

Tennessee Trial Court Vacancy Commission
Application for Nomination to Judicial Office

9/8/20

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INTRODUCTION

Tennessee Code Annotated section 17-4-301 et seq. charges the Trial Court Vacancy Commission with assisting the Governor and the People of Tennessee in finding and appointing the best qualified candidates for judicial offices in this State. Please consider the Commission's responsibility in answering the questions in this application questionnaire. For example, when a question asks you to "describe" certain things, please provide a description that contains relevant information about the subject of the question and, especially, that contains detailed information that demonstrates that you are qualified for the judicial office you seek. In order to properly evaluate your application, the Commission needs information about the range of your experience, the depth and breadth of your legal knowledge, and your personal traits such as integrity, fairness, and work habits.

This document is available in Microsoft Word format from the Administrative Office of the Courts (telephone 800.448.7970 or 615.741.2687; website www.tncourts.gov). The Commission requests that applicants obtain the Microsoft Word form and respond directly on the form. Respond in the box provided below each question. (The box will expand as you type in the document.) **Review the separate instruction sheet prior to completing this document. Submit by the noon deadline date an original (unbound) completed application (with ink signature) to the Administrative Office of the Courts.** In addition, submit a digital copy with electronic or scanned signature via email to ceesha.lofton@tncourts.gov, or via another digital storage device such as a flash drive. See section 1(g) of the application instructions for additional information related to hand-delivery of application packages.

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

PROFESSIONAL BACKGROUND AND WORK EXPERIENCE

1. State your present employment.

I am currently employed as an Assistant District Attorney General in Anderson County (7th Judicial District) where I prosecute cases in Circuit/Criminal Court. I am also employed as an Adjunct Professor at Pellissippi State Community College where I teach Criminal Law in the Paralegal Program.

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

Licensed in TN in 2003. BPR # 023031

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.

None other than Tennessee (see above).

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).

Legal Experience Since Graduation from Law School:

2003 to 2007 – Law Offices of C. Dwight Hawks: After graduating from law school in 2003, I returned to my hometown of Humboldt, TN in Gibson County (just outside of Jackson, TN)

where I worked for attorney C. Dwight Hawks. He is a well-established senior attorney with a diverse small-town general practice who also served as the City Attorney for Humboldt. There I engaged in a wide variety of civil matters including, but not limited to, divorce, child custody, bankruptcy, probate, wills and estates, conservatorship, contract disputes (such as home improvement cases), and general civil litigation. Probably my most interesting case during that time involved an airplane crash where local law enforcement sought the assistance of an airplane owner and pilot to pursue a fleeing suspect and a crash with injuries resulted. I also assisted with delinquent taxes and other matters regarding the City of Humboldt.

2007 to Present – Assistant District Attorney General: I currently serve as an Assistant District Attorney General in the 7th Judicial District (Anderson County, TN) where I am the designated prosecutor for the Crime Task Force and prosecute a wide range of felony and misdemeanor cases in Circuit/Criminal Court as described more fully below.

2011 to Present – Adjunct Professor: In addition to serving as an ADA, I also teach Criminal Law in the Paralegal Program at Pellissippi State Community College. Over the years, I have also taught the Introduction to Paralegal Studies course several times. I enjoy teaching. And, the District Attorney's office has benefitted over the years by hiring several of my former students as members of our office staff.

Other Non-Military Occupational Experience:

Pre-2000 – General civilian employment: Like many people, I started out mowing yards, working for restaurants and at Walmart, Union Planters Bank, etc. I began my college education at Jackson State Community College where I worked as a tutor and later transferred to Lambuth University in Jackson (now a satellite campus of the University of Memphis) and worked nights in a factory at Porter-Cable (an ISO-certified manufacturer of professional-grade power tools) to earn my Bachelor's Degree in Political Science with a minor in Philosophy.

