

MISSOURI STATE BOARD OF EDUCATION AGENDA ITEM:**December 2015**

**CONSIDERATION OF A REQUEST BY DARNELL J. DAVIS
FOR ISSUANCE OF A TEACHING CERTIFICATE**

STATUTORY AUTHORITY:

Section 168.071, RSMo

Consent
ItemAction
ItemReport
Item**DEPARTMENT GOAL NO. 3:**

Missouri will prepare, develop, and support effective educators.

SUMMARY:

Applicant's Name: Darnell J. Davis

On May 11, 2015, Darnell J. Davis applied for a Missouri substitute certificate of license to teach.

Offense: On April 25, 1996, Darnell J. Davis, age 22, was arrested for writing a check belonging to the account of another with the intent to defraud.

Disposition: On February 7, 1997, Darnell J. Davis pled guilty and received a suspended execution of sentence to the Felony, Forgery in the Circuit Court of Marion County, West Virginia, case number 96-F-174. He was ordered to serve two (2) years' supervised probation.

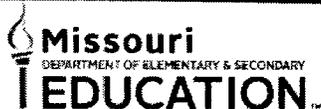
Letters of Recommendation: Two (2) – (Educator, Employer)

PRESENTER:

Paul Katnik, Assistant Commissioner, Office of Educator Quality, will assist with the presentation and discussion of this agenda item.

RECOMMENDATION:

We recommend that the State Board of Education approve the application of Darnell J. Davis for a Missouri substitute certificate of license to teach.



DESE - Substitute Certification



MISSOURI DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
 OFFICE OF EDUCATOR QUALITY
 EDUCATOR CERTIFICATION
 POST OFFICE BOX 480
 JEFFERSON CITY, MISSOURI 65102-0480
 (573)751-0051

POSSIBLE DISCIPLINE

APPLICATION FOR A SUBSTITUTE CERTIFICATE OF LICENSE TO TEACH

SECTION I: APPLICANT INFORMATION

PROFILE

Educator ID: Social Security Number:

Name: DARNELL JEROME DAVIS [View Application Checklist](#)

Address: 8560 PARTRIDGE AVE

City: SAINT LOUIS State: Zip: 63147-1308

Personal Phone: (314) 899 - 3558

Work Phone: (314) 646 - 7200

Email Address: DARNELLDAVIS776@GMAIL.COM

EDUCATION

State	Institution	Degree	Major	Major GPA	Graduation Date	Attended To	Student Teaching Date	Transcript Status	Verified
MO	MOBERLY AREA COMMUNITY COLLEGE	TWO-YEAR ASSOCIATE DEGREE	GENERAL STUDIES	2.000	07/28/1995	07/28/1995		RECEIVED	05/11/2015
WV	FAIRMONT STATE COLLEGE, FAIRMONT	BACCALAUREATE DEGREE		2.070	08/05/2000	08/05/2000		RECEIVED	05/11/2015

PROFESSIONAL CONDUCT (ALL QUESTIONS MUST BE ANSWERED)

Please answer the following questions. If you answer yes to any of the questions, please provide an explanation in the box below.

Have you ever been charged with, convicted or entered a plea, including a plea of nolo contendere, to any felony or misdemeanor whether or not sentence was imposed or suspended, except minor traffic violations? If yes, explain fully.

Yes No

Have you ever been denied a professional license, certificate, permit, credential, endorsement, or registration? If yes, explain fully.

Yes No

Has your professional license (except for driver's license), certificate, permit, credential, endorsement, or registration ever been disciplined, suspended, revoked, reprimanded, restricted, curtailed or voluntarily surrendered or do you have any pending complaints before any regulatory board or agency or is there any investigation or adverse action now pending against you? If yes, explain fully.

Yes No

Have you ever resigned, been restricted, disciplined, or discharged from any position, including the armed forces, while under suspicion of having engaged in criminal, immoral, unethical behavior or unprofessional conduct, or are you under investigation for any such charge? If yes, explain fully.

Yes No

TYPE OF APPLICATION

CONTENT SUBSTITUTE

Selected Payment Type : Debit, Credit, eCheck payment
 Actual Payment Type : Debit, Credit, eCheck payment
 Application Fee : 50.00
 Amount Paid : 50.00
 Amount Remaining : 0.00
 Payment Status : Paid
 Comments :

I, the above named applicant, hereby affirm under penalties of perjury that I am the applicant referred to in the preceding application for a certificate of license to teach in the state of

Missouri, and that all statements and enclosures are true and accurate to the best of my knowledge, information, and belief. I understand that any misrepresentation of facts may result in the denial or revocation of the requested certificate(s). I submit for consideration this application as required by the Missouri law governing the practice of teaching. I understand that the Missouri Department of Elementary and Secondary Education may require further information of evidence that it deems reasonable and proper. Furthermore, I voluntarily consent to a thorough investigation of my present and past employment and other activities for the purpose of verifying my qualifications. In addition, I grant permission to access any court, FBI, or police records related to arrests and convictions related to good moral character or personal fitness pertinent to my certification, and to probation or parole records as well.

RELEASE OF EDUCATIONAL INFORMATION

I hereby give my recommending certification institution permission to release any and all information needed.

BY SELECTING "I Accept", I AGREE TO THE TERMS OF THE SWORN STATEMENT AND TO THE RELEASE OF MY EDUCATIONAL INFORMATION.

