

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 an Assistant District Attorney at the Knox County District Attorney's Office currently assigned as the Team Leader of the Child Abuse Unit where I prosecute cases involving child physical abuse, sexual abuse, child exploitation, and violations of the sexual offender registry and manage a unit of three attorneys and two support staff members.

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

2009 BPR #028343

3. List all states in which you have been licensed to practice law and include your bar number or identifying number for each state of admission. Indicate the date of licensure and whether the license is currently active. If not active, explain.

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

Virginia: VSB ID#78865, Licensed in October, 2009—Associate Member (I am barred in Virginia but have never engaged in the practice of law in Virginia.)

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

While still in law school, I signed up for the Tennessee and Virginia bar exams. I was admitted to the Virginia bar in 2009, but I have never practiced law in Virginia. As such, my Virginia bar status has been either suspended (2020 and 2021) or inactive.

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

District Attorney General—6th Judicial District

Assistant District Attorney
Child Abuse Unit (Team Leader)
Child Protective Investigative Team
Child Fatality Review Team
Career/Gang Unit
Division II Criminal Court
Hiring Committee Chair

August, 2013—Present
Knoxville, TN

District Attorney General—4th Judicial District

Assistant District Attorney
Child Protective Investigative Team
Criminal Investigator

September, 2009—July, 2013
Sevierville, TN

Commonwealth's Attorney's Office

Intern

Summer, 2009
Colonial Heights, VA

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

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

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

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

Once I determine that prosecution is warranted, it is my responsibility to prepare the case for presentation to the Grand Jury, which often involves preparing the detective or officer leading the investigation. If the Grand Jury votes to true bill the case, the defendant is arraigned in the Criminal Court. Thereafter, it is my responsibility to resolve the case. I negotiate extensively with the members of the defense bar in the hopes of resolving each case via a plea agreement. Some cases resolve quickly, but others require courtroom litigation. Some cases necessitate arguing motions such as a motion to suppress a search warrant, a motion to suppress a defendant's statement, or a motion to bar the defense from talking about a victim's past unrelated sexual experiences. Our unit also frequently takes cases to trial.

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

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

In October 2009, I was hired as an Assistant District Attorney in the 4th Judicial District which is made up of Sevier, Cocke, Grainger, and Jefferson Counties. As the newest attorney in that District, I dove headfirst into my new job as a prosecutor. Unlike some of the surrounding counties, including Knox County where I had previously interned, Sevier County was a relatively small jurisdiction. In total, there were seven attorneys in my office (including the elected) and only four that were assigned to the two Criminal Court Divisions. Unlike many of my peers, the small number of attorneys in the Sevierville office meant that I was not gradually introduced to the courtroom; rather, I had responsibilities for serious cases immediately from the outset. I credit three things for my ability to swim rather than sink in such circumstances. First, this job was the culmination of my path and focus from a very early age. I knew for so long that I wanted to be a prosecutor and took every opportunity I could find to make sure I was well-suited for the position. Second, my colleagues prepared and mentored me, and my division partner, George Ioannides, was available—literally right beside me—for any question I had surrounding my new responsibilities. Last, and most importantly, Richard Vance, the Criminal Court judge in whose courtroom I was assigned, provided a wealth of mentorship and guidance. Looking back, I am in awe of his professionalism, patience, kindness, and ability to teach without the subject knowing they were being taught which was such a special gift instilled on me as a new prosecutor, and if selected, something I would strive to pass along to new attorneys in Knox County.

I remained at the Sevier County District Attorney's Office for four years. There, my caseload included every type of case from multi-defendant First Degree Murder trials to simple public intoxication. Due to the size of the office, I was very quickly prosecuting high-profile and high-stakes cases. I have lost count of how many cases I tried, but I prosecuted several murder, robbery, kidnapping, and aggravated assault cases while employed in Sevier County including a death penalty case with three co-defendants. As I continued learning, I also found myself taking on more and more responsibilities involving special victims. Specifically, I was assigned many domestic assaults, sexual assaults, and cases involving child victims. I also was assigned as the District Attorney representative to the Child Protective Investigative Team (CPIT). This group included members of law enforcement, the Department of Children's Services, members of East Tennessee Children's Hospital, Juvenile Court, and Safe Harbor—Sevier County's Child Advocacy Center.

