

Tennessee Judicial Nominating Commission
Application for Nomination to Judicial Office

Rev. 26 November 2012

Name: Michael D. Randles

Office Address: Marshall County Courthouse, Room 407, Lewisburg, TN 37091 Marshall
County
(including county)

Office Phone: 931-270-2225 Facsimile: 931-270-2227

Email Address: mike417@charter.net

Home Address: [REDACTED]
(including county)

Home Phone: [REDACTED] Cellular Phone [REDACTED]

INTRODUCTION

Tennessee Code Annotated section 17-4-101 charges the Judicial Nominating 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 <http://www.tncourts.gov>). The Commission requests that applicants obtain the word processing form and respond directly on the form. Please respond in the box provided below each question. (The box will expand as you type in the word processing document.) Please read the separate instruction sheet prior to completing this document. Please submit the completed form to the Administrative Office of the Courts in paper format (with ink signature) *and* electronic format (either as an image or a word processing file and with electronic or scanned signature). Please submit fourteen (14) paper copies to the Administrative Office of the Courts. Please e-mail a digital copy to debra.hayes@tncourts.gov.

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

PROFESSIONAL BACKGROUND AND WORK EXPERIENCE

1. State your present employment.

Assistant District Attorney General – Seventeenth Judicial District

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

1991; 14998

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.

None other than the State of Tennessee.

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.

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, 1991 – January, 1994: Associate, Richard L. Dugger and Associates, Shelbyville, TN. I worked as an associate attorney for a sole practitioner. I engaged in a general practice of law. I handled a wide variety of civil cases in the Circuit, Chancery, Juvenile and General Sessions Courts of several counties in middle Tennessee. I also represented individuals charged with criminal offenses. I did this on both an appointed and a retained basis. I represented persons on all types of criminal offenses, including first degree murder, rape, robbery, burglary, drug offenses and various misdemeanor offenses. I also represented debtors in Bankruptcy Court.

January, 1994 – May, 1995: Associate, Grant, Konvalinka and Harrison, Chattanooga, TN. I worked as an associate attorney. My primary assignment was preparation of tax returns and financial statements for both businesses and individuals. I also assisted with representing clients

involved in IRS audits and tax litigation. I assisted with business model planning and estate planning. Lastly, I participated in some civil litigation.

August, 1995 – July, 1998: Assistant Public Defender, Seventeenth Judicial District Public Defender’s Office.

I was assigned to the Circuit Court, Part I. If the Public Defender’s Office was appointed to represent a defendant in the Circuit Court of Bedford, Lincoln, Marshall or Moore Counties, I was the attorney assigned to handle the case. Most of the cases were felony-level offenses running the gamut of the criminal code. My involvement in a case began at the arraignment and often continued through the first tier appeal to the Court of Criminal Appeals. I have also represented persons in post judgment proceedings, such as probation revocations and post conviction relief hearings.

July, 1998 – present: Assistant District Attorney General, District Attorney General’s Office Seventeenth Judicial District.

I am assigned to Circuit Court, Part I, for Bedford and Marshall Counties. I am responsible for prosecuting all Class A and B felonies in Bedford County. I share responsibility with another assistant D.A. for the Circuit Court docket in Marshall County. I have conducted several hundred jury trials, and I have prosecuted several thousand felony cases. Additionally, I have responsibility for handling motion hearings, sentencing hearings, probation revocations hearings, motions for new trial and post conviction relief hearings.

6. If you have not been employed continuously since completion of your legal education, describe what you did during periods of unemployment in excess of six months.

Not applicable.

7. 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.

At present, I am an Assistant District Attorney General for the Seventeenth Judicial District. I am assigned to Circuit Court, Part I, for Bedford and Marshall Counties. One hundred percent of my work is devoted to the prosecution of criminal cases in those two Courts.

8. 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 making your description, include information about the types of matters in which you have represented clients (e.g., information about whether you have handled criminal matters, civil matters, transactional matters, regulatory matters, etc.) and your own personal involvement and activities in the matters where you have been involved. In responding to this question, please be guided by the

fact that in order to properly evaluate your application, the Commission needs information about your range of experience, your own personal work and work habits, and your work background, as your legal experience is a very important component of the evaluation required of the Commission. Please provide detailed information that will allow the Commission to evaluate your qualification for the judicial office for which you have applied. The failure to provide detailed information, especially in this question, will hamper the evaluation of your application. Also separately describe any matters of special note in trial courts, appellate courts, and administrative bodies.

For the first four years of my career I was in private practice. During that period I handled a wide variety of civil cases, mostly at the State trial court level. I have handled numerous divorces and child custody matters, personal injury lawsuits, contract disputes, debt collections, estate planning and probate matters. For a period of time, I was primarily handling tax matters for both businesses and individuals, which sometimes involved representing clients in disputed matters with the IRS. I have also represented persons applying for disability with the Social Security Administration. Additionally, I have represented debtors in Bankruptcy Court.