I Accept

It is the policy of the Missouri Department of Elementary and Secondary Education not to discriminate on the basis of race, color, religion, gender, national origin, age, or disability in its programs or employment practices as required by Title VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and Title II of the Americans with Disabilities Act of 1990. Inquiries related to Department programs and to the location of services, activities, and facilities that are accessible by persons with disabilities may be directed to the Jefferson State Office Building, Office of the General Counsel, Coordinator--Civil Rights Compliance (Title VI/Title IX/504/ADA/Age Act), 6th Floor, 205 Jefferson Street, P.O. Box 480, Jefferson City, MO 65102-0480; telephone number (573) 526-4757 or TTY (800) 735-2966, fax (573) 522-4883, email civilrights@dese.mo.gov.

SECTION II: DESE

1 record(s)

	Subject Area Grade Level	Classification	Effective Date	Expiration Date	Analysis Indicator	Status
<input checked="" type="checkbox"/>	CONTENT SUBSTITUTE					

Memo (Public):

60 HOURS VERIFIED--SH

[Edit](#)

Last Team Member to Update Memo: SHIRSCH

Status:

Assign To:

Date Received: 05/11/2015

08/21/2015
11:35:35

Marion County Circuit Clerk's Office
Docket Entries for case CK-24-1996-F-174
Style: STATE OF WV

Page: 1

v.
DARNELL JEROME DAVIS PAYING PROBATION & COST
Judge: Judge Fred L. Fox

Seq	Date	Description
1	10/16/1996	: Indictment
2	10/16/1996	: Papers from Magistrate Court
3	10/25/1996	: Pretrial Motions of Defendants
4	10/24/1996	: Motion to Determine Admissibility of Physical Evidence
5	10/24/1996	: Demand By State for Notice of Mental Condition Defense
6	10/24/1996	: States Request for List of Defendants Witnesses
7	10/24/1996	: States Demand for Defendants Notice of Alibi
8	10/24/1996	: Motion to Determine Admissibility of Other Bad Acts
9	10/24/1996	: States Witness List
10	10/24/1996	: Certificate of Service
11	11/01/1996	: Clerks Notes/Pretrial Motions Ruled On. Bond Remain \$1000
12	10/24/1996	: Subpoena request by State
13	10/24/1996	: Order filing Motions, bk 80 pg 575
14	10/24/1996	: Det/Wayne Barrows served 10/24/96 in person
15	10/28/1996	: Order filing motion bk 80 pg 660
16	11/01/1996	: Arraignment order bk 80 pg 678
17	11/07/1996	: Letter from Richard Bunner to Fairmont Federal credit union
18	11/18/1996	: Notice of Hearing
19	11/27/1996	: Letter to Barb from Bunner RE; Affidavit of Loss
20	11/19/1996	: Order following pre-trial motions bk 81 pg 120
21	02/07/1997	: Plea/Guilty to Uttering
22	02/07/1997	: Plea Agreement
23	02/07/1997	: Clerks Notes/2Yrs.Probation.Make Restitution.Pay Costs & Fee
24	02/19/1997	: Letter to Susan Riffle from Richard Bunner/Plea.Sent.Order
25	02/24/1997	: Order approving payment 439.35
26	03/10/1997	: Letter to Judge Fox From Francine Rice/Disagrees with Balanc
27	03/10/1997	: Letter to Francine Rice from Judge Fox/Correct Restitution
28	03/11/1997	: Letter To Francine Rice from R. Bunner/Amount Correct
29	02/19/1997	: Plea and Sentencing Order BK 81 PG 834
30	03/18/1997	: Letter to Susan Riffel from Richard Bunner/Amended Order
31	04/01/1997	: Final Order Entered 3/18/97 Book- 82 Page- 541 *
32	02/02/1999	: Letter to Judge Fox From Pat Patton/Probation Violation
33	02/02/1999	: Letter to Pat Patton From Judge Fox/Concur with Recommendat
34	02/02/1999	: Let to J/Fox fr. APO probation Violation report

1.

IN THE CIRCUIT COURT OF MARION COUNTY, WEST VIRGINIA

OCTOBER, 1996, TERM

STATE OF WEST VIRGINIA,

Plaintiff

Vs.

// 96-F-174 F

DARNELL JEROME DAVIS,

Defendant

THE GRAND JURY CHARGES

COUNT I

OFFENSE NAME: FORGERY

W. VA. CODE: 61-4-5

PENALTY: Confinement in the State Penitentiary for not less than one (1) year nor more than ten (10) years; or in the discretion of the Court, confinement in Jail not more than one (1) year and fined not exceeding Five Hundred Dollars (\$500.00).

That on or about 25th day of April, 1996, in the County of Marion, State of West Virginia, DARNELL JEROME DAVIS, committed the offense of FORGERY by unlawfully and feloniously, falsely and fraudulently making a forged instrument, namely Check #325, written to Matthew Deluga, in the amount of Two Hundred Ten Dollars and Seventy-one Cents (\$210.71), drawn on the account of Regina Kubiet, from the Fairmont Federal Credit Union, to the prejudice of the rights of another or others, and with the intent to defraud Regina Kubiet and/or the Fairmont Federal Credit Union, against the peace and dignity of the State.

