

The Governor's Council for Judicial Appointments

State of Tennessee

Application for Nomination to Judicial Office

Name: Hector Ian Sanchez

Office Address: 400 W. Main Street, Suite 159
(including county) Knoxville, Knox County, TN 37902

Office Phone: 865-215-2509 Facsimile: 865-215-3847

Email
Address:

Home Address:
(including county)

Home Phone:

Cellular Phone:

INTRODUCTION

The State of Tennessee Executive Order No. 87 (September 17, 2021) hereby charges the Governor's Council for Judicial Appointments with assisting the Governor and the people of Tennessee in finding and appointing the best and most qualified candidates for judicial offices in this State. Please consider the Council's responsibility in answering the questions in this application. 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 Council 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.

The Council requests that applicants use the Microsoft Word form and respond directly on the form using the boxes provided below each question. (The boxes will expand as you type in the document.) Please read the separate instruction sheet prior to completing this document. Please submit your original hard copy (unbound) completed application (*with ink signature*) and any attachments to the Administrative Office of the Courts as detailed in the application instructions. Additionally, you must submit a digital copy with your electronic or scanned signature. The digital copy may be submitted on a storage device such as a flash drive that is included with your original application, or the digital copy may be submitted via email to laura.blount@tncourts.gov.

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

PROFESSIONAL BACKGROUND AND WORK EXPERIENCE

1. State your present employment.

Criminal Court Judge, Division II, Sixth Judicial District, Knox County, State of Tennessee.

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

2014, 033519

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, 033519, November 3, 2014. Active.

4. Have you ever been denied admission to, suspended or placed on inactive status by the Bar of any state? If so, explain. (This applies even if the denial was temporary).

No

5. List your professional or business employment/experience since the completion of your legal education. Also include here a description of any occupation, business, or profession other than the practice of law in which you have ever been engaged (excluding military service, which is covered by a separate question).

- Criminal Court Judge, Division II, Sixth Judicial District, State of Tennessee – September 2022 to present.
- I also serve as the Presiding Judge for Knox County Veterans Treatment Court and as the Vice Chair of the Knox County Mental Health Court.
- Assistant District Attorney, Sixth Judicial District, State of Tennessee – August 2014 to September of 2022.
- I served as a prosecutor in Knox County for just over eight years before I was appointed to my current position. My assignments during my tenure as a prosecutor included serving in the Felony Drug Unit and the Major Crimes Unit.

In August of 2014, I accepted a position as an Assistant District Attorney in the Knox County District Attorney General's Office. I remained consistently employed in that capacity until I was appointed to serve as the Division II Criminal Court Judge, in September 2022.

During my studies at the University of Tennessee College of Law, I worked as an intern at the Office of the District Attorney General for the Sixth Judicial District for two and a half years. I also served as an extern through the University of Tennessee College of Law with the same office.

In my second and third years of law school, I worked as an intern in the Repeat Offender Prosecution Unit (ROP). The primary responsibilities of that unit were to target and prosecute gang members and drug dealers who had significant criminal records or were considered career offenders. During my time in the ROP unit, I conducted upwards of seventy-five (75) preliminary hearings as an Acting Assistant District Attorney, three (3) jury trials involving drug free school zone violations, drafted and argued numerous responses to motions to suppress evidence, and worked with prosecutors drafting search warrants.

Between my first and second years of law school, I worked as an intern in the White-Collar Crime Unit. I worked primarily on a case involving an elected official who was being prosecuted for felony theft for having "ghost employees" on his payroll. This particular investigation took several years to come to a charging decision and required special attention to voluminous spreadsheets, bank records, and cellular telephone data and records.

Before deciding to apply for law school, I worked as a full-time clerk in the Knox County District Attorney General's Office from 2010-2011. For the first half of the year, I worked in the Felony Sessions Unit where I constructed physical files, prepared dockets, filed cases that returned from court, and assisted in other administrative duties. For the second half of the year, I worked in the AB Felony Unit (dedicated to prosecuting class A and B felonies), which is now identified as the Major Crimes Unit. I was brought on board to assist prosecutors in preparing for the retrials of several defendants involved in a capital case in Knox County from 2007. My main duties were copying files and assisting in preparing physical exhibits for the re-trials.

Before moving back to Knoxville to work as a full-time clerk in the District Attorney General's Office, I served in the United States Marine Corps from 2005 to 2009 (a detailed description of my military service is provided in question 19).

Prior to enlisting in the United States Marine Corps, I resided in Knoxville, TN and was employed at Bill Cox Furniture. My primary duties involved loading delivery trucks, assembling furniture, and delivering furniture throughout East Tennessee.

6. If you have not been employed continuously since completion of your legal education, describe what you did during periods of unemployment in excess of six months.

Not applicable.

7. Describe the nature of your present law practice, listing the major areas of law in which you practice and the percentage each constitutes of your total practice.

I currently serve as the Division II Criminal Court Judge for the Sixth Judicial District of Tennessee (Knox County). My legal career has been dedicated to criminal law. The three Criminal Courts in Knox County preside exclusively over criminal matters with the exception of nuisance injunctions which are civil in nature. My docket consists of indicted cases that originate from the Knox County General Sessions Courts, presentments that are initiated in the grand jury, post-conviction relief petitions, error coram nobis petitions, and other matters. One of the unique aspects about being a trial court judge is that you are on call twenty-four hours a day and three-hundred and sixty-five days a year. In addition to conducting jury trials on roughly a weekly basis and being assigned approximately seven hundred (700) pending cases at a given time, some of the very important functions I perform include:

- Meeting with law enforcement officers from state and federal agencies regarding applications for search warrants, subpoenas, applications pursuant to the Title III Wiretap Act, applications for cell-site simulators, installation of electronic monitoring devices, and geo-fence location data warrants.
- After Judge Steve Sword was appointed to the Court of Criminal Appeals, I assumed the weekly responsibility of setting bonds on all true bill presentments that are returned by the grand jury.
- Matters appealed from the Knox County General Sessions and Juvenile Courts.
- Presiding over the Knox County Veterans Court.
- Serving as Vice Chair of the Knox County Mental Health Court Board.

8. Describe generally your experience (over your entire time as a licensed attorney) in trial courts, appellate courts, administrative bodies, legislative or regulatory bodies, other forums, and/or transactional matters. In making your description, include information about the types of matters in which you have represented clients (e.g., information about whether you have handled criminal matters, civil matters, transactional matters, regulatory matters, etc.) and your own personal involvement and activities in the matters where you

have been involved. In responding to this question, please be guided by the fact that in order to properly evaluate your application, the Council needs information about your range of experience, your own personal work and work habits, and your work background, as your legal experience is a very important component of the evaluation required of the Council. Please provide detailed information that will allow the Council to evaluate your qualification for the judicial office for which you have applied. The failure to provide detailed information, especially in this question, will hamper the evaluation of your application.

My legal career consists of my time as an Assistant District Attorney and my present career as a Criminal Court Judge. I will address my experience as an assistant district attorney in this question and my experience as a judge in question 10 below. I believe that my experience both as a Judge and a prosecutor demonstrate that I am a hard worker and am committed to my life's work. My entire adult life has been rooted in public service, whether that was enlisting into the United States Marine Corps and honorably serving my county in a combat theatre during a time of war, serving as an Assistant District Attorney where I prosecuted the most dangerous offenders in my jurisdiction, or now, serving within my community as a Criminal Court Judge and leader in the legal community.

ASSISTANT DISTRICT ATTORNEY, 6th JUDICIAL DISTRICT

The longest portion of my legal career to date was serving as an Assistant District Attorney in Knox County Tennessee. I spent just over eight years with the District Attorney General's Office before I was appointed to my current position in September 2022. In that time, I served in two specialized units. For four years, I was a member of a four-prosecutor team comprising the Felony Drug Unit. For my final four years with the office, I served in the Major Crimes Unit.

▪ Felony Drug Unit

My first major assignment in the District Attorney's Office after training for a month in general sessions court was with the Felony Drug Unit. Our charge was to prosecute drug related offenses that ranged from street level drug transactions to multi-co-defendant drug conspiracies. The unit was comprised of four prosecutors and two support staff. Knox County has three criminal court divisions and five general sessions courts. In the Felony Drug Unit, we staffed the three criminal courts and the general sessions courts. The unit was not a vertical prosecution unit meaning that the assistant district attorneys assigned to the criminal court divisions adopted the case after the grand jury reviewed the matter and determined there was sufficient probable cause for the matter to proceed to criminal court. The assistant district attorney assigned to sessions courts had the important task and responsibility of resolving matters in sessions court when the law and facts supported such a resolution and conducting preliminary hearings on matters that were contested.

My first assignment in the Felony Drug Unit was to be the unit prosecutor in general sessions court. I served in that capacity for one year. In that time, I handled countless matters that warranted resolution and conducted hundreds of preliminary hearings. It was not uncommon to have two or three preliminary hearings on any given day. During my time in general sessions

court, Knox County began to see a spike in serious drug arrests involving offenders from outside of the State of Tennessee. Primarily, we were seeing many Detroit, Michigan residents being at the center of major drug investigations. Geographically, the I-75 Interstate system goes through Knox County and unfortunately, the demand for opiates including heroin and fentanyl has existed since the crackdown on prescription pain medications in East Tennessee and throughout the country. Most of these offenders arrived in Knoxville after selling drugs in various states including Ohio and Kentucky.

Although I thoroughly enjoyed the general sessions court work, after a year with the office, I became a prosecutor in Criminal Court, Division II handling drug cases. Once in criminal court, I began to have the opportunities to explore different aspects of the job. For example, I was called upon to work with the Federal Bureau of Investigation (FBI) on a Title III Wiretap Act case. After we secured the warrant to conduct the monitoring, my afternoons were spent at the FBI building in Knoxville listening to phone calls and developing a multi co-defendant heroin and fentanyl conspiracy case. One of skill sets that I did not contemplate as a prosecutor was having to meet with charged offenders and conduct debriefs or proffers. In the drug prosecution business, the effort is always to get to the largest supplier. Most commonly, these suppliers were cartel related. I also had the opportunity to attend and observe in an advisory capacity the execution of state and federal search warrants at residence, apartments, storage units, and even night clubs.

One of the efforts and initiatives of District Attorney Charme Allen was to hold drug dealers accountable for overdose deaths, which were occurring in Knox County at alarming numbers. Pursuant to T.C.A. § 39-13-210, the offense of second-degree murder includes, “[a] killing of another that results from the unlawful distribution of any Schedule I or Schedule II drug, when the drug is the proximate of the death of the user.” See T.C.A. § 39-13-210(a)(2). During my time in the Felony Drug Unit, the District Attorney’s Office and several partnering agencies including the Knoxville Police Department (KPD), Knox County Sheriff’s Office (KCSO), Tennessee Bureau of Investigation (TBI), and the East Tennessee Regional Forensic Center (ETNRFC) developed the Overdose Death Taskforce. The main objective was to hold drug dealers accountable for overdose deaths where the Schedule I or II drugs they sold were the proximate cause of death for the deceased person who ingested their product. I saw firsthand the power of addiction while working on these cases. In several meetings with cooperating defendants, I learned that folks addicted to heroin were looking for and seeking out drugs from suppliers whose product had killed someone. Self-preservation was not part of the thought process. Their focus was trying to achieve the high that they experienced upon their first use of the drug.

One of the aspects of prosecuting second-degree murder drug related deaths that motivated me to seek justice, and accountability was the marketing scheme employed by drug dealers. In most circumstances, the dealers were marketing their product as heroin. However, what was being sold was the much more powerful drug, fentanyl. I learned from experts in prosecuting these cases that fentanyl is sixty to two-hundred times stronger than morphine, the active drug in heroin. An amount of fentanyl amounting to a grain of salt could kill an average person. I am proud to have assisted in securing convictions against several of these offenders and getting them off the streets.

▪ **Major Crimes Unit**

My second assignment in the District Attorney's Office was in the Major Crimes Unit. Our mission was to prosecute violent crimes against persons including all forms of homicide, some of which involved the death penalty and life without parole. I also handled rape, robbery, kidnapping, carjacking and arson cases. The Major Crimes Unit was a vertical unit meaning that the same Assistant District Attorney remained on the case from its inception from the time of the arrest warrant or grand jury presentment. The rationale behind this was because we were a victim-driven prosecution unit; it could be detrimental to a victim's trust in the system and the prosecutor handling the case if multiple prosecutors are involved in the case at different junctures. During my time in the Major Crimes Unit, I prosecuted many homicide cases. These cases are challenging and often do not warrant reduction to a lesser offense. Homicide is one of the worst offenses one can commit for obvious reasons.

One of the biggest differences for me about the Major Crimes Unit was how many matters I handled that originated in the grand jury by way of presentment. For me, it was exciting to be part of an investigative collaboration between law enforcement and prosecutor. Inherent in their nature, homicide cases require a great deal of testing and data analysis whether it be DNA testing, cell-site simulation, forensic firearm and tool mark analysis or vehicle infotainment system analysis, all of these are critically important and compelling forms of evidence.

During my time in the Major Crimes Unit, I was also a member of the Sexual Assault Response Team (SART). The team was comprised of prosecutors, sexual assault nurse examiners (SANE), and victim advocates from the Sexual Assault Center of East Tennessee (SACET). We met monthly to discuss new and pending cases and to determine whether we had sufficient proof we could prove beyond a reasonable doubt. I prosecuted several cases that originated as SART cases. These cases typically present unique issues, and alcohol is almost always involved. Despite the challenges these cases present, the victim was worth fighting for. Experiencing the emotional shift in a victim when they understand that you believe them and you are there to walk the emotional and uncertain journey towards justice with them motivated me to aggressively prosecute these cases.

One thing that became immediately apparent to me was how many of the murders I prosecuted had a direct nexus to drugs. Whether it was a drug deal gone bad, a botched robbery or the dissolution of a business relationship, drugs seemed to be involved in most of the cases I handled. Homicide cases involve extensive motions practice. I enjoyed researching and writing these motions. I took pride in the sentencing memorandums, suppression issues, and severance issues. A lot of the skills I developed as a prosecutor made the transition to Criminal Court Judge easier. I believe that my significant experience as both a prosecutor and trial court judge will assist me in my transition to the Court of Criminal Appeals if I am fortunate enough to be selected.

▪ **Student Attorney/Extern**

As previously stated, I had the opportunity to work at the Knox County District Attorney's Office for one year before law school. The time I spent there confirmed to me that I wanted to be a prosecutor. During law school, I was fortunate to be able to work in the office for roughly three years. I primarily worked in the Repeat Offender Prosecution Unit (ROP). I developed the reputation of being an eager worker. I was practicing as a limited attorney pursuant to Tennessee Supreme Court Rule 7 and was able to practice in a limited capacity under the supervision of a sworn prosecutor. Quickly, I found that not only was I conducting preliminary hearings for the ROP Unit, I was also being asked to conduct hearings on domestic assault and property related offenses. During my time as an intern and extern with the district attorney's office, I conducted more than seventy-five preliminary hearings.

I was also afforded the opportunity to serve as co-counsel on three drug cases with the ROP Unit. I was fortunate to gain a great deal of experience in general sessions and criminal court prior to sitting for the bar examination.

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

As set forth below, I highlight notable cases from my time as an Assistant District Attorney in (1) the Felony Drug Unit and (2) the Major Crimes Unit.

CASES OF NOTE FROM FELONY DRUG UNIT

Below are brief descriptions of the cases I tried in criminal courts in Knoxville, Tennessee as a prosecutor in the Felony Drug Unit in the first portion of my legal career as an Assistant District Attorney. It is during this time that I began to appreciate how important it is to maintain a clean trial record for appellate review.

