

Tennessee Trial Court Vacancy Commission
Application for Nomination to Judicial Office

1/17/23

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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.

I am an Assistant District Attorney at the Knox County District Attorney's Office. As the Team Leader of the Child Abuse Unit, I prosecute cases involving child physical abuse, sexual abuse, child exploitation, and violations of the sexual offender registry. I manage a unit of three attorneys and three support staff and have been employed as a prosecutor for almost 16 years.

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

2009, BPR #028343

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: BPR #028343, Licensed in October, 2009—Active

Virginia: VSB ID #78865, Licensed in October, 2009—Associate Member in Good Standing. An associate member is a non-practicing member of the Virginia bar. I am licensed but inactive in Virginia.

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).

I was admitted to the Virginia bar in 2009, but I have never practiced law in Virginia. My Virginia bar status has been either suspended (2020-2021) or inactive. Since I had never practiced law in Virginia and have no intention of moving back to Virginia, I was going to let my license expire (2020-2021) but then changed my mind.

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).

District Attorney General—6th Judicial District

Assistant District Attorney
Child Abuse Unit (Team Leader)
Child Protective Investigative Team
Child Fatality Review Team
Career and Gang Unit

August, 2013-Present
Knoxville, TN

Division II Criminal Court Hiring Committee Chair	
District Attorney General—4th Judicial District Assistant District Attorney Child Protective Investigative Team Criminal Investigator	September, 2009-July, 2013 Sevierville, TN
Commonwealth's Attorney's Office Intern	Summer, 2009 Colonial Heights, VA

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 the Team Leader of the Child Abuse Unit at the Knox County District Attorney's Office which is comprised of three attorneys and three support staff members. We prosecute cases involving physical and sexual abuse of children, child exploitation, and violations of the sexual offender registry. My entire practice is in the area of criminal law.

Most of my cases involve the Child Protective Investigative Team (CPIT). The Team consists of members from the Knoxville Police Department, Knox County Sheriff's Office, the Department of Children's Services, Knox County Juvenile Court, advocates from our child advocacy center, ChildHelp of East Tennessee, and doctors from East Tennessee Children's Hospital. The Team reviews cases that are investigated by law enforcement and the Department of Children's Services and determines whether allegations against a perpetrator will be substantiated or unsubstantiated.

Our unit also reviews each substantiated case to determine whether we can proceed with prosecution. Part of my responsibility is consultation with law enforcement on the viability of their cases which includes advising them on best practices and investigatory techniques. I assist law enforcement with search warrant applications and administrative subpoenas. I work closely with law enforcement members of the Internet Crimes Against Children (ICAC) Task Force investigating child exploitation cases. I am involved in the investigation and prosecution of cases involving the possession, distribution, and production of child pornography which often involves communication with the National Center for Missing and Exploited Children (NCMEC) which assists with child victim identification.

If prosecution is warranted, it is my responsibility to prepare the case for presentation to the Grand Jury, which often involves preparing the detective or officer leading the investigation to testify. After a defendant is indicted and arraigned in the Criminal Court, it is my responsibility to resolve or try the case. I negotiate with the members of the defense bar in the hopes of resolving each case via a plea agreement and argue motions including motions to suppress a search warrant, motions to suppress a defendant's statement, or motions excluding evidence of a victim's past unrelated sexual experiences. I also try cases that are not resolved by a guilty plea.

Much of my time revolves around helping child victims and their families navigate the criminal justice system. I may meet with a child pre-indictment to determine whether we will proceed with prosecution of the case or to prepare the child to testify at a motion hearing or at trial. I meet with a victim of child abuse and their family almost every day, and it is my role, duty, and privilege to ensure that they understand the process and know what to expect from the system. With the invaluable help of my Victim-Witness Coordinator, I meet with, advise, and prepare children for the difficult task of confronting their abusers in court.

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.

I have had extensive experience as a prosecutor. In October 2009, I was hired as an Assistant District Attorney in the 4th Judicial District which includes Sevier, Cocke, Grainger, and Jefferson Counties. As the newest attorney in that District, I dove headfirst into my new job as a prosecutor. Unlike some of the surrounding counties, including Knox County where I had previously interned, Sevier County was a relatively small jurisdiction. There were seven attorneys in my office (including the elected District Attorney) and only four were assigned to the two Criminal Court Divisions. The small number of attorneys in the Sevierville office meant that I was not gradually introduced to the courtroom; rather, I had responsibilities for serious cases immediately from the outset. I credit three things for my ability to swim rather than sink in such circumstances. First, this job was the culmination of my path and focus from a very early age. I knew for so long that I wanted to be a prosecutor and took every opportunity I could find to make sure I was well-suited for the position. Second, my colleagues prepared and mentored me, and my division partner, George Ioannides, was always available for any question I had surrounding my new responsibilities. Last, and most importantly, Judge Richard Vance provided a wealth of mentorship and guidance. Looking back, I remain impressed with his professionalism, patience, kindness, and ability to teach. It was a special gift to me as a new attorney. If selected to serve as judge, I will strive in the same way to mentor new attorneys in Knox County.

