

**CRIMINAL COURT FOR THE STATE OF TENNESSEE
IN THE COUNTY OF MCMINN**

STATE OF TENNESSEE

CASE NO: 14CR69

v.

WALTER FRANCIS FITZPATRICK, III
Defendant

STATEMENT OF MITIGATING FACTORS

Pursuant to TCA §40-35-202 and §40-35-113, the defendant submits this statement of mitigating factors.

The following factors pursuant to §40-35-113 are supported by evidence of record, and/or are supported by evidence that will be presented at the sentencing hearing:

- 1) The defendant's criminal conduct neither caused nor threatened serious bodily injury;
- 2) The defendant acted under strong provocation;
- 3) Substantial grounds exist tending to excuse or justify the defendant's conduct;
- 4) The defendant assisted the authorities in uncovering offenses committed by other persons who had committed criminal offenses; and
- 5) At no time did the defendant have an intent to violate any law.

Also, the defendant respectfully asserts that he qualifies for additional reductions in sentence pursuant to §40-35-109.

Respectfully submitted this the 15th of Av (a.k.a. 12th Day of August), 2014,



Van R. Irion (TN BPR#024519)

Law Office of Van R. Irion, PLLC
800 Gay St., Ste. 700
Knoxville, TN 37929
(865) 766-4040
van@irionlaw.com
Attorney for the Defendant

CERTIFICATE OF SERVICE

It is hereby certified that on 15th of Av (a.k.a. 12th Day of August), 2014, a copy of the preceding document was delivered to the State's attorney at his office in Athens, TN.

A handwritten signature in black ink, appearing to read "Van R. Irion", written in a cursive style.

Van R. Irion