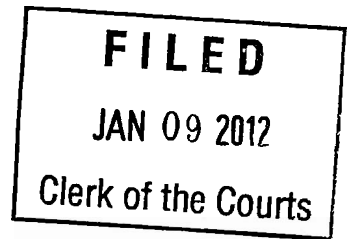




**THE TENNESSEE
COURT OF THE JUDICIARY**



511 Union Street
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JUDGES OF THE TENNESSEE
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Thomas T. Woodall

January 3, 2012

Michael W. Catalano, Clerk
100 Supreme Court Building
401 Seventh Avenue, North
Nashville, TN 37219-1407
615-253-1470

FOR PUBLIC RELEASE

The Honorable Robert L. Moon, Jr.
600 Market Street
Chattanooga, Tennessee 37402

RE: Complaint of Judge Rebecca Stern
File No. 11-4441

Complaint of Hiram (Hank) Hill
File No. 11-4530

Complaint of Benjamin L. McGowan
File No. 11-4536

Dear Judge Moon:

This letter shall serve as a public letter of reprimand pursuant to your agreement with an investigative panel of this Court.

The reprimand relates to three complaints, one of which was filed by Judge Rebecca Stern, one of which was filed by Attorney Hiram (Hank) Hill, and one of which was filed by Attorney Benjamin L. McGowan.

The pertinent portion of the complaint filed by Judge Rebecca Stern concerns a preliminary hearing, over which you presided, in which you threatened to have a young woman, who was a reluctant victim/witness of a domestic assault, handcuffed and arrested if she did not testify in a manner which you considered to be truthful.

Mr. Hill's complaint alleges that a defendant was sentenced in front of you on a number of traffic violations to a sentence of 6 months suspended after having waived his rights to an attorney. The remaining traffic offenses were dismissed by you. This took

place, according to the paperwork, on August 3, 2010. At this time you asked the defendant if he could pass a drug screen and he answered that he could. You then continued the case to August 24, 2010, indicating on the complaint that if the defendant passed the drug screen he would have 30 days to get his drivers license, but otherwise he would be sentenced to two years (a legal impossibility unless all of the traffic offenses were ordered to run consecutively). The defendant did not pass the drug screen and upon returning to court, you asked him whether he wished to serve his time for the driving charges or for the possession of marijuana. When the defendant indicated he needed an attorney, you told him that there were 5 attorneys in the front row and to ask one of them. Apparently, one of the attorneys, not formally appointed, told him to take the marijuana charge. The defendant was then sentenced to 6 months incarceration and you amended the original charge of driving on a revoked license to possession of marijuana which you inscribed upon the judgment document without any initial charging document having been presented that charged the defendant with possession of marijuana.

The complaint of Mr. McGowan relates to a case that took place in your court in October of 2008 in which 3 persons, a victim and two witnesses were testifying under subpoena. Although not initially known, it turned out that all of these individuals were apparently on judicial diversion from another court for theft charges, and after hearing their testimony, you, *sua sponte*, revoked their probation and ordered their arrest and incarceration, without having given them the opportunity for counsel, a hearing, or advice of any rights.

Upon receiving notice from Disciplinary Counsel you promptly responded admitting the factual basis for the complaints. Since the filing of the complaints, you have taken remedial steps to try to insure that all indigent defendants in the Generals Sessions Courts in Hamilton County are appointed counsel to represent them at probation or diversion revocation hearings, and have communicated the necessity of this procedure by memorandum to the other General Sessions Judges and Municipal Court Judges with whom you serve and who might have also failed to appoint counsel in these type of cases. During subsequent discussions with Disciplinary Counsel you further expressed your intention to make sure that appropriate charging documents are filed before taking action on any charge in your court, and to make sure that to the extent possible any witness is not only appropriately treated but advised of the legal ramifications of their testimony.

Your actions in the above cases were a violation of Canon 2A which requires that “A Judge shall respect and comply with the law and shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the Judiciary.” Accordingly this letter constitutes a public reprimand for your actions in the above situations.

Sincerely your,

A handwritten signature in black ink, appearing to read "Chris Craft", with a long horizontal line extending to the right.

Chris Craft
Presiding Judge

CC/bep