During my years in private practice, I also did criminal defense work. This was primarily in General Sessions and Circuit Court. However, I also handled matters in the Court of Criminal Appeals. I represented persons charged with offenses ranging from simple traffic violations to serious felonies, including first degree murder. During this period, I was frequently appointed by the Circuit Court Judge, so a large portion of my criminal defense practice was in Circuit Court. This period of time in my career was invaluable in developing my skills as a trial level litigator.

Beginning in August, 1995, I began my employment with the Public Defender's Office for the Seventeenth Judicial District. I was assigned exclusively to the Circuit Court. If the Circuit Court Judge was on the bench anywhere in the district, I was there also. During the three years I was in the Public Defender's Office, I tried more jury trials than any other attorney in the district for that period of time. Most of the cases I handled were felony offenses. I also occasionally prepared and filed briefs in the Court of Criminal Appeals. It was during this time in my career that I believe I significantly advanced my skills as a trial court litigator and my knowledge of matters related to Circuit Court, Part I.

In July, 1998, I became an assistant district attorney general. I believe it was my abilities as an assistant public defender that directly led to my being hired by the District Attorney General's Office. For most of the last fourteen years, I have been assigned to Bedford County Circuit Court. However, for the last year and a half, I have also been assigned to Marshall County Circuit Court. I have prosecuted many thousands of felony offenses. I have tried hundreds of jury trials.

Including my time in the District Attorney General's Office and the Public Defender's Office, I have nearly eighteen years of experience in Circuit Court, Part I. As both a prosecutor and a defense attorney I have seen the wide range of issues that confront a Circuit Court Judge. I believe I possess a comprehensive basis of knowledge for how to deal with those kinds of issues. For example, I believe I possess an excellent working knowledge of the rules of evidence, the rules of criminal procedure and the pattern jury instructions.

Regarding my work habits, I take very seriously my obligation to represent the State of

Tennessee. Only through hard work have I managed to achieve any level of success. Being assigned to Circuit Court requires an extra effort to be effective. Consequently, it is not uncommon to see me unlocking the courthouse in the morning as one of the first to arrive or to see me locking the door at night as one of the last to leave.

9. Also separately describe any matters of special note in trial courts, appellate courts, and administrative bodies.

A death penalty case is the most serious and complex criminal case a Circuit Court Judge will ever have to preside over. It places enormous intellectual and physical demands on all the participants, including the Judge.

In 1997, when I was in the Public Defender's Office, I was appointed to represent a defendant charged with quadruple homicide in Bedford County. The State was seeking the death penalty. I participated as co-counsel in the representation of that defendant in General Sessions Court and Circuit Court until July, 1998, at which time I was hired by the District Attorney General's Office. At that point, for obvious reasons, I no longer had any involvement in the case.

In 2010 and 2011, I was part of a team of prosecutors handling another death penalty case, this time in Lincoln County. The defendant had murdered five people including some children. The defendant eventually pleaded guilty and received five consecutive life sentences without the possibility of parole. Before that resolution, we interviewed nearly one hundred witnesses, and we went through a multitude of complex pretrial motion hearings, involving testimony, argument and briefing.

Consequently, I have experience with death penalty cases as both a prosecutor and a defense attorney, which would be invaluable as a Judge. I believe I am the only attorney in the district that can claim that distinction.

10. If you have served as a mediator, an arbitrator or a judicial officer, describe your experience (including dates and details of the position, the courts or agencies involved, whether elected or appointed, and a description of your duties). Include here detailed description(s) of any noteworthy cases over which you presided or which you heard as a judge, mediator or arbitrator. Please state, as to each case: (1) the date or period of the proceedings; (2) the name of the court or agency; (3) a summary of the substance of each case; and (4) a statement of the significance of the case.

Not applicable.

11. Describe generally any experience you have of serving in a fiduciary capacity such as guardian ad litem, conservator, or trustee other than as a lawyer representing clients.

During the first years of my career, I was occasionally appointed as a guardian ad litem in Juvenile Court.

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

In October, 2012, the newly appointed District Attorney General asked me to be in charge of the Board that oversees the operation of the Drug Task Force.

I have been an instructor for in-service training for local law enforcement agencies. I have also taught a week long course to State Bomb and Arson investigators on how to testify in court effectively. Lastly, I have been an instructor at a course hosted by the Bureau of Alcohol, Tobacco and Firearms.

13. List all prior occasions on which you have submitted an application for judgeship to the Judicial Nominating Commission or any predecessor commission or body. Include the specific position applied for, the date of the meeting at which the body considered your application, and whether or not the body submitted your name to the Governor as a nominee.