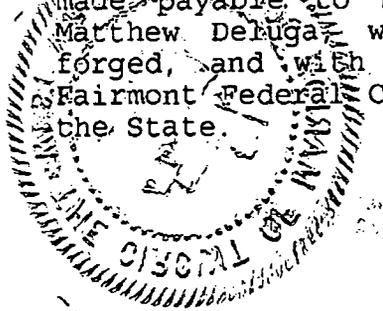
COUNT II

OFFENSE NAME: UTTERING

W. VA. CODE: 61-4-5

PENALTY: Confinement in the State Penitentiary for not less than one (1) year nor more than ten (10) years; or in the discretion of the Court, confinement in Jail not more than one (1) year and fined not exceeding Five Hundred Dollars (\$500.00).

That on or about the 25th day of April, 1996, in the County of Marion, State of West Virginia, DARNELL JEROME DAVIS, committed the offense of UTTERING by unlawfully, fraudulently, and feloniously uttering and employing as true a forged instrument, namely Check No. 325, in the amount of Two Hundred Ten Dollars and Seventy-one Cents (\$210.71), drawn on the account of Regina Kubiet, from the Fairmont Federal Credit Union, and made payable to Matthew Deluga, and purportedly endorsed by Matthew Deluga, with the knowledge that this instrument was forged, and with the intent to defraud Regina Kubiet and/or Fairmont Federal Credit Union, against the peace and dignity of the State.



IN THE CIRCUIT COURT OF MARION COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA

VS.

DARNELL JEROME DAVIS

INDICTMENT FOR:

FORGERY - COUNT I
UTTERING - COUNT II

FELONIES

A TRUE BILL:

Frank J. Legato
FOREPERSON

A COPY
TESTE
Barbara A. Core
CLERK OF THE CIRCUIT COURT OF
MARION COUNTY, WEST VIRGINIA

ATTEST:

J. Andrew Turner
PROSECUTING ATTORNEY
MARION COUNTY
WEST VIRGINIA

RECORDED
CIRCUIT COURT OF MARION COUNTY
OCT 15 6 09 PM '96

96-F-174

F

2.

CASE NUMBER

96F-0000196

CRIMINAL CASE HISTORY

Felony Misdemeanor

X

BOND INFORMATION

Bond set at: 1,000.00 Type: S
Bond received from:
Date: Mag:
Rec. #: Amount: \$
Date pauper's affidavit filed:
Notes/Comments: AFF FOR ATT FILED 7-29-96

Defendant, name, address, tel.

DARNELL JEROME DAVIS
1123 FENNIMORE ST
FAIRMONT WV 26554
368-1741

Def. birth date:

Complainant name, address, tel.

STATE OF WEST VIRGINIA
PROSECUTOR (D W BARRON)
FAIRMONT WV 26554

Pros.:

Counsel:

Court-appointed:

Affidavit of prejudice date:

Disp.:

Offense:

FORGERY/FORGERY & UTTE

Offense date:

04/25/96

W.V. Code:

Summons date:

Sum. app. date:

Warrant date:

07/02/96

Rearrest issued:

Case reference:

Worthless check amt.: \$

Issuing mag.:

MEZZANOTTE

Assigned mag.:

JONES

Transf. to:

Transf. to:

Trial mag.:

JONES

FISCAL DATA

Fine \$
Costs \$
Fee \$
FJA fee \$
LET fee \$
CVC fee \$
Worthless check notice \$
Other \$
Total due: \$
Date Mag. Rec. # Amount

FIRST APPEARANCE / PLEAS - MISDEMEANOR

Arrest date:

07/29/96

Arraignment (plea) date:

07/29/96

Re-arrest date:

Date committed:

07/29/96

Date released:

07/29/96

Defendant status: Pro se Counsel Jury trial waived

Defendant failed to appear by summons or notice

Plea: Not guilty No contest Guilty

Hearing Dates

Def. P-T motions filed:

Pros. P-T motions filed:

Jury trial?:

Pre-trial conf.:

Time:

Original trial:

Time:

Prelim. hearing:

08/08/96

Time:

9:30 A

Continuances

By: To: 08/15/96 Time: 9:45 A
By: To: Time:
By: To: Time:
By: To: Time:
By: To: Time:

PRELIMINARY HEARING

Preliminary hearing date:

Defendant status: Pro se Counsel

Waiver of preliminary Probable cause found, bound over to Circuit Court Date to Circ. Ct.:

No probable cause found, defendant and bond discharged Bond disbursed to: Circ. Ct. Defendant

Surety Other

Magistrate

DISPOSITION ACTIVITY AND JUDGMENT ORDER

Pre-trial dismissal date:

Verdict or plea date:

Trial: Bench Jury Mistrial

Verdict or plea:

Plea agreement terms disclosed: 08/15/96

Sentence is imposed as follows: Fine: \$ Costs & fees: \$ Jail term:

Other:

So ordered and entered in 15th day of August 1996

CC 10.00

C Frank Jones

Magistrate

POST-JUDGMENT ACTIVITIES

Set-aside hearing date: Status: Granted Denied

Appeal filed date: Appearance bond amount: \$ Type: Date bond posted:

Appeal forwarded to Circuit Court date:

Writs: Execution: Suggestion: Suggestee Execution: Other:

CERTIFICATION BY CLERK

I, Cathy L. Gower, hereby certify that the above is a true and complete record of all proceedings in the above criminal action, filed in my office.

