

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 by the noon deadline date an 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.

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.

Licensed in 2001 and 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. I was licensed on November 1, 2001 and my status is currently 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 a licensed assistant district attorney general prosecuting criminal cases for almost seventeen 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. During 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 a summer of

college for the Extended School Program (ESP) in Murfreesboro, TN at Black Fox Elementary School. I was an aftercare teacher for 5th graders. Prior to that, I trained Tennessee Walking Horses with my father for four years. During my first year of college I groomed horses 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 in 1986.

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.

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

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 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 from 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. I presented 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. I 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 nearly seventeen 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 and victims' families throughout the years. Explaining to each the nature of the judicial system; why a case may take months or even years 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 that protection exists; what the burden of proof is; what the roles of the jury, judge, defense attorney and prosecutor are; 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 as well as 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, but the ability to appropriately apply the law to the facts takes years of experience. Experience that is best earned in a courtroom. Over nineteen 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 a trial court judge 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. I have also observed and understand 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.

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

For almost two decades, 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 Court of Criminal Appeals reversed the trial court and reinstated the fabricating evidence convictions. The Supreme Court upheld the Court of Criminal Appeals reinstated of the fabricating evidence convictions and clarified a previous ruling regarding the definition of fabricating/tampering with evidence.

I have tried five first degree murder cases, including a death penalty case. Of those cases, I was lead counsel on three and co-counsel on two. All cases resulted 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.

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

Over the last nineteen 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 the general sessions and circuit courts of Warren, Smith, DeKalb, Coffee 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.

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

In 2012 I applied for judicial appointment in the 16th Judicial District to fill a vacancy for the Division III circuit court. Judge Don Ash accepted a position as Senior Judge thereby creating a vacancy in our district. I was not selected by the commission to be considered by the Governor.

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.

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

12. State your date of birth.

██████ 1973.

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

I have lived in Tennessee my entire life.

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

Since September of 2015.

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

Rutherford County.

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.

None.

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.

No.

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.

None.

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.

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, at the time, 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 ex-wife, and me in case 62775 in the Circuit Court for Rutherford County, TN. The suit against us was dismissed on May 16, 2012.

In October of 2013 I got divorced in the Chancery Court of Bedford County, TN, docket number 29840. My ex-wife and I are still friends and have an excellent co-parenting relationship for our two children.

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 attend North Boulevard Church of Christ. I was 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, from 2010 to 2013.

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.
- 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

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.

Rutherford and Cannon County Bar Association member

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 in 2011

Secretary for the Rutherford and Cannon County Bar Association in 2012

Vice-president of the Rutherford and Cannon County Bar Association in 2013

President of the Rutherford and Cannon County Bar Association in 2014.

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.

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.

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.

In 2012 I applied for appointment as circuit court judge for the 16th judicial district. I was not appointed.

ESSAYS/PERSONAL STATEMENTS

28. 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 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.

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)*

The judgeship I seek is a newly created position in the 16th Judicial District for Rutherford and Cannon Counties. The exact duties of this court have yet to be made public. However, the 16th Judicial District has four circuit court judges and one chancellor. The Division II and IV courts

hear criminal cases in Rutherford County. The Division II court hears criminal cases in Cannon County. The Chancery Court and the Division I and III courts hear civil cases in Rutherford and Cannon Counties.

For nineteen 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.

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)*

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

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. Judge Susan Melton, General Session Judge, 2000 to present [REDACTED]

106 N. Tatum St., Woodbury, TN 37190

B. Mr. John G. Mitchell, III, Attorney at Law, [REDACTED]

106 E. College St., Murfreesboro, TN 37130

C. Mr. Ken McKnight, Assistant Public Defender, [REDACTED]
104 South Maple St., Murfreesboro, TN 37130

D. Mr. Tony Burnett, DRE State Coordinator, Tennessee Highway Safety [REDACTED]
30 Murfreesboro Rd., Woodbury, TN 37190

E. Mr. Clark R. Schade, Senior Manager Supply Chain Management Planning for Asurion,
[REDACTED] 1002 East Northfield Blvd., T103, Murfreesboro, TN 37130

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 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 6, 2018.


Signature

When completed, return this questionnaire to Debbie 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.

Trevor H. Lynch

Type or Print Name



Signature

July 6, 2018

Date

021582

BPR #

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

None