

Tennessee Trial Court Vacancy Commission
Application for Nomination to Judicial Office

04/15/16

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INTRODUCTION

Tennessee Code Annotated section 17-4-301 et seq. charges the Trial Court Vacancy Commission with assisting the Governor and the People of Tennessee in finding and appointing the best qualified candidates for judicial offices in this State. Please consider the Commission's responsibility in answering the questions in this application questionnaire. For example, when a question asks you to "describe" certain things, please provide a description that contains relevant information about the subject of the question and, especially, that contains detailed information that demonstrates that you are qualified for the judicial office you seek. In order to properly evaluate your application, the Commission needs information about the range of your experience, the depth and breadth of your legal knowledge, and your personal traits such as integrity, fairness, and work habits.

This document is available in word processing format from the Administrative Office of the Courts (telephone 800.448.7970 or 615.741.2687; website www.tncourts.gov). The Commission requests that applicants obtain the word processing form and respond directly on the form. Respond in the box provided below each question. (The box will expand as you type in the document.) Review the separate instruction sheet prior to completing this document. Submit original (unbound) completed application (with ink signature) to the Administrative Office of the Courts. In addition, submit a digital copy with electronic or scanned signature via email to debra.hayes@tncourts.gov, or via another digital storage device such as flash drive or CD.

THIS APPLICATION IS OPEN TO PUBLIC INSPECTION AFTER YOU SUBMIT IT.

PROFESSIONAL BACKGROUND AND WORK EXPERIENCE

1. State your present employment.

I am currently employed as an Assistant District Attorney with the Office of the District Attorney General in the 2nd Judicial District. I have been serving in this capacity since August 1, 2014.

2. State the year you were licensed to practice law in Tennessee and give your Tennessee Board of Professional Responsibility number.

I was licensed to practice law in Tennessee in 2014. My Tennessee Board of Professional Responsibility number is #33288

3. List all states in which you have been licensed to practice law and include your bar number or identifying number for each state of admission. Indicate the date of licensure and whether the license is currently active. If not active, explain.

State of Tennessee, BPR #33288

4. Have you ever been denied admission to, suspended or placed on inactive status by the Bar of any State? If so, explain. (This applies even if the denial was temporary).

No, I have never been denied admission to, suspended or placed on inactive status by the Bar of any State.

5. List your professional or business employment/experience since the completion of your legal education. Also include here a description of any occupation, business, or profession other than the practice of law in which you have ever been engaged (excluding military service, which is covered by a separate question).

August, 2014 - Present, Assistant District Attorney for the Office of the District Attorney General of the 2nd Judicial District, Blountville, Sullivan County, Tennessee.

2013 - 2014, Dominion Electric/Appalachian School of Law, Research Assistant, Grundy, Virginia

2006-2009, Superior Sets Retail Installation. I ran a small business in which I traveled around the country installing signage, products and displays for various manufacturers. This included

working in major retail stores such as Lowes, Home Depot and Wal-Mart. I also managed several subcontractors.

1996 - 2001, The Gafford Group, Manufacturer Representative. I represented multiple manufacturers by promoting, displaying and conducting classes in regards to their products in Home Depot stores in Missouri, Arkansas and Northeast Tennessee.

1992 - 1996, Browning Hardware Sales Associate. After graduating high school, I worked as one of two employees in a small mom and pop hardware store in Boonville, Missouri.

In the interims of my employment, I was actively working to obtain my college degree or legal education.

6. Describe the nature of your present law practice, listing the major areas of law in which you practice and the percentage each constitutes of your total practice.

As an Assistant District Attorney, my entire practice focuses on criminal law and criminal prosecution. I am responsible for prosecuting cases that range from elder abuse to illegal drug distribution and manufacturing, as well as aggravated assault among other things.

One of my specific responsibilities in the 2nd Judicial District is as a member of the Vulnerable Adult Protective Investigative Team (“VAPIT”). I, along with another assistant district attorney, started VAPIT in Sullivan County. The VAPIT statute requires that we coordinate with Adult Protective Services, Law Enforcement, Public Housing and other governmental agencies to investigate potential vulnerable adult crimes and prosecute those cases in which we believe there is criminal responsibility.

7. Describe generally your experience (over your entire time as a licensed attorney) in trial courts, appellate courts, administrative bodies, legislative or regulatory bodies, other forums, and/or transactional matters.

In my time as an Assistant District Attorney, I have prosecuted five jury trials in Sullivan County’s Criminal Court, Division I and countless bench trials in General Sessions Court. I have been the only counsel on three of the jury trials and co-counsel on two. In any successful prosecution, preparation is key and I went home knowing I prepared to the best of my abilities. Because of this preparation, I was able to represent well, not only the citizens of Sullivan County but most importantly the victims in each case.

