

IN THE CRIMINAL COURT FOR CAMPBELL COUNTY, TENNESSEE

STATE OF TENNESSEE,)

v.)

KENNETH S. BARTLEY,)

Defendant.)

No.: 13222

FILED

) CRIMINAL COURT — CAMPBELL COUNTY, TN

) DATE 1/31/14 TIME 2:00

) BOBBY W. VANN CLERK

) C. Wright

SUPPLEMENTAL MOTION IN LIMINE TO EXCLUDE CLERK
“PAGE FROM COMPOSITION NOTEBOOK”

Comes the Accused, Kenneth S. Bartley, by and through counsel, pursuant to Rules 401 and 403 of the Tennessee Rules of Evidence, and hereby moves this Honorable Court for an Order granting this *Motion in Limine to Exclude “Page from Composition Notebook,”* in support of which the accused would show as follows:

1. The undersigned counsel was just provided a page from a composition book containing a note from Kenneth Bartley on January 23, 2014, which is attached hereto as Exhibit A. Significantly, this discovery was provided for the first time approximately eight (8) years after Kenneth Bartley’s arrest.
2. That the composition book page has no evidentiary value and should be excluded pursuant to Tenn. Rule Evid. 401, 403 and State v. Banks, 564 S.W.2d 947 (Tenn. 1978).
3. That significantly, the composition book page presents the following evidentiary issues and should therefore be excluded:
 - a. The composition book page was not provided until approximately eight (8) years after Kenneth Bartley’s arrest;

- b. The page from the composition book is neither dated nor is there any additional discovery that would place the time and date of the composition book page in context;
- c. The content of the composition book page has no probative value regarding the issues of homicide in the instant case;
- d. The admission of the composition book page would violate Kenneth Bartley's rights pursuant to the Fifth Amendment to the United States Constitution to remain silent if he were compelled to take the stand and explain and/or be cross-examined about the contents of the composition book page;
- e. The content of the composition book page does not have any tendency to make a fact of consequence more or less probable and should therefore be excluded pursuant to Tenn. R. Evid. 401;
- f. Assuming Arguendo that the composition book page has any probative value, its prejudicial effect on Kenneth Bartley substantially outweighs any probative value and the page should therefore be excluded pursuant to Tenn. R. Evid. 403;
- g. That allowing the State to introduce the composition book page into evidence would violate Kenneth Bartley's right to a fair trial pursuant to the Fifth and Fourteenth Amendments to the United States Constitution.

WHEREFORE, based on the above-cited reasons, Kenneth Bartley respectfully moves this Honorable Court for an Order granting his *Motion in Limine to Exclude "Page from Composition Notebook."*

RESPECTFULLY SUBMITTED this 31st day of January, 2014.



GREGORY P. ISAACS, BPR# 013282
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CERTIFICATE OF SERVICE

It is hereby certified that a true and correct copy of the foregoing pleading has been served on counsel set forth below, by hand-delivery or by placing a true and correct copy of same in the United States Mail with sufficient postage to carry the same to its destination.

DA Lori Phillips-Jones
ADA Michael Ripley
ADA Scarlett Ellis
Office of the District Attorney General
570 Main Street Suite 311
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moripley@tndagc.org
swellis@tndagc.org

DATED this 31st day of January, 2014.



Gregory P. Isaacs

Please Don't

To Whom It may concern,

To Day IS the Last of my Horrible Days, The End. I Do Have a few ReQuest
Please Leave my casket open at the funeral. Please cremate
me after the funeral. SPREAD my ashes across the mountains
off of eagle Bluff. There are only three people I have
ever really loved my Dad, My Alan, Ken & Mama. Polly. I Am
always so sad now. I never feel Joy ever. I hope my
Brain IS left the same. If I had a cat or a dog I would
leave a sample of my Blood on their's paper. One of the
main parts of my Depression IS Grief. She has res
me now. And Dad Loves her more than me. That
Drive me CITT to ayy CRAZY.

END

Love,
Kenneth Stewart
Bartley

EXHIBIT

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tabbles