None.

EDUCATION

14. 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.

Tennessee Technological University 1984 – 1988; B.S. Accounting
Beta Alpha Psi Accounting Honor Society

University of Tennessee College of Law 1988 – 1991; J.D.
National Trial Team 1990 and 1991. Our team won a national championship in 1991.

PERSONAL INFORMATION

15. State your age and date of birth.

46; April 17, 1966

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

46 years

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

4.5 years [Total time living continuously in the Seventeenth Judicial District: over 20 years]

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

Marshall

19. 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.

None.

20. Have you ever pled guilty or been convicted or are you now on diversion for violation of any law, regulation or ordinance? Give date, court, charge and disposition.

No, other than a few speeding tickets, the most recent of which was approximately eight years ago.

21. 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.

22. If you have been disciplined or cited for breach of ethics or unprofessional conduct by any court, administrative agency, bar association, disciplinary committee, or other professional group, give details.

Not applicable. However, in a recent opinion from the Court of Criminal Appeals (State v. Sutton, No. M2011-01575-CCA-R3-CD, February 4, 2013), I was criticized for allowing a trial jury to hear a portion of a recorded telephone call setting up a drug transaction in which the Drug Task Force Agent described the defendant as a known crack cocaine dealer. I was neither

disciplined nor cited by the Court or any other agency, association, committee or group. While this information may not be the kind sought under this question, I have included it under the requirement of full disclosure.

23. 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.

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

No.

25. 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.

Randles v. Randles, Hamilton County Circuit Court case no. 95DR0255; Agreed to decree of divorce granted 8/17/95; no children.

Rogelio Jones v. Michael David Randles, United States District Court, Eastern District of Tennessee case no. 4:04-CV-34; Dismissed after Motion for Summary Judgment granted 10/21/04. Mr. Jones was a victim/witness in a case I prosecuted. He became very uncooperative. I requested the Court declare him to be a material witness and require him to post a bond. The Court granted my request. I was sued as a result.

Randles v. Randles, Bedford County Chancery Court case no. 25696; Agreed to decree of divorce granted 6/3/05; no children.

George Scott Mason v. Paul Summers, et al., United States District Court, Eastern District of Tennessee case no. 3:07-CV-00043; Dismissed as to me after Motion for Summary Judgment granted 9/29/08. Mr. Mason was a defendant I prosecuted. I attended his parole revocation hearing. I was sued simply for attending that hearing.

26. 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.

Lewisburg Lions Club
Leadership Marshall

27. 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.
- If so, list such organizations and describe the basis of the membership limitation.
 - 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.

No.

ACHIEVEMENTS

28. 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.

Over the years, I have belonged to the Tennessee, Bedford County and Marshall County Bar Associations.

29. 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.

None. The career path I have chosen does not lend itself to receiving honors, prizes or awards. The greatest reward for me has been the thanks I received from a victim or his/her family for doing my best to see that justice was done.

30. List the citations of any legal articles or books you have published.

None.

31. List law school courses, CLE seminars, or other law related courses for which credit is given that you have taught within the last five (5) years.

None. However, as previously stated, I have been an instructor for local, state and federal law enforcement agencies.

32. 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.

In 2012, the District Attorney General, Charles Crawford, resigned. I was an applicant to fill the vacancy. The appointment was made by the Governor.

33. Have you ever been a registered lobbyist? If yes, please describe your service fully.

No.

34. Attach to this questionnaire at least two examples of legal articles, books, briefs, or other legal writings which reflect your personal work. Indicate the degree to which each example reflects your own personal effort.

See attached. Both writings are one hundred percent my work.

1. State's written denial of pre-trial diversion. My decision was upheld by the Trial Judge and affirmed by the Court of Criminal Appeals.
2. Motion to Quash Notice of Taking of Depositions and Subpoena Duces Tecum. The background of this case involves a young woman, Shelley Mook, who has been missing since February, 2011. She had a small child who became the subject of a custody battle between her mother and her ex-husband. The ex-husband is considered a suspect in her disappearance. The ex-husband wanted to depose two of the detectives involved in the investigation and examine their files in order to find out what evidence we had against him. I filed a motion to bar that from happening in order to preserve the integrity of the investigation. The motion was granted by the Trial Court. No appeal of that decision was ever taken.

ESSAYS/PERSONAL STATEMENTS

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

For the last fourteen years, I have proudly served the citizens of Bedford, Lincoln, Marshall and Moore Counties. I have truly tried to make a difference, to make our district safer, to make

victims feel like when they left the courthouse, they got justice. As a prosecutor I have a duty not simply to win a case or get a conviction, but instead to seek justice. That duty, to seek justice, has guided every decision I have made as a prosecutor.

