



**BOARD OF PROFESSIONAL RESPONSIBILITY
OF THE
SUPREME COURT OF TENNESSEE**

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RELEASE OF INFORMATION
RE: GARY WAYNE VANDEVER, #6695
CONTACT: KEVIN D. BALKWILL
BOARD OF PROFESSIONAL RESPONSIBILITY
615-361-7500

August 6, 2012

WILSON COUNTY ATTORNEY SUSPENDED

On August 6, 2012, the Tennessee Supreme Court suspended the law license of Gary Wayne Vandever pursuant to Section 14 of Tennessee Supreme Court Rule 9. The Court suspended Mr. Vandever's law license based upon his pleading guilty to serious crimes, i.e. three counts of Theft of Property Over \$60,000.00.

The Supreme Court further ordered the Board of Professional Responsibility to institute a formal proceeding to determine the extent of final discipline to be imposed as a result of the convictions. Mr. Vandever was ordered to fully comply with the provisions of Tennessee Supreme Court Rule 9, Section 18, which requires, in part, withdrawal from representation and prohibits undertaking any new representation.

This suspension shall remain in effect until it is dissolved or amended by order of the Supreme Court of Tennessee.

Vandever 2143-4 rel.doc

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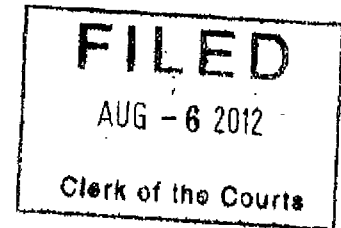
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IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

GARY WAYNE VANDEVER, BPR #006695

An Attorney Licensed in Tennessee
(Wilson County)

No. M2010-02340-SC-BPR-BP
BOPR No. 2012-2143-4-KB(14)



ORDER OF ENFORCEMENT

This matter is before the Court pursuant to Tenn. Sup. Ct. R. 9, § 14, upon a certificate filed by Disciplinary Counsel for the Board of Professional Responsibility consisting of certified copies of the judgments in a criminal case, *State of Tennessee v. Gary W. Vandever*, (attached as Exhibit A) filed in the Criminal Court for Wilson County, Tennessee on July 16, 2012, and July 30, 2012, demonstrating that Gary Wayne Vandever, a Tennessee attorney, was found guilty of serious crimes, i.e., 3 Counts of Theft of Property Over \$60,000.00.

It is therefore, ordered, adjudged, and decreed by the Court that:

1. Gary Wayne Vandever is suspended from the practice of law on this date pending further orders of this Court pursuant to Tenn. Sup. Ct. R. 9, § 14.
2. This matter shall 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 against Mr. Vandever as a result of his criminal convictions.
3. Mr. Vandever shall fully comply with the provisions of Tenn. Sup. Ct. R. 9, § 18 concerning disbarred or suspended attorneys.
4. The Board of Professional Responsibility shall cause notice of this suspension to be published as required by Tenn. Sup. Ct. R. 9, § 18.10.

FOR THE COURT:


WILLIAM C. KOCH, JR., JUSTICE

CORNELIA A. CLARK, C.J., Not Participating

IN THE CRIMINAL/CIRCUIT COURT OF WILSON COUNTY, TENNESSEE

Case Number: 11-CR-68 Count # 1 Counsel for the State: RANDALL A. YORK
 Judicial District: 13th Judicial Division: Criminal II Counsel for the Defendant: JACK D LOWERY
 State of Tennessee vs. Retained Private Atty Appt Pub Def Appt
 Counsel Waived Pro Se
 Defendant: GARY W VANDEVER Alias: _____
 Date of Birth: 09/29/1950 Sex: Male Race: Caucasian SSN: 412-84-3436
 Indictment Filing Date: _____ TOMIS/TDOC _____ State Control # _____
 State ID # _____ County Offender ID # (if applicable) _____

ORDER FILED

JUDGMENT Original Amended Corrected JUL 30 2012

Comes the District Attorney General for the State and the defendant with counsel of record for entry of judgment, LINDA NEAL, CRIMINAL COURT CLERK WILSON COUNTY, TN
 On the 16th day of July, 2012, the defendant:

