APPLICATION FOR NOMINATION OF TREVOR H. LYNCH

FOR THE DIVISION III CIRCUIT COURT JUDGE FOR RUTHERFORD AND CANNON COUNTIES

Tennessee Judicial Nominating Commission

Application for Nomination to Judicial Office

Rev. 22 December 2011

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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 seventeen (17) 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.

I am an assistant district attorney general for the 16th Judicial District covering Rutherford and Cannon Counties.

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

I was licensed in 2001 and my BPR number is 021582.

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.

I am licensed only in the State of Tennessee, BPR # 021582. The date of licensure is November 1, 2001 and the current status is active.

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).

I have been employed at the District Attorney General's Office for the 16th Judicial District since before completion of my legal education. I have been an assistant district attorney general prosecuting criminal cases for almost eleven years, since October 2001.

After college and during law school I worked at the District Attorney General's Office as a legal assistant to the prosecutors in the circuit courts. However, my last two years of law school, under a limited license, I was allowed to prosecute cases in the General Sessions Court under the supervision of the District Attorney General or any of his assistant district attorneys.

Prior to my employment with the District Attorney General's Office I worked one summer of college for the Extended School Program (ESP) in Murfreesboro at Black Fox Elementary School as an aftercare teacher for 5th grade boys and girls. Prior to that, I trained Tennessee Walking Horses with my father for four years. My first year of college I worked as a horse groom at Ramsey Bullington's stables. The summer after high school I groomed horses at Ricky Womack's stables and during my senior year of high school I groomed horses at Mark Taylor's stables. My first job was as a busboy at Trotter's Restaurant, my sophomore year of high school.

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.

N/A.

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.

I am a prosecuting attorney for the 16th Judicial District. I prosecute criminal cases in the Juvenile Court for Cannon County, the General Sessions Court for Cannon County and the Division II and III Circuit Courts for Rutherford and Cannon Counties. One hundred percent of my practice is criminal law.

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.

In June of 1996, I began going to the Division I Circuit Court in Rutherford County, as an intern with the District Attorney General's Office. I would contact witnesses, both police officers and private citizens, in order to obtain reports, statements, audio/video tapes, and other documents for the various assistant district attorneys. I would inform witnesses of

their next court date and prepare subpoena requests when needed. I would also prepare judgments orders, violation of probation orders, and other documents for entry before the court. As I became more knowledgeable, I began going to both the Division I and II Circuit Courts and began assisting with the preparation of case files for pretrial motions, bench trials, and jury trials. This included obtaining all documents, photographs, and audio/video recordings and organizing the file for the assistant district attorney handling the case. In January of 1997, I was hired by District Attorney General, William C. Whitesell, Jr. and started law school that August. I continued going to court, preparing documents and assisting in the preparation of case files, to include legal research.

In July of 1999, under Tennessee Supreme Court Rule 7, Section 10.03, I was granted a limited license to practice law as a senior law student at Nashville School of Law. I began prosecuting cases in the General Sessions Court for Rutherford County. This responsibility consisted of negotiating the disposition of all classifications of misdemeanors, with both defense attorneys and pro se defendants, and presenting proof to the General Sessions Judge for the court's consideration in preliminary hearings and violation of probation hearings. The preliminary hearings were misdemeanor cases at first and within a few months included non-violent felonies. Over the course of the next six to eight months I was allowed to conduct preliminary hearings on all felony cases, excluding first and second degree murder cases. Although I remained primarily in the General Sessions Court over the course of 2000 and 2001, I began going to the Division II Circuit Court and assisted in trying bench trials and preparing indictments for presentation to the Grand Jury. I graduated law school in June of 2001 and prosecuted cases under Tenn. Sup. Ct. Rule 7, Section 10.04. Upon passing the bar exam in October of 2001, I became an assistant district attorney general and continued to prosecute cases in the General Sessions Court, prepare indictments for the Grand Jury, and tried my first jury trial in the Division III Circuit Court.

