

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.

Assistant District Attorney

Office of the District Attorney General, Sixth Judicial District

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

2016

BPR No. 035154

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, licensed in 2016

BPR No. 035154

Admitted to practice in the United States District Court for the Eastern District of Tennessee in 2017

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).

Upon graduating from law school, I began working as an Associate Attorney at the law firm of Ritchie, Dillard, Davies, and Johnson, P.C. My practice was primarily focused on criminal defense in various state and federal courts throughout the state. I remained in that position from August of 2016 until October of 2018.

In October of 2018, I left private practice and joined the Office of the District Attorney General for Sixth Judicial District as an Assistant District Attorney. I served in the DUI, Domestic Violence, Career Offender/Gang, and Child Abuse Units. I remained in that position until December of 2022.

In January of 2023, I went back to work for the private sector for a brief period of time as an Attorney at the firm of Baker, Foster, and Potter, P.C. During this time, I primarily practiced in the areas of criminal defense and family relations law throughout various courts in East Tennessee. I remained there until October of 2023 when I returned to the Office of the District Attorney General for Sixth Judicial District as an Assistant District Attorney, where I have remained since.

Since August of 2022 to present, I have also served as an Adjunct Professor at the University of Tennessee College of law where I teach Trial Practice to second- and third-year law students.

During my third year of law school, I interned at the Office of the District Attorney General for the Sixth Judicial District and conducted numerous preliminary hearings in General Sessions Court, plea announcements in Criminal Court, and sat second chair on a jury trial where the defendant was charged with DUI. I also practiced as a student attorney in the University of Tennessee Legal Clinic where I represented defendants in both Juvenile and General Sessions Court in Knox County, Tennessee.

During the summer between my second and third year of law school, I interned at the United States Attorney's Office for the Eastern District of Tennessee. During that time, I participated in numerous court proceedings in District Court for the Eastern District of Tennessee, including change of plea hearings, detention hearings, motions to suppress, and sentencing hearings.

Prior to attending law school, I worked as a Certified Nursing Assistant and an Admissions Clerk in a skilled nursing facility in Kingsport, Tennessee from 2007 until 2013. I also worked at various restaurants as a server and/or hostess as a teenager.

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 currently serve as an Assistant District Attorney for the Sixth Judicial District. In that role, my practice consists entirely of criminal law. Within our office, I am currently assigned to the Child Abuse Unit where I prosecute cases in which a child is the victim. The majority of my cases involve sexual and/or physical abuse of children, as well as violations of the Tennessee Sexual Offender Registry and other various crimes that are secondary to a child abuse related offense.

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.

Since graduating law school, the majority of my practice has been in the field of criminal law. While I have practiced in numerous state and federal courts throughout Eastern Tennessee, the bulk of my career has been spent handling criminal cases in Knox County Criminal Courts.

As a defense attorney, I represented individuals accused and charged with a wide range of offenses, including the sale and distribution of controlled substances involving a single defendant and multi-defendant conspiracies, rape and other sexual offenses, theft, tax fraud, Medicare and Medicaid fraud, antitrust violations, assault, driving under the influence, vehicular homicide, and official misconduct, among others. In this capacity, I practiced in both State and Federal Courts throughout Eastern Tennessee, with the majority of my practice being in State Criminal and Circuit Courts. In addition to representing those charged with crimes, I also represented individuals and businesses who were being investigated by state and/or federal authorities. Furthermore, I represented clients in ancillary proceedings such as administrative and/or disciplinary hearings for various entities such as universities, professional licensing boards such as the Tennessee Board of Medical Examiners and the Board of Judicial Conduct, forfeiture hearings involving the Tennessee Department of Safety, and other various civil proceedings that had some connection with a criminal case. I have served as counsel and co-counsel in several trials where my clients were accused of official misconduct, possession of a controlled substance for resale, and rape of a child. I have researched, composed, and argued motions on complex and novel questions of law in numerous Criminal Courts throughout Eastern Tennessee.