I worked at the Sevier County District Attorney's Office for four years. My caseload was broad, ranging from multi-defendant First Degree Murders to simple public intoxication cases. I began prosecuting high-profile and high-stakes cases and prosecuted many cases including several murder, robbery, kidnapping, and aggravated assault cases as well as a death penalty case with three co-defendants. Over time, I took on more responsibilities involving special victims. I also served many domestic assault, sexual assault, and child victims. I also was assigned as the District Attorney's representative to the Child Protective Investigative Team (CPIT).

In 2013, I relocated to the Knox County District Attorney's Office to pursue an opportunity to focus on child abuse cases and help some of the most vulnerable victims in the system. Unlike the 4th Judicial District, the 6th Judicial District Attorney General's Office employed about forty attorneys, many of whom specialized in a particular area of criminal prosecution. As a member of the Child Abuse Unit, I focused exclusively on cases involving the physical and sexual abuse of children.

After several years I was assigned to Criminal Court Division II where I prosecuted a variety of cases, including a substantial number of property crimes. Handling the cases of these individuals, I could see a cycle of offending, release, and re-offending that needed to be addressed. I worked with defense counsel, probation, and various treatment providers to develop a plan, tailored to each

defendant, that would hold them accountable, make the victim whole, and treat the root cause of why the defendant was committing property crimes to break the cycle of re-offending. Some of the most rewarding cases of my career came during this time in Division II when a defendant graduated from their treatment program, successfully completed probation, and became a productive member of society.

Following my time in Division II, I joined the Career and Gang Unit which prosecuted offenders with significant criminal records or offenders that were associated with criminal gang activity. The Career and Gang Unit is statistically the unit that goes to trial most often. I tried 14 jury trials in 2018—including a cold case homicide that occurred in the 1980s, and I tried 12 jury trials in 2019. When I was not in trial, I consulted with and advised law enforcement officials, prepared victims and other witnesses for court appearances, responded to motions, and reviewed investigatory files.

In 2021, I returned to the Child Abuse Unit and was promoted to Team Leader. While supervising attorneys and support staff, my duties include implementing best practices, overseeing plea negotiations, reviewing and assigning investigative cases, and evaluating grand jury presentments. I also attend regular meetings with personnel and mentor the other attorneys assigned to the unit. In addition to my supervisory role, I also maintain a significant case load. Since returning to the Child Abuse Unit, I have tried 28 jury trials. I also serve on the Child Fatality Review Team which involves many different agencies including members of the Tennessee Department of Health and Medical Examiners from the Knox County Regional Forensic Center. The Team reviews all child deaths (accidental and nonaccidental) in Knox County in order to better understand the causes of child deaths and make and implement recommendations that will prevent further childhood deaths.

In addition to my courtroom role, I am also heavily involved in training and teaching which often occurs outside of my regular office hours. Being available to assist law enforcement is incredibly important to maintaining the integrity of the system. I teach recruits at the Knox County Sheriff's Office Regional Training Academy and the Knoxville Police Department Training Academy. I also provide the legal update and continuing training for the Internet Crimes Against Children investigators, Knox County Child Protective Investigative Team, and ChildHelp of East Tennessee. I also teach the "Expert Witness Courtroom Testimony Course" for the International Association of Arson Investigators.

Communicating and being available to citizens is also important to the Knox County community. Last month, I gave a presentation to the East Tennessee Commission on Children and Youth which focused on preventing Human Trafficking offenses. I participate each year in our office's Citizens Academy and have given presentations on child abuse cases and on the Career and Gang Unit. I have been interviewed for two podcasts: *Generally Speaking Podcast Episode 5*, entitled "Career Criminal and Gang Unit, the Case of the Pillowcase," and *Sidebar Conversations Episode 6*, entitled "Child Abuse, Everyone's Responsibility." I also participated in the Emerald Youth Foundation's Calling and Career Group's Mock Trial Competition and spoke at Lincoln Memorial University Duncan School of Law's "Careers in Criminal Law Panel." I presented to the Volunteer Republican Women's Club on "What to Know about Child Abuse and Gang Prosecutions." I have also given presentations about internet dangers, protecting children, and mandatory reporting to children, parents, and faculty members at several local schools, churches, and scouting organizations with the goal being to educate, protect, and prevent future child abuse cases.

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

I have considerable experience litigating and trying cases which I believe is an important foundation for a trial court judge. Below are a small sample of the cases I have tried while an attorney in both Knox and Sevier Counties. These examples include cases involving physical and sexual abuse of children, robberies, gang offenses, assaults, and homicides.