In 2013, I made the decision to leave Sevier County and accept employment at the Knox County District Attorney's Office. Unlike the 4th Judicial District, the 6th Judicial District Attorney General's Office employed about forty attorneys, many of whom specialized in a particular area of criminal prosecution. As a member of the Child Abuse Unit, I focus exclusively on cases involving the physical and sexual abuse of children. I remained in the Child Abuse Unit for several years. I was then assigned to Criminal Court Division II where I prosecuted a variety of cases, including a substantial number of property crimes. Handling the cases of these individuals, I could see a cycle of offending, release, and re-offending that needed to be addressed. I worked with defense counsel, probation, and various treatment providers to try to

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

Following my time in Division II, I joined the Career / Gang Unit which prosecuted offenders with significant criminal records or offenders that were associated with criminal gang activity. The Career / Gang Unit is statistically the unit that goes to trial most often at the Knox County District Attorney's Office. For example, I tried fourteen cases in 2018 alone which far exceeded any other attorney in our office. When I was not in trial, I consulted with and advised law enforcement officials, prepared victims and other witnesses for court appearances, responded to motions, and reviewed investigatory files.

In 2021, I returned to the Child Abuse Unit and was promoted to Team Leader of that unit. As indicated in the previous answer, I currently oversee this unit, which is comprised of three attorneys and two support staff members. We prosecute cases involving physical and sexual abuse of children, child exploitation, and violations of the sexual offender registry.

I am also a member of the Child Fatality Review Team which involves many different agencies including members of the Tennessee Department of Health and Medical Examiners from the Knox County Regional Forensic Center. The team reviews all child deaths (accidental and nonaccidental) in Knox County in order to better understand the causes of child deaths and make and implement recommendations that will prevent further childhood deaths.

In addition to my courtroom role, I am also heavily involved in training and teaching which often occurs outside of my regular office hours. I teach recruits at the Knox County Sheriff's Office Regional Training Academy and the Knoxville Police Department Training Academy. I also provide the legal update and continuing training for the Internet Crimes Against Children investigators, Knox County Child Protective Investigative Team, and ChildHelp of East Tennessee. Twice a year, I teach the "Expert Witness Courtroom Testimony Course" for the International Association of Arson Investigators. As recently as last month, I gave a presentation to the East Tennessee Commission on Children and Youth entitled "A Behind the Scenes Look at Child Abuse Prosecution." I participate each year in our office's Citizens Academy and have given presentations on child abuse cases and on the Career / Gang Unit. I also helped educate the public when I was interviewed for two podcasts: the first, *Generally Speaking Podcast Episode 5*, entitled "Career Criminal and Gang Unit, the Case of the Pillowcase" and the second, *Sidebar Conversations Episode 6*, entitled "Child Abuse, Everyone's Responsibility." I also participated in the Emerald Youth Foundation's Calling and Career Group's Mock Trial Competition and spoke at Lincoln Memorial University Duncan School of Law's "Careers in Criminal Law Panel." I have also given a recent presentation to the Volunteer Republican Women's Club on "What to Know about Child Abuse and Gang Prosecutions." Most importantly, I also gave presentations about internet dangers, protecting children, and mandatory reporting to children, parents, and faculty members at several local schools and churches with the goal being to educate, protect, and prevent future child abuse cases.

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

Knox County Cases

State v. Cristobal Vasquez, (Criminal Court for Knox County, Division I)—Conviction in June 2022: On August 11, 2019, Cristobal Vasquez solicited sexual activity from his thirteen-year-old stepdaughter by sending inappropriate text messages requesting sexual favors. After receiving the text messages, the victim disclosed the abuse to a school counselor who notified law enforcement. She also reported that Mr. Vasquez sexually assaulted her when she was eleven. Knox County Sheriff's Office detectives interviewed Mr. Vasquez and the victim's mother. Mr. Vasquez admitted sending the text messages to the victim. At trial, the victim's mother testified in support of Mr. Vasquez and stated that she directed him to send the text messages to "test" the victim. This testimony contradicted her previous statement to investigators, and the jury discredited the testimony, finding Mr. Vasquez guilty. Mr. Vasquez was convicted in June 2022, of Solicitation of a Minor and Aggravated Sexual Battery and awaits sentencing.