As an Assistant District Attorney, I have served in multiple units within our office which include the DUI unit, the Domestic Violence Unit, the Career Offender/Gang Unit, and the Child Abuse Unit. In each of these units, I have primarily handled cases after they have been bound over from General Sessions Court or cases that are initiated in Criminal Court by way of a Presentment. I have conducted over forty (40) jury trials as either lead counsel or co-counsel for various offenses, including, but not limited to: driving under the influence, felony reckless endangerment, vehicular assault and homicide, burglary, felon in possession of a firearm, kidnapping, aggravated assault, domestic assault, stalking, robbery, possession of controlled substances, first and second degree murder, rape, rape of a child, aggravated sexual battery, aggravated child abuse and neglect, and felony murder. In this role I have written and responded

to countless pleadings such as motions to suppress, motions to dismiss, motions to admit or exclude evidence pursuant to various rules of evidence such as 404(b) or 412, sentencing memorandums, and post-conviction petitions, as well as arguing these motions in Criminal Court.

Outside of the courtroom, I work closely in conjunction with a number of outside agencies such as the Tennessee Bureau of Investigation, State and Federal law enforcement, and the Department of Children's Services to both investigate and determine if criminal charges are appropriate. This often includes assisting law enforcement in obtaining search warrants, reviewing potential evidence, issuing subpoenas, and interviewing potential witnesses and victims before ultimately deciding if criminal charges are appropriate.

I have also worked briefly in several areas of family relations law including divorce and custody proceedings, adoptions, and terminations of parental rights. In this capacity, I conducted numerous hearings in Juvenile, Chancery, and Circuit Courts in Eastern Tennessee.

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

Since becoming an Assistant District Attorney, I have been assigned to and practiced almost exclusively in the Criminal Courts of Knox County. While I also frequently practice within the General Sessions Courts of Knox County, the vast majority of cases that I have handled have been at the trial court level. During this time, I have not practiced in appellate courts or before any administrative bodies.

As a defense attorney, I conducted several jury trials and assisted in researching and writing briefs in appeals before the Tennessee Court of Criminal Appeals and Tennessee Supreme Court, but never personally conducted oral arguments in those cases. I also handled cases involving several administrative bodies including the Board of Judicial Conduct, Medical Examiners, and Department of Safety.

As noted above, I have served as both lead counsel and co-counsel in over forty (40) jury trials as both a defense attorney and Assistant District Attorney, as well as numerous hearings before various administrative bodies. Below are brief descriptions of some of the cases I have handled as both a prosecutor and defense attorney.

Prosecution Cases:

State of Tennessee v. Geoffrey Paschel – The defendant was charged with aggravated kidnapping, domestic assault, and interference with emergency calls. I served as lead counsel in this case. The proof at trial established that the defendant brutally attacked his fiancé in her home over the course of several hours. The victim testified that the defendant repeatedly beat her head against the floors and walls of her home causing her to lose consciousness several times. The defendant also took her car keys from her and disabled her cell phone so that she could not call for help. After the assault, the defendant made her go lie down in bed and would not allow her to leave

her home. After he finally fell asleep, the victim ran from her home to a neighbor's house where police were contacted. The defendant testified at trial and stated that the victim's substantial injuries were all self-inflicted. The jury convicted the defendant as charged with Aggravated Kidnapping, Domestic Assault, and Interference with Emergency Calls. This case garnered significant media attention because the defendant had starred in a reality television show. The trial was broadcast over several television stations, including CourtTV and Law and Crime. At sentencing, I successfully argued that the defendant was a Range II offender based on prior federal and state drug convictions. In addition to the testimony of the victim, the defendant's ex-wife also testified at sentencing regarding abuse inflicted on her by the defendant while they were married. Due to the nature of the crime and the defendant's past criminal history and behavior, the trial court sentenced him to eighteen (18) years to serve. The convictions and sentence were recently upheld on appeal. *State v. Paschel*, 2023 WL 5975223 (Tenn. Crim. App. Sept. 14, 2023).

State of Tennessee v. Harlan Ferguson – This case was a vehicular homicide that resulted after the defendant attempted to flee from law enforcement. I served as lead counsel at trial. Prior to trial, this case required extensive motions hearings on issues such as suppression of certain pieces of evidence and the destruction of certain pieces of evidence. The proof at trial established that the defendant was driving erratically when off-duty law enforcement spotted his vehicle. When law enforcement attempted to pull the vehicle over, the defendant attempted to evade police before crashing. The defendant suffered serious bodily injury as a result of the crash. His girlfriend, who was in the passenger seat of the vehicle, was killed. Witness testimony established that prior to driving, the defendant had been drinking at a friend's house. Blood tests conducted by the hospital, as well as the Tennessee Bureau of Investigation, also confirmed that defendant's blood alcohol content was well over the legal limit. The defendant was convicted as charged of vehicular homicide. The defendant's appeal is currently pending before the Court of Criminal Appeals.