In November of 2002, I was assigned as the prosecutor for the Division II Circuit Court. My responsibilities in the Circuit Court consisted of preparing indictments for the Grand Jury's consideration, negotiating the disposition of cases, presenting proof for the court's consideration in violation of probation hearings and pretrial motions, and preparing and trying cases before the bench or a jury. For about the first eighteen months I was in circuit court I was the only prosecutor assigned to that court. The court had dockets almost every Monday and Friday. These dockets, on average, had between eighty and a hundred cases ranging from violations of probation, cases set for plea, motions for suspended sentences, sentencing hearings, pretrial motions, petitions for post conviction relief, petitions for a writ of error coram nobis, petitions for furloughs, bond reduction motions, and motions for a new trial. Tuesdays, Wednesdays, and Thursdays were typically set as trial days, either for jury trials or bench trials. Between one hundred and one hundred-fifty new cases would be assigned to my division every other month. Eventually our office was provided with positions for two additional assistant district attorneys and I became responsible for assigning all new cases to the assistants in the Division II court. For six years I prosecuted cases in the Division II court, prosecuting almost every type of criminal case. In September of 2008, the Division II and Division III courts began interchanging the cases coming from

the Grand Jury every month. As a result, I began prosecuting cases in both courts.

In July of 2011, after the retirement of one of our senior assistant district attorneys, I was assigned to take over the responsibilities for prosecuting all criminal cases in the Juvenile Court, the General Sessions Court, and the Circuit Court for Cannon County. In my ten years as a criminal trial prosecutor, I have been responsible for the indictment, case preparation, negotiation, and disposition, either by plea or trial for thousands of cases. Each case requiring the attention needed to investigate and evaluate the underlying facts, apply those facts to the law, and make a determination as to the appropriate manner in which to proceed. I have tried numerous jury trials, ranging from all classifications of misdemeanors and felonies, including first degree murders.

I have meet with hundreds of victims or victims' families throughout the years. Explaining to each the nature of the judicial system; why a case may take months or even a year or more to prosecute; why it may seem that the laws are designed to protect criminals; why the courts cannot and should not put everybody in jail; how a jury trial is designed to work; the protection all defendants have in all jury trials; why it is important they have that protection; what the burden of proof is; what the roles of the jury, the judge, and the defense attorney are, as well as the prosecutor; the rules that apply and the consideration the court is to give to both parties in a sentencing hearing; the process and purpose of a motion for new trial and the appeal as of right; and the various different petitions that will follow for the years to come.

As a result of pleading, arguing motions, and preparing and trying cases in front of various judges, including judges from other jurisdictions, I have learned and understand the responsibilities of managing a docket in an appropriate manner and showing the parties the appropriate respect in the handling and presentation of their case. My experience as a trial attorney has given me the ability and understanding to make the appropriate trial preparations, including but not limited to compiling and completing jury instructions for a trial and presenting those instructions to a jury. The ability to research the law is learned the first year of law school. The ability to appropriately apply the law to the facts takes years of experience. Experience that is best earned in a courtroom. Over thirteen years of courtroom experience have given me the capability to educate myself about the law, regardless of whether it is a criminal or civil matter, and apply the law to the facts. My trial experience has prepared me to make such applications in the courtroom and relate that application to the jury. An ability that a judge of a trial court must possess.

On numerous occasions, I have participated in or observed and understand the process and procedure to select, voir dire, and address a jury; make arrangements necessary to accommodate the jury, witnesses, victims, courtroom personnel, and the parties; protect the rights and safety of the jurors and witnesses; and the court's responsibility throughout a trial, including the court's role as thirteenth juror. As a trial attorney, I have extensive experience applying the rules of evidence, the rules of criminal procedure, statutes, and case law to the various facts of a case.

I have been a public servant since becoming an attorney. I have dedicated my career to serving the citizens of Rutherford and Cannon Counties. Although office hours are from 8:00 a.m. to 4:30 p.m., I have consistently worked nights and weekends to accommodate the work schedules of officers, witnesses, and victims. I have always taken great pride in my role as a servant to my community. I do not seek this appointment as a stepping stone to "higher" courts or offices. I would consider it the highest honor to represent the judiciary for my community. I would carry out that service showing respect to all those before the court. I possess and would maintain and exhibit the proper demeanor, temperament and patience with those over which the court would have authority and jurisdiction and rule with fairness, equality, and impartiality.