Knox County Cases

State v. Jonathan Young, (Criminal Court for Knox County, Division III)—Conviction September 2024: I was the lead prosecutor on this case which is the first case where the Continuous Sexual Abuse of a Child statute was tried in Knox County. Mr. Young—the victim’s sister’s boyfriend—sexually assaulted the victim for four years beginning when she was twelve years old. On April 12, 2019, the sixteen-year-old victim went to the University of Tennessee Medical Center to report that she had been raped. She ultimately left the hospital before being examined because her mother repeatedly texted the victim telling her to blame someone other than Mr. Young. Later, the victim went to a sexual assault nurse examiner where DNA was recovered that matched Mr. Young. She was later interviewed at ChildHelp and disclosed multiple instances of sexual assault dating back to when she was twelve. Because the victim’s sister supported Mr. Young, this trial was incredibly difficult for the victim. Ultimately, Mr. Young was found guilty of Rape, Sexual Battery by an Authority Figure, and Continuous Sexual Abuse of a Child. He was sentenced to eighteen years in the Department of Corrections. The Motion for New Trial is pending in this case.

State v. Cristobal Vasquez, (Criminal Court for Knox County, Division I)—Conviction in June 2022: I served as the lead prosecutor on this case where Cristobal Vasquez solicited sexual activity from his thirteen-year-old stepdaughter by sending inappropriate text messages requesting sexual favors. The victim disclosed the abuse to a school counselor and also reported that Mr. Vasquez had sexually assaulted her when she was eleven. Mr. Vasquez admitted sending the text messages to the victim but said that it was a “test.” The most difficult aspect of this trial was supporting the victim whose mother testified against her. At trial, the victim’s mother testified in support of Mr. Vasquez and stated that she directed him to send the text messages to “test” the victim. The jury found Mr. Vasquez guilty. Mr. Vasquez was convicted of Solicitation of a Minor and Aggravated Sexual Battery. He was sentenced to 9 years to serve. The judgments were affirmed April 25, 2025, by the Court of Criminal Appeals.

State v. Christopher Spencer, (Criminal Court for Knox County, Division II)—Conviction in March 2022: I served as the lead prosecutor on this case. On November 19, 2019, Christopher Spencer was visiting and cooking dinner for the victim’s mother at her home. While the mother was in another room, Mr. Spencer sexually assaulted the eleven-year-old victim. When Mr. Spencer went outside to smoke, the victim told her mother what happened. The mother confronted Mr. Spencer and made him leave. After this assault, the victim’s mother learned that Mr. Spencer was a Registered Sex Offender. Mr. Spencer later texted the mother saying it was a misunderstanding and that he only “tickled” the child. In a subsequent statement to investigators, Mr. Spencer first denied touching the child at all and then said the victim’s mother made this up because she was mad. This case was complicated by the fact that Mr. Spencer was charged with the contact offense as well as the violation of the Sexual Offender Registry. As a result, the trial was bifurcated. After the jury returned a verdict finding Mr. Spencer guilty of Aggravated Sexual Battery, the State was allowed to inform the jury that Mr. Spencer was a convicted Sex Offender on the Sex Offender Registry. I presented proof that

while previously in the United States Army, Mr. Spencer was convicted of three counts of Sexual Abuse of a fourteen-year-old child at a Court Martial in Fort Campbell, Kentucky, in 2014. The jury then also convicted Mr. Spencer of Violation of the Sexual Offender Registry. He was sentenced to fourteen years for both crimes. The judgments were affirmed January 22, 2024, by the Court of Criminal Appeals.

State v. Joshua Sullivan, (Criminal Court for Knox County, Division I)—Conviction in November 2021: I was the lead prosecutor in a case where on September 2, 2019, Joshua Sullivan raped his eleven-year-old stepdaughter. Later that night, the victim disclosed the abuse to her friend, sister, and mother. The victim was taken to East Tennessee Children's Hospital for a sexual assault examination where DNA was recovered that matched Mr. Sullivan but did not exclude the other male members of his family. After the victim left the home to go to the hospital, Mr. Sullivan fled the scene but called his son who was still at the home and instructed him to wash the victim's sheets. The Knox County Sheriff's Office responded to both the hospital and the home. The victim was taken to ChildHelp of East Tennessee for a forensic interview where she disclosed the abuse. At trial, Mr. Sullivan testified that his son actually committed the offense. The jury convicted the defendant of Rape of a Child. He received a sentence of 42 years which was upheld on January 24, 2024, by the Court of Criminal Appeals.

State v. Jeffrey Stokes, (Criminal Court for Knox County, Division III)—Convicted June 2021: I was co-counsel on this case wherein on December 12, 2015, the victim, nineteen-year-old Alan Johnson, had just finished working at McDonald's and was walking down East 5th Avenue to a cousin's house. Jeffrey Stokes, who was a member of the Vice Lords criminal street gang, mistook Mr. Johnson for rival Crips gang member Jerell Davis. The Vice Lords had an ongoing feud with the Crips. Mistaken for Mr. Davis, the victim was shot twice as he ran from gunfire that left twenty shell casings on the street and two bullets in neighboring houses. Mr. Stokes' vehicle was seen leaving the area within a minute of the first 911 call reporting the gunfire. Knoxville Police Department officers collected that evidence, interviewed witnesses, and located a handgun hidden under the hood of Mr. Stokes' vehicle. Analysis of the recovered firearm, casings, and bullets revealed that all rounds had been fired from Mr. Stokes' firearm. While in custody, Mr. Stokes admitted his involvement to his cellmate. He was convicted of First Degree Murder and sentenced to life in prison. The Court of Criminal Appeals affirmed this conviction on May 7, 2024.