State of Tennessee v. Robin Howington – This case revolved around the fatal shooting of a five-year-old girl. At trial, another Assistant District Attorney within the office served as lead counsel initially but had a family emergency after the first day of trial. I stepped in beginning the second day of trial and conducted the remainder of the trial in his absence. The proof established that the defendant, who was the victim's mother, initially told law enforcement that an unknown male had entered her home and shot the victim while she was seated on her couch watching television. The defendant then changed her story multiple times and stated at one point that the shooter was the victim's father. It was later determined that the victim's father was not even in the state when the shooting occurred, and that the victim was in fact killed with the defendant's gun that she left unattended in the home and then attempted to hide after the shooting. In fact, the investigation revealed that while calling 911 to report the shooting, the defendant went outside of her home and hid her gun in a bush. While on the way to the hospital, the defendant then texted multiple individuals to come and get the gun before the police could find it. Once at the hospital where the victim was pronounced dead, the defendant attempted to give her phone away to an innocent bystander before ultimately breaking it and running it under water in an attempt to destroy the messages. The defendant testified that it was her two-year-old son who shot her daughter but could provide no logical explanation as to how he was able to get her loaded handgun or why she told multiple stories to law enforcement throughout the course of

the investigation or tried to hide and destroy evidence. The case garnered significant media attention and was broadcast live on CourtTV. The defendant was convicted of aggravated child neglect, tampering with evidence, and false reports and was sentenced to (twenty) 20 years to serve. The case is currently awaiting a hearing on the defendant's motion for a new trial.

State of Tennessee v. Shaquil Murphy – This case involved a shooting that occurred on the grounds of Morningside Hills Apartments in Knoxville. I served as lead counsel at trial. At trial, the proof established that shortly before the shooting, the defendant was involved in a verbal and physical confrontation with one of the victims. Following this, the defendant retrieved two guns and located the victim at his apartment complex. He attempted to shoot the victim, but the gun failed. The victim then fled on foot, eventually running for help toward the apartment complex's maintenance supervisor. The defendant then ran back to the car in which he had arrived, drove to a position to intercept the victim, and retrieved another firearm that he had. He then fired multiple rounds at the victim and the maintenance supervisor. The maintenance supervisor, however, returned fire with his own personal firearm, striking the defendant. The defendant was subsequently convicted of attempted first degree murder, attempted second degree, employing a firearm during the commission of a dangerous felony, unlawful possession of a firearm as a convicted felon, and aggravated assault. At sentencing, the defendant received a sentence of thirty-five (35) years to serve within the Tennessee Department of Corrections. The convictions and sentence were affirmed by the Court of Criminal Appeals. *State v. Murphy*, 676 S.W.3d 91 (Tenn. Crim. App. 2023).

State of Tennessee v. Kenneth Eastman – The defendant was charged with six (6) counts of rape of a child against his paramour's daughter that occurred when she was four (4) and five (5) years old. I served as lead counsel at trial. The victim, who was eight (8) years old at the time of trial, testified to multiple instances of sexual abuse that occurred while she was left alone in the defendant's care. The defendant also testified and denied that he had abused the victim. Ultimately, the jury discredited his testimony and convicted him as charged on all counts. At sentencing, the defendant received a sentence of sixty (60) years to serve due to the extent of the abuse, the victims extremely young age, the graphic details testified to by her at trial, and his prior criminal history. The case is currently awaiting a hearing on the defendant's motion for a new trial.

State of Tennessee v. Jerrick Davis – The case involved an aggravated domestic assault where the defendant strangled and attacked his girlfriend and threatened to burn their home down. I served as lead counsel at trial. During the assault, the victim was able to retrieve her cell phone and record the defendant admitting to the assault, claiming that it would not have happened if she would not have talked back to him. It further captured the defendant as he vandalized the home and continued to belittle the victim until the victim was able to contact law enforcement. The defendant was convicted as charged of aggravated assault with a deadly weapon, vandalism, and domestic assault.

