

Tennessee Trial Court Vacancy Commission
Application for Nomination to Judicial Office

1/17/23

Name: Kenya Nicole Smith

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Shelby County

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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 Microsoft Word 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 Microsoft Word 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. Your complete application, including both the original and digital copies, must be received by the Administrative Office of the Courts on or before the deadline prescribed in the Notice of Vacancy. See section 1(g) of the application instructions for additional information related to

hand-delivery of application packages.

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

PROFESSIONAL BACKGROUND AND WORK EXPERIENCE

1. State your present employment.

Shelby County Judicial Commissioner

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

2007

026599

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.

Tennessee, 026599, 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).

General Civil Law Practice, November 2007 until August 2008

Assistant District Attorney General, 30th Judicial District, August 2008 until December 2022

Shelby County Judicial Commissioner, January 2023 until present

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 currently not engaged in the practice of law as I am a Judicial Commissioner.

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.

My entire legal practice has been almost entirely in the Walter L. Bailey Criminal Justice Center located at 201 Poplar in Memphis, TN. I have practiced in every court in the Criminal Justice Center.

I was hired as an Assistant District Attorney in 2008. As a new prosecutor, I was assigned to the General Sessions Courts. My duties in that role included managing the daily court docket, making offers on misdemeanor cases, and conducting bench trials on misdemeanor cases.

In 2009, I was assigned to the Felony Team. My duties included negotiating and conducting preliminary hearings on felony cases.

In 2010, I was assigned to the Domestic Violence Prosecution Unit. As a member of the Domestic Violence Prosecution Unit (DVPU), I handled cases that involved intimate partner violence. Since DVPU is a vertical unit, I handled cases from the Arraignment setting in General Sessions to Jury Trial in Criminal Court. In this role, I had the opportunity to try a variety of cases including Domestic Assaults, Kidnappings, Aggravated Burglaries, Aggravated Assault, Aggravated Rape, Aggravated Arsons and Homicides.

In 2014, I was assigned to Criminal Courts. In addition to trying cases, I also gained experience conducting various hearings including Petitions to Revoke Suspended Sentences, Petitions to Suspend Remainder of Sentence, Petitions for Post Conviction Relief and Sentencing Hearings.

In 2017, I was reassigned to the Domestic Violence Prosecution Unit where I resumed the same duties.

From 2018 until 2022, I was assigned to the DUI Unit where I prosecuted cases involving impaired drivers such as Driving Under the Influence, Vehicular Assault, and Vehicular Homicide.

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

State v. Marquell Griffin: On March 21, 2019, Memphis Police Department Lt. Fair was

stopped at a red light when Marquell Griffin crashed into his vehicle at a high rate of speed. Lt. Fair died on the scene. Marquell Griffin was under the influence of alcohol at the time of a crash. Griffin pled guilty to Aggravated Vehicular Homicide, Leaving the Scene of the Accident, and Possession of a Controlled Substance with Intent. He was sentenced to an effective sentence of 27 years.

State v. Robert Earl Jackson: On March 9, 2021, Memphis Police Officer, Nicholas Blow was leaving the Raines precinct when his car was struck by Robert Earl Jackson who was under the influence of alcohol. Officer Blow died from injuries sustained in the crash. Robert Earl Jackson pled guilty to Aggravated Vehicular Homicide and was sentenced to 15 years.

State v. Michael Davis: On November 29, 2011, Michael Davis fatally shot Lakesha Applewhite. He was subsequently indicted and found guilty by a jury of Second-Degree Murder. Michael Davis was sentenced to life imprisonment without the possibility of parole as a repeat violent offender.

State v. Brown: On August 13, 2012, Andre Brown arrived unannounced at the victim's home in Southaven, Mississippi. Andre Brown forced the victim into his vehicle and transported her to his brother's home in Memphis where he cut her arm with a box cutter, tased her and forced her to have penile and vaginal sex. He was subsequently indicted and found guilty by a jury of Aggravated Rape, Aggravated Kidnaping, and Domestic Assault and sentenced to 30 years.

State v. Frazier: On September 23, 2023, the defendant approached the victim outside a car dealership in Memphis. Michael Frazier pointed a gun at the victim and demanded that she give him money. When the victim stated that she did not have any money, Michael Frazier forced the victim to drive to the Walmart Money Center to get money. Michael Frazier remained in the car at Walmart and the victim went inside where she alerted Walmart employees of the situation. Law enforcement was contacted, and Michael Frazier was arrested. Michael Frazier found guilty by a jury of Especially Aggravated Kidnapping, Aggravated Robbery and Carrying a Firearm with the Intent to go Armed and sentenced to an effective sentence of 35 years.

State v. Jones: On May 21, 2012, Officer Blockard, a Memphis police officer, was booking Dewayne Jones into the Shelby County Jail when Dewayne Jones hit the officer in the face, knocking him unconscious and fracturing his jaw and cheekbone. The defendant was indicted and found guilty by a jury of Aggravated Assault. He was sentenced to five years.

State v. Jones: The victim, a 12-year-old girl, reported that her father, Dewayne Jones, raped her three times between January and February 2013. Dewayne Jones was indicted and convicted by a jury of Rape of a Child, Aggravated Sexual Battery, and Incest. He was sentenced to 35 years.

State v. Douglass: On September 12, 2012, Tracy Douglass shot and killed his girlfriend, Chekisha Scott, in front of her home and left her body on the sidewalk. He was subsequently indicted and convicted by a jury of First-Degree Murder. He was sentenced to life imprisonment.