State v. Reynolds, No. E2021-00066-CCA-R3-CD, 2022 WL 1741266 (Tenn. Crim. App. May 31, 2022) – This prosecution arose from an overdose death where Schedule II Fentanyl was the proximate cause of the death of the victim. I served as lead counsel on this trial. The proof established that the Defendant was engaged in selling Heroin and Fentanyl in Knoxville. The Defendant had a system in place where he would deliver the narcotics to mailboxes to avoid detection by law enforcement and the public. The victim in this case purchased what she believed to be Heroin and ingested it while in the bathtub. She subsequently overdosed and drowned in the bathtub, where her body was discovered by her mother. Video surveillance footage and a confidential informant were relied upon in this case to corroborate proof of the Defendant's operation. The Defendant was convicted of second-degree murder, drug free school zone violation for Heroin sales, and possession of a firearm during the commission of a dangerous felony. Because of the Defendant's very extensive felony conviction history, he was sentenced to thirty-seven years to serve in the Tennessee Department of Corrections.

State v. Davis, No. E2019-00682-CCA-R3-CD, 2020 WL 2560935 (Tenn. Crim. App. May 20, 2020) – This prosecution arose after Knoxville Police Officers were on a walking patrol in Walter P. Taylor homes in East Knoxville and encountered the Defendant while he was engaged in a hand-to-hand drug transaction. I served as lead counsel on this trial. The proof further established that the Defendant led officers on a brief foot chase before he was taken into custody. In a search incident to arrest, officers located crack-cocaine on the Defendant's person in an amount that was consistent with intent to sell. The area where the Defendant was apprehended was designated as a drug-free zone based on the Boys & Girls Club being across the street. The Defendant was convicted of possession with intent to sell or deliver cocaine in a drug-free zone, as well as criminal trespass for a previous order to stay off the real property of Knox County Development Community (KCDC). In a subsequent sentencing hearing, the Defendant was sentenced to serve twenty years in the Tennessee Department of Corrections based on his lengthy felony conviction history.

State v. Braunm (not appealed) – This prosecution arose from the discovery of a large-scale marijuana growing operation in West Knoxville. I served as co-counsel on this trial. The proof established that officers were looking for the Defendant in relation to a domestic assault investigation because the Defendant was alleged to have assaulted his girlfriend. Officers were able to locate the Defendant at a motel off Lovell Road in West Knoxville. Based on their investigation, they traveled to the Defendant's residence and saw in plain view a large-scale marijuana growing operation with over five hundred plants. Investigators secured search warrants for the property. In addition to the marijuana, officers found proof that the Defendant was readying himself for a confrontation based on his possession of body armor and powerful rifles. The Defendant was convicted of manufacturing marijuana based on the number of plants. In a subsequent sentencing hearing, the Defendant was sentenced to serve nineteen years in the Tennessee Department of Corrections.

State v. Beets No. E2021-00773-CCA-R3-CD, 2022 WL 3592681 (Tenn. Crim. App. Aug. 23, 2022) – This prosecution was the result of Knoxville Police Department officers finding the Defendant passed out in his vehicle which was still running at a Pilot gas station in West Knoxville. I served as lead counsel on this trial. The proof at trial established that the Defendant was in the process of delivering narcotics when he became incapacitated while at the gas station. Based on a positive K-9 alert to the presence of narcotics in his vehicle, the vehicle was searched. Officers located a lock box in the vehicle that had several different narcotics packaged as though for resale. Pursuant to a search warrant, the Defendant's phone was analyzed, and its contents corroborated that the Defendant was involved in heavy drug dealing. The Defendant was convicted of possession with intent to sell or deliver methamphetamine in a drug-free school zone. The jury was not aware, but six months prior to his arrest on the drug charges, the Defendant shot and killed a female customer who attempted to kick in his door after not receiving from him the amount of methamphetamine she believed she had paid for. The Defendant was sentenced to serve fifteen years in the Tennessee Department of Corrections.

State v. Jones, No. E2019-00804-CCA-R3-CD, 2020 WL 4218840 (Tenn. Crim. App. Jul. 23, 2020) – This prosecution arose from deploying a confidential informant to make controlled purchases of Heroin from the Defendant. This was based upon a lengthy investigation involving Michigan residents who were in Knoxville for the sole purpose of selling illegal narcotics. I served as lead counsel on this trial. The proof at trial established that the Defendant was a resident of Detroit, Michigan but was staying in Knoxville to sell Heroin after her husband was

convicted of a fatal shooting on the University of Tennessee campus. On several occasions, officers with the organized crime unit, utilizing a confidential informant, were able to make purchases of Heroin that were audio and video recorded. The substances were ultimately confirmed to be Heroin through the Tennessee Bureau of Investigation crime laboratory. The Defendant was setting the location of the sales at a convenience store directly across the street from an elementary school. She was ultimately convicted of sale and delivery of Heroin in a drug-free school zone. In a sentencing hearing, the Defendant was sentenced to serve seventeen years in the Tennessee Department of Corrections.

State v. Winbush, No. E2018-02136-CCA-R3-CD, 2020 WL 1466307 (Tenn. Crim. App. Mar. 24, 2020) – This prosecution was the result of a multi-year investigation aimed at targeting Heroin dealers from Detroit, Michigan, who were in Knoxville for the sole purpose of selling Heroin and Fentanyl. I served as lead counsel on this trial. This prosecution was led by the Repeat Offender Squad of the Knoxville Police Department. This was a complex prosecution as it involved conspiracy counts and multiple co-defendants. The proof established that the Defendant was the leader in the illegal narcotics enterprise and was bringing Heroin into the Knoxville community, employing several transport tactics including Greyhound Bus Lines and rental cars. The proof further established that the Defendant and co-conspirators were employing drug addicted individuals to get cellular telephones in their own names, and even apartments or rental houses, to distribute their illegal narcotics. The Defendant was convicted of conspiracy to possess with intent to sell or deliver Heroin in a drug-free school zone, conspiracy to possess with intent to sell or deliver Oxycodone in a drug free school zone, and possession with intent to sell Oxycodone in a drug-free park zone. In a sentencing hearing, the Defendant was sentenced to serve twenty-three years in the Tennessee Department of Corrections.

State v. Savage, No. E2018-01307-CCA-R3-CD, 2019 WL 4509297 (Tenn. Crim. App. Sep. 19, 2019) – This prosecution was the result of a lengthy investigation targeting Heroin dealers from Detroit, Michigan. I served as lead counsel on this trial. The proof at trial established that the Defendant was residing at the Motel 8 in the Powell area of Knoxville and selling illegal narcotics from his room. Officers made contact with the Defendant at his motel room to serve a warrant out of Michigan for assault with intent to murder. A search warrant for his room was applied for and executed. Officers found eleven grams of Heroin, Alprazolam pills, and other indicia of resale including a large sum of U.S. currency, money transfers, and paraphernalia used to package narcotics for resale. The Defendant was convicted of possession with intent to sell or deliver Heroin and possession with intent to sell or deliver Alprazolam in a drug-free school zone. At a sentencing hearing, the Defendant was sentenced to twelve years to serve in the Tennessee Department of Corrections.

CASES OF NOTE FROM MAJOR CRIMES UNIT

Below are brief descriptions of the cases I tried in criminal courts in Knoxville, Tennessee as a prosecutor in the Major Crimes Unit. These cases further demonstrate my experience as a prosecutor.

State v. England, No. E2022-01392-CCA-R3-CD, 2024 WL 2151813 (Tenn. Crim. App. May 14, 2024) – This was a prosecution for murder after the victim ended her relationship with the Defendant and was in the process of packing her vehicle when she was shot in the back of the head resulting in her death. I served as co-counsel in this trial. The proof at trial established that the Defendant met the victim in Indiana as he was a long-haul trucker. He left his wife and children in Harrogate, Tennessee and set up a home with the victim in West Knoxville. The couple had been in their new home for three nights when an altercation occurred after a night of drinking at Bull Feathers Bar in Knoxville. The Defendant offered several explanations to investigators at the onset of the investigation, blaming an unknown intruder. As trial approached, the Defendant admitted he shot the victim, but claimed he was acting under sufficient provocation to lead an otherwise reasonable person to act in an irrational manner. The Defendant was convicted of first-degree murder and sentenced to serve life in the Tennessee Department of Corrections.

State v. Berkebile, No. E2022-01700-CCA-R3-CD; 2024 WL 2881089 (Tenn. Crim. App. June 7, 2024) – This prosecution revolved around a coerced suicide of a nineteen-year-old woman in Knoxville by a man in Bloomington, Indiana. It is a case of first impression in the State of Tennessee. I served as lead counsel in this trial. The Defendant was charged with criminally negligent homicide based on years of grooming the victim from the tender age of thirteen. The proof established that the Defendant would demand that the victim engage in suicide edge play and Russian roulette for his sexual gratification while he watched in real time via FaceTime. This trial was covered by CourtTV. The Defendant was convicted as charged and sentenced to two years to serve in the Tennessee Department of Corrections. This matter was upheld on appeal and was a case of first impression in the State of Tennessee.

State v. Davis (motion for new trial pending) – This homicide and attempted homicide case was centered around a failed robbery. I served as lead counsel in this trial. The proof established that the Defendant and two other unknown co-defendants were made aware that the victim in this case had \$30,000 in cash and was planning to travel to California the following day to purchase a large amount of marijuana. The Defendant and two other masked suspects waited for the victim to return to his motel room before forcing entry into the room. The victim was shot seven times and killed. The proof established that the victim did not actually have the money that the Defendant and co-conspirators sought. While running from the scene, the Defendant encountered the motel's front desk employee and shot him point blank in the center of the chest. Fortunately, the second victim survived. 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. The Defendant was sentenced to life plus twelve years in the Tennessee Department of Corrections.

State v. Atkins, No. E2022-01027-CCA-R3-CD, 2023 WL 5348790 (Tenn. Crim. App. Aug. 25, 2023) – This case was a domestic related homicide between boyfriend and girlfriend. I served as lead counsel in this trial. The proof established that the Defendant shot and killed his girlfriend after the two had been arguing over narcotics. Three other people were present in the home when the victim was shot through the hand and into her head. The Defendant then forced two other males in the home to assist in carrying the victim through the backyard and into an alleyway where she was ultimately abandoned and left for dead. The victim was found by a neighbor the following morning. The proof at trial established that the victim was still breathing when she was left in the alleyway but ultimately died from her injuries. The Defendant was convicted of second-degree murder and tampering with evidence. After a sentencing hearing, the Defendant was sentenced to thirty-one years to serve in the Tennessee Department of Corrections.

State v. Locke, No. E2022-01676-CCA-R3-CD, 2024 WL 1880813 (Tenn. Crim. App. April 30, 2024) – This homicide case was the result of a revenge killing. I served as co-counsel in this trial. The proof established that the Defendant's brother was the victim of a murder roughly six months before the offense date of this case. The Defendant lured the victim to come sell him some narcotics. Once the Defendant got in the victim's vehicle, the Defendant directed him to a sparsely populated area in South Knoxville. Once there, the Defendant shot the victim twice in the head and once in the neck before pulling him from the driver's seat, running over his body, and carjacking his vehicle with a female witness remaining in the front seat. The proof further established that the only reason the female witness was not murdered was because she and the Defendant were distant cousins. The defendant was convicted of first-degree murder, first-degree felony murder, carjacking, especially aggravated robbery, employing a firearm during the commission of a dangerous felony, and unlawful possession of a weapon. Life without the possibility of parole was sought in this case, but the jury did not find that the aggravating factors were sufficient for this enhanced sentence. After a hearing, the Defendant was sentenced to life plus thirty years in the Tennessee Department of Corrections.

State v. Hardison, 680 S.W.3d 282 (Tenn. Crim. App. 2023) – This homicide case was the result of a shooting with an AR-15 assault rifle over the Defendant suspecting the victim of stealing lumber from his construction site. I served as lead counsel on this trial. The Defendant had just finished a sixteen-year sentence for a previous homicide and was attempting to flip houses in East Knoxville. The proof at trial established that the Defendant had drug-addicted workers and would compensate his workers with crack-cocaine. The proof further established that the Defendant suspected the victim of stealing a two-by-four piece of lumber. When he spotted the victim walking down the street the following day, the Defendant retrieved an assault rifle and waited for the victim to pass by from the wood line. The victim was shot and killed and was found left in the roadway before law enforcement arrived on the scene. Prior to the shooting, the Defendant had made the statement to his workers that he had killed before and was not afraid to kill again. In a subsequent search of the Defendant's residence, an AR-15 was recovered that was consistent with the murder weapon as confirmed by witness testimony. The workers testified as witnesses at trial and identified the Defendant as being responsible for the senseless murder. Three additional workers have gone missing since the murder and are presumed deceased. In a sentencing hearing, the Defendant was sentenced to life in the Tennessee Department of Corrections.

State v. Frazier, No. E2023-00887-CCA-R3-CD, 2025 WL 1013959 (Tenn. Crim. App. Apr. 3, 2025) – This prosecution arose from a shooting based on the suspected theft of marijuana. I served as lead counsel on this trial. The proof established that the Defendant and three other suspects believed the victim had stolen a small amount of marijuana and ascertained his location in a South Knoxville neighborhood. The Defendant proceeded to chase the victim into a wood line where the victim was shot twice in the back of the head. The Defendant then fled with his girlfriend and another female before going back to Chattanooga, Tennessee, where he lived. He was apprehended by the U.S. Marshals task force and returned to Knoxville. The Defendant claimed the victim was the one with the gun, that the victim had dropped the gun during the fight in the woods, and he then gained control of the weapon and shot the victim. The defendant was charged with first-degree premeditated murder, but the jury found the Defendant guilty of second-degree murder. At a sentencing hearing, the Defendant was sentenced to serve twenty-five years in the Tennessee Department of Corrections.

State v. Guy, 679 S.W.3d 632 (Tenn. Crim. App. 2023) – This prosecution arose from a brutal double murder of a couple who were planning to retire. I served as co-counsel on this trial. The proof established that the Defendant, who was the son of the victims, killed his parents after they announced their intention to cut him off financially. The proof further showed that the Defendant was a twenty-eight-year-old student at Louisiana State University, who had been working on completing a bachelor's degree for upwards of ten years at his parents' expense. The Defendant arranged to come to Knoxville for Thanksgiving to visit with his parents, siblings, and their children. Two days after the Thanksgiving holiday, the Defendant attacked his father in an upstairs exercise room, stabbing him forty-two times and disarticulating his body at the hips and shoulders, while his mother was at Walmart buying the Defendant's favorite foods. Once the Defendant's mother returned home, he lured her upstairs and attacked her, stabbing her thirty-one times and disarticulating her body at the head, knees, and shoulders. The Defendant then placed his parents' remains in plastic tubs and attempted to dissolve their bodies in various chemicals that he brought with him from Louisiana. The Defendant was ultimately convicted of two counts of first-degree premeditated murder, three counts of first-degree felony murder, and two counts of abuse of a corpse. He was sentenced to two consecutive life terms plus four years for a total effective sentence of one hundred and twenty-four years to serve in the Tennessee Department of Corrections. This trial was covered by CourtTV.

State v. Simpson, No. E2020-00345-CCA-R3-CD, 2021 WL 1885928 (Tenn. Crim. App. May 11, 2021) – This prosecution was the result of a drug-fueled stabbing and beating of a roommate. I served as lead counsel on this trial. The proof established that the Defendant was renting a room from the victim in a South Knoxville home. The Defendant had been clean from drug use for upwards of two years before he began using Methamphetamine again. The Defendant was on a Methamphetamine binge and had prior knowledge that the victim would receive his Social Security check on Thursdays and promptly cash the check. The proof established that the victim cashed his check on a Thursday and the Defendant, armed with knowledge that the victim had cash, stabbed him twenty-one times and beat him about the head with a jack handle before cleaning up the scene, disposing of evidence, and purchasing narcotics with the cash he robbed the victim of. The Defendant was convicted of first-degree felony murder, especially aggravated robbery, and tampering with evidence. In a subsequent sentencing hearing, the Defendant was sentenced to serve life in the Tennessee Department of Corrections.