GIVEN UNDER MY HAND THIS 16th DAY OF August 1996

SEAL

SCA-M305B 1-89

Cathy L. Gower

Defendant: Darnell Jerome Davis
Offense: Forgery

IN THE MAGISTRATE COURT OF Marion COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA

v.

Darnell Jerome Davis

Case No. 96-F-146

Defendant

1122 Fennimore St. Emt. / 1993 #22 Waters Sr. Mgt. WV.

FORGERY & UTTERING

Address

Social Security No.

Driver's License No.

Date of Birth

- misdemeanor
- felony
- adult
- juvenile

CRIMINAL COMPLAINT

I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief. On or about April 25, 1996 in Marion County, West Virginia, the defendant(s) did *(state statutory language of offense)* unlawfully and feloniously, forge writing on paper a check for \$210.71 to the prejudice of another's right and with intent to defraud one Regina M. Kubiet and the said Darnell J. Davis then and thereafter, with intent to defraud said Regina M. Kubiet, feloniously, did utter and attempt to employ the same as true, to the prejudice of another's right, knowing the same to be forged Penalty: 1 to 10 years or 1 year and \$500 In violation of W.Va. Code § 61-4-5, I further state that this complaint is based on the following facts:

Darnell Jerome Davis Did, on 04-25-96 at the One Valley Bank- Rt. 250 South Branch-
forge and utter check #325 written on the account Regina M. Kubiet Account #7265713
for the amount of \$210-71.

Continued on attached sheet? yes no

Complainant:

D. Wayne Barrow

Name

C/O MCSD P.O. Box 1348

Address

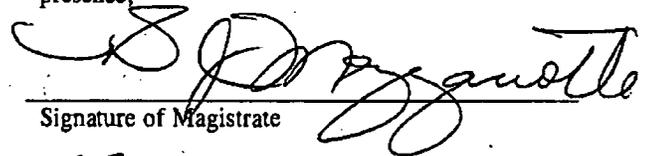
Fairmont, WV. 26554

367-5300

Telephone

Office or title, if any

Sworn or affirmed before me and signed in my presence.



Signature of Magistrate

07-02-96

Date

- Warrant issued
- Summons issued
- Warrantless arrest
- No probable cause found


Signature of Complainant

07-02-96
Date

- White - return
- Green - defendant
- Yellow - file
- Pink - complainant
- Goldenrod - prosecutor

IN THE CIRCUIT COURT OF MARION COUNTY, WEST VIRGINIA
DIVISION I

STATE OF WEST VIRGINIA,
Plaintiff,

Vs. / / /

CASE NO.: 96-F-174-F

DARNELL JEROME DAVIS,
Defendant.

PLEA

In the presence of Susan L. Riffle, my counsel, who has fully explained the charges in the Indictment against me, and who has informed me of the maximum possible penalty provided by law for the offense to which the plea is offered, and who has informed me that I have a right to plead not guilty, or to persist in that plea if it has already been made, and who has informed me that if I plead guilty there will not be a further trial of any kind, so that by pleading guilty, I hereby waive my right to a trial, and having received a copy of the Indictment before being called upon to plead, I hereby plead guilty to Uttering.

Darnell J. Davis
DARNELL JEROME DAVIS

Susan L. Riffle
SUSAN L. RIFFLE

Heine Cerro
CLERK

IN THE CIRCUIT COURT OF MARION COUNTY, WEST VIRGINIA
DIVISION I

STATE OF WEST VIRGINIA,

Plaintiff,

Vs.

/ / /

CASE NO.: 96-F-174-F

DARNELL JEROME DAVIS,

Defendant.

PLEA AGREEMENT

On the ^{7th} ~~1st~~ day of ^{February} ~~November~~, ¹⁹⁹⁷ ~~1996~~, came the State of

West Virginia by G. Richard Bunner, her Prosecuting Attorney, and also came the defendant, Darnell Jerome Davis, in person, and by Susan L. Riffle, his attorney, and entered into a plea agreement in the above case, subject to the approval of the Court, and they do hereby agree as follows:

1. That the defendant is charged with Forgery, the penalty for which under the provisions of West Virginia Code, §61-4-5, as amended, is an indeterminate sentence of confinement in the West Virginia State Penitentiary, for a period of not less than one (1) year nor more than ten (10) years; or in the discretion of the Court, confinement in the County Jail not more than one (1) year and fined not exceeding Five Hundred Dollars (\$500.00).

2. That the defendant is charged with Uttering, the penalty for which under the provisions of West Virginia Code, §61-4-5, as amended, is an indeterminate sentence of confinement in the West Virginia State Penitentiary, for a period of not less than one (1) year nor more than ten (10) years; or in the discre-

tion of the Court, confinement in the County Jail not more than one (1) year and fined not exceeding Five Hundred Dollars (\$500.00).

3. That the State will agree to allow the defendant to enter a plea of guilty to the offense of Uttering, the penalty for which under the provisions of West Virginia Code, §61-4-5, as amended, is an indeterminate sentence of confinement in the West Virginia State Penitentiary, for a period of not less than one (1) year nor more than ten (10) years; or in the discretion of the Court, confinement in the County Jail not more than one (1) year and fined not exceeding Five Hundred Dollars (\$500.00).