State v. Eli Kea, (Knox Criminal Division III)—Conviction in November 2019: I was the lead prosecutor on this case, which involved three separate criminal episodes that occurred in East Knoxville on July 19, 2017. First, Eli Kea committed an Attempted Aggravated Robbery by pulling a weapon on two victims and demanding money. Next, Mr. Kea and a group of friends traveled to another part of town where another victim was shot from inside their vehicle as she crossed the street. Last, the group traveled to another neighborhood where a security camera recorded them shooting at a home with several occupants including a small child. Several 911 calls were made from these various scenes describing the suspects' vehicle as a white PT Cruiser. Following the drive-by shooting, police immediately observed the white PT Cruiser near the home and stopped the vehicle. Inside, they located the gun that was used in the criminal episodes as well as clothing that matched the description given by the Attempted Aggravated Robbery victims. One of Mr. Kea's friends provided testimony tying Mr. Kea to all three criminal episodes. One obstacle in this case was that one of the victims died from an unrelated medical issue prior to trial. Despite her unavailability, we were able to use her previous preliminary hearing testimony at trial. The jury subsequently found Mr. Kea guilty of these offenses. He was sentenced to serve ten years and the convictions were upheld on March 2, 2021, by the Court of Criminal Appeals.

State v. Bryant Mitchell, (Criminal Court for Knox County, Division III)—Conviction in August 2019: While in the Career and Gang Unit, I was the lead prosecutor on this case, which involved the murder of a seventeen-year-old victim. On November 13, 2016, officers responded to a shooting in Western Heights Alley A, discovering the victim had been shot over a dozen times in the head. The investigation revealed that Mr. Mitchell—likely because of a drug debt—shot the victim twice, paralyzing him. Mr. Mitchell fled the scene in a vehicle with two other individuals, but came back, stood over the victim, and shot him fourteen more times, leaving a handgun magazine and cell phone at the crime scene. Forensic examination of the cell phone linked it to “Honcho da Boss” and “Baily Da G,” known aliases for Mr. Mitchell. Investigators also discovered gunshot residue on Mr. Mitchell’s pants. While out on bond, Mr. Mitchell released an album entitled “Out on Bail” where he bragged about shooting someone in the face. The two individuals in the vehicle testified against Mr. Mitchell. In the lead up to trial, the witnesses expressed fear of Mr. Mitchell and reluctance to testify. With the assistance of my Victim-Witness Coordinator, we were able to help them overcome their fear and testify which resulted in Mr. Mitchell’s conviction of First Degree Murder. He was sentenced to life in prison which was upheld on October 13, 2021, by the Court of Criminal Appeals.

State v. Edward Springs (Criminal Court for Knox County, Division III)—Convicted August 2019: I was the lead prosecutor on this case which involved application of Tennessee’s Gang Enhancement statute and also received significant media attention. The proof at trial showed that on October 13, 2016, the victim was at an ATM at the Home Federal Bank on Merchants Drive when Crips gang member Edward Springs and co-defendant Brandon Moats pointed a gun at the victim and took his truck and attached wheelchair ramp. The testimony at trial showed that Knoxville Police Department investigators learned the suspects were from Chattanooga and sent screen captures from the ATM video to the Gang Unit at the Chattanooga Police Department. Investigators also discovered Facebook live videos taken by the suspects and others inside the victim’s truck where the victim’s handicap tag hanging from the rearview mirror was visible. In the Facebook live video, Mr. Springs and the other occupants of the vehicle pass around a black pistol with an extended magazine consistent with the handgun described by the victim in the carjacking. The defendants took the victim’s truck to Chattanooga then Nashville, where they committed another carjacking at a gas station. Mr. Springs was found guilty of Carjacking and received an enhanced sentence of nineteen years in prison. Due to a change in defense counsel, the Motion for New Trial is currently pending in this case.

State v. Charles Griffin, (Criminal Court for Knox County, Division III)—Conviction in May 2019: I was the lead prosecutor on this case which received significant media attention because the crime was caught on video. The proof at trial showed that on June 8, 2017, Charles Griffin entered the Dollar General on McCalla Avenue brandishing a handgun and demanding money. The Crips gang member then pistol-whipped a Dollar General employee with a handgun during the robbery. The assault was brutal. While the elderly clerk was attempting to open the cash drawer, Mr. Griffin bludgeoned the victim numerous times with the pistol before leaving with the entire cash drawer. The victim was transported to the University of Tennessee Medical Center where he underwent facial reconstruction surgery for the injuries he sustained. Mr. Griffin, who had a significant criminal history, was convicted of Especially Aggravated Robbery and Unlawful Possession of a Weapon by a Convicted Felon and received a sentence of seventy-five years. The Court of Criminal Appeals affirmed the conviction on June 19, 2020.