I am currently responsible for nearly 200 active cases split between Divisions I and II in Sullivan County Criminal Court. These include many felony drug cases, crimes against persons, such as elder abuse, and crimes against property such as burglary and theft. It is not uncommon for me to have cases in front of both judges on the same day, multiple times a week. On any given day, I could have motion hearings, sentencing hearings, violation of probation hearings as well as

negotiating and preparing plea agreements for the courts with defense attorneys.

In arguing motions, I always feel it is imperative to know the law, whether it be statutory or an interpretation from the Court of Criminal Appeals or Tennessee Supreme Court, and argue from that vantage point and not from personal belief or opinion. With those principles in mind, I try to be deliberate and calm, knowing that I know the facts of my case coupled with my knowledge the law.

8. Describe any matters of special note involving your practice in trial courts, appellate courts, and administrative bodies.

In the summer of 2013, while I was a law clerk with the Office of the District Attorney General, I co-counseled two jury trials. I had my 3rd year limited practice license from the Tennessee Supreme Court. The District Attorney General, Barry Staubus, believed in me and gave me those two opportunities. The first trial was an Aggravated Assault case with multiple witnesses in which the Defendant was found guilty. The second case was a complicated aggravated assault case with three co-defendants and multiple victims. It lasted three days and all three co-defendants testified. I was given the opportunity to cross-examine two of the co-defendants, as well as direct examination of the officer and several of the lay witnesses. At the time, this was an opportunity that many of my peers were not given and I seized on my opportunity, prepared for trial, and successfully prosecuted each case.

I believe this is a noteworthy marker in my legal career because I worked hard to distinguish myself the two summers I was an intern with the Office of the District Attorney General. As a result of my hard work, General Staubus awarded me with a full-time Assistant District Attorney position after passing the bar in 2014. I have rapidly assimilated and progressed in my legal career as I have gone from managing the daily docket in General Sessions Court to prosecuting felony cases and jury trials in Criminal Court with one of the 2nd District's largest caseloads.

9. Describe any other legal experience, not stated above, that you would like to bring to the attention of the Commission.

For half of the summer in 2013, I was an intern with East Tennessee State University's Office of University Counsel. The head legal counsel, Edward Kelly, put me immediately on a civil rights lawsuit against the University which involved the termination of a professor. I researched civil rights law for, what was, a complex First Amendment case. I also drafted the preliminary Motion for Summary Judgment for the State Attorney General's Office. At the same time, I was assisting, and learning the responsibilities of, the other attorneys in the office and the administrative assistant.

10. List and describe all prior occasions on which you have submitted an application for any state or federal judicial position.

Not applicable.

EDUCATION

11. List each college, law school, and other graduate school which you have attended, including dates of attendance, degree awarded, major, any form of recognition or other aspects of your education you believe are relevant, and your reason for leaving each school if no degree was awarded.

Appalachian School of Law Grundy, Virginia August 2011 – 2014 Juris Doctor anticipated May 2014

Activities and Honors: Dean's List Fall 2012; Angela D. Dales Merit Scholarship (Trustee's Full Scholarship); Thomas Blackwell 'Heart of ASL' Award 2012, 2013; Appellate Advocacy Oral Argument Semi-Finalist 2012; National Moot Court Team 2013; Moot Court Board Public Relations Chair; Court-Appointed Special Advocate (CASA) Volunteer; ASL Softball Team; Remote Area Medical Clinic Volunteer 2011

East Tennessee State University Johnson City, Tennessee September 2001 – May 2011 Bachelor of Science in Political Science

Activities and Honors: Dean's List Fall 2001, Fall 2010; Pearl Sue Lady Scholarship 2002

PERSONAL INFORMATION

12. State your date of birth.

I was born July 20, 1974 and am 42 years old.

13. How long have you lived continuously in the State of Tennessee?

I have lived continuously in the State of Tennessee for the last seven years. My wife and I and our family moved to Northeast Tennessee in 1999 but moved to Bristol, Virginia, from 2007 until 2010 before moving back to Tennessee.

14. How long have you lived continuously in the county where you are now living?

I have lived continuously in Sullivan County, Tennessee for seven years.

15. State the county in which you are registered to vote.

I am registered to vote in Sullivan County, Tennessee.

16. Describe your military service, if applicable, including branch of service, dates of active duty, rank at separation, and decorations, honors, or achievements. Please also state whether you received an honorable discharge and, if not, describe why not.

Not applicable.