2000 to 2003 – Law Firm Internships: During my law school summers, in addition to competing in the write-on competition for the various law journals, etc., I clerked for several law firms in the Southeast, including Phelps Dunbar, a large firm out of New Orleans with an office in Tupelo, MS where I clerked; Balch and Bingham, a large firm that represented energy companies such as Georgia Power with an office in Birmingham, AL, and Armstrong Allen, a large Memphis firm that represented numerous medical facilities and hospitals throughout Tennessee and Mississippi and had a satellite office in Jackson, TN to serve area hospitals outside of Memphis. It was during this time that I also clerked for C. Dwight Hawks in my hometown of Humboldt where I eventually went after graduation from law school.

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

My present law practice is entirely (100%) criminal prosecution as an Assistant District Attorney here in Anderson County. I have prosecuted cases in both divisions of General Sessions Court (in Clinton and Oak Ridge) as well as Juvenile Court and the Oliver Springs General Sessions Court. I now practice almost exclusively in Circuit/Criminal Court where I prosecute all manner of crimes from misdemeanor thefts and assaults to high-level drug felonies and violent crime. As the designated prosecutor for the 7th Judicial District Crime Task Force, I work closely with CTF agents assisting them with planning investigations, preparing search warrants, obtaining the assistance of confidential informants (within our various legal, ethical, and practical constraints), as well as charging decisions and follow-up investigations. I also prosecute the majority of their cases. I am credentialed as a CTF Agent (with the same arrest authority as a Sheriff's Deputy) in case I am called upon to assist them with executing search warrants, etc. In fact, I personally led an investigation that seized approximately \$500,000.00 in money and property from a local drug dealer that was hidden in various storage units in the Knoxville and Oak Ridge area. I work closely with detectives and investigators from every agency in Anderson County providing guidance on investigative issues and helping with judicial subpoenas, search warrants, searches of electronic devices, and obtaining information from electronic service and social media providers, etc. I have also worked closely with other state and federal agencies including, but not limited to, the U.S. Attorney's Office (violent and drug trafficking cases), FBI (priority drug prosecution), DEA (34 Co-Defendant wiretap case), ATF (various gun cases - an ATF Agent is assigned to the 7th CTF), U.S. Marshals Service (fugitive apprehension), TBI (murder investigations and other high-profile cases), and THP-CID (automobile-related crimes). I routinely take calls on the weekends or in the middle of the night to advise officers about urgent investigative issues, traffic stops, drug seizures, etc. Recently, I have been recognized by our local Oak Ridge Police Department for my availability after hours and my "dedication, relentless work ethic and knowledge of criminal law".

7. Describe generally your experience (over your entire time as a licensed attorney) in trial courts, appellate courts, administrative bodies, legislative or regulatory bodies, other forums, and/or transactional matters.

I was in general civil practice for the first four (4) years of my legal career followed by thirteen (13) years as an Assistant District Attorney here in Anderson County, Tennessee.

During my time as a civil attorney, I practiced in various trial-level courts in Jackson (Madison County), Trenton (Gibson County), and surrounding counties. The majority of my time was spent in Chancery Court in Gibson County, TN (where Humboldt is located) doing probate, conservatorship, and divorce cases, etc. I also had a fairly robust debtor bankruptcy practice in the United States Bankruptcy Court for the Western District of Tennessee, Eastern Division (at Jackson). I did not practice before any appellate courts or administrative, legislative, or regulatory bodies, etc.

During the 13+ years that I have served as a prosecutor, I have thoroughly practiced in all the criminal and juvenile courts in Anderson County. I am fully familiar with the processes and procedures in the various courts that feed into Circuit/Criminal Court from initial arrest, through the preliminary hearing phase, grand jury, indictment, and so on. I work every day in Criminal/Circuit Court with issues such as pretrial detention, pretrial release, bail, bond, indictments, direct presentments, indictments by information, pleas by information, discovery, suppression, jury trials, sentencing hearings, violations of probation, community corrections, and drug court. I have occasionally been called upon to serve as a Pro Tem Prosecutor in nearby counties practicing in front of other area Circuit/Criminal Court Judges. The State Attorney General handles almost all the appellate matters for all the District Attorneys throughout the State. So, I do not practice in the appellate courts. But, I have prosecuted or been involved with almost every type of criminal case here in Anderson County.