State v. Christopher Spencer, (Criminal Court for Knox County, Division II)—Conviction in March 2022: On November 19, 2019, Christopher Spencer was visiting and cooking dinner for the victim's mother at her home. While the mother was in another room, Mr. Spencer sexually assaulted the eleven-year-old victim. When Mr. Spencer went outside to smoke, the victim told her mother what happened. The mother confronted Mr. Spencer and made him leave. After this assault, the victim's mother learned that Mr. Spencer is a Registered Sex Offender. Mr. Spencer later texted the mother saying it was a misunderstanding and that he only "tickled" the child. In a subsequent statement to investigators, Mr. Spencer first denied touching the child at all and then said the victim's mother was making this up because she was mad. After the jury returned a verdict finding Mr. Spencer guilty of Aggravated Sexual Battery, the State was allowed to inform the jury that Mr. Spencer is a convicted Sex Offender on the Sex Offender Registry. While in the United States Army, Spencer was convicted of three counts of Sexual Abuse of a fourteen-year-old child at a Court Martial in Fort Campbell, Kentucky, in 2014. The jury then also convicted Mr. Spencer of Violation of the Sexual Offender Registry. He was sentenced to fourteen years for both crimes.

State v. Joshua Sullivan, (Criminal Court for Knox County, Division I)—Conviction in November 2021: On September 2, 2019, Joshua Sullivan raped his eleven-year-old stepdaughter. Later that night, the victim disclosed the abuse to her friend, sister, and mother. The victim was taken to East Tennessee Children's Hospital for a sexual assault examination where DNA was recovered that matched Mr. Sullivan. After the victim left the home to go to the hospital, Mr. Sullivan fled the scene but called his son who was still at the home and instructed him to wash the victim's sheets. Mr. Sullivan made his son show him over Facetime that he was placing the sheets in the washing machine. The Knox County Sheriff's Office responded to both the hospital and the home. The victim was taken to ChildHelp of East Tennessee for a forensic interview where she disclosed the abuse. At trial, Mr. Sullivan testified that his son committed the offense. The jury discredited this testimony, believed the victim, and found him guilty of Rape of a Child.

State v. Bryant Mitchell, No E2020-0689 (Criminal Court for Knox County, Division III): On November 13, 2016, officers responded to a shooting in Western Heights Alley A. On scene, officers discovered the victim had been shot over a dozen times in the head. The investigation revealed that Mr. Mitchell—likely because of a drug debt—shot the victim twice, paralyzing him. Mr. Mitchell fled the scene in a vehicle with two other individuals, but came back, stood over the victim, and shot him fourteen more times, leaving a handgun magazine and cell phone at the crime scene. Forensic examination of the cell phone linked it to “Honcho da Bos” and “Baily Da G,” known aliases for Mr. Mitchell. Investigators also discovered gunshot residue on Mr. Mitchell’s pants. While out on bond, Mr. Mitchell released an album entitled “Out on Bail” where he bragged about shooting someone in the face. The two individuals in the vehicle testified against Mr. Mitchell, and he was convicted of First Degree Murder and sentenced to life in prison.

State v. Edward Springs (Criminal Court for Knox County, Division III)—Convicted August 2019: On October 13, 2016, the victim was at an ATM at the Home Federal Bank on Merchants Drive when Crips Gang member Edward Springs and co-defendant Brandon Moats pointed a gun at the victim and took his truck and attached wheelchair ramp. Knoxville Police Department investigators learned the suspects were from Chattanooga and sent screen captures from the ATM video to the gang unit at the Chattanooga Police Department. Investigators also discovered Facebook live videos taken by the suspects and others inside the victim’s truck where the victim’s handicap tag hanging from the rearview mirror was visible. In the Facebook live video, Mr. Springs and the other occupants of the vehicle pass around a black pistol with an extended magazine consistent with the handgun described by the victim in the carjacking. The defendants took the victim’s truck to Chattanooga then Nashville, where they committed another carjacking at a gas station. Mr. Springs was found guilty of Carjacking and received a sentence of nineteen years in prison.