17. Have you ever pled guilty or been convicted or are now on diversion for violation of any law, regulation or ordinance other than minor traffic offenses? If so, state the approximate date, charge and disposition of the case.

In May, 1992, when I was 17, I assisted in a prank on a baseball teammate with seven of my fellow seniors, including the teammate's brother. We used plastic wrap to tie him to a flagpole. We all believed that this was an innocent prank but our teammate's parents thought otherwise. Charges were filed by his parents and we all plead guilty to Class C Misdemeanor assault and following a successful diversionary period my record was expunged.

18. To your knowledge, are you now under federal, state or local investigation for possible violation of a criminal statute or disciplinary rule? If so, give details.

No.

19. Please identify the number of formal complaints you have responded to that were filed against you with any supervisory authority, including but not limited to a court, a board of professional responsibility, or a board of judicial conduct, alleging any breach of ethics or unprofessional conduct by you. Please provide any relevant details on any such complaint if the complaint was not dismissed by the court or board receiving the complaint.

Not applicable.

20. Has a tax lien or other collection procedure been instituted against you by federal, state, or local authorities or creditors within the last five (5) years? If so, give details.

No.

21. Have you ever filed bankruptcy (including personally or as part of any partnership, LLC, corporation, or other business organization)?

No.

22. Have you ever been a party in any legal proceedings (including divorces, domestic proceedings, and other types of proceedings)? If so, give details including the date, court and docket number and disposition. Provide a brief description of the case. This question does not seek, and you may exclude from your response, any matter where you were involved only as a nominal party, such as if you were the trustee under a deed of trust in a foreclosure proceeding.

No.

23. List all organizations other than professional associations to which you have belonged within the last five (5) years, including civic, charitable, religious, educational, social and fraternal organizations. Give the titles and dates of any offices which you have held in such organizations.

I am a lifelong member of the Church of Jesus Christ of Latter-Day Saints. From 2012 to 2016 I was the Elder's Quorum President with a specific ministry over many of the members of the church. This included visiting members in their homes, identifying needs and facilitating those needs by organizing service projects.

I was a Court Appointed Special Advocate (CASA) from 2012 to 2013 in Buchanan County, Virginia while in law school. Given that it is a poverty-stricken county and community, I was given several opportunities to investigate potential child neglect cases by going into homes, talking to neighbors and addressing concerns of multiple family members. This culminated in reports that were considered by the juvenile court judge. While difficult, this was a satisfying position that gave me the opportunity to truly speak for those who would otherwise not have a voice.

24. Have you ever belonged to any organization, association, club or society which limits its membership to those of any particular race, religion, or gender? Do not include in your answer those organizations specifically formed for a religious purpose, such as churches or synagogues.

- a. If so, list such organizations and describe the basis of the membership limitation.
- b. If it is not your intention to resign from such organization(s) and withdraw from any participation in their activities should you be nominated and selected

for the position for which you are applying, state your reasons.

I was a member of the Boy Scouts of America in my teen years. At the time, the Boy Scouts only allowed males to join.

ACHIEVEMENTS

25. List all bar associations and professional societies of which you have been a member within the last ten years, including dates. Give the titles and dates of any offices which you have held in such groups. List memberships and responsibilities on any committee of professional associations which you consider significant.

Not applicable.

26. List honors, prizes, awards or other forms of recognition which you have received since your graduation from law school which are directly related to professional accomplishments.

Not applicable.

27. List any public office you have held or for which you have been candidate or applicant. Include the date, the position, and whether the position was elective or appointive.

Not applicable.

ESSAYS/PERSONAL STATEMENTS

28. What are your reasons for seeking this position? (*150 words or less*)

From a young age, I have felt a need to serve and held a strong belief in civic duty. While in law school, I knew I wanted to give back to my community. I did not expect a circuit court opening in Sullivan County but quickly realized this was an opportunity to serve in a greater capacity.

A judge should be the most honorable person in a community. A community expects a judge to always uphold the law even when unpopular. Judicial service includes not only following the law but also ensuring a defendant's rights are not infringed and if guilty, that he receive an appropriate and proscribed punishment, tempered with mercy, when suitable, and rehabilitation if applicable.

Being a judge is one of the highest callings in a community. It is a solemn responsibility, one that I would take seriously with skill and strength, balanced with temperance and soberness.

29. Describe the judgeship you seek (i.e. geographic area, types of cases, number of judges, etc. and explain how your selection would impact the court. *(150 words or less)*)

I seek the judgeship in Division II of the Circuit Court of the 2nd Judicial District. The geographic jurisdiction of this court encompasses Sullivan County, Tennessee. The Circuit Court Judge in Division II is assigned one of every three criminal cases and one of every five cases filed in Law and Chancery Courts in Bristol and Kingsport but does not include civil jury cases.