State v. Allen, No. E2020-00632-CCA-R3-CD, 2021 WL 1561597 (Tenn. Crim. App. Apr. 21, 2021) – This homicide prosecution was the result of a kidnapping, and subsequent execution, over the Defendant believing that the victim stole Heroin from a car that the Defendant had been using during his Heroin distribution in Knoxville. I served as lead counsel on this trial. The proof established that the victim was asleep in the basement of a friend’s house in the Bearden area of Knoxville. The victim’s friend asked the Defendant to bring Heroin to them, not being aware that the Defendant had suspected the victim of stealing his Heroin. Once the Defendant was made aware that the victim was inside sleeping, he proceeded to bind the victim’s hands with duct tape, cover his mouth with duct tape, and place a blindfold on the victim. The victim was led outside, where he was shot thirteen times and dumped in the woods close to the residence, still bound by restraints. The Defendant was convicted of first-degree premeditated murder, first-degree felony murder, and especially aggravated kidnapping, employing a firearm during the commission of a dangerous felony, and felon in possession of a firearm. In a sentencing hearing, the Defendant was sentenced to life plus thirty-one years to serve in the Tennessee Department of Corrections.

State v. Bowman No. E2021-00614-CCA-R3-CD, 2022 WL 16736985 (Tenn. Crim. App. Nov. 7, 2022) – This prosecution arose from a deadly home invasion seeking Marijuana and United States currency. I served as lead counsel on this trial. The proof established that the three victims resided at a house in the Karns area of Knoxville and were engaged in the sale of Marijuana. The Defendants contacted the victims under the guise of intending to purchase several ounces of Marijuana. Once the Defendants arrived at the residence and were invited in, they produced firearms and shot the two male victims, who ultimately survived. The third victim, a female who was in the bedroom of the residence, came out after gunfire erupted before retreating and closing the bedroom door. The Defendants proceeded to shoot and kill the female victim through this thin interior door before escaping with Marijuana and upwards of twenty-thousand dollars in United States currency. Two of the female victim’s small children were present during the homicide and robbery. The Defendants were convicted of first-degree felony murder, attempted first-degree murder, especially aggravated robbery, and employing a firearm during the commission of a dangerous felony. In a sentencing hearing, the Defendants were sentenced to serve life plus twelve years and life, respectively, in the Tennessee Department of Corrections.

State v. Cook, No. E2020-01494-CCA-R3-CD, 2022 WL 353701 (Tenn. Crim. App. Feb. 7, 2022) – This prosecution arose from a double homicide and attempted homicide in the Montgomery Village housing development in South Knoxville. I served as co-counsel on this trial. The proof established that two of the victims were residents of Michigan and traveled to Knoxville to visit the surviving victim, a brother of one of the decedents. The victims agreed to sell sixty-dollar quantity of marijuana to the Defendant and co-conspirators, not knowing the Defendant intended to rob the victims. Once in parking lot “L” of the housing development, the Defendant got into the victims’ vehicle fatally shot the driver twice in the head, fatally shot the front seat passenger six times in the face and body, and shot the rear passenger in the face and neck, before making off with the Marijuana. The victim in the back seat survived and testified at trial. The Defendant was ultimately convicted of first-degree premeditated murder, first-degree felony murder, attempted second-degree murder, especially aggravated robbery and employing a firearm during the commission of a dangerous felony. In a subsequent sentencing hearing, the Defendant was sentenced to life plus twelve years to serve in the Tennessee

Department of Corrections.

State v. Clark, 667 S.W.3d 273 (Tenn. Crim. App. 2022) – This prosecution arose from an insult that occurred roughly twelve hours before the Defendant shot and killed the victim. I served as lead counsel on this trial. The proof established that the victim was in a vehicle with the Defendant's sister while the Defendant and his sister were engaged in a phone call. The Defendant overheard through the phone the victim commenting on the fact that he was "broke." The proof further established that the Defendant ascertained where the victim was and travelled to an address in East Knoxville. Once at the residence, the Defendant confronted the victim, who was seated on a couch, and shot him multiple times, causing his death. The Defendant was convicted of first-degree premeditated murder. In a sentencing hearing, the Defendant was sentenced to life in the Tennessee Department of Corrections. The jury was not aware, but the Defendant in this case had a prior homicide conviction from roughly seventeen years earlier based on similar circumstances.

State v. Davis, No. E2019-01819-CCA-R3-CD, 2021 WL 2311665 (Tenn. Crim. App. June 7, 2021) – This prosecution arose from a homicide captured on a home surveillance system over an outstanding drug debt. I served as lead counsel on this trial. The proof established that the victim and Defendant were in the same street gang and had a history of being friendly. The proof further established that the Defendant had provided the victim with pills to sell, but the victim did not pay the Defendant for the narcotics. A series of text messages corroborated that the Defendant was actively looking for the victim and threatening to harm him when he found him. The Defendant encountered the victim on Wilson Avenue in East Knoxville and confronted him. The Defendant produced a firearm and shot the victim multiple times, which resulted in his death. The Defendant made admissions to friends and a cell mate, all of whom ultimately testified at trial. The Defendant was convicted of first-degree premeditated murder and unlawful possession of a weapon. In a sentencing hearing the Defendant was sentenced to life in the Tennessee Department of Corrections, whereupon he flashed known gang signs as he exited the court room.

State v. Freeman, No. E2018-00778-CCA-R3-CD, 2019 WL 2244759 (Tenn. Crim. App. May 24, 2019) – This prosecution arose from a fatal stabbing fueled by a night of drinking and watching sports. I served as co-counsel on this trial. The proof established that the Defendant and victim were friendly. On the night of the murder, the victim and Defendant had been at the victim's house drinking alcohol and watching basketball. The proof further established that the victim and Defendant had a disagreement over a gambling debt, and the Defendant demanded the money he alleged the victim owed to him. During the confrontation, the victim, who was considerably older than the Defendant, was stabbed in the neck and rendered paralyzed from the neck down. The Defendant then stabbed the victim three additional times in the throat, causing his death. The Defendant was convicted of second-degree murder. In a subsequent sentencing hearing, the Defendant was sentenced to serve twenty-two years in the Tennessee Department of Corrections.

State v. Barish, No. E2017-01794-CCA-R3-CD, 2019 WL 167878 (Tenn. Crim. App. Jan. 4, 2019) -This prosecution arose from a fatal drowning that was the result of the victim being hit over the head with a large rock and dumped into a shallow body of water in West Knoxville. I served as lead counsel on this trial. The proof established that the victim had been at Bull Feathers Bar drinking with friends when the Defendant asked him to leave and meet him for the

purpose of obtaining Opana pain pills. Once at the agreed upon location, the Defendant lured the victim close to the water before hitting him over the head with a large rock and dumping his body into the water. The Defendant then proceeded to enter the victim's vehicle and take property before leaving the scene. Video surveillance from a telephone company corroborated the events. The Defendant was convicted of first-degree felony murder and sentenced to serve life in the Tennessee Department of Corrections.

State v. Kincaid, (not appealed) – This prosecution arose after a man was brutally stabbed over a fight about who was going to light a grill at a family cookout. I served as lead counsel on this trial. The proof established that the Defendant and the victim were the boyfriends of two sisters. The sisters and their mother had organized a birthday party and barbeque at a public park in North Knoxville. Once at the park, the Defendant attempted to light the grill without success. The victim was able to get the charcoal lit and the Defendant began insulting him over being a boy scout while growing up. A physical confrontation ensued, and the victim was stabbed eleven times in the chest, neck, stomach, and back and had to be resuscitated, but ultimately lived. The Defendant was convicted of attempted second-degree murder. In a sentencing hearing, the Defendant was sentenced to serve twelve years in the Tennessee Department of Corrections.

State v. Hardin, No. E2022-01753-CCA-R3-CD, 2024 WL 2186209 (Tenn. Crim. App. May 15, 2024) – This prosecution arose after the victim was kidnapped and beaten for ending a relationship with the Defendant. I served as lead counsel on this trial. The proof established that the victim had ended her relationship with the Defendant via text message a day prior to her being kidnapped and assaulted. At roughly 3:00 a.m. following this, the Defendant forced his way into the victim's apartment, punched her in the face several times, and threatened her with a box cutter. Once outside of the apartment, the Defendant forced the victim into his car while continuing to assault her. The Defendant eventually stopped at a gas station and the victim was able to send a text message to a friend describing her location and what had occurred. Knoxville Police Officers were able to find the Defendant and victim at a Weigel's gas station in East Knoxville, and the victim was taken by ambulance to the hospital for bruises and abrasions. The Defendant was convicted of aggravated kidnapping and assault and subsequently sentenced to serve twelve years in the Tennessee Department of Corrections.

State v. Cochran, No. E2023-00142-CCA-R3-CD, 2023 WL 8231866 (Tenn. Crim. App. Nov. 28, 2023) – This prosecution arose from an aggravated rape that occurred when the victim became inebriated and physically helpless at a work party. I served as lead counsel in this trial. The proof established that the Defendant noticed that the victim was becoming extremely intoxicated and sought out a vehicle to borrow, claiming to others he was going to take the victim home. The Defendant and his son loaded the victim into the back of the borrowed vehicle, but the Defendant then rented a room at the Motel 8 in the Powell area of Knoxville. The Defendant made admissions about having to carry the victim into the motel room. The victim awoke in the motel room the following morning with abrasions and blunt force injuries to her genitals. DNA evidence further corroborated that the Defendant had unlawful penetration with the victim, and she sustained bodily injury. The Defendant was convicted of aggravated rape and aggravated kidnapping. In a sentencing hearing, the Defendant was sentenced to twenty-five years to serve in the Tennessee Department of Corrections based on his lengthy felony conviction history.

State v. Manning, No. E2022-01715-CCA-R3-CD, 2023 WL 7439203 (Tenn. Crim. App. Nov. 9, 2023) This prosecution arose from the rape of a young woman who had met the Defendant on an internet-based dating site and moved to Knoxville to be with him. I served as lead counsel on this trial. The proof established that the Defendant travelled to Cleveland, Tennessee, where the victim was residing with her sister, to pick her up and bring her back to Knoxville after only knowing her for several weeks. Once in Knoxville at the Defendant's apartment, the Defendant forced the victim to remain in the apartment while he went to work. The victim was further expected to submit to sexual intercourse when the Defendant returned from work. On the evening of July 25, 2016, the Defendant vaginally and orally raped the victim, despite her demands for him to stop. The victim waited until the Defendant went to work the following day before alerting law enforcement. Proof from the Sexual Assault Center corroborated that the victim had sustained injury. The Defendant was convicted of rape and ordered into custody. The Defendant was sentenced to serve eight years in the Tennessee Department of Corrections.

10. If you have served as a mediator, an arbitrator or a judicial officer, describe your experience (including dates and details of the position, the courts or agencies involved, whether elected or appointed, and a description of your duties). Include here detailed description(s) of any noteworthy cases over which you presided or which you heard as a judge, mediator or arbitrator. Please state, as to each case: (1) the date or period of the proceedings; (2) the name of the court or agency; (3) a summary of the substance of each case; and (4) a statement of the significance of the case.

JURY TRIAL EXPERIENCE

Since becoming a trial court judge in September 2022, I have presided over 100 jury trials ranging from driving under the influence to first-degree murder. Although each case is noteworthy and important to the victim, I have included summations of some of the more involved trials that I have presided over as a Criminal Court Judge.

HOMICIDE CASES

State v. Kyeisha Dalton, Case 122884, (appeal pending) Defendant was convicted of second-degree murder as charged and sentenced to serve seventeen years in the Tennessee Department of Corrections at a one-hundred percent service rate. This case resulted from the Defendant discharging a firearm into an occupied vehicle after a domestic dispute with an adult male. A female victim, the unintended target, was shot in the head and killed.

State v. Sameer Fred Jurdi, Case 124937, (not appealed) Defendant was acquitted by a jury of the offense of voluntary manslaughter. The defense presented a colorable argument that the Defendant acted in self-defense and the jury agreed. He was found guilty of leaving the scene of an accident resulting in injury and was sentenced to serve six months in the Knox County Jail.

State v. Demante Juantez Golden, Dashawn Johnson, & Lawrence Charles Stenson, Cases 125671-73, (motion for new trial pending) Defendants were charged with felony murder for a robbery of the victim who was engaged in bootlegging liquor in East Knoxville. The proof established that Stenson and Johnson were likely shot by each other during the robbery and homicide. The proof further established that there were likely four shooters on the scene. The jury convicted Stenson and Johnson but were unable to reach a unanimous verdict on Golden. Stenson and Johnson were sentenced to life in the Tennessee Department of Corrections. Golden accepted a guilty plea to being a felon in possession of a weapon and received a sentence of twenty years to serve in the Tennessee Department of Corrections.

State v. Stefan White, Case 127186, (appeal pending) Defendant was convicted as charged of second-degree murder. The proof established that the Defendant and a roommate had an ongoing dispute in a room share house. The shooting resulted after a disagreement about dog feces not being picked up in the yard. Defendant was sentenced to serve twenty-two years in the Tennessee Department of Corrections.

State v. Daniel Scott Arwood, Case 128154, (appeal pending) Defendant was convicted as charged of first-degree murder. The proof established that the Defendant had been employed as a mechanic for the victim's school bus line. The Defendant was fired from his employment. While the victim was preparing to start his buses to transport children to school, the Defendant chased him down and shot him multiple times with a shotgun. The homicide was captured on surveillance cameras. The Defendant was sentenced to serve life in the Tennessee Department of Corrections.

State v. Jason Young & Tyrone Mack, Cases 128180-81, (sentencing pending) Defendants were convicted at trial of the lesser-included offense of second-degree murder. The proof established that the Defendant's called the victim to a co-conspirator's residence where she was shot seven times, concealed in a rug, placed in her vehicle and dumped in West Knoxville. Her vehicle was found in North-East Knoxville on fire. The removal of the victim from the co-conspirator's residence was captured on surveillance video and depicted both Defendants involved. The sentencing on these matters is currently pending.

State v. Dennis Wayne Hill, Case 122120, (appeal pending) Defendant was convicted as charged of vehicular homicide by intoxication. The proof established that the Defendant has been eating and drinking at a Mexican restaurant in the Fountain City area of Knoxville. While driving home on Tazewell Pike, Defendant left his lane of travel, overcorrected, and hit the victim head-on. The Victim was pronounced deceased on the scene. The Defendant was transported with serious injuries. Subsequent testing established that he had more than the legal limit of alcohol in his system. Defendant was sentenced to nine years to serve in the Tennessee Department of Corrections.

State v. Eduardo Deavila, Case 127490, (motion for new trial pending) Defendant was convicted of multiple counts of vehicular homicide by intoxication, reckless aggravated assault, vehicular assault and reckless endangerment. The proof established that the Defendant, after a night of drinking, drove for more than five miles in the incorrect lane of travel on Pellissippi Parkway, which is a major highway passing through Knox County. He ultimately crashed head on into the first victim, an uber driver with a passenger who later died at the hospital. A second vehicle then struck the first victim's vehicle causing his vehicle to flip off of the interstate. He was pronounced deceased on the scene. The passenger in the first victim's vehicle was seriously injured and required prolonged treatment and therapy. The Defendant was sentenced to serve twenty-seven years in the Tennessee Department of Corrections. Subsequent testing established that the Defendant had alcohol in his system beyond the legal limit.

State v. Kenyon Roshad Warren, Case 125584, (motion for new trial pending) Defendant was convicted of the lesser-included offense of vehicular homicide by reckless conduct. The proof established that the Defendant hit two pedestrians, a couple, who were crossing Broadway Avenue at night. The male victim survived despite receiving significant injuries. The female victim was pronounced deceased on scene. Subsequent testing established that the Defendant had alcohol in his system beyond the legal limit. The Defendant was sentenced to the maximum sentence of ten years to serve in the Tennessee Department of Corrections.

CHILD SEX CRIME CASES

State v. Jarrett Simoneaux, Case 123727, (sentencing pending) Defendant was convicted as charged of several counts of aggravated sexual battery and sexual battery by an authority figure. The proof established that the Defendant sexually assaulted his niece from the time she was roughly eleven years old. The proof further established that the Defendant made admissions against interest about the allegations brought against him. The sentencing on this matter is pending.