State v. Charles Griffin, E2019-00969 (Criminal Court for Knox County, Division III): On June 8, 2017, Charles Griffin entered the Dollar General on McCalla Avenue brandishing a handgun and demanding money. The Crips gang member then pistol-whipped a Dollar General employee with a handgun during the robbery. While the elderly clerk was attempting to open the cash drawer, Mr. Griffin bludgeoned the victim numerous times with the pistol before leaving with the entire cash drawer. The victim was transported to the University of Tennessee Medical Center where he underwent facial reconstruction surgery for the injuries he sustained. Mr. Griffin, who had a significant criminal history, was convicted of Especially Aggravated Robbery and Unlawful Possession of a Weapon by a Convicted Felon and received a sentence of seventy-five years.

State v. Eli Kea, No. E2019-00890 (Knox Criminal Division III): This case involved three separate criminal episodes that occurred in East Knoxville on July 19, 2017. First, Eli Kea committed an Attempted Aggravated Robbery by pulling a weapon on two victims and demanding money. Next, Mr. Kea and a group of friends traveled to another part of town where another victim was shot from inside their vehicle as she crossed the street. Last, the group traveled to another neighborhood where a security camera recorded them shooting at a home

with several occupants including a small child. Several 911 calls were made from these various scenes describing the suspects' vehicle as a white PT Cruiser. Following the drive-by shooting, police immediately observed the white PT Cruiser near the home and stopped the vehicle. Inside, they located the gun that was used in the criminal episodes as well as clothing that matched the description given by the Attempted Aggravated Robbery victims. One of Mr. Kea's friends provided testimony tying Mr. Kea to all three criminal episodes. The jury subsequently found him guilty of these offenses.

State v. Jeffrey Stokes, (Criminal Court for Knox County, Division III)—Convicted June 2021:

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

State v. Sparkle Jones, No. E2019-00804 (Criminal Court for Knox County, Division III):

On June 28, 2017, Knoxville Police Department investigators used a confidential informant to arrange a purchase of heroin from Sparkle Jones. Mrs. Jones had called the informant earlier in the day to tell the informant that she had heroin for sale. Investigators had the informant place a recorded phone call to Mrs. Jones ordering half a gram of heroin for \$80. Mrs. Jones directed the informant to meet at the Inskip Market. While at the market, a co-defendant arrived and sold the heroin to the informant. Investigators were able to identify Mrs. Jones' voice by reviewing jail calls between Mrs. Jones and her husband, Marquail Patterson, who is another Detroit drug dealer and is currently serving thirty years in prison for a murder that occurred in 2014 at a nightclub on Cumberland Avenue. Mrs. Jones was convicted of Sale and Delivery of a Schedule I Controlled Substance.

State v. Jessica Cox, E2019-00026 (Criminal Court for Knox County, Division II):

On May 28, 2013, Jessica Cox's two stepsons escaped from their home at 834 Canton Hollow Road where they had been handcuffed to a kitchen cabinet. Still handcuffed, the fourteen and sixteen-year-old victims walked to Farragut High School where school custodians called 911. The boys were taken to East Tennessee Children's Hospital where they were treated for their injuries. Knox County Sheriff's Office investigators responded to the hospital while other investigators with the Family Crisis Unit responded to Canton Hollow Road. The victims were both malnourished with injuries to their wrists due to repeatedly being handcuffed. One victim also had significant injuries to his feet. The victims were forensically interviewed at ChildHelp USA where they recounted that Mrs. Cox and their biological father, Kenneth Michael McIntosh, handcuffed them for hours on end, deprived them of food, and struck them with items like mallets and

rolling pins. The victims were also submerged in ice baths and forced to kneel on uncooked rice. Mrs. Cox was convicted of Aggravated Child Abuse and sentenced to twenty-four years in prison.