State of Tennessee v. Carl Chesney – The defendant in this case was charged with rape of a child and aggravated sexual battery. I served as lead counsel at trial. Here, the victim testified regarding years of sexual abuse by the defendant, who was her stepfather. The defendant likewise testified and denied abusing the victim. The jury ultimately credited the victim's

testimony and convicted the defendant as charged on all counts including aggravated sexual battery, rape of a child, rape, and sexual activity involving a minor. At sentencing, the defendant received a sentence of twenty-five (25) years to serve. This case is currently awaiting a hearing on the defendant's motion for a new trial.

State of Tennessee v. Emily Williams – This case was the result of a hit and run that killed one person and left another severely injured on the Henley Street Bridge in Knoxville. I served as lead counsel at trial. The proof at trial established that on the night of the crash, the twenty-one-year-old defendant had been out drinking at various bars. Her friends attempted to prevent her from driving due to her level of intoxication, but she did not listen. The victims, who were visiting family from out of town, had pulled over in the bicycle lane on the Henley Street Bridge to admire the city when the defendant struck them with her SUV. Instead of attempting to render aid or call 911, the defendant continued driving to a friend's house and attempted to hide her vehicle, which had sustained front end damage when it struck the victims. Police were able to obtain a general description of the defendant's vehicle from other drivers who were also on the bridge at that time. A tip from a concerned citizen who had seen the defendant's vehicle and noticed the damage ultimately led to her arrest several days after the crash. The jury convicted the defendant of reckless homicide, driving under the influence, leaving the scene of an accident that involved death and serious bodily injury, and attempted tampering with evidence. The defendant, who was eligible for judicial diversion, sought a probationary sentence with judicial diversion. Ultimately, however, the court found that the heinousness of the defendant's actions that night and the days that followed, warranted a sentence to serve. The court further denied the defendant's request for judicial diversion. The defendant filed a Rule 35 Motion seeking to reduce her sentence, which was denied by the trial court. The defendant appealed the denial of her Rule 35 Motion, but the trial court's decision was ultimately affirmed. *State v. Williams*, 2022 WL 630879 (Tenn. Crim. App. March 4, 2022).

State of Tennessee v. Johnathan Lee Davis – This homicide and attempted homicide were the result of a failed robbery attempt. I served as co-counsel at trial. The proof at trial established that the defendant and two other unknown individuals believed that the victim had a large amount of cash in his hotel room and planned to rob him. The defendant and the two unknown co-defendants waited for the victim to return to his room then forced their way into the room. The victim was shot multiple times and died as a result, and it was ultimately determined that he did not possess the cash that the defendant believed he had. While fleeing from the scene, the defendant also shot a hotel manager who encountered him at the top of the stairwell. The victim nearly died as a result of being shot at point blank range in the chest but ultimately survived the attack. The defendant was convicted of first-degree murder, first-degree felony murder, attempted second-degree murder, attempted especially aggravated robbery, employing a firearm during the commission of a dangerous felony, and aggravated burglary in concert with two or more persons. He received a sentence of life plus twelve (12) years in the Tennessee Department of Corrections. The defendant's motion for a new trial is currently pending.

State v. Kristopher Johnson – This case involved a purported marijuana transaction which was, in fact, a robbery. During the robbery, two juvenile co-defendants shot and killed the two eighteen-year-old victims in their vehicle. A third victim, who was sixteen (16) years old at the time, was also shot in the head, but ultimately survived despite his injuries. Two juvenile co-

defendants were indicted shortly after the crime took place, but the defendant's involvement was not initially known. Throughout the course of the investigation, it was discovered that the defendant, who was an adult at the time, had supplied the two juvenile co-defendants with the firearm that was used in the shooting and instructed them to rob the victims as part of a gang initiation. Following the shooting, he then took the firearm used in the shooting back from the juvenile co-defendants and attempted to hide it in a neighbor's attic. He was subsequently charged for his role in the homicides and attempted homicide. I served as co-counsel at trial where the defendant was ultimately convicted of two (2) counts of facilitation of first-degree felony murder, two (2) counts of criminally negligent homicide, two (2) counts of aggravated robbery, tampering with evidence, aggravated burglary, and aggravated assault. He ultimately received a sentence of seventy (70) years within the Department of Corrections. On appeal, the Court of Criminal Appeals upheld the convictions and sentence. *State v. Johnson*, 2023 WL 2567645 (Tenn. Crim. App. March 20, 2023).