4. That the State agrees to dismiss Count I of the felony indictment charging the defendant with Forgery.

5. That the State will recommend that the defendant be sentenced to not less than (1) year nor more than ten (10) years in the West Virginia State Penitentiary, sentence suspended, and be placed on probation for a period of two (2) years, with the following conditions and terms:

a. That probationer shall not, during the period of probation violate any laws of this State, and other State, or the United States.

b. That probationer shall comply with the rules and regulations of the Court's Probation Officer; and that Darnell Jerome Davis, shall report to Jay Becilla, Probation Officer at the times and places indicated by said officer.

c. That probationer shall be permitted to reside with his mother in St. Louis, Missouri, if probationer pays all restitution at the time of entering his plea.

d. That probationer shall make restitution to the victim, Regina M. Kubiet, Rt. 1, Box 151-C, Fairmont, West Virginia, in the amount of \$210.71.

e. That probationer shall pay the sum of Twenty Dollars (\$20.00) per month as probation fees.

f. That probationer shall not consume beer or alcoholic beverages and shall not enter any establishment which serves alcohol by the drink.

g. That probation shall perform community service when not employed full time (40 hours per week) or a full time student (12 hour per semester).

6. That if the defendant successfully completes his probation, the State will not object to a motion by defendant to set aside this plea within six (6) months after successful completion of his probation, pursuant to Rule 33, of the West Virginia Rules of Criminal Procedure, in order to enter a plea to petit larceny.

The defendant is hereby advised of the following rights concerning his conviction and sentence:

1. Within one hundred twenty (120) days from the date of this sentence, you can petition the Judge of the Circuit Court of Marion County pursuant to West Virginia code §62-12-3 and Rule 35(b) of the West Virginia Rules of Criminal Procedure for

suspension of the execution of your sentence and a release on probation.

2. You can appeal your conviction and/or sentence to the West Virginia Supreme Court of Appeals in Charleston, West Virginia. In order to protect and keep this right of appeal, you must:

a. Within thirty (30) days from the date of your sentence, file with the Clerk of this Court your Notice of Intent to Appeal; and

b. Within four (4) months from the date of your sentence, file your Petition for Writ of Error with the West Virginia Supreme Court of Appeals in Charleston, West Virginia.

3. If you are indigent and cannot afford an attorney, then this Court will appoint an attorney to represent you to protect the rights set out in Paragraphs 1 and 2 above.

You must notify the Clerk of this Court, in writing, of your request to have an attorney appointed for you to exercise these rights.

Defendant is further notified by the Court that failure to pay court-imposed assessments, including but not limited to fines, costs, restitution, etc., shall result in the suspension of his license or privilege to operate a motor vehicle in this State and that suspension could result in the cancellation of, the failure to renew, or the failure to issue an automobile insurance policy providing coverage for him and or his family.

(22)

The defendant and his attorney are fully aware that this plea agreement falls within Rule 11(e)(1)(b) of the West Virginia Rules of Criminal Procedure, and the defendant is fully aware that the Court is not bound by any recommendations made by the State, and that if the Court does not accept the recommendation or request of the State, the defendant nevertheless has no right to withdraw his plea, and the defendant well knowing this, still agrees to enter a plea of guilty on the basis aforesaid.

Darnell Jerome Davis
Darnell Jerome Davis

Susan L. Riffle
Susan L. Riffle

G. Richard Bunner
G. Richard Bunner

Deane Cerwo
Clerk

IN THE CIRCUIT COURT OF MARION COUNTY, WEST VIRGINIA
DIVISION I

STATE OF WEST VIRGINIA,

Plaintiff

vs.

FELONY NO. 96-F-174

DARNELL JEROME DAVIS,

Defendant

PLEA AND SENTENCING ORDER

On the 7th day of February, 1997, came the State of West Virginia, by G. Richard Bunner, its Prosecuting Attorney, and also came the defendant, Darnell Jerome Davis, in person, and by his counsel, Susan L. Riffle, and thereupon the State moved the Court to dismiss Count I of said indictment charging the defendant with Forgery, pursuant to a plea bargain agreement entered into between the State, the defendant, and counsel for the defendant, and the Court, perceiving no objection thereto and hearing none, is of the opinion to and does hereby dismiss Count I of the indictment and does hereby order that it be dismissed and dropped from the Docket of this Court.

And it affirmatively appearing unto the Court that the defendant received a copy of the indictment returned against him at the October, 1996, Term of this Court and has consulted with his attorney and has had a full, complete and detailed explanation of the nature of the charges against him contained in said indictment and his constitutional rights to a jury trial on the merits

ENTERED 2/18/97
ORDER BOOK 81 PAGE 834

of the case and the penalties which could be imposed by the Court on a plea of guilty or by a verdict of guilty by a jury, both by the Judge of this Court in open Court and by his attorney, the Court thereupon proceeded to inquire of the defendant as to his plea to Count II - Uttering, and the defendant thereupon pleaded guilty, and said plea of guilty to said charge being freely and voluntarily offered by the defendant, the Court accepted said plea and it was thereupon recorded.

The defendant thereupon moved the Court to waive a presentence investigation and report, and there being no objection by the State, it is ordered that the presentence investigation and report is hereby waived. The Court then inquired of the defendant if there was any reason why judgment should not now be pronounced against him, and nothing being offered or alleged, the Court then considered the representations and recommendations regarding sentencing made by the defendant and by the State.

In consideration of the same, and of all matters of record herein, it is adjudged and ordered that the defendant be sentenced to confinement in the West Virginia State Penitentiary for an indeterminate period of not less than one (1) year nor more than ten (10) years, with credit for time previously served on this charge on July 29, 1996, in the amount of one (1) day.