State v. Jessica Cox, (Criminal Court for Knox County, Division II)—Conviction March 2017: I was the lead prosecutor on this case. It was one of my first cases in Knox County that received

significant media attention. It also was one of the first times that the “especially heinous, atrocious, and cruel” section of the child abuse statute was litigated in Tennessee. On May 28, 2013, Jessica Cox’s two stepsons escaped from their home at 834 Canton Hollow Road where they had been handcuffed to a kitchen cabinet. Still handcuffed, the fourteen and sixteen-year-old victims walked to Farragut High School where school custodians called 911. The boys were taken to East Tennessee Children’s Hospital where they were treated for their injuries. Knox County Sheriff’s Office investigators responded to the hospital while other investigators with the Family Crisis Unit responded to Canton Hollow Road. The victims were both malnourished with injuries to their wrists due to repeatedly being handcuffed. One victim also had significant injuries to his feet. The victims were forensically interviewed at ChildHelp USA where they recounted that Mrs. Cox and their biological father, Kenneth Michael McIntosh, handcuffed them for hours on end, deprived them of food, and struck them with items like mallets and rolling pins. The victims were also submerged in ice baths and forced to kneel on uncooked rice. Mr. McIntosh entered a plea agreement wherein he agreed to testify in Mrs. Cox’s trial. Mrs. Cox was subsequently convicted of Aggravated Child Abuse and sentenced to twenty-four years in prison. On August 25, 2020, the Court of Criminal Appeals upheld this conviction.

State v. Ashanti Glass, (Criminal Court for Knox County, Division III)—Conviction March 2015: I was the lead prosecutor on this case wherein Ms. Glass was charged with Aggravated Child Neglect. On December 28, 2013, the two-year old victim suffered second and third degree burns on her feet at her home in Knox County. The victim’s mother, Ashanti Glass, waited two weeks before taking her daughter to the emergency room. Medical experts testified the child would have been in excruciating pain during those two weeks. Once she was finally taken to East Tennessee Children’s Hospital, the victim was immediately transported to the Vanderbilt University Hospital burn center, where she was treated for weeks, received skin grafts, and went through months of physical rehabilitation. When Knoxville Police Department investigators interviewed Ms. Glass about what happened to her daughter, Ms. Glass gave multiple inconsistent stories about the source of the injuries. Ms. Glass made further inconsistent statements to hospital staff and when she testified at trial. Several medical professionals testified in this case about not only the child’s initial injuries, but also the significant pain the child suffered because of Ms. Glass’ delay in seeking medical treatment for her daughter. She was convicted of Aggravated Child Neglect and received a sentence of fifteen years. On December 29, 2016, the Court of Criminal Appeals affirmed the conviction.

Sevier County Cases

State v. Dustin Lucio, (Circuit Court for Sevier County, Division II)—Conviction 2013: I was the prosecutor in this case which was the first sexual assault case I tried. The proof at trial showed the victim and her aunt went to sing karaoke, leaving their fifteen-year-old niece to babysit two children at their apartment. The victim decided to leave early, but when she returned to the apartment, she found her niece heavily intoxicated with Dustin Lucio, an unknown older male, in the apartment. The victim told Mr. Lucio to leave, which he did. Shortly thereafter, Mr. Lucio returned claiming that he left his cell phone in a back bedroom. Concerned about her niece’s safety, the victim walked to the back room to assist Mr. Lucio in recovering his phone while also insisting that he leave as soon as the phone was located. When she got into the room, Mr. Lucio suddenly turned out the lights and grabbed the victim’s neck. He placed his hands over her mouth, and she could barely breathe. The victim kicked and tried to scream but stopped out of fear that Mr. Lucio would kill her. Mr. Lucio then proceeded to violently rape the victim. When the rape was over, Mr. Lucio went into a nearby bathroom, and the victim pushed out the window and window screen and ran, half-naked, to a nearby apartment where the victim’s niece’s father lived. The victim’s niece’s father then ran to

the apartment to get his niece and found Mr. Lucio attempting to leave. They became involved in an altercation, but Mr. Lucio escaped. The victim was then taken to the hospital where a sexual assault examination was performed. Mr. Lucio's DNA was recovered. At trial, a friend of Mr. Lucio told the jury that Mr. Lucio told her that "drugs and alcohol made him do what he did that night." Mr. Lucio was convicted of Aggravated Rape and sentenced to twenty-three years confinement. The Court of Criminal Appeals affirmed the conviction on May 21, 2018.

State v. Shannon Baltimore, Theodore Ratliff, and Stephen Weaver, (Circuit Court for Sevier County, Division II)—Conviction 2012: I was the lead prosecutor on this case wherein General James Dunn filed a death penalty notice. The case received significant pretrial media coverage. In May 2010, three men robbed and brutally murdered seventy-six-year-old Mary Jo Miller of Strawberry Plains. The men stole drugs that Mrs. Miller used to treat her terminal cancer. Following the fatal shooting, Mr. Baltimore, Mr. Ratliff, and Mr. Weaver left the scene with the victim's purse and accidentally called her nephew from her phone leaving a message that was later used to identify them as the murderers. The State sought the death penalty because of aggravating factors including Miller's age and because all three men had prior violent felony convictions. Mr. Baltimore had eight felony convictions including robberies and burglary. Mr. Weaver had twenty prior felony convictions including some for burglaries and larcenies. Mr. Ratliff had previously been in prison for murder. At age seventeen, he was tried as an adult for the 1975 murder of another elderly woman who was going to testify against him in a theft case. He was sentenced to life in prison and granted parole in 2009 just a few months before Mrs. Miller's death. Each defendant filed pretrial motions—including motions to suppress their statements and a motion to close the hearings to the public. Ultimately, the motions were denied, and each Defendant pled guilty in exchange for dropping the death penalty. Mr. Baltimore received twenty-five years in prison, while Mr. Ratliff and Mr. Weaver received life without parole.