<input checked="" type="checkbox"/> Pled Guilty <input type="checkbox"/> Dismissed/Nolle <input type="checkbox"/> Pled Nolo Contendere <input type="checkbox"/> Pled Guilty - Certified Question Findings Incorporated by Reference 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) <u>I^A A B C D E</u> <input checked="" type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor Indicted Offense Name <u>AND TCA §: 39-14-103 - THEFT OVER \$50,000</u> Amended Offense Name <u>AND TCA §:</u> _____ Offense Date: <u>01/01/2007</u> County of Offense: <u>PUTNAM</u> Conviction Offense Name <u>AND TCA §: 39-14-103 - THEFT OVER \$50,000</u> Conviction: Class (circle one) <u>I^A A B C D E</u> <input checked="" type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor Is this conviction offense methamphetamine related? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Sentence Imposed Date: <u>07/16/2012</u>
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After considering the evidence, the entire record, and in the case of sentencing, all factors in Tennessee Code Annotated Title 40, Chapter 35, all of which are incorporated by reference herein, it is ORDERED and ADJUDGED that the conviction described above is imposed hereby and that a sentence and costs are imposed as follows:

<p align="center">Sentence Reform Act of 1989</p> Offender Status (Check One) <input type="checkbox"/> Mitigated <input checked="" type="checkbox"/> Standard <input type="checkbox"/> Multiple <input type="checkbox"/> Persistent <input type="checkbox"/> Career <input type="checkbox"/> Repeat Violent Release Eligibility (Check One) <input type="checkbox"/> Mitigated 20% <input checked="" type="checkbox"/> Mitigated 30% <input type="checkbox"/> Standard 30% <input type="checkbox"/> Multiple 35% <input type="checkbox"/> Persistent 45% <input type="checkbox"/> Career 60% <input type="checkbox"/> Agg Rob 85% <input type="checkbox"/> Violent 100% <input type="checkbox"/> Agg Rob w/Prior 100% <input type="checkbox"/> Multiple Rapist 100% <input type="checkbox"/> Child Rapist 100% <input type="checkbox"/> Child Predator 100% <input type="checkbox"/> Repeat Violent 100% <input type="checkbox"/> 1 st Degree Murder <input type="checkbox"/> Drug Free Zone <input type="checkbox"/> Gang Related	Concurrent with: <u>1, LINDA NEAL, CRIMINAL COURT CLERK WILSON COUNTY, TN</u> Count 2 and Wilson County Criminal Court case 11- <u>_____</u> Consecutive to: _____ From <u>JUL 30 2012</u> to _____ To <u>LINDA NEAL</u> to _____ CRIMINAL COURT CLERK WILSON COUNTY, TN
Sentenced To: <input checked="" type="checkbox"/> TDOC <input type="checkbox"/> County Jail <input type="checkbox"/> Workhouse Sentence Length: <u>10</u> Years <u>_____</u> Months <u>_____</u> Days <u>_____</u> Hours <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, or 39-17-432</u> in Prohibited Zone or <u>55-10-401</u> DUI 4 th Offense or <u>39-17-1324</u> Possession/Employment of Firearm or <u>39-13-522</u> Rape of a Child Period of incarceration to be served prior to release on probation or Community Corrections: <u>1</u> Year <u>_____</u> Months <u>_____</u> Days <u>_____</u> Hours Minimum service prior to eligibility for work release, furlough, trusty status and rehabilitative programs: <u>_____</u> % (Misdemeanor Only) Alternative Sentence: <input checked="" type="checkbox"/> Probation <input type="checkbox"/> Community Corrections (CHECK ONE BOX) <u>9</u> Years <u>_____</u> Months <u>_____</u> Days WAS DRUG COURT ORDERED AS A CONDITION OF THE ALTERNATIVE SENTENCE? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Court Ordered Fees and Fines: \$ _____ Court Costs <input checked="" type="checkbox"/> Defendant <input type="checkbox"/> State \$ _____ Fine Assessed \$ _____ Traumatic Brain Injury Fund (68-55-301 et seq.) \$ _____ Drug Testing Fund (TN Drug Control Act) \$ _____ CICF \$ _____ Sex Offender Tax \$ _____ Other: _____	Restitution: Victim Name <u>Estate of Joe Porter</u> Address <u>c/o William B. Hawkins III, 1 Nashville Place, Suite 1820</u> <u>150 Fourth Avenue, Nashville, TN 37219</u> Total Amount \$ <u>527,000</u> Per Month \$ <u>400</u> <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.
 The defendant will serve one (1) year at 75%. The defendant must serve two hundred and seventy (270) days consecutive day for day. The defendant shall be released from custody on April 22, 2013. Beginning November 1, 2013, the defendant shall begin paying restitution in the amount of four hundred dollars (\$400) per month. A payment of \$400 shall be made on the first day of each month thereafter until the total amount of restitution is paid in full. THIS JUDGMENT WAS CORRECTED DUE TO THE FACT THAT COUNT 3 WAS NOLLED, AND THEREFORE IS NOT CONCURRENT WITH THIS COUNT.