State v. Randall Myers, Case 124491, (motion for new trial pending) Defendant was convicted of aggravated rape and incest. The proof established that the Defendant, the victim's biological father, provided alcohol to his fourteen-year-old daughter before proceeding to vaginally and orally rape her with the assistance of his wife and the victim's stepmother. The stepmother testified at trial. The proof established that the Defendant raped her because of the sexy clothing she was wearing. The Defendant was sentenced to serve the maximum sentence under the law of fifty-six years in the Tennessee Department of Corrections. The co-defendant, who testified against the Defendant, was sentenced to serve sixteen years in the Tennessee Department of Corrections without parole.

State v. Jesse Eugene Hurst, Case 128744, (appeal pending) Defendant was convicted of continuous sexual abuse of a child. The proof at trial established that the Defendant was the grandfather of three victims between the ages of eight and thirteen. All three victims testified that on separate occasions, the Defendant sexually assaulted and digitally and orally raped the victims. Further proof established that the Defendant used his position of trust to accomplish the sexual assaults and rapes. The Defendant was sentenced to the maximum sentence under the law of sixty-years in the Tennessee Department of Corrections without parole.

State v. Cody Williams Bales, Case 121030, (appeal pending) Defendant was convicted of rape and statutory rape of a family friends' juvenile daughter. The proof established the victim's mother allowed the Defendant to reside at her residence because he had been kicked out of his residence. The victim testified that the Defendant forcefully vaginally and orally penetrated her during the morning hours when the victim's mother was not home. The proof further established that the victim was in high school at the times of the rape. Finally, the Defendant immediately moved out of the residence after the rape. The victim did not immediately disclose the rape but did so to a school counselor several months later. The Defendant was sentenced to serve twenty-two years in the Tennessee Department of Corrections without parole.

State v. Kenneth Tate Eastman, Case 119494, (motion for new trial pending) Defendant was convicted of rape of a child, sexual activity involving a minor and aggravated sexual battery. The proof established that the Defendant was involved in a relationship with the victim's mother. The proof further established that the Defendant began grooming the five-year-old victim by showing her pornographic videos before he orally raped her on several occasions. The victim ultimately disclosed to a school counselor after becoming withdrawn from friends and scared of males. The Defendant was sentenced to serve sixty years in the Tennessee Department of Corrections without parole.

State v. Rollins, No. E2023-01808-CCA-R3-CD, 2025 WL 1177029 (Tenn. Crim. App. Apr. 23, 2025) Defendant was convicted of attempted rape of a child and aggravated sexual battery. The proof established that the Defendant was the biological grandfather of the male victim. While babysitting the victim and his sisters, the victim was penetrated by the Defendant. Proof at trial established that the Defendant had attempted to sexually assault the victim on a prior occasion. The victim disclosed to foster parents several years after the rape. The Defendant was sentenced to serve fifty years in the Tennessee Department of Corrections.

State v. Schmaltz, No. E2024-01107-CCA-R3-CD, 2025 WL 3023056 (Tenn. Crim. App. Oct. 29, 2025) Defendant was convicted of observation without consent and assault. The proof established that the Defendant, the victim's uncle, was staying as guest at the home of the victim. The Defendant was caught pulling down the eleven-year-old victim's pants while she slept and suspected to be attempting to take photographs. This conduct occurred on three separate occasions. The Defendant was sentenced to serve two years in the Tennessee Department of Corrections.

State v. Thompkins, No. E2023-00209-CCA-R3-CD, 2023 WL 8112826 (Tenn. Crim. App. Nov. 21, 2023) Defendant was convicted at trial of rape of a child and aggravated sexual battery. The proof established that during the height of the Covid pandemic, the Defendant was providing supervision to his children and the victim who were attending virtual learning at his residence. The victim testified that on several occasions, the Defendant orally raped her. The victim disclosed the conduct to her parents who subsequently disclosed it to police. The Defendant was interviewed and admitted that he may have improperly touched the victim while wrestling. The Defendant was sentenced to serve thirty-three years in the Tennessee Department of Corrections.

DRUG OFFENSES AND CONSPIRACY CASES

State v. Deyvon Demetrius Lamb & Joseph Lee Lamb, Cases 130624-25, (motions for new trials pending) The Defendants, brothers, were convicted at trial of multiple conspiracy drug offenses and firearms violations. The proof established that the Defendants as well as two additional brothers rented out a multi apartment housing complex to engage in the sale of heroin and fentanyl. The Defendants were residents of Detroit, Michigan. A confidential source was employed to make several controlled purchases of heroin and fentanyl from within the residence and from both Defendants. The proof further established that both Defendants were prohibited from possessing firearms based on their status as convicted felons. Defendant Deyvon Lamb was sentenced to serve thirty-one years in the Tennessee Department of Corrections. Defendant Joseph Lee Lamb was sentenced to serve twenty-two years in the Tennessee Department of Corrections.

State v. Tyree Bellamy, Julius Gioni Godbolt, Jayden Smith, Dewayne M. Ireland, & Zoeterrion Prather, Cases, 127811-16, (motion for new trial pending as to *Ireland* only) Defendants were convicted of numerous drug conspiracy counts, firearms violations and gang enhancements. At trial, four of the five Defendants sought to enter a guilty plea. The Court permitted the Defendants to enter guilty pleas with an agreed upon sentence of twenty-five years to serve in the Tennessee Department of Corrections. The State proceeded with the trial on Defendant Dewayne Ireland who was found guilty of the same offense in which his co-defendants entered guilty pleas to. Defendant Ireland was likewise sentenced to serve twenty-five years in the Tennessee Department of Corrections.

VIOLENT CRIMES OTHER THAN HOMICIDE AND RAPE

State v. Malik Griffin, Case 127237, (motion for new trial pending) Defendant was convicted at trial of especially aggravated kidnapping, aggravated robbery, employing a firearm during the commission of a dangerous felony, carjacking and being a felon in possession of a firearm. The proof at trial established that the Defendant and unknown co-defendants were looking for an apartment to invade. They came across the residence of two University of Tennessee students and a medical student on rotation at U.T. Medical Center. The Defendant and unknown others entered the apartment and held the occupants at gunpoint while they stole their belongings. The proof further established that one of the victims was in the Army Reserves. They stole his government issued body armor and carjacked a vehicle from the female victim. The Defendant

posed in pictures afterwards wearing the body armor. The Defendant was sentenced to serve forty-five years in the Tennessee Department of Corrections.

State v. Donnie Tharpe, Case 122759, (appeal pending) Defendant was convicted of aggravated assault, aggravated assault, domestic assault and evading arrest in a motor vehicle with risk of injury or death. The proof established that the Defendant was stalking an ex-girlfriend despite her efforts through the courts to keep him away. The Defendant travelled to the victim's hair salon where she was engaged with a client and attacked her and beat her with a chair. The proof established that the victim sustained serious injuries to her head and a collapsed lung. The Defendant had a significant history of violent and drug felony convictions. He was sentenced to serve twenty-seven years in the Tennessee Department of Corrections.

State v. Jomo K. Berry, Case 123693, (appeal pending) Defendant was convicted of attempted first-degree murder, attempted second-degree murder, employing a firearm during the commission of a dangerous felony and aggravated stalking. The proof established that the Defendant shot at the victim on three separate occasions. Two times while she was outside at her apartment complex and a third time on Interstate 40 westbound. On that occasion, the Defendant shot into the victim's vehicle fifteen times. While on the interstate, the victim was able to seek refuge at a Casey's gas station where she was hidden by two employees. The Defendant entered the store and searched for her with a gun in his hand. After the Defendant could not find her, he broke into her car and stole multiple items before fleeing to Texas. He was located by U.S. Marshal's and brought back to Knoxville to face trial. The Defendant was sentenced to serve forty-one years in the Tennessee Department of Corrections.

11. Describe generally any experience you have serving in a fiduciary capacity, such as guardian ad litem, conservator, or trustee other than as a lawyer representing clients.

I have the distinct honor and privilege to serve as Vice Chair of the Knox County Mental Health Court Board. I have served in this capacity for roughly a year and a half. I attend quarterly meetings where we discuss matters concerning grants, budgets, staffing, resources, and most importantly, the success of the participants. Although I have never served in a fiduciary capacity such as a guardian ad litem, conservator, or trustee, we certainly monitor participants who have trustees and conservators to ensure they do not get taken advantage of.

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

Being a veteran is incredibly important to me. Any Marine will tell you that there is no such thing as an ex-Marine. I couldn't agree more. The Marine Corps' values of Honor, Courage and Commitment, engrained into me over the course of a four-year active-duty enlistment have never faded or let me down. They are part of my daily life.

I have served as the Presiding Judge of the Knox County Veterans Treatment Court for three years. It was immediately apparent to me that the participants were very receptive to having a fellow veteran as their leader. We have shared some of the same struggles, fears and even trauma in some circumstances. During my time as the Presiding Judge, we graduated roughly forty participants who successfully made it through a rigorous five phase treatment program. To witness the change in the participants makes me proud that Knox County offers so many specialty treatment courts. I have been asked whether I would miss this aspect of my job in the event I was fortunate enough to be selected to serve on the Tennessee Court of Criminal Appeals. In short, yes, I would. I would miss it in the same manner as attending annual graduations from the Tennessee Department of Corrections Day Reporting Center (DRC) and looking those participants in their eyes and handing them their well-earned diploma. However, fortunately, in Knox County, Tennessee, we are extraordinarily lucky to have judges that are willing to be involved in the specialty courts and willing to take over or fill in at any given time. Finally, if I were ultimately selected, I would continue to be involved in veteran services in the community. For example, I would seek out boards and other work I could do to remain involved,

During my time as an assistant district attorney, I served as a liaison from the District Attorney's Office to the Knox County Recovery Court and Veterans Treatment Court from 2016 to 2017. These programs were led at the time by the Hon. Chuck Cerny, who serves as a General Sessions Court Judge in Knox County, Tennessee. It was during this experience that I truly began to witness just how important these types of courts are.

Additionally, from 2014 to 2017, I was one of two Assistant District Attorneys who represented our office with the Homeless Legal Initiative. This program is aimed at securing housing for homeless individuals in Knox County while they have pending cases in sessions and/or criminal courts. Most of the work I did in this program was petitioning the courts to forgive certain debts, such as court costs and fines, from years past that prevented the clients of this program from securing housing. Each of the clients in these cases had been assigned a case worker who monitored their efforts and provided resources and various forms of treatment, such as mental health and addiction services.

13. List all prior occasions on which you have submitted an application for judgeship to the Governor's Council for Judicial Appointments or any predecessor or similar commission or body. Include the specific position applied for, the date of the meeting at which the body considered your application, and whether or not the body submitted your name to the Governor as a nominee.

I applied with four other candidates in July of 2022 to the Trial Court Vacancy Commission for my current position following the elevation of the Hon. Kyle Hixson to the Court of Criminal Appeals.

I was ultimately appointed by Governor Bill Lee to fill the vacancy in Criminal Court, Division II, Sixth Judicial District. I took office on September 28, 2022.

EDUCATION

14. List each college, law school, and other graduate school that 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.

The University of Tennessee College of Law, Knoxville, Tennessee 2011-2014

Doctor of Jurisprudence

Recipient of the Chancellor George Lewis Moot Court Board Award

American Law Institute CLE Scholarship and Leadership Award

Center for Computer-Assisted Legal Instruction (CALI) Excellence for the Future Award

Member of the Order of Barristers, National Advocacy Honor Society

Concentration in Advocacy and Dispute Resolution

Chair, Moot Court Executive Board (2014)

Old Dominion University, Norfolk, Virginia 2009-2010

Bachelor of Science in Criminal Justice

Member of Honor Council (Associate Justice)

Saint Leo University, Norfolk, Virginia 2007-2008

Associate of Arts in Liberal Arts

PERSONAL INFORMATION

15. State your age and date of birth.

Forty-two (42) years old, [REDACTED] 1984.

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

Twenty-three years, except active-duty military enlistment from 2005 to 2009.

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

I have lived continuously in the state of Tennessee since 2003, apart from my enlistment in the Marine Corps from 2005 to 2009 and concluding my undergraduate studies at Old Dominion University in Norfolk, Virginia in 2010.

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

I am registered to vote in Knox County.

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

One of the biggest honors of my life was serving my country on active duty in the United States Marine Corps. I enlisted in June 2005 and went through a very rigorous boot camp at Recruit Depot Parris Island, Beaufort, South Carolina. For those unfamiliar, South Carolina is extremely humid, and it was commonplace for temperatures to be more than one-hundred degrees during the months I was in boot camp. I recall entering training at two-hundred pounds. In thirteen weeks, I was pushed to physical and mental limitations that I wasn't aware I could withstand. I graduated from boot camp in September 2005 at one hundred and sixty-eight pounds. Upon earning my eagle, globe and anchor insignia, ultimately being recognized as a Marine and no longer a recruit, we were referred to as lean, mean fighting machines. I learned very quickly that being a member of the best trained fighting force in the world or "tip of the spear," was a privilege and something that was earned through hard work.

Leadership and teamwork are skill sets that are strongly emphasized in the Marines. Some of the mottos that illustrate these skills sets are "lead, follow or get out of the way." Another related to teamwork is "there is no U (you as in individual) in the word Marine." We are taught that mission comes first, and we're trained to improvise, adapt and overcome any challenge we encounter. I'm proud to hold the title of United States Marine. It has been a gift that continues to give. I live by the Marine Corps values of honor, courage and commitment in everything I do.

My first duty station with Marine Forces Command (MARFORCOM) in Norfolk, Virginia, was a non-deployable headquarters unit. However, one could still volunteer to deploy in support of the global war on terrorism though an individual augmentation. I volunteered to relieve a Marine in Kabul, Afghanistan, who had been in a combat theatre for roughly seven months. I served in Afghanistan from November 2008 to May 2009. My primary assignment was

providing security for and transportation to flag officers (Generals) and visiting VIP's including senators, representatives, and even celebrities including David Robinson and Tommy Lasorda. While it was extremely dangerous at times, I had a calling to deploy. My main motivation being assigned to a non-deployable unit was to relieve another service member who had volunteered before me. More importantly however, the mission of training the Afghan National Army and Police was a far more important consideration and something I genuinely believed in. Despite the state of the country of Afghanistan presently, I do not feel I was there in vain. I know that my friends and unit members, Staff Sergeant Carlo M. Robinson, Sergeant Simone A. Robinson and First Lieutenant Roslyn L. Schulte, who made the ultimate sacrifice while I was there, did not die in vain.

Combined Security Transition Command-Afghanistan, Kabul, Afghanistan

November 2008 – May 2009

Joint Operations Center Watch Non-Commissioned Officer/ Personnel Security

- Responsible for operations activity/planning in central Afghanistan associated with CSTC-A
- Transported and provided security on numerous missions throughout central Afghanistan to visiting VIPs and flag officers
- Responsible for processing and releasing military wide fragmentary directives/orders
- Responsible for tracking of friendly forces and enemy threats via surveillance technology as well as tracking all personnel attached to unit throughout Afghanistan

United States Marine Corps Forces Command, Norfolk, VA

June 2005 – June 2009

Administrative NCO to Commander / General Officer assigned driver

- Responsible for all administrative correspondence/military orders coming from and going to the Commander MARFORCOM (U.S. Marine Corps Forces Command)
- Supervised and trained subordinate Marines assigned within the Command Element
- Transported and provided security for the Commander, U.S. Marine Corps Forces Command (Lieutenant General), and several other VIP and flag officers to include the Commandant and Sergeant Major of the Marine Corps
- In charge of purchasing supplies on behalf of Command Element and keeping within an assigned budget

BRANCH OF SERVICE: United States Marine Corps

DATES OF ACTIVE DUTY: June 20, 2005 – June 20, 2009

RANK AT SEPERATION: Sergeant (Enlisted, E-5)

DEPLOYMENTS: Kabul, Afghanistan, Combined Security Transition Command-Afghanistan (CSTC-A) November 2008 to May 2009.