Defense Cases:

State of Tennessee v. Amanda Sammons – Our client, who was a sitting General Sessions Court Judge in Campbell County, Tennessee was charged with several counts of official misconduct. I served as co-counsel to the managing partner and assisted in drafting various pretrial motions, including a motion to dismiss prior to trial that was ultimately granted and led to the dismissal of two counts of the four-count indictment. I also served as co-counsel during the jury trial in this matter where I was responsible for the cross examination of the Clerk of Court as well as the alleged victim. At the conclusion of the State's case-in-chief, we made a motion to dismiss pursuant to Tenn. R. Crim. P. 29, which was granted, leading to dismissal of all charges against our client. Not only did this case garner significant media attention due to our client's position as a General Sessions Court Judge, but this case was also of significance to me personally because the jury trial began less than seventy-two (72) hours after I was officially sworn in as a licensed attorney.

Tennessee Dept. of Safety v. Shanton Brown – Our client was charged with various drug offenses in Knox County after a search warrant was executed at his home. During the execution of the warrant, officers seized a number of items from our client including his vehicle, thousands of dollars in currency, and various other items of value. A forfeiture action was initiated with the Tennessee Department of Safety. A partner at the firm and I conducted a multi-day hearing before an Administrative Law Judge, arguing that law enforcement had not followed the proper procedures when they seized and attempted to forfeit our client's property. The Administrative Law Judge agreed with our arguments and ultimately ordered all our client's property be returned to him. The felony drug charges against our client were also ultimately dismissed.

State of Tennessee v. Alexander Johnson – In this case, our client and a co-defendant were both charged with rape. This case garnered significant media attention given that both defendants were players for the University of Tennessee football team. Prior to trial, an interlocutory appeal was taken from the trial court's denial of the defendants' request to subpoena a number of records from the alleged victim. The Court of Criminal Appeals reversed the trial court's decision and held the State did not have standing to challenge the defendants' subpoenas to the alleged victim. The State then sought to appeal the intermediate court's decision to the

Tennessee Supreme Court. I assisted lead counsel in researching and drafting the appellate brief that was submitted on behalf of our client. The Tennessee Supreme Court ultimately denied the State's application to appeal.

State of Tennessee v. Christopher Calendine – Our client was a pediatrician and charged with aggravated sexual battery and sexual battery by an authority figure against two minors. This case garnered significant media attention within the jurisdiction given our client's occupation and well-known status within the community. There were several extensive motions hearings prior to trial given the unique issues within the case. During the course of our investigation, we were able to uncover significant inconsistencies within the alleged victims' statements. Due to these inconsistencies, on the morning of trial the State agreed to allow our client to enter a best interest plea to the reduced charge of sexual battery and sexual battery by an authority figure. He received an agreed upon sentence of eight (8) years and served one hundred and eighty (180) days in a local jail. If convicted as originally charged of aggravated sexual battery alone, an offense which is not eligible for probation, our client would have faced a sentence between eight (8) and twelve (12) years to serve within the Tennessee Department of Corrections at a one hundred percent (100%) service rate.

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

In addition to my current employment as an Assistant District Attorney, I have served as an Adjunct Professor at the University of Tennessee College of Law since 2022. I teach the skills portion of trial practice to second- and third-year law students. In this class, students are given a fictitious criminal case and are ultimately required to conduct a full trial on the case as either the defense or prosecution. The focus of the class is to teach students the fundamentals of jury trials as well as the rules of evidence.

I have also taught several individual plenary trial practice classes on topics such as Closing Arguments and Impeachment of Witnesses and served as a guest speaker to several other classes within the College of Law regarding criminal procedure and law.

I have presented numerous CLEs on various areas of criminal law and procedure and regularly provide training and legal updates to law enforcement and other governmental agencies.