DAVID A. PATTERSON Judge's Name [Signature] Judge's Signature 7-25-12 Date of Entry of Judgment
[Signature] Counsel for State/Signature (optional) [Signature] Defendant/Defendant's Counsel/Signature (optional)

I, _____ clerk, hereby certify that, before entry by the court, a copy of this judgment was made available to the party or parties who did not provide a signature above.

IN THE CRIMINAL/CIRCUIT COURT OF WILSON COUNTY, TENNESSEE

Case Number: 11-CR-68 Count # 2 Counsel for the State: RANDALL A. YORK
 Judicial District: 13th Judicial Division: Criminal II Counsel for the Defendant: JACK D LOWERY
 State of Tennessee Retained Private Atty Appt Pub Def Appt
 vs. Counsel Waived Pro Se
 Defendant: GARY W VANDEVER Alias: _____
 Date of Birth: 09/29/1950 Sex: Male Race: Caucasian SSN: 412-84-3496
 Indictment Filing Date: _____ TOMIS/TDOC _____ State Control # _____
 State ID # _____ County Offender ID # (if applicable) _____

ORDER FILED
 JUL 30 2012
 LINDA NEAL
 CRIMINAL COURT CLERK
 WILSON COUNTY, TN

JUDGMENT Original Amended Corrected

Comes the District Attorney General for the State and the defendant with counsel of record for entry of Judgment and Sentence as follows:
 On the 16th day of July, 2012, the defendant:

<input checked="" type="checkbox"/> Pled Guilty <input type="checkbox"/> Dismissed/No/Je	Indictment: Class (circle one) 1 st A <u>B</u> C D E <input checked="" type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor
<input type="checkbox"/> Pled Nolo Contendere	Indicted Offense Name <u>AND TCA §: 39-14-103 - THEFT OVER \$60,000</u>
<input type="checkbox"/> Pled Guilty - Certified Question Findings	Amended Offense Name <u>AND TCA §: _____</u>
Incorporated by Reference	Offense Date: <u>01/01/2008</u> County of Offense: <u>PUTNAM</u>
Is found: <input type="checkbox"/> Guilty <input type="checkbox"/> Not Guilty	Conviction: Class (circle one) 1 st A <u>B</u> C D E <input checked="" type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor
<input type="checkbox"/> Jury Verdict <input type="checkbox"/> Not Guilty by Reason of Insanity	Is this conviction offense methamphetamine related? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<input type="checkbox"/> Bench Trial	Sentence Imposed Date: <u>07/16/2012</u>

After considering the evidence, the entire record, and in the case of sentencing, all factors in Tennessee Code Annotated Title 40, Chapter 35, all of which are incorporated by reference herein, it is ORDERED and ADJUDGED that the conviction described above is imposed hereby and that a sentence and fees are imposed as follows:

Sentence Reform Act of 1989		Concurrent with: Count 1 and Wilson County Criminal Court case 11-CR-68
Offender Status (Check One)	Release Eligibility (Check One)	
<input type="checkbox"/> Mitigated	<input type="checkbox"/> Mitigated 20%	Consecutive to:
<input checked="" type="checkbox"/> Standard	<input type="checkbox"/> Mitigated 30%	
<input type="checkbox"/> Multiple	<input checked="" type="checkbox"/> Standard 30%	From _____ to _____ From _____ to _____
<input type="checkbox"/> Persistent	<input type="checkbox"/> Multiple 35%	
<input type="checkbox"/> Career	<input type="checkbox"/> Persistent 45%	From _____ to _____ From _____ to _____
<input type="checkbox"/> Repeat Violent	<input type="checkbox"/> Career 60%	
	<input type="checkbox"/> Agg Rob w/Prior 100%	From _____ to _____ From _____ to _____
	<input type="checkbox"/> Multiple Rapist 100%	
	<input type="checkbox"/> Child Rapist 100%	From _____ to _____ From _____ to _____
	<input type="checkbox"/> Child Predator 100%	
	<input type="checkbox"/> Repeat Violent 100%	From _____ to _____ From _____ to _____
	<input type="checkbox"/> 1 st Degree Murder	
	<input type="checkbox"/> Agg Rob 85%	From _____ to _____ From _____ to _____
	<input type="checkbox"/> Drug Free Zone	
	<input type="checkbox"/> Violent 100%	From _____ to _____ From _____ to _____
	<input type="checkbox"/> Gang Related	