State v. Melvin Branham, (Circuit Court for Sevier County, Division II)—Conviction 2012: I was the prosecutor on this case. The proof at trial showed that on April 27, 2010, Melvin Branham agreed to meet the victim at a Walgreens parking lot in Sevierville to purchase marijuana. When he arrived, Mr. Branham got inside the victim's vehicle where he stabbed the victim in the neck, grabbed the victim's money, and fled. The victim climbed out of his vehicle and ran into Walgreens where patrons called 911. He was transported to the University of Tennessee Medical Center where he was hospitalized for several days. Mr. Branham initially argued self-defense, but ultimately pled guilty mid-trial to an agreed fifteen-year sentence. He later filed a motion to withdraw his plea, which the court denied. The denial of his post conviction petition was affirmed on July 15, 2016.

State v. Ernest Pyle, (Circuit Court for Sevier County, Division II)—Conviction 2012: I was the prosecutor on this case. The proof at trial showed that on February 16, 2010, Ernest Pyle and his girlfriend "reconciled" after she turned him in to the Milan Police Department in Indiana for distribution of marijuana. He invited her on a trip to Pigeon Forge, Tennessee. The first part of their trip was uneventful, but when the victim was ready to return to Indiana, Mr. Pyle violently assaulted her. He slapped her in the face, covered her mouth with tape, and handcuffed her. Mr. Pyle then dragged the victim to the motel bathroom and choked her until she lost consciousness. Mr. Pyle kept the victim restrained in the room for five days and threatened to kill her several times saying that he would send her body to the Milan Police Department. During this time, Mr. Pyle also went to Walmart where he purchased a hammer, pliers, and a drop cloth. On the fifth day, Mr. Pyle took the victim to a laundromat attached to the motel. She saw her opportunity to escape and ran to the motel manager's office. The manager testified that she called 911, and when the police arrived, they located Mr. Pyle circling the parking lot, looking for the victim. When they took Mr. Pyle into custody, he

had handcuff keys and two cell phones with the batteries removed in his pocket. Officers also found the motel room in disarray and were able to locate the handcuffs described by the victim. Police also found the drop cloth and tools in a nearby dumpster. This is the only case I have prosecuted wherein the court issued a material witness warrant to ensure the victim's appearance in court. Mr. Pyle was convicted of Especially Aggravated Kidnapping and sentenced to twenty-five years in prison. The judgments were affirmed on November 3, 2014, by the Court of Criminal Appeals.

State v. Jack Price and Larry Cochran, Circuit Court for Sevier County, Division II)—Conviction 2010: I was the prosecutor on this case. The proof at trial established that on November 16, 2009, two young men and their five-year-old nephew were living at the Graystone Lodge in Gatlinburg, Tennessee. Jack Price called one of the victims and asked if he could come play video games. Later, the second victim was outside of the room when he observed a gold Buick arrive at the motel. Soon thereafter, an assailant put a gun to the back of his head and forced him up the stairs and into the motel room where he pushed him to the floor. The assailant told him that if he moved or said anything, he would kill him. The victim recognized the voice as Jack Price. At this time, Mr. Cochran also entered the motel room to assist in the robbery. The first victim stood up and attempted to punch Mr. Price, who pointed the gun at his face and pulled the trigger. The gun's magazine, however, fell out of the weapon, and the victims were able to push Mr. Price and Mr. Cochran out of the motel room and close the door. The victims called the police who responded and collected the magazine left by Mr. Price and Mr. Cochran in the motel room. The victims quickly identified Mr. Price as one of the assailants and described Mr. Cochran as a man known as "Ghost." They also told police that the gold Buick with a Delaware license plate was used by the assailants to escape. When officers went to serve Mr. Price with a warrant for his arrest, Mr. Cochran jumped out of a window and fled into the wood line. With the help of a K9, police soon found Mr. Cochran. Police also impounded a gold Buick that belonged to Mr. Cochran which had Delaware plates. The gun magazine was eventually traced to a friend of Mr. Price and Mr. Cochran who testified to admissions they both made regarding the robbery and attempted murder of the victims. Jack Price and Larry Cochran were found guilty of Attempted First Degree Murder, Aggravated Assault, and Attempted Aggravated Robbery and sentenced to twenty-five years in prison. The convictions were upheld on September 26, 2013, by the Court of Criminal Appeals.