In 2017 - 2018, I served as the Chair of the Public Service Committee for the Tennessee Bar Associations Young Lawyers Division. In that role, I coordinated with other members across the state to establish expungement, domestic violence, and veterans clinics for indigent individuals throughout Tennessee.

I previously served on the Amicus Committee as well as the publications committee for the Tennessee Association of Criminal Defense Lawyers. During that time, I assisted in researching and drafting an amicus brief regarding the sentencing of juvenile defendants to life without the possibility of parole.

In 2018, I completed a three (3) day training focusing specifically on cross examinations held by the National Association of Criminal Defense Attorneys.

In 2023, I completed a forty-six (46) hour mediation training with the Tennessee Mediation School, LLC.

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

None.

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.

East Tennessee State University, 2008 - 2013

Bachelor of Science

Major in Political Science and Minor in Legal Studies

Stetson University College of Law, 2013 – 2014

- Member - AAJ Civil Trial Team

I completed my first year of law school at Stetson University but ultimately decided to move back to Tennessee after my oldest son's illness began to get worse.

University of Tennessee College of Law, 2014 – 2016

Juris Doctor, cum laude

Concentration in Advocacy and Dispute Resolution

- Recipient - McClung Medal for Excellence in Moot Court
- Recipient - Moot Court Service Award
- Recipient - Judge James H. Haynes Award for Outstanding Achievement in Moot Court
- Recipient - Summers, Rufolo, & Rodgers Trial Advocacy Scholarship
- Recipient – CALI Awards for Excellence in Criminal Procedure, Trial Practice, and Prosecutorial Externship
- Member - AAJ Civil Trial Team
- Member - South Texas Trial Team

- Treasurer - Moot Court Executive Board

PERSONAL INFORMATION

12. State your date of birth.

[REDACTED]

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

I was born in Kingsport, Tennessee and lived there continuously until moving to Florida in July of 2013 for my first year of law school. I remained in Florida for approximately one (1) year before moving back to Tennessee, where I have remained since.

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

Since May of 2017.

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

Knox

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

I have received no formal complaints to my knowledge.

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.

Yes. Old credit card debt was sold to a private collection firm as noted in response to question 22.

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.

Darren Berg v. Knox County, Tennessee, et al, Docket No. 3:20-cv-00019 - I, along with Knox County and several other Assistant District Attorneys within our office was named in a federal lawsuit filed by attorney Darren Berg. In the suit, Mr. Berg alleged that another prosecutor and I spoke with Judge Steven Sword ex parte prior to a hearing and told him that Mr. Berg was avoiding service of process on an outstanding warrant for his arrest, which is why he had continuously not shown up to court on several scheduled hearing dates. When Mr. Berg again did not show up for a hearing, a show cause order was issued against him. Video footage from outside Judge Sword's office, however, revealed that neither I nor the other prosecutor ever went into his office that day and that I was in another courtroom altogether when the show cause order

was issued. I was represented by the Attorney General's Office and never had to appear in court regarding the matter. Mr. Berg voluntarily dismissed the claim against me and several others approximately two (2) months after the case was filed on March 25, 2020.

Knox County Civil Sessions, docket no. 60116k; 72546k – Suit based on old credit card debt where I had fallen behind in payments and the credit card company sold the debt to a private collection firm, who ultimately sued. The bulk of the debt was accrued to pay for my son's funeral and burial expenses, as well as living expenses while I was unable to work. Until getting married last November, I was a single mother and struggled financially for much of my adult years while trying to go to school and support my children, which ultimately led to me falling behind in payments. I have since paid/settled this debt.

Sullivan County Civil Sessions, docket no. KC16522 – Suit brought by Indian Path Medical Center for a medical bill stemming from an emergency room visit when I was approximately nineteen (19) years old and did not have health insurance. This debt has been paid/settled for many years.

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.

Member, Halls Republican Club

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.

Member, Knoxville Bar Association, 2016 – present

National Order of the Barristers, 2016 – present

Member, Tennessee Bar Association, 2016 – 2020

- Served as Chair of the Public Service Committee of the Young Lawyers Division from 2017-2018

Member, American Bar Association, 2016 – 2019

Member, Tennessee Association of Criminal Defense Attorneys, 2016 – 2018

- Served on the Amicus Committee and Publications Committee

Member, National Association of Criminal Defense Attorneys, 2016 – 2018

Barrister, Hamilton Burnett Inns of Court, 2017 – 2019

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.