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

For over a decade, I have tried a wide range of jury trials. The most notable have been violent felonies, including varying degrees of homicide, rape, robbery, kidnapping, arson, and aggravated assault. The most publicized case I have tried, concerned a man in his sixties that reported his wife missing and lead police to believe she was last seen in her SUV. Police located the SUV in a Wal-Mart parking lot with no sign of the missing woman. The investigation established that the man provided false information to the police and in fact "planted" the SUV in the parking lot himself. After being confronted with video footage he continued to provide the police with false information. He was convicted of multiple counts of false report/statements to law enforcement and fabricating evidence. The trial court dismissed the fabricating evidence convictions at the motion for new trial. The Criminal Court of Appeals just recently reversed the trial court and reinstated the fabricating evidence convictions.

I have tried five first degree murder cases, including a death penalty case. I have been lead counsel on three cases and co-counsel on two cases, all resulting in convictions for first degree murder. I sat as co-counsel in the death penalty case in 2010. I was responsible for presenting evidence in both the state's case-in-chief and the sentencing phase. The scrutiny involved in presenting a death penalty case to the court and a jury is extensive. I work with and have learned from those responsible for making the decision to ask a jury to impose the ultimate penalty. I have had the responsibility of preparing and presenting evidence in support of that penalty. Few things, if any, will compare to working toward an end that may result in the death of another. A defense attorney is working to "save" the life of his/her client. A judge is working to ensure that the law is followed to the letter before a life may legally be taken. A prosecutor shall honor and follow the law and apply the facts of the individual case to the law. Then a prosecutor must decide if the application of the law and facts together support asking a jury to impose the death penalty. Participating in that experience with seasoned prosecutors has taught me the value of all human life, liberties, and sacrifices. With that experience, I will be able to hold all parties to the standard required by law and order the imposition of such a sentence if deemed appropriate by a jury and supported by the law.

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.

N/A.

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.

I am currently serving as treasurer for the Rutherford & Cannon County Bar Association, responsible for the collection of bar dues, payment of expenses incurred by the RCCBA, and forwarding any CLE credit information to our records keeper for processing by the Tennessee Board of Professional Responsibility.

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

Over the last thirteen years I have appeared as a prosecutor in the courts of Rutherford, and Cannon Counties, starting in July of 1999 with a limited license through the District Attorney General's Office. I have also appeared as a prosecutor pro tem in courts in Warren, Smith, and Wayne Counties. I have appeared before over a dozen different judges and tried criminal cases in front of eight different judges. I have had the opportunity to observe the proper demeanor and judicial temperament a judge should possess. I have learned from my experiences before the various courts proper courtroom decorum; the proper work ethics and habits a judge should possess; what should be expected by the court from the parties before it; and what the court should be expected to provide the parties over which it has jurisdiction. I can truly state that I understand the importance of requiring proof to be presented against an accused and respect and appreciate the laws that protect citizens' rights, whether it is in a civil or criminal action.

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.

I attended Middle Tennessee State University from August 1991 to December 1996. I double majored in Criminal Justice Administration and Animal Science and received a degree of Bachelor of Science.

I attended Nashville School of Law from August 1997 to May 2001 where I received my degree of Doctor of Jurisprudence. Nashville School of Law is a night school with a four year program which allowed me to work, observe, and learn the court system in Rutherford County during the day. At night, I learned how to research and apply the law from practicing attorneys and sitting trial court judges, Court of Appeals Judges, Court of Criminal Appeals Judges, and Supreme Court Justices. Under a limited license, I was able to expand and enhance my legal education by practicing criminal law for two years before I graduated.

PERSONAL INFORMATION

15. State your age and date of birth.

I am thirty-nine years old and my date of birth is March 5, 1973.

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

I have always lived in Tennessee. I was born and raised in Rutherford County and lived there until April of 2008 when my family and I moved to Cannon County.

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

I have lived in Cannon County, which is in the 16th Judicial District, over four years.

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

I am registered to vote in Cannon County.

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.

N/A.

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.

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.

No.

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.

On October 5, 1995 I was named as a co-defendant in a detainer action in the General Sessions Court for Rutherford County in case CV-76963, along with my college roommate. Upon providing proof to the plaintiff's attorney that I had paid my rent every month, without missing a payment, I was dismissed from the suit.

On June 16, 2010 my wife was involved in a traffic accident in Murfreesboro, TN. As a result, a personal injury suit was filed on May 27, 2011 against our insurance provider, my wife, and me in case 62775 in the Circuit Court for Rutherford County, TN. The suit against us was dismissed on May 16, 2012.

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.