DECORATIONS: Navy and Marine Corps Achievement Medal, Joint Service Commendation Medal, Joint Meritorious Unit Award, Marine Corps Good Conduct Medal, Sea Service Deployment Ribbon, Afghanistan Campaign Medal (1 star), Global War on Terrorism Service Medal, National Defense Service Medal, NATO Medal ISAF (International Security Assistance Force) Afghanistan.

HONORS: Certificate of Commendation, Commanding Officer (Lieutenant Colonel P.S. Patterson), Headquarters and Service Battalion U.S. Marine Corps Forces Command: Superior performance of duty as an administrative clerk in the office of Deputy Chief of Staff, Headquarters and Service Battalion, U.S. Marine Corps Forces Command for 1 January 2007 to 31 March 2007. During this period, Lance Corporal Sanchez consistently performed his duties in an exemplary manner, while appearing before a board of senior Marines, he confidently displayed a thorough knowledge of Marine Corps common skills, Marine Corps history and knowledge, outstanding physical appearance, and bearing. As a result, he was selected, through keen competition, as Headquarters and Service Battalion's Marine of the quarter for first quarter FY07. Lance Corporal Sanchez's professionalism, initiative, and loyal dedication to duty reflected great credit upon himself, the Marine Corps, and the United States Naval Service.

Certificate of Commendation, Commanding Officer (Lieutenant Colonel M. H. Reinwald), Personnel Administration School Marine Corps Combat Service Support Schools: For superior achievement while assigned as a student in administrative clerk course 6-06 from 9 November 2005 to 16 December 2005. During this demanding course of instruction, you achieved third place in your class with an academic average of 98.6979%. As a student, you clearly displayed the attitude, ability, and determination to achieve and maintain academic excellence. This truly remarkable academic achievement is indicative of your self-discipline and superior initiative, and epitomizes the highest standards of professionalism as a Marine. You provided a superb example for your peers to emulate and have laid a firm foundation for future success in our Corps. Your efforts reflected great credit upon yourself and were in keeping with the highest traditions of the United States Marine Corps.

Certificate of Achievement, President, and CEO (Jim Palm), Marine Corps Association: The Board of Governors of the Marine Corps Association takes pleasure in presenting this award in recognition of high endeavor and superior accomplishments while enrolled in a course of study in professional education prescribed by the Commandant of the Marine Corps.

Meritorious Mast, Commanding Officer (Captain J.P. Bentz), Headquarters and Service Company Marine Corps Combat Service Support Schools Training Command: For professional excellence and superior performance of duty while assigned to the Director of Camp Affairs. During this period, you performed duties ranging from the execution of keeping the camp clean to providing support for event ceremonies. Additionally, you controlled access into the Gymnasium on a daily basis. Your perseverance and diligence enabled the schools aboard Camp Johnson to focus on their primary mission of training Marines. Your superior performance as typified above reflected great credit upon yourself and was in keeping with the highest traditions of the Marine Corps and the United States Naval Service.

Letter of Appreciation, Commander (Lieutenant General R.R. Blackman), U.S. Marine Corps Forces Command: I am grateful for the administrative and transportation support you provided during my tenure in command. Working in close proximity to senior officers and civilians engenders a set of stresses not like those encountered in other work environments in the Marine

Corps. You handled yourself and performed your duties with poise and professionalism, whether the task was organizing dozens of slideshows for an executive brief, processing correspondence to other high-level staffs, or driving senior officers to and from meetings and conferences affecting vital Marine Corps and joint equities, your excellent performance of duty has been well noted. For your extraordinary devotion to duty and your keen abilities, I commend you on a job well done, and I thank you for your service. Semper Fidelis.

Certificate of Appreciation, Commanding Officer (W. H. Morris), Combined Joint Operations Center, Combined Security Transition Command-Afghanistan: Corporal Hector I. Sanchez, USMC for exceptional support to the soldiers, sailors, airmen, marines and civilians of the Combined Security Transition Command-Afghanistan and Camp Eggers. We appreciate your hard work as a watch Non-Commissioned Officer and your ability to improve the morale of the troops with your work ethic and attitude. Your service does great credit to the JOC, the CJ-3, CSTC-A, the U.S. Marine Corps, and the U.S. Armed Services.

ACHIEVEMENTS: U.S. Marine Corps Forces Command Marine of the Quarter (two-day evaluation of physical, mental, and leadership strength amongst several qualified Marines chosen by Command to compete for title)

Hampton Roads (Virginia) Chamber of Commerce Marine of the Year (recommended by Command to represent U.S. Marine Corps in Hampton Roads region and selected by Chamber of Commerce)

Sharpshooter Rifle Qualification Badge (2nd Award)

RANK ATTAINED: E5 Sergeant.

TYPE OF DISCHARGE: I received an Honorable Discharge.

20. Have you ever pled guilty or been convicted or placed 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.

21. To your knowledge, are you now under federal, state or local investigation for possible violation of a criminal statute or disciplinary rule? If so, give details.

No.

22. 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.

I have received notices of dismissal from the Board of Judicial Conduct on three formal complaints filed against me as a Judge. I have never been asked to respond to a complaint.

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

No.

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

No.

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

- In Docket Number E-27654, in the Circuit Court for Blount County, Tennessee, I entered into an agreed upon Marital Dissolution Agreement with my former wife, Melanie Alexander, after being married for five years. The Marital Dissolution Agreement became entered and final on September 26, 2017.

No children were involved in the divorce, and the basis of the divorce was irreconcilable differences.

I have been married to my wonderful wife, Kimberley Sanchez, for nine years. I was also blessed with a now nineteen-year-old stepson, Ethan.

- I was named as a defendant in three civil suits during the course of my legal career—twice as a judge and once as a prosecutor. Two cases have been dismissed, and one is pending.
 - *Hall v. Allen et. al*, 3:2023cv00446. Mr. Hall alleged civil rights violations pursuant to 42 U.S.C. § 1983. In January of 2024, the case was voluntarily dismissed by Mr. Hall
 - *Telina Fuller v. Hector Sanchez et. al*, 25-6137. Ms. Fuller is a *pro se* litigant who alleges civil rights violations pursuant to 42 U.S.C. § 1983. The matter is pending, and I am represented by the Attorney General's Office for the State of Tennessee. The co-defendant on the matter is the

- assistant district attorney assigned to the case.
- Calvin Dibrell filed a federal lawsuit against Hon. Bob McGee, ADA Jason Hunicutt, ADA Jennifer Welch, and me in 2018 alleging civil rights violations. The matter was dismissed in federal court.

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

American Legion, Post 2, Knoxville, Tennessee.
East Tennessee Marines, Knoxville, Tennessee.

27. Have you ever belonged to any organization, association, club or society that 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.

Not applicable.

ACHIEVEMENTS

28. List all bar associations and professional societies of which you have been a member within the last ten years, including dates. Give the titles and dates of any offices that you have held in such groups. List memberships and responsibilities on any committee of professional associations that you consider significant.

- Knoxville Bar Association, 2014 to present.
- Tennessee Trial Judges Association, 2022 to present.

- Tennessee Judicial Conference, 2022 to present
 - Member of Executive Committee, 2024 to 2025
 - Member of the Committee on Criminal Pattern Jury Instructions, 2022 to present

29. List honors, prizes, awards or other forms of recognition which you have received since your graduation from law school that are directly related to professional accomplishments.

Knoxbiz.com 40 Under 40, class of 2022.

30. List the citations of any legal articles or books you have published.

I have published the following article in DICTA, which is the Knoxville Bar Association's monthly publication:

- Inclusion, Whether you Like it or Not: A Marine's Perspective, May 2023
<https://issuu.com/knoxvillebarassociation/docs/dicta.may2023>

31. List law school courses, CLE seminars, or other law related courses for which credit is given that you have taught within the last five (5) years.

- Adjunct Professor of Law, University of Tennessee Winston College of Law, Trial Practice, 2024 to present.
- Adjunct Professor of Law, Lincoln Memorial University – Duncan School of Law, Successful Lawyers, 2024 to present.
- From the Margins to the Mainstream – There's Power in our Stories, CLE, Knoxville Bar Association, 2025.
- The Art of Stress-Free Productivity, CLE, Knoxville Bar Association, 2003.
- What New (and Practiced!) Attorneys Should Know, CLE, Knoxville Latino Bar Association, 2024.

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

Knox County Criminal Court Judge, Division II, Sixth Judicial District.

I was initially appointed to my position in September of 2022. I was elected to the same position in 2024.

33. Have you ever been a registered lobbyist? If yes, please describe your service fully.

Not applicable.

34. Attach to this application at least two examples of legal articles, books, briefs, or other legal writings that reflect your personal work. Indicate the degree to which each example reflects your own personal effort.

It is my practice to draft my own opinions. Each academic semester, I maintain an intern from the University of Tennessee Winston College of Law or Lincoln Memorial University-Duncan School of Law. I will routinely assign research and order drafting opportunities to the interns in a teaching/mentoring capacity. The below orders were drafted by me. They were submitted to an attorney for grammatical editing purposes only.

- *State v. Allen Smith*, Order Regarding Defendant's Motion to Suppress Evidence
- *State v. Lucky Clark and Skyy Miller*, Order Regarding Defendants' Joint Motion to Suppress Evidence and Individual Motions to Suppress Evidence

ESSAYS/PERSONAL STATEMENTS

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

I have had the distinct privilege of serving as a trial court judge for roughly four years, conducting over one hundred jury trials. In that time, I have gained a new perspective and appreciation for the on-the-spot real time rulings and decisions that trial judges make in the middle of complex, stressful and important proceedings.

I believe that with my combined prosecutorial and trial court experience, I am guided to serve as a judge on the Tennessee Court of Criminal Appeals. If selected, I look forward to the academic challenge of more deliberate decision making, critical thinking, and research and writing. During my time as a trial court judge, I have genuinely come to enjoy researching the law and applying the law to the facts of the case in a manner that is deferential to the text of the law. I appreciate the importance of writing decisions that are clear and concise.

36. State any achievements or activities in which you have been involved that demonstrate

your commitment to equal justice under the law; include here a discussion of your pro bono service throughout your time as a licensed attorney. *(150 words or less)*

As a licensed attorney, I aspire to fulfill the goal of providing pro bono service each year as provided in TN. S. Ct. Rule 8, R.P.C. 6.1. There are limitations on the types of services I can provide as a former prosecutor and judge. I have fulfilled my commitment and responsibility by participating "in activities for improving the law . . . or the legal profession" and contributing to legal aid organizations. R.P.C. 6.1(b) (3) and (c). I have partnered with UTK Law and the Knox Urban League by presiding over multiple expungement clinics over the past two years for deserving applicants; presenting CLE programming for the KBA and attending bar events; speaking to law students; mentoring and providing support to members of the Knoxville Latino Bar Association; and attending and contributing to Legal Aid of East Tennessee pro bono events. Every day as a trial court judge, I am committed to treating everyone who appears before me with dignity and respect.

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

I am seeking to be appointed to the Eastern Division of the Tennessee Court of Criminal Appeals. This intermediate appellate court reviews trial court decisions that are appealed. The Court is comprised of 12 judges from three grand divisions of the State of Tennessee. I am seeking to fill the vacancy created after the Hon. Kyle Hixson was appointed to the Tennessee Supreme Court.

If I were fortunate enough to be selected, I would bring a wealth of knowledge, experience, and proven work ethic to the Court. I believe that my background, upbringing, and discipline offer a unique perspective that would be beneficial to the Court. Hard work has gotten me to where I am today, and the academic and deliberate thought process of appellate judges intrigues me. I excel in teamwork based on my military training, and I would enjoy working closely with other judges.

38. Describe your participation in community services or organizations, and what community involvement you intend to have if you are appointed judge? *(250 words or less)*

I have heard in conversation that serving on the intermediate appellate court can feel a bit isolating at times. You will not experience the same degree of human interaction, you will not have the tools to help a defendant overcome addiction, and you will never take another jury verdict. Therefore, beyond the work, I believe it would be extremely important to maintain community involvement in various roles.

I have found that serving as a trial court judge can be a lonely existence at times. Ethical considerations, and for good reasons, prevent judges from having some of the friendships and relationships we may have had before we took the bench. Therefore, I have found it critically important to seek out opportunities to still be involved in the community through organizations

and other forms of community involvement.

Taking on the role of Presiding judge of Veterans Treatment Court, serving as the Vice Chair of the Knox County Mental Health Court and partnering with UTK's Winston College of Law and the Urban League of Knoxville for their expungement clinic has given me the ability to serve my community outside of the confines of the courtroom.

Rule 10: Code of Judicial Conduct, Canon 2, Rule 2.1[2] describes that "...judges are encouraged to participate in activities that promote public understanding of and confidence in the justice system." This is an endeavor in which I have engaged as a trial court judge, and I would continue to do so if appointed to the Tennessee Court of Criminal Appeals.

39. Describe life experiences, personal involvements, or talents that you have that you feel will be of assistance to the Council in evaluating and understanding your candidacy for this judicial position. *(250 words or less)*

I never use my life experiences as a crutch, but it's important that I talk about my path to the bench. It was an unconventional route but one I would not change in any regard. I grew up with a single mother of four children in public housing. We experienced homelessness on more than one occasion. At times, we ate dinner at various churches with people who were suffering from homelessness. At times we didn't have dinner. However, despite our circumstances, my mother always stressed to us how important education was and that our challenges were temporary.

My mother attended Northshore Community College in Beverly, Massachusetts at night after working a full-time job during the day. She was able to transfer to Simmons College in Boston, Massachusetts and earn her bachelor's degree. She is my hero, even today. She showed me that anything is possible if you work hard.

For me, it would have been easy to become a product of my environment. The bad influences and opportunities to engage with unsavory people were always present. But mom would not stand for that, and my siblings and I knew better than to cross an Irish Catholic woman from Boston.

Because of my unique life experiences, I had to work harder than others to even the playing field. I had to earn what some had given to them. Ultimately, my life experiences, although challenging at times, have given me a strong work ethic rooted in public service.

40. Will you uphold the law even if you disagree with the substance of the law (e.g., statute or rule) at issue? Give an example from your experience as a licensed attorney that supports your response to this question. *(250 words or less)*

Yes. The function of a judge is to strictly apply the laws as written, defer to the text of the law, and if necessary, consider legislative intent. Personal opinion is immaterial.

When I was an Assistant District Attorney prosecuting drug offenses in the Felony Drug Unit, I handled everything from large scale multi-defendant heroin conspiracy cases to lower-level marijuana cases. At times, I struggled internally with marijuana related offenses, primarily because many states have decriminalized this particular substance. I recall having difficulty rationalizing seeking a felony conviction on an individual who possessed slightly over the threshold felony amount of marijuana. However, there was never a time that I felt I could not uphold the law. I always reminded myself that I took an oath as a prosecutor to uphold the rule of law in all my cases regardless of my personal opinions or perhaps internal disagreements. I did so in every case I handled as a prosecutor. I have likewise done so in every case I have handled as a criminal court judge.

Much like a prosecutor, a Judge's obligation to uphold the law as written is vital to the success of our criminal justice system. Without respect for the law, the legislature, and the citizens who are held accountable by it, this system cannot function. Again, personal opinion is immaterial.

REFERENCES

41. List five (5) persons, and their current positions and contact information, who would recommend you for the judicial position for which you are applying. Please list at least two persons who are not lawyers. Please note that the Council or someone on its behalf may contact these persons regarding your application.

A. Randy McNally, Lieutenant Governor [REDACTED]
B. Glenn Jacobs, Knox County Mayor [REDACTED]
C. Elaine Davis, Tennessee House of Representatives [REDACTED]
D. Charne Allen, District Attorney General, Sixth Judicial District [REDACTED]
E. Tim Burchett, United States Representative [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 **Court of Criminal Appeals, Eastern Division of Tennessee**, and if appointed by the Governor and confirmed, if applicable, under Article VI, Section 3 of the Tennessee Constitution, 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 application with the Administrative Office of the Courts for distribution to the Council members.