Named as a top attorney in Criminal Prosecution by Cityview Magazine since 2019. This honor is particularly special to me because it is based on the votes of other attorneys within the surrounding area.

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.

None

ESSAYS/PERSONAL STATEMENTS

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

Growing up, college never even seemed like an option for me. And given my circumstances, I certainly never thought I would one day have the opportunity to apply for this position. I do not seek this position for a title or recognition. Instead, I understand the importance of a fair and impartial judiciary. Although serving the citizens of Knox County as an Assistant District Attorney for the past seven (7) years has been an absolute honor, I believe my unique life experiences, work as both a defense attorney and prosecutor, and my overall temperament, will provide me with the ability to dispense justice in a way that our criminal justice system requires. If appointed, I will not take this responsibility lightly and will work tirelessly to serve the citizens of Knox County and ensure that the rights of both victims and defendants are protected with each case that comes before me.

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 the position of Criminal Court Judge, Div. I, in Knox County, which is comprised of three Criminal Courts. The three criminal courts in this district handle only criminal cases, with the exception of nuisance injunctions filed by the District Attorney General's Office.

I have spent the majority of my practice in Knox County Criminal Courts and have built strong relationships with the attorneys who appear in those courts each day, as well as other court staff which will help me transition into this role from day one. I will strive to bring cases to a final resolution, either by plea agreement or trial, in an expeditious manner, while ensuring the rights of both victims and defendants remain intact. In addition to the ability to effectively manage the court's large docket, I would bring to the court a reputation for fairness and integrity that is critical for this role.

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 disagree with the substance of a particular law. This issue is one that I have faced regularly over the course of my career as both a defense attorney and a prosecutor.

As a defense attorney, there were times I represented individuals who were accused of crimes that I believe to be especially reprehensible, such as sexual abuse against a child. Despite my personal feelings about the allegations or my personal beliefs as to my client's guilt or innocence, I zealously advocated for my client throughout my entire representation because that is what the law, and my ethical duties as an attorney, require.

Conversely, as a prosecutor, I have prosecuted individuals whom I personally felt sympathy for who faced sentences that would incarcerate them for decades at times. Many times these defendants were young, had lived very difficult lives, and were never given the opportunity for a better life, which I believe likely contributed to their criminal behavior. Despite my personal sympathy for them, however, I did my job and followed the law. There have also been many times when I personally believed an individual had likely committed a crime, but due to the lack of evidence to support a conviction, I have declined prosecution.

If appointed, I will continue to ensure that each defendant and victim who appears before me will be treated fairly and impartially and I will never rely on my personal views when administering justice.

REFERENCES

30. 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. Randy McNally
Lieutenant Governor,
425 Rep. John Lewis Way North
Nashville, TN 37243
[REDACTED]

B. Charme P. Allen
District Attorney General, Sixth Judicial District
400 Main Street, Suite 168
Knoxville, TN 37901
[REDACTED]

C. Samuel Lee
Deputy District Attorney General, Sixth Judicial District
400 Main Street, Suite 168
Knoxville, TN 37901
[REDACTED]

D. Stephen Ross Johnson
Partner – Ritchie, Johnson, and Stovall, P.C.
606 West Main Street, Suite 300
Knoxville, TN 37902
[REDACTED]

E. Lauren Vassallo
Criminal Court Jury Coordinator, Sixth Judicial District
400 West Main Street, Suite 149
Knoxville, TN 37902
[REDACTED]

AFFIRMATION CONCERNING APPLICATION

Read, and if you agree to the provisions, sign the following:

I have read the foregoing questions and have answered them in good faith and as completely as my records and recollections permit. I hereby agree to be considered for nomination to the Governor for the office of Judge of the Criminal Court, Division I, of Knox County, 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 9, 2025.

Heather Ems
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.

Heather Ens

Type or Print Name

Heather Ens

Signature

05/09/25

Date

035154

BPR #

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

Certified Nursing Assistant License, Tennessee

License No. 125916

Issued 12/14/07, Expired 12/31/2013