CERTIFY THE FOREGOING TO BE A TRUE AND CORRECT COPY OF THE ORIGINAL INSTRUMENT ON FILE IN THIS CASE.
 JUL 30 2012
 LINDA NEAL
 CRIMINAL COURT CLERK
 WILSON COUNTY, TN

Sentenced To: TDOC County Jail Workhouse
 Sentence Length: 10 Years _____ Months _____ Days _____ Hours Life Life w/out Parole Death
 Mandatory Minimum Sentence Length: 39-17-417, 39-13-513, 39-13-514, or 39-17-432 in Prohibited Zone or 55-10-401 DUI 4th Offense
 or 39-17-1324 Possession/Employment of Firearm or 39-13-522 Rape of a Child
 Period of incarceration to be served prior to release on probation or Community Corrections: 1 Year _____ Months _____ Days _____ Hours
 Minimum service prior to eligibility for work release, furlough, trusty status and rehabilitative programs: _____ % (Misdemeanor Only)
 Alternative Sentence: Probation Community Corrections (CHECK ONE BOX) 9 Years _____ Months _____ Days
 WAS DRUG COURT ORDERED AS A CONDITION OF THE ALTERNATIVE SENTENCE? Yes No

Court Ordered Fees and Fines:	Costs to be Paid by	Restitution: Victim Name <u>Estate of Joe Porter</u>
\$ _____ Court Costs	<input checked="" type="checkbox"/> Defendant <input type="checkbox"/> State	Address <u>c/o William B. Hawkins III, 1 Nashville Place, Suite 1820</u>
\$ _____ Fines Assessed		<u>150 Fourth Avenue, Nashville, TN 37219</u>
\$ _____ Traumatic Brain Injury Fund (68-55-301 et seq.)		Total Amount \$ <u>527,000</u> Per Month \$ <u>400</u>
\$ _____ Drug Testing Fund (TN Drug Control Act)		<input type="checkbox"/> Unpaid Community Service: _____ Hours _____ Days _____ Weeks _____ Months
\$ _____ CICF \$ _____ Sex Offender Tax		
\$ _____ Other:		

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.
 The defendant will serve one (1) year at 75%. The defendant must serve two hundred and seventy (270) days consecutive day for day. The defendant shall be released from custody on April 22, 2013. Beginning November 1, 2013, the defendant shall begin paying restitution in the amount of four hundred dollars (\$400) per month. A payment of \$400 shall be made on the first day of each month thereafter until the total amount of restitution is paid in full. THIS JUDGMENT WAS CORRECTED DUE TO THE FACT THAT COUNT 3 WAS NOLLED, AND THEREFORE IS NOT CONCURRENT WITH THIS COUNT.

DAVID A. PATTERSON
 Judge's Name
 Counsel for State/Signature (optional)
 Judge's Signature
 Date of Entry of Judgment 7-27-12
 Defendant/Defendant's Counsel/Signature (optional)

I, _____, clerk, hereby certify that, before entry by the court, a copy of this judgment was made available to the party or parties who did provide a signature above.

IN THE CRIMINAL/CIRCUIT COURT OF WILSON COUNTY, TENNESSEE

Case Number: 11-CR-972 Count # 1 Counsel for the State: RANDALL A. YORK
 Judicial District: 13th Judicial Division: Criminal II Counsel for the Defendant: JACK D LOWERY
 State of Tennessee vs. Retained Private Atty Appt Pub Def Appt
 Counsel Waived Pro Se
 Defendant: GARY W VANDEVER Alias: _____
 Date of Birth: 09/29/1950 Sex: Male Race: Caucasian SSN: 412-84-3436
 Indictment Filing Date: TOMIS/TDOC State Control # _____
 State ID # _____ County Offender ID # (if applicable) _____

ORDER FILED

JUDGMENT Original Amended Corrected

JUL 16 2012

Comes the District Attorney General for the State and the defendant with counsel of record for entry of judgment, On the 16th day of July, 2012, the defendant: **LINDA NEAL, CRIMINAL COURT CLERK WILSON COUNTY, TN**