I understand that the information provided in this application shall be open to public inspection upon filing with the Administrative Office of the Courts and that the Council may publicize the names of persons who apply for nomination and the names of those persons the Council nominates to the Governor for the judicial vacancy in question.

Dated: February, 13, 2026.



Signature

When completed, return this application to Laura Blount at the Administrative Office of the Courts, 511 Union Street, Suite 600, Nashville, TN 37219.

WRITING SAMPLES

**STATE V. LUCKY JAQUAN CLARK
& SKYY MILLER**

**IN THE CRIMINAL COURT FOR KNOX COUNTY, TENNESSEE
DIVISION II**

STATE OF TENNESSEE

v.

LUCKY JAQUAN CLARK
SKYY CHANNELL MILLER

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No.(s) 127425, 127426

**ORDER REGARDING DEFENDANTS' JOINT MOTION TO SUPPRESS AND
INDIVIDUAL MOTIONS TO SUPPRESS**

Before the court is the Defendants' joint motion to suppress evidence related to both vehicles and Defendant Miller's residence, filed on June 6, 2025. The State responded on July 14, 2025. A hearing was held with both Defendants represented by counsel. The Defendants argue that the seizure and search of both of their vehicles and Defendant Miller's residence was based on an unconstitutional search and unlawful traffic stops. The State disagrees. On the pleadings, the proof adduced at hearing, and the arguments of the parties, the Court issues these findings of fact and conclusions of law.

FINDINGS OF FACT

The relevant facts, as more fully contained in the record of this cause, establish that Deputy Bradley Finley with the Knox County Sheriff's Office was working in his capacity as a patrol deputy in north Knox County on September 9, 2022, when he encountered a black Chrysler 300 at Dry Gap Pike. Deputy Finley testified that when the vehicle passed his parked patrol cruiser, the windows appeared to be darker than thirty-five percent (35%) tint and therefore in violation of Tennessee state law. While Deputy Finley positioned himself to get behind the black Chrysler 300, he testified that he recalled that he was aware that this particular

vehicle had fled from officers with the Knoxville Police Department on a prior occasion but had no knowledge of the exact date. He testified that he accessed a report from his cruiser's technology and the license plate in the KPD report matched that of the vehicle that he was behind.

Deputy Finley testified that he then elected to conduct a traffic stop based on the suspected window tint violation. He testified that he engaged his blue lights but not his sirens and the black Chrysler 300 pulled into a Weigel's gas station on Dry Gap Pike. Deputy Finley testified that as he was exiting his patrol cruiser to make contact with the driver, the Chrysler 300 fled from the traffic stop. Finley testified that he got back into his patrol cruiser, activated his sirens and pursued the vehicle. Finley described that during the course of the suspect vehicle fleeing, he observed the Chrysler 300 hit another motorist's vehicle resulting in insignificant damage. Finley testified that after the minor accident, the Chrysler 300 entered into a field close to the eight-thousand block of Pedigo Drive.

Finley testified that upon the vehicle entering the field, it became disabled. At this point, Finley was able to see a black male with a white shirt and black shorts run from the vehicle with his hands appearing to be in his pockets. The suspect then entered a dense wood line and Finley lost sight of him. Finley testified that for officer safety concerns, he elected not to enter the wood line and pursue the suspect on foot until backup law enforcement officers arrived on scene to assist. Finley testified that while he continued his investigation, he was in continuous communication via radio transmission with other responding officers and members of the Sheriff's Office narcotics unit.

Finley testified that not long after the suspect fled into the wood line, he was informed that a suspect matching the description relayed by him to assisting officers was taken into

custody after a blue Jeep Grand Cherokee was traffic stopped. Finley testified that he proceeded to the location where the suspect was in custody and was able to confirm that the individual in custody was the same person who fled from his traffic stop and ran into the woods after his vehicle became disabled in a field. Finley testified that at the suspect had shed his shirt but had the same black shorts on.

On cross examination, attorney Randy Regan established that Deputy Finley did not at any time test the window tint on Defendant Clark's vehicle. Regan further established through body camera vantage points that while the vehicle's door was ajar and officers were searching the vehicle, the tint was not opaque enough to not be able to see officers on scene through the window tint that were engaged in a search of the interior of the vehicle. Finally, Deputy Finley acknowledged that at no point during his investigation of Defendant Clark's vehicle did he administer a test to determine whether the window tint was in fact in violation of state law.

Next, the Court heard from Detective Ballard who is employed with the Knox County Sheriff's Office in the narcotics division. Ballard testified that he assisted with the arrest of Defendant Clark on September 19, 2022. Ballard testified that he was aware that law enforcement officers were actively looking for Defendant Clark who had fled from Deputy Finley and was aware that law enforcement on scene suspected that Defendant Clark may have entered a blue Jeep Grand Cherokee vehicle after initially fleeing into a wood line after abandoning his vehicle. Ballard testified that he came into contact with a blue Jeep Grand Cherokee and conducted a traffic stop on the vehicle. Ballard testified that once the vehicle came to a stop on Pedigo Road near the Emory Road intersection, which it did in the normal course, he was quickly able to determine that Defendant Clark was in the passenger seat and Defendant Miller was in the driver's seat. Ballard clarified that the Jeep Grand Cherokee did not commit

any traffic violations from the time that he initiated the traffic stop to the vehicle coming to a stop. The Defendants were taken into custody without further issue as a result of Ballard's traffic stop.

Finally, the Court heard from Lieutenant John Sharp with the Knox County Sheriff's Office narcotics unit. Sharp testified that he is presently employed with the (KCSO) but also serves as a task force officer with the Federal Bureau of Investigation (FBI). Sharp testified that when the call came out about Defendant Clark fleeing from Deputy Finley, he was engaged in a separate drug investigation close in proximity to where the call originated. Lt. Sharp testified that before the call came out regarding Defendant Clark on the date of the offense, he was familiar with him and was familiar with the vehicle that he operated. Lt. Sharp elaborated that Defendant Clark was a person of interest regarding narcotics violations.

Lt. Sharp further testified that before he became involved in this case, he was familiar with what Defendant Clark looked like. Lt. Sharp testified that when he arrived on scene, he began circulating the eight-thousand block of Pedigo Road at Emory Road. Lt. Sharp testified that while he was travelling Northbound on Pedigo Road, he was passed by a blue Jeep Grand Cherokee head on. Lt. Sharp testified that he was able to determine that an African American female was driving the vehicle and an African American male with long hair was in the front passenger seat. Lt. Sharp conceded that he was not able to make a positive identification as the vehicles passed each other but testified that the appearance of the male in the front passenger seat was consistent with Defendant Clark based on his prior knowledge of him. Lt. Sharp testified that seconds after he passed the blue Jeep head on, he immediately entered into a driveway on Pedigo Road to turn around and pursue the vehicle.

Lt. Sharp testified that immediately upon entering into a residence driveway to turn

around, he was met by a female mid-aged citizen who informed him that just moments before, an African American male exited the wood line and was picked up by the blue Jeep in which he had just passed. Lt. Sharp testified that he immediately relayed the information to law enforcement officers further Southbound on Pedigo Road. Lt. Sharp testified that Detective Ballard received the information from his radio transmission and conducted a traffic stop. Lt. Sharp testified that the female who provided the information also provided a plate number or partial plate number, but he did not memorialize the number in the heat of the investigation. Finally, Lt. Sharp testified that he made no efforts to attempt to locate the citizen informant after the stop was conducted to determine her identity or follow up with any other investigative questions.

CONCLUSIONS OF LAW

Both the federal and state constitutions provide protections from unreasonable searches and seizures. The general rule is that a warrantless search or seizure is presumed unreasonable and any evidence discovered by virtue thereof is subject to suppression. *See* U.S. Const. amend. IV (“The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated”); Tenn. Const. art. I, § 7 (“[T]he people shall be secure in their persons, houses, papers and possessions, from unreasonable searches and seizures”). “[T]he most basic constitutional rule . . . is that ‘searches conducted outside the judicial process, without prior approval by judge or magistrate, are *per se* unreasonable under the Fourth Amendment—subject only to a few specifically established and well-delineated exceptions.’” *Coolidge v. New Hampshire*, 403 U.S. 443, 454–55 (1971) (quoting *Katz v. United States*, 389 U.S. 347, 357 (1967)); *see also State v. Bridges*, 963 S.W.2d 487, 490 (Tenn. 1997).

In construing the demands of the Fourth Amendment, courts have recognized three distinct types of police-citizen interactions: (1) a full-scale arrest which must be supported by probable cause; (2) a brief investigatory detention which must be supported by reasonable suspicion; and (3) brief police-citizen encounters which require no objective justification. *State v. Daniel*, 12 S.W.3d 420, 424 (Tenn. 2000) (internal citations omitted). It is well-settled that a police officer seizes a motorist when he turns on his blue lights in order to pull the motorist over. *See State v. Pulley*, 863 S.W.2d 29, 30 (Tenn. 1993).

One of the narrowly defined exceptions to the warrant requirement is met when a police officer has probable cause to believe that the suspect has committed, is committing, or is about to commit a criminal offense. *State v. Echols*, 382 S.W.3d 266, 277–78 (Tenn. 2012); *see also* Tenn. Code Ann. § 40–7–103(a)(1) (2006) (“An officer may, without a warrant, arrest a person . . . [f]or a public offense committed . . . in the officer’s presence[.]”). “It is well established that a traffic violation—however minor—creates probable cause to stop the driver of a vehicle.” *State v. Davis*, 484 S.W.3d 138, 143 (Tenn. 2016) (quoting *United States v. Barry*, 98 F.3d 373, 376 (8th Cir. 1996)); *see also State v. Berrios*, 235 S.W.3d 99, 105 (Tenn. 2007) (recognizing that, “[a]s a general rule, if the police have probable cause to believe a traffic violation has occurred, the stop is constitutionally reasonable” (citing *Whren v. United States*, 517 U.S. 806, 810 (1996))); *State v. Vineyard*, 958 S.W.2d 730, 736 (Tenn. 1997) (holding that officers’ observation of defendant’s violations of traffic laws created probable cause to stop defendant).

Probable cause exists when “at the time of the arrest, the facts and circumstances within the knowledge of the officers, and of which they had reasonably trustworthy information, are sufficient to warrant a prudent person in believing that the defendant had committed or was

committing an offense.” *Echols*, 382 S.W.3d at 277–78 (quoting *Beck v. Ohio*, 379 U.S. 89 (1964)) (alterations and internal quotation marks omitted). It requires “more than a mere suspicion.” *State v. Lawrence*, 154 S.W.3d 71, 76 (Tenn. 2005). Instead, a probable cause inquiry focuses on probabilities rather than technicalities and is grounded in the factual and practical considerations of everyday life on which reasonable and prudent people, not legal technicians, act. *State v. Melson*, 638 S.W.2d 342, 351 (Tenn. 1982) (quoting *Draper v. United States*, 358 U.S. 307, 313 (1959)). *State v. Bishop*, 431 S.W.3d 22, 36 (Tenn. 2014) (some citations shortened). We emphasize that “the strength of the evidence necessary to establish probable cause . . . is significantly less than the strength of evidence necessary to find a defendant guilty beyond a reasonable doubt.” *Id.* at 41; see also *Adams v. Williams*, 407 U.S. 143, 149 (1972) (“Probable cause does not require the same type of specific evidence of each element of the offense as would be needed to support a conviction.”). Significantly, “the constitutional validity of the [seizure] does not depend on whether the suspect actually committed any crime,” and “it is irrelevant to the probable cause analysis what crime a suspect is eventually charged with or whether a person is later acquitted of the crime for which she or he was arrested.” *Wright v. City of Philadelphia*, 409 F.3d 595, 602 (3d Cir. 2005) (citations omitted).

Another exception to the warrant requirement exists “when the officer has a reasonable suspicion, supported by specific and articulable facts, that a criminal offense has been or is about to be committed.” *State v. Bridges*, 963 S.W.2d 487, 492 (Tenn. 1997); see also *Terry v. Ohio*, 392 U.S. 1, 21 (1968). Reasonable suspicion is “a particularized and objective basis for suspecting the subject of a stop of criminal activity.” *State v. Binette*, 33 S.W.3d 215, 218 (citing *Ornelas v. United States*, 517 U.S. 690, 696 (1996); *Alabama v. White*,

496 U.S. 325, 330 (1990)). Probable cause is not required for an investigatory stop. *State v. Coleman*, 791 S.W.2d 504, 505 (Tenn. Crim. App. 1989) (citing *Terry*, 392 U.S. at 27; *Hughes v. State*, 588 S.W.2d 296, 305 (Tenn. 1979); *State v. Foote*, 631 S.W.2d 470, 472 (Tenn. Crim. App. 1982)).

A court must consider the totality of the circumstances in determining whether an officer has reasonable suspicion for an investigatory stop. *State v. Brotherton*, 323 S.W.3d 866, 870 (Tenn. 2010). These circumstances include officers' objective observations, information obtained from other law enforcement officers or agencies, information obtained from citizens, offenders' pattern of operation, and officers' inferences and deductions based on experience. *State v. Yeargan*, 958 S.W.2d 626, 632 (Tenn. 1997). "[T]he content, quality, and quantity of information possessed by police must be assessed in determining whether it is sufficiently reliable to support a finding of reasonable suspicion." *State v. Keith*, 978 S.W.2d 861, 867 (Tenn. 1998).

In making a reasonable suspicion determination, "[o]bjective standards apply rather than the subjective beliefs of the officer making the stop." *State v. Day*, 263 S.W.3d 891, 903 (Tenn. 2008) (citing *State v. Norword*, 938 S.W.2d 23, 25 (Tenn. Crim. App. 1996); *Terry*, 392 U.S. at 21-22). "[O]fficers must have some reasonable basis to warrant investigation" and "a mere 'inchoate and unparticularized suspicion or "hunch"' is not enough to generate reasonable suspicion." *Brotherton*, 323 S.W.3d at 870 (quoting *Terry*, 392 U.S. at 27). Therefore, "[i]n determining whether an investigatory detention is based upon reasonable suspicion, we engage in a fact-intensive and objective analysis, reviewing the record for specific and articulable facts, that the defendant had committed, or was about to commit, a criminal offense." *State v. Hanning*, 296 S.W.3d 44, 49 (Tenn. 2009).

The United States and Tennessee Constitutions state that search warrants shall issue only upon probable cause. U.S. Const. amend. IV; Tenn. Const. Art. 1, section 7. “Probable cause requires reasonable grounds for suspicion, supported by circumstances indicative of an illegal act.” *State v. Smotherman*, 201 S.W.3d 657, 662 (Tenn. 2006). In order to establish probable cause, the affidavit supporting the search warrant “must set forth facts from which a reasonable conclusion may be drawn that the contraband will be found in the place to be searched” and, likewise, “must allege that the contraband sought to be seized or the illegal activity in question exists at the moment the search warrant is to be issued.” *State v. Norris*, 47 S.W.3d 457, 470 (Tenn. Crim. App. 2000) (citing *State v. Longstreet*, 619 S.W.2d 97, 99 (Tenn. 1981)).

“Articulating precisely what probable cause means is not possible.” *State v. Reynolds*, 504 S.W.3d 283, 300 (Tenn. 2016) (quoting *Ornelas v. United States*, 517 U.S. 690, 695 (1996)) (quotation marks and alterations omitted). “Probable cause is more than a mere suspicion but less than absolute certainty.” *Id.* (internal citations and quotation marks omitted). “[T]he strength of the evidence necessary to establish probable cause . . . is significantly less than the strength of evidence necessary to find a defendant guilty beyond a reasonable doubt.” *State v. Bishop*, 431 S.W.3d 22, 41 (Tenn. 2014); see also *Brinegar v. United States*, 338 U.S. 160, 174 (1949) (discussing the differences between the probable cause standard and the standard for proving guilt beyond a reasonable doubt). Probable cause, as its name implies, deals with probabilities. *Brinegar*, 338 U.S. at 175. “These [probabilities] are not technical; they are the factual and practical considerations of everyday life on which reasonable and prudent men, not legal technicians, act.” *Brinegar*, 338 U.S. at 175; see also *Reynolds*, 504 S.W.3d at 300 (recognizing that the probable cause standard is practical and nontechnical).