It is further ordered that the execution of such sentence shall be suspended and the defendant is hereby placed on probation for a period of two (2) years, under the supervision of the Adult Probation Office, upon the following conditions:

1. Probationer shall not, during the period of probation, violate any laws of this State, any other State, or the United States.

2. Probationer shall comply with the rules and regulations of the Adult Probation Office; and shall report to his Probation Officer at the times and places indicated by the Probation Officer.

3. Probationer shall be permitted to reside with his mother in St. Louis, Missouri, if he pays all restitution forthwith.

4. Probationer shall not possess, consume, ingest or otherwise use alcohol, alcoholic beverages or beer, or any illegal drug, or shall not enter any establishment where alcohol, alcoholic beverages or beer is served by the drink.

5. Probationer shall be subject to planned and/or random alcohol and drug screening by his probation officer or at the direction of the probation office.

6. Probationer shall pay the costs of this proceeding as taxed by the Clerk of this Court in the amount Three Hundred Two Dollars (\$302.00), and shall pay attorney fees in the amount of \$_____, in twenty (20) consecutive monthly payments in the amount of \$_____ each, the first payment due on the 7th day of March, 1997, and continuing on the 7th day of each month thereafter, until said amount is paid in full.

7. Probationer shall make restitution in the amount of Two Hundred Ten Dollars and Seventy-one (\$210.71) to the victim herein, Fairmont Federal Credit Union, Tenth and Gaston Avenue,

Fairmont, West Virginia 26554, to and through the Marion County Circuit Clerk's Office, forthwith.

8. Probationer shall perform twenty (20) hours of community service per week if he is not employed or attending school on a full-time basis.

9. Probationer shall pay the costs of probation supervision in the amount of Five Dollars (\$5.00) per month, to and through the Marion County Circuit Clerk's Office.

If, at any time during the period of probation, it shall appear to the satisfaction of this Court that any of the conditions of probations have been violated, the Court may revoke the probation herein ordered and further act on this case as provided by law.

It is further ordered that if the defendant successfully completes his probation, the defendant is granted leave to move to set aside this plea within six (6) months after said completion of his probation, per Rule 33, W.V.R.Cr.P., in order to enter a plea to petit larceny, all of which has been set out in the plea agreement.

The defendant is hereby advised of the following rights concerning his conviction and sentence:

1. Within one hundred twenty (120) days from the date of this sentence, you can petition the Judge of the Circuit Court of Marion County pursuant to West Virginia Code § 62-12-3 and Rule 35(b) of the West Virginia Rules of Criminal Procedure for suspension of the execution of your sentence and a release on

probation.

2. You can appeal your conviction and/or sentence to the West Virginia Supreme Court of Appeals in Charleston, West Virginia. In order to protect and keep this right of appeal, you must:

a. within thirty (30) days from the date of your sentence, file with the Clerk of this Court your Notice of Intent to Appeal; and

b. within four (4) months from the date of your sentence, file your Petition for Writ of Error with the West Virginia Supreme Court of Appeals in Charleston, West Virginia.

3. If you are indigent and cannot afford an attorney, then this Court will appoint an attorney to represent you to protect the rights set out in Paragraph 1 and 2 above.

You must notify the Clerk of this Court, in writing, of your request to have an attorney appointed for you to exercise these rights.

Defendant is further notified by the Court that failure to pay court-imposed assessments, including but not limited to fines, costs, restitution, etc., shall result in the suspension of his license or privilege to operate a motor vehicle in this State and that suspension could result in the cancellation of, the failure to renew, or the failure to issue an automobile insurance policy providing coverage for him and or his family.

It is further ordered that defense counsel tender a certified copy of this Plea and Sentencing Order to the defendant

herein.

ENTER:

18705 97
V. M. G. J.

Judge

A COPY

TESTE

ORDER PREPARED BY:

G. Richard Bunner

G. Richard Bunner
Prosecuting Attorney

Florida L. Stern

CLERK OF THE CIRCUIT COURT
MARION COUNTY, WEST VIRGINIA

ORDER APPROVED BY:

Susan L. Riffle

Susan L. Riffle, Esq.,
Counsel for Defendant

IN THE CIRCUIT COURT OF MARION COUNTY, WEST VIRGINIA
DIVISION I

STATE OF WEST VIRGINIA,

Plaintiff

vs.

FELONY NO. 96-F-174

DARNELL JEROME DAVIS,

Defendant

AMENDED PLEA AND SENTENCING ORDER

On the 7th day of February, 1997, came the State of West Virginia, by G. Richard Bunner, its Prosecuting Attorney, and also came the defendant, Darnell Jerome Davis, in person, and by his counsel, Susan L. Riffle, and thereupon the State moved the Court to dismiss Count I of said indictment charging the defendant with Forgery, pursuant to a plea bargain agreement entered into between the State, the defendant, and counsel for the defendant, and the Court, perceiving no objection thereto and hearing none, is of the opinion to and does hereby dismiss Count I of the indictment and does hereby order that it be dismissed and dropped from the Docket of this Court.