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

Nassios and McLaughlin, Attorneys at Law Law Clerk—Criminal Defense	2008 Knoxville, TN
District Attorney General—6th Judicial District Extern	Fall 2008 Knoxville, TN
Henry, McCord, Bean, Miller, and Gabriel, PLLC Law Clerk—Criminal Defense	Summer, 2008 Tullahoma, TN
Office of the Attorney General Intern	Summer, 2007 Richmond, VA

Commonwealth's Attorney's Office

Intern

Summer, 2005

Harrisonburg, VA

What brought me to the University of Tennessee College of Law was the Prosecutorial Externship Program. I had known from at least the fifth grade when I religiously watched "Night Court" and "Matlock," that I wanted to be a prosecutor. While an undergraduate at James Madison University, I clerked at the Harrisonburg Commonwealth's Attorney which solidified my resolve and excitement to be a future prosecutor. Having visited, applied, and been offered acceptance at several law schools, I came across an article about the University of Tennessee's Prosecutorial Externship program and its status as one of the best programs in the South-East. I immediately applied, was accepted, and moved to Tennessee in the Summer of 2006. I started studying law at the University of Tennessee College of Law in August of 2006, and graduated, *cum laude*, in May 2009.

While attending the University of Tennessee College of Law, I interned each summer at organizations that would best serve my goal of becoming a well-rounded attorney. My first summer, I interned at the Office of the Attorney General in Richmond, Virginia. I was assigned to the Criminal Justice Division where I worked on appellate briefs for criminal cases representing the Commonwealth of Virginia. This experience taught me the importance of properly filing, noting, and capturing everything that occurs in the courtroom so that the appellate record accurately reflects what occurred during a hearing or trial.

My second summer, I interned at Henry, McCord, Bean, Miller, and Gabriel, PLLC, in Tullahoma, Tennessee. That summer I wanted to focus on representing those accused of crimes, which I hoped would give me insight from the defense perspective.

In my third year of law school, I enrolled in the Prosecutorial Externship program. I was assigned to the Child Abuse Unit where I worked with then Assistant District Attorney Charme Allen, who would later become the elected District Attorney General in the 6th Judicial District, as well as Steven Sword, who just vacated his position as the Knox County Criminal Court, Division I judge. It was here that I first sat in on an interview with a child victim and knew that my personality was well-suited for this very difficult subject area. Following the externship, District Attorney General Randall Nichols allowed me to continue working at the Knox County District Attorney's Office, and I was assigned to Felony Sessions Court, where I had the chance to conduct preliminary hearings, and then assigned to Criminal Court Division I, where I tried my first case, a DUI.

While still in law school, I also worked for a local firm, Nassios and McLaughlin, Attorneys at Law, further focusing on criminal defense. I continue to have cases with Attorney Mike Nassios, and although we are currently on opposite sides of the courtroom, I appreciate the hard work, ethics, and patience he modeled while I worked at his firm.

Immediately following my graduation from the University of Tennessee College of Law, I worked at the Commonwealth's Attorney's Office in Colonial Heights, Virginia, where I represented the Commonwealth of Virginia in a wide variety of criminal prosecutions. I was also studying for two bars—Tennessee and Virginia—which I sat for at the same time. In September of 2009, while awaiting my bar results, I was offered employment as a Criminal Investigator for the Sevier County District Attorney's Office in the 4th Judicial District. I received my bar results the following month and was licensed as an attorney in both Tennessee and Virginia.

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

In 2022, I applied for appointment to the judicial vacancy for Knox County Criminal Court, Division II.

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.

<u>University of Tennessee College of Law</u>	Knoxville, TN
Juris Doctorate, <i>Cum Laude</i>	2006-2009
Concentration in Advocacy and Dispute Resolution	
Certificate of Academic Excellence in Advanced Trial Practice, Pretrial Litigation, and Prosecution Externship	

- Ray H. Jenkins Trial Competition, First Place Team, Outstanding Oralist Award (March, 2009)
- Moot Court Board (2009)
- Tennessee Journal of Law and Policy, Editor-in-Chief (2008-2009)
- Dean's List every semester at University of Tennessee, College of Law (2006-2009)
- Phi Alpha Delta Law Fraternity International, James Clark McReynolds Chapter (2008- 2009)
- University of Tennessee College of Law Student Bar Association (2006-2009)
- University of Tennessee College of Law Criminal Law Society (2007-2009)

<u>James Madison University</u>	Harrisonburg, VA
Bachelor of Arts, <i>Magna Cum Laude</i>	2002-2006
Double Major in Public Administration and Political Science	
Philosophy Minor	
▪ President's List or Dean's List every semester at James Madison University (2002-2006)	
▪ James Madison University Pre-Law Society (2003-2006)	
▪ American Criminal Justice Association Lambda Alpha Epsilon (2005-2006)	
▪ James Madison University Honor Council, Student Representative and Faculty Outreach Committee Chair (2005-2006)	

PERSONAL INFORMATION

12. State your date of birth.

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

19 years

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

I have lived in Knox County for 9 years. Prior to that, I lived in Sevier County for 7 years, and before that, I lived in Knox County for 3 years.
--

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

Knox County, Tennessee

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

Not applicable

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

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.