Because time is sensitive in most criminal and civil cases, I will work hard to be efficient in my disposition of cases while instilling honor and respect in the court. I will not allow the court to operate as one in which money, title, or family association takes preference over the application of the law, but, like in Buchanan County, Virginia, make sure that everyone is heard. Finally, I will uphold the law and will expect everyone who enters the court to do the same.

30. Will you uphold the law even if you disagree with the substance of the law (e.g., statute or rule) at issue? Give an example from your experience as a licensed attorney that supports your response to this question. *(250 words or less)*

Upholding the law is the most important responsibility of any judge and I do not support judicial activism or legislating from the bench. Following the law as proscribed by the General Assembly provides consistency throughout the state, without which neither defendants nor victims can have faith in the judicial system. Consistency also allows a judge to decide fairly and with integrity for either the defense or the state, depending on the applicable law and circumstances of each case.

I will always strive to uphold the law promulgated by the General Assembly and interpreted by our appellate court system as well as the Supreme Court of the United States. An honorable judge's rulings should come from statutes, their plain meaning, higher court interpretations and any rules or regulations higher courts or regulatory bodies create.

I have tried to live up to the principles of a District Attorney set forth in Berger v. United States: "[The District Attorney's] interest, therefore, in a criminal prosecution is not that it shall win a case, but that justice shall be done. As such, he is in a peculiar and very definite sense the servant of the law, the twofold aim of which is that guilt shall not escape or innocence suffer."

I do not recall a specific example where I have disagreed with the substance of the law and still upheld the law. I have always upheld the law to the best of my knowledge and ability.

REFERENCES

31. List five (5) persons, and their current positions and contact information, who would recommend you for the judicial position for which you are applying. Please list at least two persons who are not lawyers. Please note that the Commission or someone on its

behalf may contact these persons regarding your application.

A. Barry Staubus, District Attorney General, 2 nd Judicial District,
B. Brent Young, Attorney, Baker, Donelson, Bearman, Caldwell & Berkowitz, P.C.,
C. Robert Peel, Attorney, Jones, King, Down & Peel, P.C.,
D. Ryan Youngblood, Director of Quality and Risk Management, Quillen Rehabilitation Hospital,
E. Danny Dunn, Vice President of Finance, Bill Gatton Chevrolet,

AFFIRMATION CONCERNING APPLICATION

Read, and if you agree to the provisions, sign the following:

I have read the foregoing questions and have answered them in good faith and as completely as my records and recollections permit. I hereby agree to be considered for nomination to the Governor for the office of Judge of the Circuit Court in the 2nd Judicial District of Tennessee, and if appointed by the Governor, agree to serve that office. In the event any changes occur between the time this application is filed and the public hearing, I hereby agree to file an amended questionnaire with the Administrative Office of the Courts for distribution to the Commission members.

I understand that the information provided in this questionnaire shall be open to public inspection upon filing with the Administrative Office of the Courts and that the Commission may publicize the names of persons who apply for nomination and the names of those persons the Commission nominates to the Governor for the judicial vacancy in question.

Dated: April 14, 2017.

Peter M. Filetti

Signature



When completed, return this questionnaire to Delbie Hayes, Administrative Office of the Courts, 511 Union Street, Suite 600, Nashville, TN 37219.

TENNESSEE TRIAL COURT VACANCY COMMISSION
ADMINISTRATIVE OFFICE OF THE COURTS
511 UNION STREET, SUITE 600

NASHVILLE CITY CENTER
NASHVILLE, TN 37219

**TENNESSEE BOARD OF PROFESSIONAL RESPONSIBILITY
TENNESSEE BOARD OF JUDICIAL CONDUCT
AND OTHER LICENSING BOARDS**

WAIVER OF CONFIDENTIALITY

I hereby waive the privilege of confidentiality with respect to any information that concerns me, including public discipline, private discipline, deferred discipline agreements, diversions, dismissed complaints and any complaints erased by law, and is known to, recorded with, on file with the Board of Professional Responsibility of the Supreme Court of Tennessee, the Tennessee Board of Judicial Conduct (previously known as the Court of the Judiciary) and any other licensing board, whether within or outside the State of Tennessee, from which I have been issued a license that is currently active, inactive or other status. I hereby authorize a representative of the Trial Court Vacancy Commission to request and receive any such information and distribute it to the membership of the Commission and to the Office of the Governor.

Peter Michael Filetti
Type or Print Name

Peter M. Filetti
Signature

April 14, 2017
Date

33288
BPR #

Please identify other licensing boards that have issued you a license, including the state issuing the license and the license number.