State v. John Baskins, No. E2017-00795 (Criminal Court for Knox County, Division II): On March 23, 2015, the Knoxville Police Department received two 911 calls related to the rape of a six-year-old child. At one call, officers responded to the Montgomery Village Apartments where a witness walked in and saw John Baskins raping his six-year-old niece. At the other call, Mr. Baskins was threatening to jump off a bridge before negotiators were able to talk him off the bridge and take him into custody. Investigators obtained an arrest warrant for Mr. Baskins, seized his cell phone, and secured a search warrant to swab Mr. Baskins for DNA. The victim was forensically interviewed at ChildHelp USA where she explained how she was sexually assaulted by Mr. Baskins who also videoed the assault. Officers with the Internet Crimes Against Children Task Force recovered images from Mr. Baskins' cell phone. DNA analysis conducted by the Tennessee Bureau of Investigation also corroborated the account. The victim's mother testified at the sentencing hearing, and a second victim came forward after Mr. Baskins was charged in this case. The second victim stated that she was raped by Mr. Baskins when she was four years old. Mr. Baskins was convicted of Rape of a Child and Especially Aggravated Sexual Exploitation of a Minor and sentenced to forty years in prison.

State v. Ashanti Glass, No. E2015-01900 (Criminal Court for Knox County, Division III): On December 28, 2013, the two-year old victim suffered second and third degree burns on her feet at her home in Knox County. The victim's mother, Ashanti Glass, waited two weeks before taking her daughter to the emergency room. Medical experts testified the child would have been in excruciating pain during those two weeks. Once she was finally taken to East Tennessee Children's Hospital, the victim was immediately transported to the Vanderbilt University Hospital burn center, where she was treated for weeks, received skin grafts, and went through months of physical rehabilitation. When Knoxville Police Department investigators interviewed Ms. Glass about what happened to her daughter, Ms. Glass gave multiple inconsistent stories about the source of the injuries. Ms. Glass made further inconsistent statements to hospital staff and when she testified at trial. She was convicted of Aggravated Child Neglect and received a sentence of fifteen years.

Sevier County Cases

State v. Dustin Lucio, No. E2014-00642 (Circuit Court for Sevier County, Division II): The victim and her aunt went to sing karaoke, leaving their fifteen-year-old niece to babysit two children at their apartment. The victim decided to leave early, but when she returned to the apartment, she found her niece heavily intoxicated with Dustin Lucio, an unknown older male, in the apartment. The victim told Mr. Lucio to leave, which he did. Shortly thereafter, Mr. Lucio returned claiming that he left his cell phone in a back bedroom. Concerned about her niece's safety, the victim walked to the back room to assist Mr. Lucio in recovering his phone while also insisting that he leave as soon as the phone was located. When she got into the room, Mr. Lucio suddenly turned out the lights and grabbed the victim's neck. He placed his hands over her mouth, and she could barely breathe. The victim kicked and tried to scream but stopped

out of fear that Mr. Lucio would kill her. Mr. Lucio then proceeded to violently rape the victim. When the rape was over, Mr. Lucio went into a nearby bathroom, and the victim pushed out the window and window screen and ran, half-naked, to a nearby apartment where the victim's niece's father lived. The victim's niece's father then ran to the apartment to get his niece and found Mr. Lucio attempting to leave. They became involved in an altercation, but Mr. Lucio escaped. The victim was then taken to the hospital where a sexual assault examination was performed. Mr. Lucio's DNA was recovered. At trial, a friend of Mr. Lucio told the jury that Mr. Lucio told her that "drugs and alcohol made him do what he did that night." Mr. Lucio was convicted of Aggravated Rape and sentenced to twenty-three years confinement.

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

State v. Melvin Branham, No. E2013-00638 (Circuit Court for Sevier County, Division II): On April 27, 2010, Melvin Branham agreed to meet the victim at a Walgreens parking lot in Sevierville to purchase marijuana. When he arrived, Mr. Branham got inside the victim's vehicle where he stabbed the victim in the neck, grabbed the victim's money, and fled. The victim climbed out of his vehicle and ran into Walgreens where patrons called 911. He was transported to the University of Tennessee Medical Center where he was hospitalized for several days. Mr. Branham pled guilty mid-trial and later filed a motion to withdraw his plea, which the court ultimately denied.

