



Tennessee Board
of Judicial Conduct

FEB 01 2021

FILED

STATE OF TENNESSEE
BOARD OF JUDICIAL CONDUCT

DEFERRED DISCIPLINE AGREEMENT
(FOR PUBLIC RELEASE)

In Re: Judicial Commissioner Joyce Tomlinson
Complaint No. B20-8331

This agreement entered into by and between an investigative panel of the Board of Judicial Conduct (“Board”) and Joyce Tomlinson, Judicial Commissioner, Stewart County, Tennessee, is a Deferred Discipline Agreement as contemplated by Tennessee Code Annotated section 17-5-301(g)(1). This agreement has been approved by an investigative panel of the Board and is intended to resolve Complaint No. B20-8331 filed against Commissioner Tomlinson.

Allegations: On or about November 15, 2020, Commissioner Tomlinson was asked to come to the Stewart County Sheriff’s Department to consider issuing an arrest warrant. Citing a conflict of interest with the officer seeking the warrant, she refused to sign the warrant. Another commissioner was called in, and he issued the warrant.

Rather than leaving the Sheriff’s Department or conducting other judicial business, Commissioner Tomlinson engaged in a tense and sometimes angry discussion of an unrelated criminal case involving a family member with officers in the room. For more than thirty minutes, Commissioner Tomlinson questioned and challenged the officers about the facts of her family member’s case, particularly the officer who had investigated the matter. A supervisor was summoned and, when he arrived, Commissioner Tomlinson questioned and challenged him about the case as well and continued doing so after he made clear, more than once, that it was inappropriate for the discussion to be taking place. Commissioner Tomlinson also informed the supervising officer that she had spoken with the Stewart County Sheriff about the case who, in turn, had spoken with the supervisor. Commissioner Tomlinson expressed her displeasure to the supervisor that he had not relayed her concerns about the case to the investigating officer. In addition, she complained about her family member’s case to her colleague when he arrived to address the unrelated warrant that she declined to sign.

During the encounter with the officers, Commissioner Tomlinson was sarcastic, argumentative, raised her voice, and banged her hands on the table. She threatened to call the investigating officer’s family, dared him to stop her on the street, and taunted him by

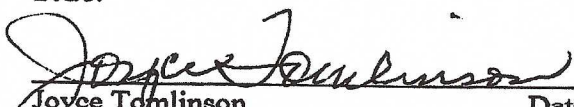
commenting that he was afraid of her even though he had a gun. She made it clear that she did not believe his version of the facts, and she offered alternative facts pertaining to her family member's case.

In short, Commissioner Tomlinson injected herself into an active criminal case involving a family member and acted in a discourteous and intemperate manner inappropriate for a judicial officer. Her actions implicate the following: Tennessee Code Annotated section 17-5-301(j)(1)(C) (a judicial offense includes a violation of the Code of Judicial Conduct); Tennessee Code Annotated section 17-5-301(j)(1)(H) (a judicial offense includes conduct calculated to bring the judiciary into public disrepute or to adversely affect the administration of justice); Tenn. Sup. Ct. R. 10, RJC 1.1 (a judge shall comply with the law, including the Code of Judicial Conduct); Tenn. Sup. Ct. R. 10, RJC 1.2 (a judge shall act at all times in a manner that promotes public confidence in the judiciary and avoid impropriety and the appearance of impropriety); Tenn. Sup. Ct. R. 10, RJC 1.3 (a judge shall not abuse the prestige of judicial office to advance the personal interests of the judge or others); Tenn. Sup. Ct. R. 10, RJC 2.4(B) (a judge shall not permit family or other relationships to influence the judge's conduct or judgment); Tenn. Sup. Ct. R. 10, RJC 2.8(B) (a judge shall be patient, dignified, and courteous to those with whom the judge deals in an official capacity); and Tenn. Sup. Ct. R. 10, RJC 3.1(D) (prohibiting personal activities that would appear to a reasonable person to be coercive).

Terms of agreement: It is agreed between the investigative panel of the Board and Commissioner Tomlinson that for and in consideration of the Board not pursuing formal charges at this time, Commissioner Tomlinson will resign from her position no later than February 14, 2021. It is further agreed that she will not seek an appointed or elected judicial office in the future. If for any reason Commissioner Tomlinson becomes non-compliant with this agreement or another meritorious complaint is filed before February 14, 2021, Disciplinary Counsel will be authorized by the investigative panel to file formal charges. Upon the effective date of Commissioner Tomlinson's resignation, the pending complaint will be dismissed and no further action will be taken to prosecute the allegations.

Effective date of agreement: This agreement will become effective on the date all parties have executed it and the agreement is stamped filed by the Board.

IN WITNESS WHEREOF, Commissioner Tomlinson and the investigative panel of the Board hereby consent to this Deferred Discipline Agreement on this the 1st day of ~~January~~, 2021.


Joyce Tomlinson
Judicial Commissioner

01-22-2021
Date

February

FOR THE INVESTIGATIVE PANEL:

J. Robert (Bobby) Carter, Jr. by
Marshall Davidson w/permission 1/30/2021

Hon. J. Robert (Bobby) Carter, Jr. Date

Camille R. McMullen by
Marshall Davidson w/permission 1/30/2021

Hon. Camille R. McMullen Date

Terica N. Smith by
Marshall Davidson w/permission 2/1/2021

Terica N. Smith, Esq. Date

APPROVED FOR ENTRY:

Dee David Gay by
Marshall Davidson w/permission 2/1/2021

Hon. Dee David Gay Date
Board Chair

Marshall L. Davidson, III 1/30/2021

Marshall L. Davidson, III Date
Disciplinary Counsel