#### SPECIAL MONETARY ASSESSMENT

A special monetary assessment of \$200.00 is imposed, and is due in full immediately.

FINE

NONE

RESTITUTION

NONE

### **SCHEDULE OF PAYMENTS**

Payments shall be applied in the following order: (1) special monetary assessment; (2) non-federal victim restitution; (3) federal victim restitution; (4) fine principal; (5) costs; (6) interest; (7) penalties in full immediately

The defendant must notify the court of any material changes in the defendant's economic circumstances, in accordance with 18 U.S.C. §§ 3572(d), 3664(k) and 3664(n). Upon notice of a change in the defendant's economic condition, the Court may adjust the installment payment schedule as the interests of justice require.

Special instructions regarding the payment of criminal monetary penalties pursuant to 18 U.S.C. § 3664(f)(3)(A):

Unless the court has expressly ordered otherwise above, if this judgment imposes a period of imprisonment, payment of criminal monetary penalties shall be due during the period of imprisonment. In the event the entire amount of monetary penalties imposed is not paid prior to the commencement of supervision, the U.S. probation officer shall pursue collection of the amount due. The defendant will receive credit for all payments previously made toward any criminal monetary penalties imposed.

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF FLORIDA  
TALLAHASSEE DIVISION

UNITED STATES OF AMERICA

v.

Case No. 4:07cr72-SPM

BOBBY McGEE

VERDICT

WE, THE JURY UNANIMOUSLY RETURN THE FOLLOWING VERDICT:

COUNT ONE

1. As to the offense set forth in Count One of the Indictment, knowingly attempting to persuade, induce, entice, or coerce an individual, "J," who had not attained the age of 18 years, to engage in sexual activity for which any person can be charged with a criminal offense, we find defendant BOBBY McGEE:

GUILTY                       NOT GUILTY

COUNT TWO

2. As to the offense set forth in Count Two of the Indictment, knowingly attempting to persuade, induce, entice, or coerce an individual, "A," who had not attained the age of 18 years, to engage in sexual activity for which any person can be charged with a criminal offense, we find defendant BOBBY McGEE:

GUILTY                       NOT GUILTY

(When you have rendered your verdict on Counts One and Two, sign and date your verdict)

SO SAY WE ALL on this 18 day of November, 2008.



FILED IN OPEN COURT  
11-18-08

CERTIFIED A TRUE COPY  
WILLIAM M. MCCOOL, Clerk

By: Kimberly J. Curles  
Deputy Clerk

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF FLORIDA  
TALLAHASSEE DIVISION

UNITED STATES OF AMERICA

v.

INDICTMENT

BOBBY ALBERT MCGEE

4:07cr72-SPM

\_\_\_\_\_  
THE GRAND JURY CHARGES:

COUNT ONE

That between on or about October 1, 2007, and on or about October 5, 2007, in the Northern District of Florida, and elsewhere, the defendant,

**BOBBY ALBERT MCGEE,**

using a facility and means of interstate commerce, did knowingly attempt to persuade, induce, entice, and coerce an individual, hereinafter referred to as "J.," who had not attained the age of 18 years, to engage in sexual activity for which any person can be charged with a criminal offense, all in violation of Title 18, United States Code, Section 2422(b).

COUNT TWO

That between on or about October 1, 2007, and on or about October 5, 2007, in the Northern District of Florida, and elsewhere, the defendant,

**BOBBY ALBERT MCGEE,**

using a facility and means of interstate commerce, did knowingly attempt to persuade, induce,

CERTIFIED A TRUE COPY  
WILLIAM M. McCOOL, Clerk

Dr. Wimberly J. Charles  
Deputy Clerk

FILED



entice, and coerce an individual, hereinafter referred to as "A.," who had not attained the age of 18 years, to engage in sexual activity for which any person can be charged with a criminal offense, all in violation of Title 18, United States Code, Section 2422(b).

**CRIMINAL FORFEITURE**


The allegations contained in Counts One and Two of this Indictment are hereby re-alleged and incorporated by reference as part of this forfeiture count. Because the defendant,

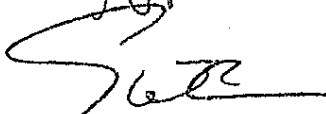
**BOBBY ALBERT MCGEE,**

did knowingly commit an offense under Section 2422 of Chapter 117, involving use of an interstate facility to attempt to persuade, induce, entice, and coerce an individual who had not attained the age of 18 years to engage in sexual activity for which any person can be charged with a criminal offense, any and all interest which this defendant has in any property, real and personal, used and intended to be used to commit and promote the commission of said offense is vested in the United States and hereby forfeited to the United States pursuant to Title 18, United States Code, Section 2428.

A TRUE BILL:



  
\_\_\_\_\_  
GREGORY H. MILLER  
United States Attorney

  
\_\_\_\_\_  
ERIC K. MOUNTIN  
Assistant United States Attorney