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

During my third year of law school, I served as an Extern with the Knox County Public Defender's Office. This gave me the opportunity to experience the criminal justice system from the defense perspective.

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

Not Applicable

EDUCATION

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

University of Tennessee at Knoxville, 1999-2003, Bachelor of Arts

University of Tennessee College of Law, 2004-2007, Juris Doctorate, Pro Bono Award

PERSONAL INFORMATION

12. State your date of birth.

February 25, [REDACTED]

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

44 years

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

I have lived in Shelby County for 44 years, with the exception of attending undergrad and law school at The University of Tennessee, Knoxville.

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

Shelby

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

Not Applicable

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

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. You may wish to request a report from the appropriate supervisory authority (or authorities) for a complete history.

Not Applicable

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

No

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

No

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

Just City. Inc, and class representatives Deangelo Towns and Marshawn Barnes v. Shelby County Sheriff, Presiding Shelby County General Sessions Court Judge and Shelby County Judicial Commissioners. Case No. 2:24-cv-2450-TLP-tmp.

This is an ongoing litigation that is currently in the discovery phase. The plaintiffs, Just City et al, brought suit against the Shelby County Judicial Commissioners in our professional capacities and one General Sessions Judge who served as the administrative judge over the Judicial Commissioners seeking injunctive relief and challenging the constitutionality of House Bill 1719. House Bill 1719 prohibits a magistrate from considering a defendant's ability to pay when determining a bail amount.

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.

Alpha Kappa Alpha Sorority, Inc.

Hope Church- Deacon

Shelby County Youth Court Program

Tennis For a Lifetime

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

a. If so, list such organizations and describe the basis of the membership

limitation.

- b. If it is not your intention to resign from such organization(s) and withdraw from any participation in their activities should you be nominated and selected for the position for which you are applying, state your reasons.

Alpha Kappa Alpha, Sorority, Inc. is a collegiate sorority. Since it is a sorority, membership is limited to women.

I do not plan on resigning because my impartiality will not be affected by this membership.

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.

Memphis Bar Association

National Bar Association

National Black Prosecutors Association

Tennessee Bar Association

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.

Memphis Bar Foundation Fellow

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.

I am a Shelby County Judicial Commissioner. I was appointed by the Shelby County Board of Commissioners in November 2022.

ESSAYS/PERSONAL STATEMENTS

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

I love Tennessee, and I have a deep heart for the citizens of Shelby County. I have devoted my entire career to public service, and now I would be honored to continue that service as Judge of Criminal Court Division 1.

Criminal Court Division 1 needs a judge who is both competent and knowledgeable. I have worked in every facet of the criminal justice system, giving me the institutional knowledge and experience required to serve effectively.

In addition to my legal expertise, I bring a fair and respectful demeanor that is essential for the bench. Throughout my career, I have made it a priority to treat all parties—litigants and attorneys alike—with dignity and respect.

I am ready to bring my dedication, experience, and integrity to the bench and serve Shelby County with the commitment it deserves.

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

I am seeking appointment to Criminal Court Division One in Shelby County. Shelby County is a large metropolitan area with a population of 910,000. The nine Shelby County Criminal Courts handle approximately 207,000 cases annually. This volume places a significant demand on judicial efficiency and case management.

Currently there is a backlog of cases in the court system. This delay causes frustration for all parties involved. Crime victims are left waiting for closure and the accused are denied timely access to justice. These delays not only impact the lives of the parties involved, but also undermine public confidence in the justice system.

If appointed, my immediate priority would be to address this backlog and improve the pace at which cases move through Criminal Court One. I would begin by requesting a list from the Clerk's Office of all cases pending for over a year without a trial date. Each of these cases would be reviewed to determine the reasons for and possible solutions.

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)*

Yes, I will uphold the law even if I personally disagree with its substance. I firmly believe that there are distinct roles within the criminal justice system, and as both a former prosecutor and now a judicial commissioner, I understand that my role is not to question the law based on personal views. I have taken an oath to follow the law faithfully, regardless of personal feelings or policy preferences.

In my work as a prosecutor, I was occasionally faced with charging decisions or sentencing outcomes required by statutes with which I may not have personally agreed. However, I recognized that my duty was to apply the law as it stood—not as I might wish it to be. Similarly, in my role as a judicial commissioner, I am committed to impartiality and strict adherence to legal standards.

The responsibility for questioning or changing laws rightly belongs to legislators, social advocacy groups, and lobbyists whose role is to shape public policy. My responsibility is to interpret and apply the law as written, ensuring fairness and consistency for all parties under the legal framework.

My professional experience has reinforced the importance of maintaining these boundaries. Upholding the laws, even when one disagrees with them, is essential to the integrity of the justice system and the public's trust in it.

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 Andre Mathis	[REDACTED]	Judge of the United States Court of Appeals, 6th Circuit
B. Rebekka Freeman Terrell	[REDACTED]	Chief Administrative Officer, Shelby County Criminal Court Clerk's Office
C. 2nd Lieutenant Michael Jackson	[REDACTED]	Memphis Police Department
D. Pastor Rickey Fondren	[REDACTED]	Hope Church
E. Carla Taylor	[REDACTED]	Bureau Chief, Shelby District Attorney's Office

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 [Court] Shelby County Criminal Div. 1 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: June 9, 2025.

[Signature]
Signature

When completed, return this questionnaire to John Jefferson at the 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.

Kenya Smith

Type or Print Name

Signature

Date

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

BPR #