Probable cause cannot be based on stale information. In other words, the affidavit must allege that the contraband sought to be seized or the illegal activity in question exists *at the moment* the search warrant is to be issued. *State v. Curtis*, 964 S.W.2d 604, 616 (Tenn. Crim. App. 1997) (citing *Sgro v. United States*, 287 U.S. 206, 210-12 (1932)). Staleness must be determined on a case-by-case basis. *State v. Meeks*, 876 S.W.2d 121 (Tenn. Crim. App. 1993). In determining whether a lapse of time between obtaining evidence and executing a search warrant removes probable cause, “the issuing magistrate should consider whether the criminal activity under investigation was an isolated event or of a protracted and continuous nature, the nature of the property sought, and the opportunity those involved would have had to dispose of incriminating evidence.” *Id.* at 124-25. “When the illegal activity described is ongoing, courts have generally held that the affidavit does not become stale with the passage of time.” *State v. Thomas*, 818 S.W.2d 350, 357 (Tenn. Crim. App. 1991).

Hearsay information may be included in the affidavit for a search warrant, and such hearsay is presumed reliable if the source is a police officer or a known citizen informant. *See generally State v. Tuttle*, 515 S.W.3d 282, 301 (Tenn. 2017) (citing cases).

Courts considering whether probable cause supported issuance of a search warrant “may consider only the affidavit and may not consider other evidence provided to or known by the issuing magistrate or possessed by the affiant.” *State v. Henning*, 975 S.W.2d 290, 295 (Tenn. 1998). The standard for reviewing an issuing magistrate’s probable cause determination is whether the magistrate had a substantial basis for concluding that a search would uncover evidence of wrongdoing. *See Gates*, 462 U.S. at 236.

Tennessee law provides that only the “information contained within the four corners of the affidavit may be considered” when a court is making a determination on the probable cause

supporting a search warrant. *State v. Keith*, 978 S.W.2d 861, 870 (Tenn. 1998) (citing *State v. Jacumin*, 778 S.W.2d 430, 432 (Tenn. 1989)). There are two circumstances that trigger the application of the exclusionary rule when an affidavit contains false information or statements, “(1) a false statement made with intent to deceive the Court, whether material or immaterial to the issue of probable cause,” or (2) “a false statement, essential to the establishment of probable cause, recklessly made.” *State v. Little*, 560 S.W.2d 403, 406 (Tenn. 1978). The warrant is invalidated when the false statement is “the only basis for probable cause set out in the affidavit.” *State v. Tidmore*, 604 S.W.2d 879, 882 (Tenn. Crim. App. 1980). The defendant bears the burden to prove by a preponderance of the evidence that the affiant has committed perjury or acted with reckless disregard for falsity, as well as to show that the statements were necessary for probable cause. *State v. Yemen*, 10 S.W.2d 293, 297 (Tenn. Crim. App. 1999).

TRAFFIC STOP OF DEFENDANT CLARK’S CHRYSLER 300

The relevant inquiry with respect to the traffic stop of Defendant Clark’s vehicle is whether the stop was an illegal and warrantless seizure of his person and vehicle as suggested by and through counsel. Based on the testimony of Deputy Finley, this Court finds that Finley was engaged in his duties as a patrol officer when he observed Defendant Clark’s vehicle. Finley testified at the suppression hearing that based on his observations, he believed the window tint to be darker than allowed pursuant to state law. Furthermore, Finley testified that during the process of getting behind Defendant Clark’s vehicle, he was able to determine in a shared law enforcement database that the same vehicle fled from officers with the Knoxville Police Department just days before. As cited by the State, Tennessee Code Annotated § 55-9-107(a)(1) reads in relevant part:

It is unlawful for any person to operate, upon a public highway, street or road, any motor vehicle in which any window that has a visible light transmittance equal to, but not less than, that specified in the Federal Motor Vehicle Safety Standard No. 205, codified in 49 CFR 571.205, has been altered, treated or replaced by the affixing, application or installation of any material that:

(A) has a visible light transmittance of less than thirty-five (35%) . . .

See generally T.C.A. § 55-9-107.

Here, this Court finds that Deputy Finley had reasonable suspicion to conduct an investigatory stop of Defendant Clark's vehicle. Viewed under a totality of the circumstances, Deputy Finley was able to make objective observations of the window tint on Defendant Clark's vehicle before conducting an investigatory stop, he was able to consider information provided from another law enforcement agency about a prior evading incident involving the same motor vehicle and the basis for conducting the stop of Defendant Clark's vehicle was reasonable given the circumstances to warrant further investigation. The fact that Deputy Finley did not conduct a test on the percentage level of the window tint during the course of his investigation is immaterial. "[T]he constitutional validity of the [seizure] does not depend on whether the suspect actually committed any crime," and "it is irrelevant to the probable cause analysis what crime a suspect is eventually charged with or whether a person is later acquitted of the crime for which she or he was arrested." *Wright v. City of Philadelphia*, 409 F.3d 595, 602 (3d Cir. 2005) (citations omitted).

Deputy Finley did not get a chance to further investigate the window tint percentage level because Defendant Clark elected to commit the felony offense of evading arrest once the traffic stop was conducted and before Deputy Finley had the chance to have any degree of conversation with Defendant Clark. Therefore, this Court finds that Deputy Finley had reasonable suspicion to conduct an investigatory stop of Defendant Clark's vehicle.

TRAFFIC STOP OF DEFENDANT MILLER'S JEEP GRAND CHEROKEE

Defendant Miller avers that she was subjected to an unlawful traffic stop of her Jeep Grand Cherokee and any evidence seized as a result of the stop should be suppressed. The analysis as to Defendant Miller is materially different than Defendant Clark. Defendant Miller did not evade officers once she was aware that law enforcement was attempting to conduct a traffic stop and she did not commit any traffic violations leading up to her vehicle being pulled over. Here, the main basis for Defendant Miller's vehicle being stopped is twofold. First, Lieutenant Sharp testified that although he was not able to make a positive identification, when he passed Defendant Miller's vehicle on Pedigo Road, he was able to determine that an African American male with long hair was sitting in the front passenger seat of a blue Jeep Grand Cherokee. Sharp testified that the appearance of the individual was consistent with that of Defendant Clark. Sharp testified that he had prior knowledge of Defendant Clark and was familiar with what he looked like from reviewing pictures on a previous occasion related to a different investigation.

Second, a citizen informant told Lt. Sharp that an African American male with long hair ran from the wood line and got into a blue Jeep Grand Cherokee just prior to Sharp entering her driveway to turn around and pursue the Jeep Grand Cherokee based on his own observations of the front passenger occupant. This tip from the citizen informant was immediate. The tip was not from a prior incident separated by considerable time. The tip described the same person that Lt. Sharp had been made aware of their physical description. The tip described that the individual retreated from the wood line. Lt. Sharp was aware that the individual they were seeking to apprehend and arrest had run from Deputy Finley into the wood line after his Chrysler 300 had become disabled in a field.

When the State seeks to justify an investigatory stop based upon information provided by an unidentified informant, special considerations arise (*State v. Williamson* 368 S.W. 3d. 468). The content of information possessed by police, its degree of reliability, the quantity and quality, have to be taken into consideration to consider an anonymous report to establish a reasonable suspicion. In *State v. Dibrell* 2018 WL 1474226 the court stated “[s]pecial considerations arise, however, when the State seeks to justify an investigatory stop based upon information provided by an unidentified informant because “an anonymous tip alone seldom demonstrates the informant's basis of knowledge or veracity.”” *State v. Williamson*, 368 S.W.3d 468, 475 (Tenn. 2012) (quoting *Florida v. J.L.*, 529 U.S. 266, 270 (2000) (quoting *Alabama v. White*, 496 U.S. 325, 329 (1990))).

When viewed under a totality of the circumstances, the quantity and quality of the description offered by the unknown citizen informant was considerable. The statements offered corroborated exactly what law enforcement officers were investigating. With respect to the information's degree of reliability, as described above, there was no separation in time or distance. The information was provided very close in time to when the citizen informant perceived the reported actions. Therefore, the information's reliability is strong, especially when compared to content of the information possessed by law enforcement officers who were actively working to bring Defendant Clark into custody.

Therefore, a sufficient level of reasonable suspicion existed to warrant an investigatory stop under two different analyses. First, Lt. Sharp's observations of the vehicle's occupant was likely sufficient to warrant an investigatory stop based on his prior knowledge of Defendant Clark, including his appearance and the vehicle being registered to him. The degree of

reasonable suspicion was thereafter heightened very close in time to Sharp's observations by the content of the information relayed by the citizen informant. Thus, this Court finds that the traffic stop conducted on Defendant Miller's vehicle was legally sound and supported by reasonable suspicion.

SEARCH WARRANT OF RESIDENCE AT 1156 CLOUD VIEW DRIVE

The Defendants allege that the search of their residence was unlawful as the affidavit of the search warrant lacked sufficient probable cause to support the search. The United States and Tennessee Constitutions state that search warrants shall issue only upon probable cause. U.S. Const. amend. IV; Tenn. Const. Art. 1, section 7. "Probable cause requires reasonable grounds for suspicion, supported by circumstances indicative of an illegal act." *State v. Smotherman*, 201 S.W.3d 657, 662 (Tenn. 2006).

Information Supplied by Lieutenant John Sharp, KCSO Narcotics Unit

Lieutenant Sharp applied for and was granted a search warrant for 1156 Cloud View Drive on September 19, 2022. The search warrant was signed by former Judicial Magistrate Ray H. Jenkins. The probable cause section of the affidavit sets out the following. On September 9, 2022, Deputy Finley conducted a traffic stop on a black Chrysler 300 bearing license plate number BFJ2751. The affidavit sets out that the same vehicle had recently fled from officers with the Knoxville Police Department. Additionally, the vehicle in question, was, at the time of the offense, registered to Lucky Clark. The affidavit further sets out that once Finley initiated his emergency equipment to investigate a suspected window tint violation and investigate the prior evading arrest, the vehicle fled and operated in a reckless manner before the vehicle became inoperable in a field off of Pedigo road. The vehicle's driver then fled into the nearby woods. A

search of the Chrysler 300 was executed which revealed 2 baggies of small blue pills (28 in the door, 143 in the center console (with Clark's ID card)). The blue pills were identified as Oxycodone. Additionally, 2 Adderall pills, a small amount of marijuana and numerous unused baggies were found in the vehicle.

The affidavit then sets out that Lt. Sharp was approached by a concerned citizen just seconds after he passed a Jeep Grand Cherokee that he believed could have Lucky Clark in the front passenger seat. The citizen described that a black male ran from the woods and got into a blue Jeep Grand Cherokee. The affidavit then describes that Lt. Sharp notified Knox County AirWatch (helicopter aviation unit) who were able to immediately locate the blue Jeep Grand Cherokee travelling on Pedigo Road. Officers were able to immediately conduct a traffic stop on the blue Jeep at Pedigo Road and Emory Road and Lucky Clark and Skyy Miller were detained. An inventory of the blue Jeep was conducted where mail was uncovered establishing that Skyy Miller resided at 1156 Cloud View Road. Lt. Sharp, utilizing law enforcement databases, was able to determine that credit reports and banking applications linked both Lucky Clark and Skyy Miller to the Cloud View Road address.

The affidavit sets out that within an hour of the arrest of Skyy Miller and Lucky Clark, Detectives Parton and Johnson continued their investigation at the Cloud View Road address. Upon approaching the front door and before knocking, Parton could smell the odor of marijuana emanating from the residence. After law enforcement officers knocked on the door, Mayhasia Tillery and Jalexis Thompkins answered the door. Upon the door being opened, Parton was hit in the face with a pungent odor of marijuana before Parton and Johnson secured the residence in anticipation of applying for a search warrant.

The affidavit set out that Tillery was permitted to make a phone call to secure transportation from the scene. Parton, during the phone conversation between Tillery and an unknown individual on the other end heard Tillery ask the unknown person to pick her up at “Lucky’s house.”

Probable Cause Analysis

The main thrust of the Defendants’ argument in their join motion to suppress evidence seized pursuant to the search warrant is that the affidavit lacked probable cause sufficient to render the search lawful. Also, the most compelling argument offered in the motion is that the affidavit fails to conclude in the probable cause section that law enforcement officers believe that further evidence of illegal drug dealing will be uncovered in the search of the 1156 Cloud View Road address. However, this oversight is rectified in this Court’s opinion on page 1 of the affidavit and search warrant which identifies what evidence is being searched for. Controlled substances and firearms are identified in that portion of the search warrant.

As outlined above, “Probable cause requires reasonable grounds for suspicion, supported by circumstances indicative of an illegal act.” *State v. Smotherman*, 201 S.W.3d 657, 662 (Tenn. 2006). Based on the review of the affidavit, it is clear that Defendant Clark was in constructive possession of a large amount of what law enforcement believed to be Schedule II Oxycodone pills, 2 Schedule II Adderall pills, a small amount of Schedule VI marijuana and unused baggies in the vehicle that he fled in and subsequently ran on foot from. Therefore, investigating officers had reasonable grounds for suspicion that Defendant Clark was engaged in illegal narcotics trafficking. The circumstances of the drugs discovered in his vehicle are telling, and the unused baggies tend to demonstrate an offender’s desire to further and separately distribute illicit drugs. Thus, there was sufficient evidence in the vehicle alone that was indicative of an illegal act.

As stated above, in order to establish probable cause, the affidavit supporting the search warrant “must set forth facts from which a reasonable conclusion may be drawn that the contraband will be found in the place to be searched” and, likewise, “must allege that the contraband sought to be seized or the illegal activity in question exists at the moment the search warrant is to be issued.” *State v. Norris*, 47 S.W.3d 457, 470 (Tenn. Crim. App. 2000) (citing *State v. Longstreet*, 619 S.W.2d 97, 99 (Tenn. 1981)). Upon review of the affidavit, Lt. Sharp demonstrates under “Affiant’s Experience” sections I, J and K, that drug dealers often utilize their residence to store contraband and proceeds of drug sales in secure locations including their residence. Finally, the “Conclusion” section of the affidavit establishes that Lt. Sharp believed that Defendants Clark and Miller were engaged in illegal activity from within the 1156 Cloud View Road address at the time the search warrant was issued.

With respect to the law enforcement detecting the smell of marijuana at the 1156 Cloud View Road address, the Court agrees with the Defendants that the odor of marijuana standing alone is insufficient to establish probable cause. However, as cited by the State and held by our Supreme Court, the smell of marijuana “may continue to contribute to a finding of probable cause when examining the totality of the circumstances, notwithstanding the legalization of hemp,” *State v. Green* 697 S.W.3d 634, 646 (Tenn. 2004). The odor of marijuana certainly contributed to the probable cause in this case for officers to believe that a search of the residence would uncover illicit controlled substances.

The facts in the affidavit set forth a legally sound determination of sufficient probable cause to search the residence. Viewed together, these facts demonstrate that, more probably than not, illegal drugs were present inside the residence at the time the search warrant was executed. The affidavit shows that the issuing magistrate had a substantial basis to conclude that a search

would uncover evidence of wrongdoing. As such, the issuance and execution of the search warrant in this case were constitutionally permissible.

CONCLUSION

The seizure and search of the Defendants' vehicles was supported by reasonable suspicion. The search of the residence was supported by probable cause. The Defendants' joint motion to suppress and individual motions to suppress are respectfully DENIED. The Clerk shall forward a copy of this Order to counsel for the Defendants and to the Office of the District Attorney General.