No

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

Girl Scouts of America, Troop 22123, Girl Scouts of the Southern Appalachians, Troop Leader (Brownies and Juniors)

Memberships Standards Committee, Scouting America, Great Smoky Mountain Council

Intro Knoxville, Winter 2024

Volunteer Republican Women's Club, Member

East Tennessee Commission on Children and Youth, Member

Sacred Heart Cathedral School Board

- School Board Chair (2020-2023)
- School Board Vice Chair (2019-2020)
- Board Member (2018-2019)

Sacred Heart Cathedral School Principal Search Committee, Co-Chair (2021-2022)

Sacred Heart Cathedral, Parishioner

Saint Claire Guild, Member

Spring Hill Elementary Reading Program, Volunteer

West Bearden Basketball League, Girls and Boys Basketball Coach

Knoxville Youth Sports, Girls and Boys Basketball Coach

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.

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.

Knoxville Bar Association, Member 2013-Present

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.

2024 Cityview Top Attorney

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

Not applicable

ESSAYS/PERSONAL STATEMENTS

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

My husband, Sean, and I have three children growing up in Knox County. Outside of work I give back to this community through my involvement in Girl Scouts, Boy Scouts, youth sports, and through my work with the Sacred Heart Cathedral School Board. From a young age, I have wanted to serve others. This desire led me to my current position. I believe the experience I have gained as a prosecutor will provide a good foundation for a Criminal Court judge. After much thought, personal reflection, and prayer, I believe I am being called to promote justice in a new capacity. My experience and compassion will benefit not just victims of crimes, but everyone involved in the criminal justice system. I welcome further opportunity to use my talents and abilities to help my community and to be a role model—especially to young members of the Knox County community.

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

I am seeking appointment to the Criminal Court for Knox County, Division I. The three criminal courts in Knox County share jurisdiction over all criminal cases. Having worked as a prosecutor for almost sixteen years, and in Knox County for almost twelve, I am intimately familiar with the workings of the system and the significant caseload that will be inherited by the new judge. Last year, Knox County tried 90 trials, heard hundreds of motions, and accepted countless plea agreements. If selected, I would ensure the expeditious resolution of cases through status hearings, plea deadlines, and pretrial motion deadlines. I would strive to address issues pretrial and would give clear, concise, written pretrial decisions. As a judge, I would maintain my current practice of being well-informed of changes in the law and rulings from the appellate courts which is a judge's most valuable asset when making decisions in court.

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)

If selected, I would uphold the law even if I disagreed with the substance of the law. I firmly believe that the role of a judge is to competently, honestly, and fairly adhere to the law without bias or prejudice. I believe in the fundamental principle of separation of powers. It is the legislature's role to enact laws, and a judge's role to abide by the parameters set forth by the legislature and apply the law to specific cases.

As a prosecutor, I have been assigned to several cases involving individuals who possessed a small amount of marijuana but had two previous convictions. Prior to 2016, Tenn. Code Ann. §39-17-418 classified the third or subsequent simple possession of controlled substances, including marijuana, as a class E felony. The national attitude toward simple marijuana possession was changing and many states had already legalized personal possession for individuals who possessed small amounts of marijuana or who had medical conditions. I personally believed that this punishment was harsh, especially for individuals with a limited criminal history. As a prosecutor, I used my discretion to resolve many of these cases short of a felony conviction, but also felt I could uphold the law when necessary.

Had I been a judge presented with a plea agreement or conviction for simple possession third prior to the change in the law I would have followed the law. Likewise, if selected to fill the vacancy, I would uphold a law even if it conflicted with my personal opinion.

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.

Lt. Governor Randy McNally
Lieutenant Governor and Speaker of the Senate

[REDACTED]
Work Phone: (865) 483-5544 Cell: [REDACTED]
Email: lt.gov.randy.mcnally@capitol.tn.gov

Charme P. Allen
District Attorney General, 6th Judicial District
400 Main Street, Suite 168
Knoxville, Tennessee 37902
Work Phone: (865) 215-2515 Cell: [REDACTED]
Email: charme.allen@knoxcounty.org

James B. Dunn
District Attorney General, 4th Judicial District
125 Court Avenue, Suite 301E
Sevierville, Tennessee 37862
Work Phone: (865) 429-7021 Cell: [REDACTED]

Email: jbdunn@indagc.org

Rep. Andrew E. Farmer

Tennessee State Representative (District 17)
425 Rep. John Lewis Way N. Suite 618, Cordell Hull Bldg.
Nashville, Tennessee 37243

Cell: [REDACTED]

Email: rep.andrew.farmer@capital.tn.gov

Rev. David A. Boettner, Vicar General

Diocese of Knoxville
805 S. Northshore Drive
Knoxville, Tennessee 37919

Work Phone: (865) 584-3307 Cell: [REDACTED]

Email: dboettner@dioknox.org

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] Criminal Court, 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: May 12, 2025.

Ashley Mc Dermatt
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.

Ashley D. McDermott

Type or Print Name

Ashley McDermott

Signature

May 12, 2025

Date

028343

BPR #

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

Virginia VSB ID
#78865