If you think about it, the role of the Judge is not much different. The Judge also wants to see that justice is done in every case. The Judge achieves this by being fair and impartial and by making rulings that are based on the facts and the law. I believe for me the transition from prosecutor to Judge would be an easy one simply because I already have the mindset that the objective in every case is to seek justice.

36. State any achievements or activities in which you have been involved which demonstrate your commitment to equal justice under the law; include here a discussion of your pro bono service throughout your time as a licensed attorney. *(150 words or less)*

While I was in private practice, I did take pro bono cases from the Legal Aid Society of Middle Tennessee. I litigated several of these cases, including a denial of unemployment benefits and a Social Security disability claim. Additionally, the firm I worked for in Chattanooga provided free legal advice to inmates in the Hamilton County jail. Since I had extensive criminal defense experience, the firm assigned me to that task. Since I am no longer in private practice, I am precluded from taking pro bono cases.

37. 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)*

Judge Robert Crigler presides over Circuit Court, Part I, for the Seventeenth Judicial District, which is comprised Bedford, Lincoln, Marshall and Moore Counties. For over twenty years, the Judge who has presided over Circuit Court, Part I, has heard exclusively criminal cases, and the overwhelming majority of those cases are felony level offenses.

To be an effective Judge for Circuit Court, Part I, it is necessary to have an extensive background in criminal law. For the last eighteen years my career has been devoted exclusively to criminal law. For all of those eighteen years, I have been assigned to Circuit Court, Part I. I have been a defense attorney and a prosecutor, so I would be able to bring both perspectives to the bench. As a prosecutor I strive for justice. As a Judge I would do the same.

Beyond that, a judge has to maintain an even temperament while treating everyone with respect. I have dealt with the public for years, so I believe I possess the skills necessary to uphold the dignity of the bench in a manner that is respectful of all who come before it.

38. Describe your participation in community services or organizations, and what community involvement you intend to have if you are appointed judge? *(250 words or less)*

I am very active in the Lewisburg Lions Club which participates in several community events

each year. Our goal is to raise money to buy eyeglasses and provide financial assistance for underprivileged persons with vision-related problems. I will continue to be very active in the Lions Club. Additionally, I am in Leadership Marshall, which has the purpose of encouraging people from all walks of life to become leaders in their community, which hopefully has the effect of improving our community. I will continue to be a part of that, and certainly will strive to make my community a better place.

My family and I routinely attend civic events here in Marshall County and in the surrounding communities. We have attended law enforcement remembrance ceremonies and September 11th services. We have also given our time and money to events that promote cancer awareness and child abuse prevention. We will continue to support events like that. We also enjoy supporting our local high school by attending football and basketball games. Lastly, our children are on community league sports teams. Because of this, we are frequently on the sidelines of a local ball field.

39. Describe life experiences, personal involvements, or talents that you have that you feel will be of assistance to the Commission in evaluating and understanding your candidacy for this judicial position. *(250 words or less)*

My exposure to the courtroom began at an early age. My dad was a court reporter, and on occasion I would go with him to work. He worked in a rural judicial district very similar to the Seventeenth Judicial District. In Court, I used to marvel at how the lawyers would conduct themselves or how the Judge always knew the right thing to say. My dad also instilled in me the belief that the Judge was the person of the highest integrity and deserving of the utmost respect. That is a belief I carried into my adult and professional life. Opinions vary widely about the judicial system, but I believe it is our obligation to maintain the integrity of the Court in an effort to increase respectability. I will work tirelessly in that regard.

40. 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)*

Yes. Frankly, I cannot think of an example where I disagreed with the substance of a law but upheld it anyway.

REFERENCES

41. 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.

Representative Billy Spivey, 110 War Memorial Building, Nashville, TN 37243; 615-741-4170

Representative Pat Marsh, G-19A War Memorial Building, Nashville, TN 37243; 615-741-6824

W. Michael McCown, District Attorney General (retired), [REDACTED]
[REDACTED]; [REDACTED]

Hon. Robert G. Crigler, Circuit Judge, Part I, P.O. Box 1535, Shelbyville, TN 37162;
931-488-3055

Director Tim Lane, Seventeenth Judicial District Drug Task Force, 117 South Main Street,
Shelbyville, TN 37160; 931-580-6488

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, Part I, Seventeenth 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: February 12, 2013.



Signature

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



TENNESSEE JUDICIAL NOMINATING COMMISSION

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 which 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 Tennessee Judicial Nominating Commission to request and receive any such information and distribute it to the membership of the Judicial Nominating Commission and to the office of the Governor.

Michael D. Randles

Type or Printed Name

Michael D. Randles

Signature

Signature

2/12/13

Date

Date

14998

BPR #

BPR #

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

n/a