<input checked="" type="checkbox"/> Pled Guilty <input type="checkbox"/> Dismissed/Nolle <input type="checkbox"/> Pled Nolo Contendere <input type="checkbox"/> Pled Guilty - Certified Question Findings Incorporated by Reference 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 st A <u>B</u> C D E <input checked="" type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor Indicted Offense Name <u>AND TCA §: 39-14-103 - THEFT OVER \$50,000</u> Amended Offense Name <u>AND TCA §:</u> Offense Date: <u>01/01/2007</u> County of Offense: _____ Conviction Offense Name <u>AND TCA §: 39-14-103 - THEFT OVER \$50,000</u> Conviction: Class (circle one) 1 st A <u>B</u> C D E <input checked="" type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor Is this conviction offense methamphetamine related? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Sentence Imposed Date: <u>07/16/2012</u>
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After considering the evidence, the entire record, and in the case of sentencing, all factors in Tennessee Code Annotated Title 40, Chapter 35, all of which are incorporated by reference herein, it is ORDERED and ADJUDGED that the conviction described above is imposed hereby and that a sentence and costs are imposed as follows:

Sentence Reform Act of 1989 Offender Status (Check One) Release Eligibility (Check One) <input type="checkbox"/> Mitigated <input type="checkbox"/> Mitigated 20% <input type="checkbox"/> Agg Rob w/Prior 100% <input checked="" type="checkbox"/> Standard <input type="checkbox"/> Mitigated 30% <input type="checkbox"/> Multiple Rapist 100% <input type="checkbox"/> Multiple <input checked="" type="checkbox"/> Standard 30% <input type="checkbox"/> Child Rapist 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"/> Repeat Violent 100% <input type="checkbox"/> Repeat Violent <input type="checkbox"/> Career 60% <input type="checkbox"/> 1 st Degree Murder <input type="checkbox"/> Agg Rob 85% <input type="checkbox"/> Drug Free Zone <input type="checkbox"/> Violent 100% <input type="checkbox"/> Gang Related	Concurrent with: <u>Wilson County Criminal Court case 11-CR-68</u> Consecutive to: _____	I, <u>LINDA NEAL</u> , CRIMINAL COURT CLERK WILSON COUNTY, TN, HEREBY CERTIFY THE FOREGOING TO BE A TRUE AND CORRECT COPY OF THE ORIGINAL INSTRUMENT ON FILE IN THIS CASE. From _____ to _____ From <u>JUL 30 2012</u> to _____ From <u>LINDA NEAL</u> to _____ CRIMINAL COURT CLERK WILSON COUNTY, TN
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Sentenced To: TDOC County Jail Workhouse
 Sentence Length: 10 Years _____ Months _____ Days _____ Hours Life Life w/out Parole Death
 Mandatory Minimum Sentence Length: 39-17-417, 39-13-513, 39-13-514, or 39-17-432 in Prohibited Zone or 55-10-401 DUI 4th Offense
 or 39-17-1324 Possession/Employment of Firearm or 39-13-522 Rape of a Child
 Period of incarceration to be served prior to release on probation or Community Corrections: 1 Year _____ Months _____ Days _____ Hours
 Minimum service prior to eligibility for work release, furlough, trusty status and rehabilitative programs: _____ % (Misdemeanor Only)
 Alternative Sentence: Probation Community Corrections (CHECK ONE BOX) 9 Years _____ Months _____ Days
 WAS DRUG COURT ORDERED AS A CONDITION OF THE ALTERNATIVE SENTENCE? Yes No

Court Ordered Fees and Fines: Costs to be Paid by \$ _____ Court Costs <input checked="" type="checkbox"/> Defendant <input type="checkbox"/> State \$ _____ Fine Assessed \$ _____ Transatlantic Brain Injury Fund (68-55-301 et seq.) \$ _____ Drug Testing Fund (TN Drug Control Act) \$ _____ CIOF \$ _____ Sex Offender Tax \$ _____ Other: _____	Restitution: Victim Name <u>Estate of Paul M. Porter</u> Address _____ Total Amount \$ _____ Per Month \$ _____ <input type="checkbox"/> Unpaid Community Service: _____ Hours _____ Days _____ Weeks _____ Months
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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.
 Special Conditions Pursuant to 39-13-524 the defendant is sentenced to community supervision for life following sentence expiration.
 The defendant will serve one (1) year at 75%. The defendant must serve two hundred and seventy (270) days consecutive day for day. The defendant shall be released from custody on April 22, 2013.

DAVID A. PATTERSON Judge's Name [Signature] Judge's Signature 7-16-12 Date of Entry of Judgment
[Signature] Counsel for State/Signature (optional) [Signature] Defendant/Defendant's Counsel/Signature (optional)

I, _____, clerk, hereby certify that, before entry by the court, a copy of this judgment was made available to the party or parties who did not