State v. Ernest Pyle, No. E2013-01977 (Circuit Court for Sevier County, Division II): On February 16, 2010, Ernest Pyle and his girlfriend "reconciled" after she turned him in to the Milan Police Department in Indiana for distribution of marijuana. He invited her on a trip to Pigeon Forge, Tennessee. The first part of their trip was uneventful, but when the victim was ready to return to Indiana, Mr. Pyle violently assaulted her. He slapped her in the face, covered her mouth with tape and handcuffed her. Mr. Pyle then dragged the victim to the motel bathroom and choked her until she lost consciousness. Mr. Pyle kept the victim restrained in the room for five days and threatened to kill her several times saying that he would send her body to the Milan Police Department. During this time, Mr. Pyle also went to Walmart where he purchased a hammer, pliers, and a drop cloth. On the fifth day, Mr. Pyle took the victim to a laundromat

attached to the motel. She saw her opportunity to escape and ran to the motel manager's office. The manager called 911, and when the police arrived, they located Mr. Pyle circling the parking lot, looking for the victim. When they took Mr. Pyle into custody, he had handcuff keys and two cell phones with the batteries removed in his pocket. Officers also found the motel room in disarray and were able to locate the handcuffs described by the victim. Police also found the drop cloth and tools in a nearby dumpster. Mr. Pyle was convicted of Especially Aggravated Kidnapping and sentenced to twenty-five years in prison.

State v. Mark Lipton, No. E2012-02197 (Circuit Court for Sevier County, Division II): On November 16, 2009, ex-police officer Mark Lipton was involved in a verbal altercation with his neighbor's grandchild. He then pointed a gun at the victim, threatened to kill him, and punched him in the face. The victim's family called 911 as did Mr. Lipton's girlfriend. The 911 calls presented two very different scenarios. When officers arrived, Mr. Lipton was laying under a four-wheeler and requesting medical assistance. Officers did not observe any injuries to Mr. Lipton. Mr. Lipton explained that he heard the four-wheeler outside and became concerned because the children were not wearing helmets and were not supposed to use the four-wheeler on the county road. He reported that as he was talking to the grandchild, the victim came from his house and assaulted him, knocked him on the ground, and pushed the four-wheeler on top of him. The victim's family told police that the kids were riding the four-wheeler and that Mr. Lipton grabbed the front of the four-wheeler and stopped them. When the victim went to see what the commotion was, Mr. Lipton punched him in the face which left a visible mark. The victim explained that Mr. Lipton then knocked him to the ground and pulled a pistol, which was found by police on Mr. Lipton's person. The victim explained that when Mr. Lipton realized that the police were coming, he proceeded to lay on the ground and pull the four-wheeler on top of his body. Mr. Lipton was convicted of Aggravated Assault and sentenced to five years on probation.

State v. Jack Price and Larry Cochran, No. E2011-01050 (Circuit Court for Sevier County, Division II): On November 16, 2009, two young men and their five-year-old nephew were living at the Graystone Lodge in Gatlinburg, Tennessee. Jack Price called one of the victims and asked if he could come play video games. Later, the second victim was outside of the room when he observed a gold Buick arrive at the motel. Soon thereafter, an assailant put a gun to the back of his head and forced him up the stairs and into the motel room where he pushed him to the floor. The assailant told him that if he moved or said anything, he would kill him. The victim recognized the voice as Jack Price. At this time, Mr. Cochran also entered the motel room to assist in the robbery. The first victim stood up and attempted to punch Mr. Price, who pointed the gun at his face and pulled the trigger. The gun's magazine, however, fell out of the weapon, and the victims were able to push Mr. Price and Mr. Cochran out of the motel room and close the door. The victims called the police who responded and collected the magazine left by Mr. Price and Mr. Cochran in the motel room. The victims quickly identified Mr. Price as one of the assailants and described Mr. Cochran as a man known as "Ghost." They also told police that the gold Buick with a Delaware license plate was used by the assailants to escape. When officers went to serve Mr. Price with a warrant for his arrest, Mr. Cochran jumped out of a window and fled into the wood line. With the help of a K9, police soon found Mr. Cochran. Police also impounded a gold Buick that belonged to Mr. Cochran which had Delaware plates. The gun

magazine was eventually traced to a friend of Mr. Price and Mr. Cochran who testified to admissions they both made regarding the robbery and attempted murder of the victims. Jack Price and Larry Cochran were found guilty of Attempted First Degree Murder, Aggravated Assault, and Attempted Aggravated Robbery and sentenced to twenty-five years in prison.

