

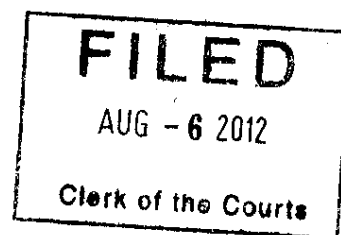
IN THE SUPREME COURT OF TENNESSEE  
AT NASHVILLE

**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 # I Counsel for the State: RANDALL A. YORK  
 Judicial District: 13<sup>th</sup> 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: 412-843436  
 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,  
 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) <u>I<sup>A</sup> 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 \$60,000</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 \$60,000</u> Conviction: Class (circle one) <u>I<sup>A</sup> 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>
	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:

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): <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 <sup>st</sup> 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: Count 2 and Wilson County Criminal Court case 11- Consecutive to:
---	--

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

From JUL 30 2012 to \_\_\_\_\_  
 Linda Neal 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>0</u> Months <u>0</u> Days <u>0</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 <sup>th</sup> 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>0</u> Months <u>0</u> Days <u>0</u> Hours Minimum service prior to eligibility for work release, furlough, trusty status and rehabilitative programs: _____ % (Misdemeanor Only) Alternative Sentence: <input checked="" type="checkbox"/> Probation <input type="checkbox"/> Community Corrections (CHECK ONE BOX) <u>9</u> Years <u>0</u> Months <u>0</u> Days WAS DRUG COURT ORDERED AS A CONDITION OF THE ALTERNATIVE SENTENCE? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
---

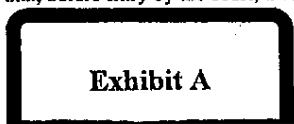
Court Ordered Fees and Fines: \$ _____ Court Costs <input checked="" type="checkbox"/> Defendant <input type="checkbox"/> State \$ _____ Fine Assessed \$ _____ Traumatic Brain Injury Fund (68-55-301 et seq.) \$ _____ Drug Testing Fund (TN Drug Control Act) \$ _____ CICF \$ _____ Sex Offender Tax \$ _____ 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.

**Special Conditions**  
 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  
 \_\_\_\_\_ Judge's Signature  
 \_\_\_\_\_ Date of Entry of Judgment 7-25-12  
 \_\_\_\_\_ Counsel for State/Signature (optional)  
 \_\_\_\_\_ 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: 13<sup>th</sup> 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: 412-84-3185  
 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 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>1<sup>st</sup> 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 \$60,000</u> Amended Offense Name <u>AND TCA §:</u> Offense Date: <u>01/01/2008</u> County of Offense: <u>PUTNAM</u> Conviction Offense Name <u>AND TCA §: 39-14-103 - THEFT OVER \$60,000</u> Conviction: Class (circle one) <u>1<sup>st</sup> 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>
	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)  Mitigated  Standard  Multiple  Persistent  Career  Repeat Violent

Release Eligibility (Check One)

<input type="checkbox"/> Mitigated 20%	<input type="checkbox"/> Mitigated 30%	<input type="checkbox"/> Agg Rob w/Prior 100%
<input checked="" type="checkbox"/> Standard 30%	<input type="checkbox"/> Multiple Rapist 100%	<input type="checkbox"/> Child Rapist 100%
<input type="checkbox"/> Multiple 35%	<input type="checkbox"/> Child Predator 100%	<input type="checkbox"/> Repeat Violent 100%
<input type="checkbox"/> Persistent 45%	<input type="checkbox"/> 1 <sup>st</sup> Degree Murder	<input type="checkbox"/> Drug Free Zone
<input type="checkbox"/> Career 60%	<input type="checkbox"/> Agg Rob 85%	<input type="checkbox"/> Gang Related
<input type="checkbox"/> Violent 100%		

Concurrent with: Count 1 and Wilson County Criminal Court case 11-CR-977

Consecutive to:

**CERTIFY THE FOREGOING TO BE A TRUE AND CORRECT COPY OF THE ORIGINAL INSTRUMENT ON FILE IN THIS CASE.**

From JUL 30 2012 to \_\_\_\_\_

From LINDA NEAL to 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 4<sup>th</sup> 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:**

\$ \_\_\_\_\_ Court Costs  Defendant  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** Estate of Joe Porter

Address c/o William B. Hawkins III, 1 Nashville Place, Suite 1820  
150 Fourth Avenue, Nashville, TN 37219

Total Amount \$ 527,000 Per Month \$ 400

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**

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 7-27-12 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 provide a signature above.

BOOK 211 PAGE 0428

**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: 13<sup>th</sup> 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**

JUL 16 2012

**JUDGMENT**  Original  Amended  Corrected

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	<b>Indictment:</b> Class (circle one) 1 <sup>A</sup> <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 \$60,000</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 \$60,000</u> <b>Conviction:</b> Class (circle one) 1 <sup>A</sup> <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>
---	---

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:

<b>Sentence Reform Act of 1989</b> 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 <sup>st</sup> 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: _____	From _____ to _____ From <u>JUL 30 2012</u> to _____ From LINDA NEAL to _____ CRIMINAL COURT CLERK WILSON COUNTY, TN
---	--	--

LINDA NEAL, CRIMINAL COURT CLERK DO HEREBY CERTIFY THE FOREGOING TO BE A TRUE AND CORRECT COPY OF THE ORIGINAL INSTRUMENT ON FILE IN THIS CASE.

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 4<sup>th</sup> 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

<b>Court Ordered Fees and Fines:</b> \$ _____ 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: _____	<b>Restitution:</b> Victim Name <u>Estate of Paul M. Porter</u> 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.

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 \_\_\_\_\_ Judge's Signature \_\_\_\_\_ Date of Entry of Judgment 7-16-12  
 \_\_\_\_\_ Counsel for State/Signature (optional) \_\_\_\_\_ 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