ENTER this 27th day of August, 2025.

HECTOR I. SANCHEZ
CRIMINAL COURT, DIVISION II
SIXTH JUDICIAL DISTRICT

STATE V. ALLEN SMITH

IN THE CRIMINAL COURT FOR KNOX COUNTY, TENNESSEE

DIVISION II

STATE OF TENNESSEE

v.

ALLEN SMITH

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No. 127180

ORDER REGARDING DEFENDANT'S MOTION TO SUPPRESS EVIDENCE

Before the court is the Defendant's motion to suppress, filed on May 21, 2025. The State responded in opposition to the Motion on June 12, 2025. The motion was heard, with the Defendant present and represented by the counsel. Defendant, by and through counsel, argues that (1) the Defendant did not commit a traffic violation warranting a traffic stop, and (2) officers lacked reasonable suspicion to order the Defendant from his vehicle to conduct a *Terry* frisk of the Defendant's person. The State argues that the Defendant committed a traffic violation in violation of state law and city ordinance. Further, the State alleges that officers had sufficient reasonable suspicion for officers to believe he was armed and dangerous, and therefore, the *Terry* frisk was legally sound. The Court took the matter under advisement with a written order to follow. On the pleadings, the proof adduced at hearing, and the arguments of the parties, the court issues these findings of fact and conclusions of law.

FINDINGS OF FACT

Officer Westley Williams testified that he has been employed with the Knoxville Police Department for roughly five years. He further testified that he is currently on the Community Engagement Response Team (CERT) and has worked in various violence reduction patrol functions during his time with the police department.

Officer Williams testified that he was working in his capacity as a CERT officer on October 8, 2022, and was working a “wild card” position which meant that he was not assigned a particular beat in the city of Knoxville. Williams described that he was working around the Western Avenue area when he encountered the Defendant’s vehicle parked at Squire’s Square Liquor Store located at the corner of 17th Street and Western Avenue. Williams testified that he had knowledge of the silver in color Acura vehicle from a prior occasion involving another officer. Williams testified that on a prior occasion, officers approached the Defendant while he was inside the grey Acura in an effort to conduct a consensual encounter with the Defendant. Williams testified that on the prior interaction, the Defendant elected to not take part in the encounter and drove away from law enforcement officers. He was not pursued. The Defendant, by and through counsel, objected as to what was conveyed to law enforcement by an unknown private citizen regarding what was happening on the prior occasion. This Court sustained the objection on two grounds, First, the statements are hearsay in which a recognized exception does not apply, and second, the statement was coming from an unidentified citizen informant whose veracity could not be weighed as well as an inability to determine whether the citizen informant was engaged in the criminal melee.

Williams testified that he was conducting surveillance on the Defendant's vehicle from a location directly across Western Avenue at Denark Construction's office. Williams testified that upon the Defendant returning to his vehicle from Squire's liquor store, the Defendant failed to yield upon leaving the store's parking lot before proceeding westbound on Western Avenue. Williams testified that based on the traffic violation that he witnessed, he elected to conduct a traffic stop on the Defendant's vehicle. Williams testified that based on his knowledge of a prior interaction with law enforcement, he was able to ascertain that the license plate on the vehicle on October 8, 2022, was the same license plate from the prior interaction.

Cruiser video of the event leading up to the traffic stop, including the stop and the interactions thereafter was introduced into evidence. Additionally, body camera footage from officer Williams and officer White were introduced. The cruiser video corroborates that the Defendant immediately pulled over after becoming aware that a law enforcement officer, employing lights and sirens, was behind his vehicle. Williams testified that once he approached the driver's side, he was able to observe the Defendant and notice that he had bloodshot, watery eyes. Williams further testified and his body camera corroborates that the Defendant was asked for proof of license and registration. Williams testified that after the Defendant produced his registration and license, he became argumentative as to the basis of being pulled over. Officer Williams further testified that he then asked the Defendant to exit the vehicle and wait at the rear of his vehicle while he ran his records before potentially concluding the traffic stop with a warning regarding the failure to yield.

While Officer Williams was attempting to provide justification to the Defendant about the traffic stop, Officer White and a third officer arrived on scene. Officer White proceeded to the passenger side of the vehicle and appeared to maintain eye contact with the Defendant. The third unidentified officer positioned himself just beyond the driver's side door toward the front of the vehicle. At this point, Officer Williams had moved himself to the open driver's side door while continuing to request that the Defendant exit the vehicle. The body camera footage of Officer Williams demonstrates that the Defendant is not only physically hesitant about exiting the vehicle, but also verbally expressing his discontent. Officer Williams testified that he believed that during the process of the Defendant exiting the vehicle, Williams believed that the Defendant reached towards the area of his waistline. For the purposes of the record, the underlying negotiations to have the Defendant exit his vehicle were a very fluid process. Nothing upon the Court's review of the evidence suggests that any of the responding officers acted in an unlawful and/or unethical manner. Upon careful review of the body-camera footage, this Court did not see the Defendant reach for his waistline at any point.

The body camera of Officer Williams shows that the Defendant eventually exits the vehicle on his own free will but is immediately secured by officers Williams and White. The Defendant's arms are restrained behind his back before Officer Williams inquires whether or not the Defendant has any weapons on his person. Immediately thereafter, the Defendant's shirt is lifted on the right side of his body by officer White. The video captures a semi-automatic firearm which is quickly secured by officer White. During the interaction, the Defendant can be seen physically being non-compliant with the officers on scene. The Defendant is thereafter arrested for resisting arrest before a K-9 positively alerts on his vehicle leading to the discovery of illegal narcotics. Additionally, Officer Williams testified that during his investigation, the Defendant

acknowledged, post *Miranda*, that he was on probation out of the state of Illinois for a felony offense and therefore prohibited from possessing a firearm.

On cross-examination, attorney Wes Stone established that a “*Terry* frisk” is strictly a search for weapons. Officer Williams conceded that point. Stone further established that these searches do not extend to going through a person’s pockets of their clothing or lifting and/or manipulating clothing to see under them. Again, Williams conceded to these points. Wes Stone then established that the parking lot in which the Defendant exited from did not have a stop sign or a white line indicating to stop before proceeding onto Western Avenue. Officer Williams conceded that the liquor store’s parking lot did not have a stop sign but may have had a white paint stop strip indicating to stop before proceeding, but that the line may be faded to a point where it is no longer visible. For the record, this Court, upon review, did not find the presence of a stop line/strip. Officer Williams further conceded on cross-examination that no pedestrians were in the area when the Defendant pulled onto Western Avenue from Squire’s Liquor Store. Further, Williams further stated that no motor vehicle traffic was present when the Defendant pulled onto Western Avenue.

Officer Williams testified that when he conducts a *Terry* frisk, he routinely places the subject’s hands behind their back while he pats for weapons. Officer Williams conceded that he asked the Defendant whether he had weapons on him only after he had his hands secured behind his back. To this point, this Court does not take exception to this tactic when considering an officer’s safety; however, the specific issue of whether the *Terry* frisk transitioned into a custodial arrest requiring probable cause was not raised. Finally, Officer Williams conceded after having his memory refreshed that he testified in the preliminary hearing on this case that the

discovery of the firearm in the Defendant's waistline happened after the *Terry* frisk occurred and he had no knowledge of its presence beforehand.

Next, the Court heard from Officer White who assisted with the traffic stop. Officer White, as corroborated on body camera video, quickly arrived on scene upon the traffic stop being conducted. Officer White testified that the Defendant did not initially comply with officer Williams' instructions to step out of the vehicle but ultimately complied after brief verbal objection. Officer White testified that he did not see nor was he aware of the Defendant possessing a weapon upon the Defendant exiting the vehicle. Officer White conceded that he did not see a bulge or outline of a weapon in the Defendant's waistline at any time before lifting up the Defendant's shirt and exposing the firearm. Officer White testified that he lifted the Defendant's shirt during the course of a *Terry* frisk. Upon lifting the Defendant's shirt is when he became aware that a pistol was in the Defendant's waistline.

CONCLUSIONS OF LAW

The Defendant claims that he did not commit a traffic violation warranting a traffic stop, and that the officers lacked reasonable suspicion to order the Defendant from his vehicle to conduct a *Terry* frisk. The State argues that the Defendant committed a traffic violation in violation of state law and city ordinance. Further, the State alleges that officers had sufficient reasonable suspicion for officers to believe he was armed and dangerous, and therefore, the *Terry* frisk was legally sound. The general rule is that a warrantless search or seizure is presumed unreasonable, and any evidence discovered by virtue thereof is subject to suppression. *See* U.S. Const. amend. IV ("The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated . . ."); Tenn. Const. art.

I, § 7 (“[T]he people shall be secure in their persons, houses, papers and possessions, from unreasonable searches and seizures . . .”).

A *Terry* search of an individual during a traffic stop requires a reasonable belief that the person is armed and dangerous, but it does not necessarily require a reasonable belief that a crime has been committed. The purpose of a *Terry* frisk is to ensure officer safety, not to discover evidence of a crime. This principle applies even when an individual is instructed to exit a vehicle during a traffic stop.

Reasonable suspicion for a *Terry* frisk can arise from various factors, including the officer's observations, the suspect's behavior, or information from reliable sources. For example, sudden or inexplicable movements toward areas where a weapon could be concealed, nervous or evasive behavior, or prior knowledge of the suspect's criminal history may justify a frisk (*State v. Cothran*, 115 S.W.3d 513 (2003))[4]. However, the suspicion must be specific and articulable; a generalized fear or hunch is insufficient (*State v. Winn*, 974 S.W.2d 700 (1998))[5]. In *State v. Cothran*, the responding officer entered a residence with permission and immediately smelled marijuana and saw one of the individuals conceal something in his pocket in a “panic mode” and asked what had been concealed. The individual denied putting anything in his pocket, and the officer conducted a *Terry* frisk and found a weapon. The officer was able to articulate specific actions and by the individual which justified the frisk.

During a traffic stop, an officer may order a driver or passenger to exit the vehicle and conduct a pat-down search if there is reasonable suspicion that the person may be armed and dangerous. This authority is grounded in the principle that traffic stops inherently involve safety risks for officers. The U.S. Supreme Court in *Pennsylvania v. Mimms* held that requiring a driver to exit a vehicle during a traffic stop is a minimal intrusion justified by the need to protect officer

safety (*Griffin v. State*, 604 S.W.2d 40 (1980)). However, the subsequent frisk must still meet the *Terry* standard of reasonable suspicion that the individual is armed (*State v. Berrios*, 235 S.W.3d 99 (2007)).

In the case *sub judice*, officer Williams had some prior knowledge that the Defendant had come in contact with another officer on a prior occasion. He was also aware that an unknown individual made a statement to the other officer stating that Defendant was involved in illegal activity. This witness was unknown to officer Williams as were the details of the prior encounter with this now anonymous “informant.” When the State seeks to justify an investigatory stop based upon information provided by an unidentified informant special considerations arise (*State v. Williamson* 368 S.W. 3d. 468). The content of information possessed by police, its degree of reliability, the quantity and quality, must be taken into consideration to determine whether an anonymous report establishes a reasonable suspicion. In *State v. Dibrell* 2018 WL 1474226 the court stated “[s]pecial considerations arise, however, when the State seeks to justify an investigatory stop based upon information provided by an unidentified informant because ““an anonymous tip alone seldom demonstrates the informant's basis of knowledge or veracity.”” *State v. Williamson*, 368 S.W.3d 468, 475 (Tenn. 2012) (quoting *Florida v. J.L.*, 529 U.S. 266, 270 (2000) (quoting *Alabama v. White*, 496 U.S. 325, 329 (1990))).

Here, the officers could not testify as to the veracity of the statements made by this anonymous informant, and there was no actual contact with the Defendant beyond a minimal attempt at a consensual encounter by law enforcement. Therefore, this Court can afford no weight to this prior “encounter” and in fact prohibited the introduction of the statements made to the investigating officer from the prior event by the anonymous informant. There was no

showing of either the informant's knowledge of the conveyed information or of the informant's credibility and that was the basis on which this Court excluded the statement.

The nature of the traffic stop did not indicate in any way that the Defendant may be armed. In fact, until the Defendant was asked and then instructed to exit the vehicle, he was cooperative and only when he was ordered to exit the vehicle did he begin to question the officer and resist the encounter. The officers' own testimony was that there was no indication that the Defendant was in possession of a weapon until he was subjected to a *Terry* frisk unsupported by reasonable suspicion. Both officers stated that there was no visible bulge in the Defendant's clothing to indicate the presence of a weapon and the weapon did not become apparent until the *Terry* frisk and the lifting up of his shirt was executed.

The Court considers the totality of the circumstances "which may include an officer's observations, information from other law-enforcement personnel or agencies, information from citizens, known patterns of criminal offenders, deductions based upon experience, and the nature of the suspected crime." *State v. Montgomery*, 462 S.W.3d 482, 487 (Tenn. 2015) (quoting *State v. Williamson*, 368 S.W.3d 468, 474-75 (Tenn. 2012)). In doing so this Court finds that the *Terry* frisk was unsupported by the totality of the circumstances.

As to the stop itself, this Court looks to the basis of the stop. The State argues that the Defendant committed a traffic violation in violation of state law and city ordinance. The Defendant offers the argument that there was no white line, yield sign or stop sign in the parking lot to indicate to drivers that they need to yield or come to a complete stop before entering the roadway. Officer Williams conceded that there didn't appear to be a visible line, but perhaps could have been at some point, and that there were no pedestrians or traffic at the time that the Defendant entered the roadway and no obstructions were visible in the video evidence offered at

the hearing. While Tennessee law does not explicitly address stopping at parking lot exits without stop signs, the general principles of traffic safety and statutory requirements for yielding the right-of-way would apply. For example, T. C. A. § 55-8-134(a)(1) requires drivers to yield the right-of-way to pedestrians in crosswalks and to other vehicles when necessary to avoid a collision (T. C. A. § 55-8-134). The Defendant complied with such. Additionally, T. C. A. § 55-8-123(1) requires drivers to ascertain that any movement can be made safely before proceeding (T. C. A. § 55-8-123). Based on officer Williams own testimony, he conceded that the road was “clear” when the Defendant pulled out of the parking lot and onto Western Avenue. These provisions collectively emphasize the importance of ensuring safety when entering a roadway, even if no stop sign is present. In the case at hand, this Court finds that the stop itself was warranted for the purposes of a warning or citation based on the plain language of T. C. A. § 55-8-150 and Knoxville City Ordinance 17-179(a). In short, the Defendant did not come to a stop or yield before he drove over a crosswalk and onto Western Avenue.

CONCLUSION

A *Terry* frisk is legally conducted when an officer has reasonable suspicion, supported by specific and articulable facts, that the suspect is armed and dangerous; however, the frisk must be limited in scope to ensure safety and cannot be used as a general search for evidence. In the case at hand this Court finds that the *Terry* frisk was based not on articulable facts, but essentially on a generalized hunch based on an unidentified informant’s tip, which is legally insufficient (*State v. Winn*, 974 S.W.2d 700 (1998)). Further, the tip provided by an unidentified informant was not enough to warrant a *Terry* frisk because “an anonymous tip alone seldom demonstrates the informant's basis of knowledge or veracity.” *State v. Williamson*, 368 S.W.3d 468, 475 (Tenn. 2012) (quoting *Florida v. J.L.*, 529 U.S. 266, 270 (2000) (quoting *Alabama v. White*, 496 U.S.

325, 329 (1990))). For the reasons stated, the Defendant's motion to suppress is GRANTED. All evidence seized during the search of his person, and all statements made as a result of that search, and any fruit thereof will be suppressed. The Clerk shall forward a copy of this Order to counsel for the Defendant and to the Office of the District Attorney General.

ENTER, this 9th day of July 2025.

HECTOR SANCHEZ
CRIMINAL COURT, DIVISION II
SIXTH JUDICIAL DISTRICT