I attend Woodbury Church of Christ. I am also a board member for Cannon County Youth Dreams, a non-profit organization that provides scholarships to students for higher education after high school and grants to teachers throughout Cannon County for supplies not otherwise provided by the school system.

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.

    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.

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.

Rutherford and Cannon County Bar Association, 2001 to 2006 and 2011 to present.

Andrew Jackson Inn of Court, 2001 to 2002

National District Attorney Association, 2001 to present

Child Protective Investigation Team (CPIT), 2011 to present

Treasurer for the Rutherford and Cannon County Bar Association, currently.

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.

Certificates of appreciation for teaching Peace Officer Standards and Training (P.O.S.T.) certification courses. In cooperation with the M.T.S.U. Criminal Justice Department, I teach classes to provide law enforcement officers in Rutherford and surrounding counties with their P.O.S.T. certification. P.O.S.T. certification includes continuing education training that officers must complete to fulfill required in-service training each year.

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.

I presented a portion on ethics for the Andrew Jackson Inn of Court in Rutherford County with the Honorable David Bragg and the Honorable J.S. "Steve" Daniel. This presentation focused most specifically on the ethical obligations of judges and prosecutors, through an analysis of the trials of the "Scottsboro Boys", a group of nine African Americans accused and charged with raping two Caucasian women on a train in Alabama in 1931.

I have presented legal education courses for law enforcement P.O.S.T. certification training to officers in this and surrounding counties, focusing on evidence collection and preservation, witness statements and interviews, and crime scene preservation. Officers are also instructed on the court system, including the different stages of the prosecution, the burden of proof at each stage, and the level of professionalism expected from officers, not just in a courtroom but also in society.

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.

None.

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.

One hundred percent of the research for each example was my work. With the exception of excerpts from other opinions, the content of the examples represent my own personal effort.

The first example, F-60874, is of a second amended motion to dismiss petitions for a writ of error coram nobis and post conviction relief. The petitioner was seeking to overturn his guilty plea. The petitioner was charged and convicted at a later time in federal court and this conviction was used to enhance his federal sentence. The trial court originally granted my motion to dismiss the petition, then subsequently reinstated the petition for a writ of error coram nobis and appointed counsel to represent the petitioner. The trial court then ordered the return of the petitioner from federal custody, heard proof from the petitioner, and then denied the petition on the grounds stated in my motion.

The second example, F11-12, is a memorandum of law filed in support of the state's argument to deny a motion to suppress evidence. The defendant was charged with aggravated vehicular homicide and sought to suppress evidence found at the scene. The defendant argued a warrantless search without consent or probable cause. The trial court denied the motion on law cited in the memorandum.

ESSAYS/PERSONAL STATEMENTS

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

The 16th Judicial District needs an experienced criminal trial attorney to fill this vacancy. It would be a detriment to our community and cause an unnecessary delay in the handling of cases to fill this vacancy with someone that does not have sufficient criminal trial experience. I want to provide Rutherford and Cannon Counties with a judge that not only understands the justice system, but possesses the qualities necessary to preside over others. I believe I have the qualities and traits required to be an effective and responsible judge. I want to provide our district with a judge that has the proper judicial demeanor and

temperament for a trial court. I want to provide a judge that will show respect for all parties and work ethically and diligently to earn the respect the court should have. I want to provide our community with a court of fairness, equality, and 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)***

I speak to police departments, community organizations and schools regarding our judicial system to educate our officers and our community about the responsibilities and functions of the various courts, parties, and agencies. I believe it is important that our community have a better understanding of the judicial system. As a prosecutor it is my responsibility to pursue justice, though a pursuit of the truth. A prosecutor is to protect the rights of the citizens, including those accused of committing crimes. In all courts in which I practice it is common for me to speak with pro se defendants. All citizens accused of a crime, whether represented or not, should understand their rights and the protections afforded to them. Before discussions with any pro se defendant, I advise them of their right to counsel and the process for obtaining an attorney if indigent. I have the responsibility to treat all persons fairly, respectfully, and justly.