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

I have prosecuted members of each of the major gangs in Anderson County including Bloods, Crips, Gangster Disciples, and the Aryan Nation. I have convicted the biggest drug dealers in Clinton and Oak Ridge. And, I have helped seize their drug money and related property to help fund further investigative efforts by the Task Force at no cost to the taxpayers. Under my leadership, we have gone as far as Louisiana to bring back members of the Aryan Nation who tried to beat out, and possibly kill, one of their own. And we have brought back Defendants from as far away as the United Arab Emirates (near Saudi Arabia) to be held accountable in our Anderson County courts for their drug activity. I have won back-to-back jury trials in a single week. And, I have used the Drug Free School Zone statute to send a Detroit drug dealer to prison for 30 years for selling heroin right next door to Claxton Elementary School.

But all of this is while remembering that part of a Prosecutor's job is to "strike hard blows, [but not] foul ones". Berger v. United States, 295 U.S. 78, at 88 (1935).

So I am even more proud of our successes in helping people turn their lives around. Folks like Wendy G., who at one point was on the cover of the Knox News Sentinel with sixteen (16) different booking photos showing how badly she had deteriorated from her first meth-related drug arrest to her most recent. I prosecuted that young woman. And instead of just blindly sending her to prison on her twenty-two (22) years of sentences, I gave her a chance: with an opportunity to go to the Nashville Drug Court. It is a super-intensive two-year program that focuses on people with meth addictions. I was thrilled to see her successfully graduate from that program and even become a counselor for others in recovery. Her path has not been easy. And, we are still working to keep her off of drugs and on the right track.

And then there are young men like Brandon S. Just a few weeks ago, I was walking back to my truck in the historic Grove Center of Oak Ridge when I heard a voice shouting my name. It was Brandon S. running after me to tell me how much he appreciated me believing in him and giving him a chance at recovery instead of prison. He was excited to tell me how he has turned his life around and is doing really well now. And I was thrilled to hear of his success.

Moments like these help you remember, whether you are a prosecutor or a defense attorney, that the work we do really does matter.

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

I have been a prosecutor for well over a decade. But I still remember fondly my time in civil law. For example, I had the honor of clerking during law school for attorney Robert V. Redding, a partner in Armstong Allen, who won the seminal case of McIntyre v. Balentine that established Modified Comparative Fault in Tennessee. See 833 S.W.2d 52 (Tenn. 1992). I am a student of the law and its history and would welcome an opportunity to be involved with civil law again.

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

None.

EDUCATION

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

Vanderbilt University Law School, Nashville, TN (Aug., 2000 to May, 2003)

J.D. Degree (Doctor of Jurisprudence), May 2003.

Honors and Activities: GPA: 3.182; VANDERBILT JOURNAL OF TRANSNATIONAL LAW; Published Student Note: *The African Holocaust: Should Europe Pay Reparations to Africa for Colonialism and Slavery?* 35 VAND. J. TRANSNAT'L L. 1313 (2002).

Phi Delta Phi Legal Fraternity, Chapter Secretary;

Federalist Society, Chapter Vice-President;

Moot Court Competition participant.

Lambuth University, Jackson, TN (Jan. 1995 to Dec. 1999)

B.S. Political Science, Philosophy minor, *magna cum laude*, Dec. 1999.

Honors and Activities: Kappa Alpha Order Fraternity.

Jackson State Community College, Jackson, TN, (Jan. 1993 to Dec.1994)
No associates degree awarded because transferred to 4yr. university
Honors and Activities: Phi Theta Kappa Honor Society

PERSONAL INFORMATION

12. State your date of birth.

1974

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

From birth to approx.. 1985 and then from 1989 to present. (My family and I lived in Oxford, MS for a few years when I was in junior high and part of high school.)