And it affirmatively appearing unto the Court that the defendant received a copy of the indictment returned against him at the October, 1996, Term of this Court and has consulted with his attorney and has had a full, complete and detailed explanation of the nature of the charges against him contained in said indictment and his constitutional rights to a jury trial on the merits

ENTERED 3/18/97
ORDER BOOK 82 PAGE 54/

of the case and the penalties which could be imposed by the Court on a plea of guilty or by a verdict of guilty by a jury, both by the Judge of this Court in open Court and by his attorney, the Court thereupon proceeded to inquire of the defendant as to his plea to Count II - Uttering, and the defendant thereupon pleaded guilty, and said plea of guilty to said charge being freely and voluntarily offered by the defendant, the Court accepted said plea and it was thereupon recorded.

The defendant thereupon moved the Court to waive a presentence investigation and report, and there being no objection by the State, it is ordered that the presentence investigation and report is hereby waived. The Court then inquired of the defendant if there was any reason why judgment should not now be pronounced against him, and nothing being offered or alleged, the Court then considered the representations and recommendations regarding sentencing made by the defendant and by the State.

In consideration of the same, and of all matters of record herein, it is adjudged and ordered that the defendant be sentenced to confinement in the West Virginia State Penitentiary for an indeterminate period of not less than one (1) year nor more than ten (10) years, with credit for time previously served on this charge on July 29, 1996, in the amount of one (1) day.

It is further ordered ~~that the~~ execution of such sentence shall be suspended ~~and the~~ defendant is hereby placed on probation for a period of ~~two (2)~~ years, under the supervision of the Adult Probation Office, upon the following conditions:

1. Probationer shall not, during the period of probation, violate any laws of this State, any other State, or the United States.

2. Probationer shall comply with the rules and regulations of the Adult Probation Office; and shall report to his Probation Officer at the times and places indicated by the Probation Officer.

3. Probationer shall be permitted to reside with his mother in St. Louis, Missouri, if he pays all restitution forthwith.

4. Probationer shall not possess, consume, ingest or otherwise use alcohol, alcoholic beverages or beer, or any illegal drug, or shall not enter any establishment where alcohol, alcoholic beverages or beer is served by the drink.

5. Probationer shall be subject to planned and/or random alcohol and drug screening by his probation officer or at the direction of the probation office.

6. Probationer shall pay the costs of this proceeding as taxed by the Clerk of this Court in the amount Three Hundred Two Dollars (\$302.00), and shall pay attorney fees in the amount of Four Hundred Thirty-nine Dollars and Thirty-five Cents (\$439.35), in twenty (20) consecutive monthly payments in the amount of Thirty-seven Dollars and Seven Cents (\$37.07) each, the first payment due on the 7th day of March, 1997, and continuing on the 7th day of each month thereafter, until said amount is paid in full.

7. Probationer shall make restitution in the amount of Two

Hundred Ten Dollars and Seventy-one (\$210.71) to the victim herein, Fairmont Federal Credit Union, Tenth and Gaston Avenue, Fairmont, West Virginia 26554, to and through the Marion County Circuit Clerk's Office, forthwith.

8. Probationer shall perform twenty (20) hours of community service per week if he is not employed or attending school on a full-time basis.

9. Probationer shall pay the costs of probation supervision in the amount of Five Dollars (\$5.00) per month, to and through the Marion County Circuit Clerk's Office.

If, at any time during the period of probation, it shall appear to the satisfaction of this Court that any of the conditions of probations have been violated, the Court may revoke the probation herein ordered and further act on this case as provided by law.

It is further ordered that if the defendant successfully completes his probation, the defendant is granted leave to move to set aside this plea within six (6) months after said completion of his probation, per Rule 33, W.V.R.Cr.P., in order to enter a plea to petit larceny, all of which has been set out in the plea agreement.

The defendant is hereby advised of the following rights concerning his conviction and sentence:

1. Within one hundred twenty (120) days from the date of this sentence, you can petition the Judge of the Circuit Court of Marion County pursuant to West Virginia Code § 62-12-3 and Rule

35.(b) of the West Virginia Rules of Criminal Procedure for suspension of the execution of your sentence and a release on probation.

2. You can appeal your conviction and/or sentence to the West Virginia Supreme Court of Appeals in Charleston, West Virginia. In order to protect and keep this right of appeal, you must:

a. within thirty (30) days from the date of your sentence, file with the Clerk of this Court your Notice of Intent to Appeal; and

b. within four (4) months from the date of your sentence, file your Petition for Writ of Error with the West Virginia Supreme Court of Appeals in Charleston, West Virginia.

3. If you are indigent and cannot afford an attorney, then this Court will appoint an attorney to represent you to protect the rights set out in Paragraph 1 and 2 above.

You must notify the Clerk of this Court, in writing, of your request to have an attorney appointed for you to exercise these rights.

Defendant is further notified by the Court that failure to pay court-imposed assessments, including but not limited to fines, costs, restitution, etc., shall result in the suspension of his license or privilege to operate a motor vehicle in this State and that suspension could result in the cancellation of, the failure to renew, or the failure to issue an automobile insurance policy providing coverage for him and or his family.

It is further ordered that defense counsel tender a certified copy of this Plea and Sentencing Order to the defendant herein.