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)***

The judgeship I seek is the Division III Circuit Court in the 16th Judicial District for Rutherford and Cannon Counties. For over ten years this court has primarily heard criminal cases, less than one week per month being set aside for civil cases. The 16th Judicial District has four circuit court judges and one chancellor. The Division II and III courts hear all criminal cases in Rutherford County. The Division III court hears criminal cases in Cannon County. The Division I and IV courts hear only civil cases.
For over thirteen years I have practiced criminal law. Given my background and experience as a criminal trial attorney, I will be able to immediately assume the responsibilities as judge in a trial court that requires criminal trial experience. The ability to effectively assume and discharge the duties of the court through a seamless transition will serve only to benefit the community.

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 speak to the Rutherford County Sheriff's Office Sheriff's Citizens Academy to educate the citizens that participate in the program about the criminal justice system. Specifically, I discuss the judicial system in Rutherford and Cannon Counties, including the responsibilities of the various parties involved in the court system, as well as the differences in the specific courts. I have given a similar presentation for the Murfreesboro Police Dept.

Citizens Police Academy. I have been a guest speaker at the Lion's Club in Woodbury, TN concerning the prosecution of domestic violence crimes. I have also given presentations to seventh and eighth grade students at Westside Elementary School in Woodbury, TN and to eleventh and twelfth grade students at Oakland High School in Murfreesboro, TN. The presentations to the students included drug and alcohol use and abuse awareness and the roles and responsibilities of the judge, prosecutor, and defense attorney in criminal cases, as well as, the functions and differences between the various courts of the 16th Judicial District.

As judge, I would continue with and attempt to expand efforts to educate the community about the judicial system, the parties to the system, and the roles and responsibilities of the various agencies involved with the justice system. In addition, I intend to continue to speak to the students of the various schools throughout the 16th Judicial District about the dangers of drug and alcohol use and abuse.

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)***

I have been married over seven years and have two children, ages four and six. I have a strong Christian faith and believe in equal rights for all. I believe being a husband, a father, and a man with faith are necessary to develop patience, understanding, respect and the capability to be responsible for and to others, responsibilities that all judges have. A successful marriage requires you to be capable of listening and communicating. A judge must have the temperament to listen to the parties, the patience to consider what is before them, and the ability to refrain from make decisions before all facts and positions have be considered.

As a father of two, I must be able to discern the truth from two opposing sides. I must have the ability to act with wisdom in a fair and just manner. Without question, children will teach you patience, if you have the proper demeanor and character to learn it.
As a Christian, I know my actions and decisions are judged not just by my fellow man. I will be judged for all my actions and decisions, including those not witnessed by others.

The above qualities are those that a judge must possess in order to be fair and impartial. You must have the ability to listen, the wisdom to understand what is important, the moral fortitude to do what is right within the law, and the strength and character to act. My faith and my family have prepared me for what is required to give to those over which I would have jurisdiction.

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)***

I will and do uphold the law, even if I disagree with the substance of the law. I have taken an oath to follow the laws of the state and to uphold the constitutions of the State of Tennessee and the United States of America. Often the law requires that information or evidence, that may be relevant, be deemed inadmissible because of an unfair prejudice it may have upon the defendant, with which I agree. However, there are times when such evidence would be highly relevant to a jury. The knowledge that a defendant charged with possession of a controlled substance with intent to sell has a history of selling drugs would be relevant to show the defendant's intent, or a defendant charged with a sex offense has a history of the same or similar sex offenses would be relevant to show the defendant's intent. The appellate courts have held that such evidence may not always be used to show the intent of the defendant.

The pursuit of justice is accomplished through a pursuit of the truth. I am uncomfortable when facts are not provided to a jury. However, as a prosecutor, I find myself sanitizing the facts of a case for presentation to a jury to ensure that the rights of the defendant to a fair trial are protected. I respect and honor the laws of the state and our constitutions and as a judge I will require the same from the parties to any case before me.

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.

A. **Judge J. S. "Steve" Daniel, Retired Circuit Court Judge, 1980 to 2004; Senior Judge, 2004 to 2007; Chief Disciplinary Counsel, 2007 to 2010,** [redacted]

B. **Judge Susan Melton, General Sessions Judge, 2000 to present,** [redacted]

C. **Mr. Gregory Reed, Attorney at Law,** [redacted]

D. **Mr. Herb Alsup, Minister at Woodbury Church of Christ,** [redacted]

E. **Mrs. Eloise Gaither, Circuit Court Clerk for Rutherford County, 1994 to 2010,** [redacted]

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 16th Judicial District Division III Circuit Court 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: July 30, 2012.

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
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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 and any other licensing board,