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

13 ½ years (since October, 2007)

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

Anderson County, TN

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

Served six (6) years in the Tennessee Army National Guard from Dec. 1993 to Dec. 1999 as a Medic (91B); active duty for Basic and AIT approx. Feb. 1994 to July 1994; Army Service Ribbon, National Defense Service Medal, Sharpshooter Qualification Badge (Rifle M16), Expert Qualification Badge (Hand Grenade), Army Achievement Medal (for outstanding service to STARC Medical Detachment 5), rank of Specialist (E-4), Honorable Discharge 28 Dec. 2001.

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

No

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

No

19. Please identify the number of formal complaints you have responded to that were filed against you with any supervisory authority, including but not limited to a court, a board of professional responsibility, or a board of judicial conduct, alleging any breach of ethics or unprofessional conduct by you. Please provide any relevant details on any such complaint if the complaint was not dismissed by the court or board receiving the complaint. You may wish to request a report from the appropriate supervisory authority (or authorities) for a complete history.

None

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

No

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

No

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

No

23. List all organizations other than professional associations to which you have belonged

within the last five (5) years, including civic, charitable, religious, educational, social and fraternal organizations. Give the titles and dates of any offices which you have held in such organizations.

First Steps Daycare Board at First United Methodist Church in Oak Ridge, TN: Board member from approximately Jan., 2019 to present; Chairperson of the Board from Jan, 2021 to present (both of my sons attended this daycare)

Knights of Columbus at St. Mary's Catholic Church in Oak Ridge, TN: member since approximately 2014. (my wife and I were married at St. Mary's in 2011)

24. Have you ever belonged to any organization, association, club or society which limits its membership to those of any particular race, religion, or gender? Do not include in your answer those organizations specifically formed for a religious purpose, such as churches or synagogues.
- a. If so, list such organizations and describe the basis of the membership limitation.
 - b. If it is not your intention to resign from such organization(s) and withdraw from any participation in their activities should you be nominated and selected for the position for which you are applying, state your reasons.

Kappa Alpha Order Fraternity (male-only college fraternity) – membership in college fraternities and sororities is common among college students so resignation should not be necessary.

ACHIEVEMENTS

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

Anderson County Bar Association – President 2015-2016, member approx. 2008 to present

Tennessee Bar Association – I have been a member of the TBA in the past and may have been at some point in the last ten (10) years. But in general, I have not recently been a member of the TBA because the District Attorneys General Conference provides most of the same services.

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

Certificate of Recognition from FBI (Federal Bureau of Investigation) for contribution to priority investigation – April 2015

Letter of Appreciation from ORPD (Oak Ridge Police Department) Investigators for assistance with investigations within the City of Oak Ridge throughout 2017 – Feb. 2018

Certificate of Appreciation from ORPD (Oak Ridge Police Department) for outstanding continued support to Task Force Officers and the Oak Ridge Police Department – May, 2018

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

Candidate in election for General Sessions Judge, Division I, in Clinton, TN in 2014.

ESSAYS/PERSONAL STATEMENTS

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

I had originally planned to run for District Attorney General sometime in the future. But, this opportunity to take on a new and exciting role as Circuit Court Judge will probably never come around again during my professional career. And, being a Circuit Court Judge would let me see and apply the law from an entirely new perspective.

From my very first Political Science class, I have been fascinated by the law and its workings. Serving as an Assistant DA, I have had the freedom to pursue justice for its own sake without the obligations of having a traditional client. There is a kind of nobility in the law. And serving as Circuit Court Judge will allow me to help preserve the integrity of our judicial system and public confidence in it.

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

This Circuit Court position is in Clinton, Anderson County, Tennessee, just north of Knoxville. It serves the Seventh Judicial District which is comprised solely of Anderson County.

This position hears all the Circuit and Criminal Court cases in Anderson County, roughly alternating week-to-week between civil and criminal dockets.

The district also has one Chancery Court position that is currently held by the Honorable M. Nichole Cantrell.

Over 80% of the cases filed in Circuit Court are criminal cases.