ENTER 18 June 97
[Signature]
Judge

A COPY TESTE
[Signature]
CLERK OF THE CIRCUIT COURT
MARION COUNTY, WEST VIRGINIA

ORDER PREPARED BY:

[Signature]
G. Richard Bunner
Prosecuting Attorney

ORDER APPROVED BY:

[Signature]
Susan L. Riffle, Esq.,
Counsel for Defendant

OFFICE OF PROSECUTING ATTORNEY

ROBERT P. McCULLOCH
Prosecuting Attorney

St. Louis County Justice Center
100 South Central Avenue
ST. LOUIS COUNTY, MISSOURI 63105

(314) 615-2600
TTY (314) 615-5267



September 2, 2015

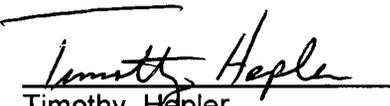
Darnell Davis
8560 Partridge
St. Louis, Mo. 63147

Regarding your request for a disposition for charges and arrests that appeared during the course of a record check, I have researched our records and offer the following information.

I located the incidents in question and researched the arrests listed in the Missouri Uniform Law Enforcement System (MULES) under your assigned state identification number, MO00863749, and corresponding FBI number, 561453DB6, that is listed in the National Crime Information Center (NCIC).

The incident in Richmond Heights was presented to our office for review and a warrant was refused on September 14, 1994. There is no record of the incident in Ferguson ever being presented to this office for review for warrant application. Neither of these cases was issued and referred to court for criminal prosecution and are considered closed records.

If there are any questions, I can be reached at either the phone number or email listed.


Timothy Hepler
Criminal Investigator
615-4747
Email thepler@stlouisco.com

Darnell J. Davis

8560 Partridge Ave
St. Louis, MO 63147
(314) 479-6611

Darnelldavis718@gmail.com

August 31, 2015

To Whom it May Concern:

My criminal record is about mistakes or bad choices I've made in life, as well as learning lessons to build on. The charges were as follows:

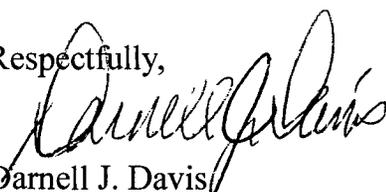
1. In 1994 I was a passenger in a vehicle and there was a gun under the seat. I knew the gun was there but refused to disclose who the owner of the gun was. The case was ultimately dropped.
2. In 1996, while in college, I got involved with some teammates that were cashing bad checks. Upon being caught with one of the checks, my friend was killed and I took the charges. I received probation and paid restitution for the forgery amounts.
3. In 2004, I was found in possession of a firearm. I was arrested and released. No charges were filed and was never required to appear in court.

Since 1994, I have obtained an Associates Arts Degree from Moberly Area Community College and a Bachelors of Art Degree in Criminal Justice from Fairmont State University. I worked as a substitute teacher in the Jennings School District. I was also a Volunteer Teachers Aide for the Urban League in Jennings as well, being vice president of the Parent-Teacher Committee. Since 2001, I have worked as a general manager in the food industry as well as working as the women's basketball coach for Harris Stowe State University from 2002-2006.

I am a teacher/coach at heart and I desire to do that profession for my remaining years. I've made some bad decisions in my life, yet I have learned from them all. I recently lost a child that was an honor roll student prior to her passing. She encouraged and was excited about me teaching again. I'm currently enrolling for spring classes to work towards my MBA in education.

I appreciate the opportunity to clarify these issues and express my desires to teach. Thank you for your consideration.

Respectfully,



Darnell J. Davis



August 24, 2015

To Whom It May Concern:

Please consider this recommendation letter for Darnell Davis. I have known Darnell for 20 years as his college basketball coach and now friend. He came to Fairmont State University as a transfer from West Virginia University. His role changed over the next two years and he adjusted with determination and a commitment to succeed. Darnell is the consummate team player. He understands how to excel within a structured environment but can also take the initiative to be self-directed. His ability to communicate in a meaningful way is excellent as well as his continuous desire to improve and learn. Darnell matured during his years here at Fairmont State into a young man that I was sure would be a difference maker.

Darnell approached his academic career with the same determination and enthusiasm that he gave basketball. I was charged with monitoring our players in the classroom. Darnell was an easy player to track due to his understanding of the importance and value of an education. He will make a fine teacher/coach. Any program or school system would be lucky to have him.

If you have any questions please call me at 304-367-4194. Thank you for your time and consideration on Darnell's behalf.

Sincerely,

A handwritten signature in cursive script that reads "Stephen McDonald".

Stephen McDonald
Head Women's Basketball Coach
Fairmont State University
1201 Locust Av
Fairmont, WV 26554
304-677-5714 cell



From the Desk of

Jaylan E. Harris

1240 Parmer Drive
Florissant, MO 63031
(314) 457-3774
(314) 450-0559

August 28, 2015

To Whom it May Concern:

I am pleased to write this letter of recommendation for Darnell Davis in his efforts to be a certified substitute teacher for the State of Missouri. As his assistant manager, I had the fortune to see many employees and customers respond positively to him.

I worked with Mr Davis as his assistant manager at Jack in the Box for four years. He helped me get to the next level as a general manager. During my term with him, his coaching and teaching techniques were second to none. Mr Davis taught us to never show frustration to our guest or employees and to use bad experiences as a stepping stone to get better. He taught the management team one thing I will never forget, his five P's for success:

1. Proper
2. Preparation
3. Prevents
4. Poor
5. Performance.

I feel that Mr Davis would be great in the classroom for our young people. I highly recommend him for a teaching position and wish him the best of luck. Thank you for your time Darnell's behalf.

Sincerely,

Jaylan E. Harris

Jaylan E. Harris
General Manager
Jack in The Box
Florissant, MO 63033