I have a good working relationship with the Judges, court staff and defense bar and have established a reputation as being fair-minded, hard-working, and easy to work with.

My selection would impact the Court by creating a reasonably smooth transition with stable continuity from the Honorable Donald R. Elledge who I have had the honor of practicing criminal law in front of for the last 13 years.

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

I am absolutely committed to upholding the law, regardless of whether I personally agree with it or not.

“Fiat Justitia Ruat Coelum” (meaning “Let Justice Prevail Though the Heavens May Fall”) adorns the Seal of the Tennessee Judiciary. Maybe it is the old soldier in me. Or maybe it is my 13 years of service as a prosecutor. But the idea of *not* following the law seems entirely foreign to me.

Of course, there are times when I question the wisdom of some of our laws. Mandatory minimum \$2,000.00 fines on people who are well under the poverty guidelines and already have a mountain of court costs can seem both unrealistic and unfair.

But one of the hardest things is having to dismiss or not indict victim cases when you really want to be able to offer the victim some form of justice and closure. Whether it is a victim whose attacker is mentally incompetent, but not severe enough to be committable, or a late-reported sexual assault where there is not enough corroboration to support a conviction, these are some of the toughest situations to work through. It may not feel very good. But sometimes a dismissal *is* the right thing to do under the law.

And even though I may not always agree with the law, I am duty-bound to follow it.

REFERENCES

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

A. **Honorable Sandra N.C. Donaghy**, Criminal Court Judge, 10th Judicial District (Bradley, McMinn, Monroe, and Polk Counties), [REDACTED] Cleveland, TN 37311; [REDACTED]
[REDACTED]

B. Sheriff Russell Barker, Sheriff of Anderson County, TN, [REDACTED]
Clinton, TN 37716; [REDACTED]

C. Attorney John Stanford Young, III, Bell & Young, PLLC, First Horizon Plaza, [REDACTED]
[REDACTED] Knoxville, TN 37929; [REDACTED]

D. Barrit "Winnie" Gadd, Drug Court Coordinator, Anderson County, TN; [REDACTED]
[REDACTED] Clinton, TN 37716; [REDACTED]

E. Melissa Miller, Director of Family Justice Center, Anderson County, TN; [REDACTED]
[REDACTED] Clinton, TN 37716; [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] Circuit Court for the Seventh Judicial District (Anderson County) of Tennessee, and if appointed by the Governor, agree to serve that office. In the event any changes occur between the time this application is filed and the public hearing, I hereby agree to file an amended questionnaire with the Administrative Office of the Courts for distribution to the Commission members.

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

Dated: June 3rd, 20 21.



Signature

When completed, return this questionnaire to Ceesha Lofton, Administrative Office of the Courts, 511 Union Street, Suite 600, Nashville, TN 37219.



**TENNESSEE TRIAL COURT VACANCY COMMISSION
ADMINISTRATIVE OFFICE OF THE COURTS**

511 UNION STREET, SUITE 600
NASHVILLE CITY CENTER
NASHVILLE, TN 37219

**TENNESSEE BOARD OF PROFESSIONAL RESPONSIBILITY
TENNESSEE BOARD OF JUDICIAL CONDUCT
AND OTHER LICENSING BOARDS**

WAIVER OF CONFIDENTIALITY

I hereby waive the privilege of confidentiality with respect to any information that concerns me, including public discipline, private discipline, deferred discipline agreements, diversions, dismissed complaints and any complaints erased by law, and is known to, recorded with, on file with the Board of Professional Responsibility of the Supreme Court of Tennessee, the Tennessee Board of Judicial Conduct (previously known as the Court of the Judiciary) and any other licensing board, whether within or outside the State of Tennessee, from which I have been issued a license that is currently active, inactive or other status. I hereby authorize a representative of the Trial Court Vacancy Commission to request and receive any such information and distribute it to the membership of the Commission and to the Office of the Governor.

Ryan Michael Spitzer

Type or Print Name

Signature

06/03/21

Date

023031

BPR #

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