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

Nassios and McLaughlin, Attorneys at Law Law Clerk—Criminal Defense	2008 Knoxville, TN
District Attorney General—6th Judicial District Extern	Fall 2008 Knoxville, TN
Henry, McCord, Bean, Miller, and Gabriel, PLLC. Law Clerk—Criminal Defense	Summer, 2008 Tullahoma, TN
Office of the Attorney General Intern	Summer, 2007 Richmond, VA
Commonwealth’s Attorney’s Office Intern	Summer, 2005 Harrisonburg, VA

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

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

My second summer, I interned at Henry, McCord, Bean, Miller, and Gabriel, PLLC, in

Tullahoma, Tennessee. That summer I wanted to focus on learning the defense side which I hoped would give me insight and make me a more astute, understanding, and compassionate prosecutor.

In my third year of law school, I finally got the chance to enroll in the Prosecutorial Externship program which, as explained above, had brought me to the University of Tennessee College of Law. I was assigned to the Child Abuse Unit where I worked with then Assistant District Attorney Charme Allen, who would later become the elected District Attorney General in the 6th Judicial District, as well as Steve Sword, who is currently a Knox County Criminal Court Judge in Division I. It was here that I first sat in on an interview with a child victim and knew that my personality was well-suited not just for prosecution, but also for this very difficult area of prosecution. Following the externship, District Attorney General Randall Nichols allowed me to continue working at the Knox County District Attorney's Office, and I was assigned to Felony Sessions Court, where I had the chance to conduct several preliminary hearings, and to Criminal Court Division I, where I tried my first case, a DUI.

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

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

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

Not applicable

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.

University of Tennessee College of Law

Knoxville, TN

Juris Doctorate, *Cum Laude*

2006-2009

Concentration in Advocacy and Dispute Resolution

Certificate of Academic Excellence in Advanced Trial Practice, Pretrial Litigation, and Prosecution Externship

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

James Madison University

Harrisonburg, VA

Bachelor of Arts, *Magna Cum Laude*

2002-2006

Double Major in Public Administration and Political Science

Philosophy Minor

- President's List or Dean's List every semester at James Madison University (2002-2006)
- James Madison University Pre-Law Society (2003-2006)
- American Criminal Justice Association Lambda Alpha Epsilon (2005-2006)
- James Madison University Honor Council, Student Representative and Faculty Outreach Committee Chair (2005-2006)

PERSONAL INFORMATION

12. State your date of birth.

██████████ 1983

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

16 years

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

I have lived in Knox County for 6 years. Prior to that, I lived in Sevier County for 7 years, and before that, I lived in Knox County for 3 years.

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

Knox County, Tennessee

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

Not applicable

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

No

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

No

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

complete history.

Not applicable

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

No

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

No

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

No

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

Sacred Heart Cathedral School Board

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

Sacred Heart Cathedral School Principal Search Committee

- Co-Chair (2021-2022)

Sacred Heart Cathedral, Parishioner

Saint Claire Guild, Member

West Knox Republican Club, Member

East Tennessee Commission on Children and Youth, Member

Girl Scouts of America, Troop 22123

- Troop Leader (2021-Present)

Spring Hill Elementary Reading Program, Volunteer

West Bearden Basketball League

- Girls Basketball Coach (2017-2018)

Knoxville Youth Sports

- Girls Basketball Coach (2018-Present)
- Boys Basketball Coach (2018)

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

No

ACHIEVEMENTS

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

Knoxville Bar Association, Member 2013-Present

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

Not applicable

27. List any public office you have held or for which you have been candidate or applicant.

Include the date, the position, and whether the position was elective or appointive.

Not applicable

ESSAYS/PERSONAL STATEMENTS

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

For a long time, I thought that my calling would forever to be that of a prosecutor. I have dedicated more than a decade to that position. My most important motivation was the pursuit of justice—especially for the most vulnerable. Prosecutors, however, do not have a monopoly on the pursuit of justice. I am very good at the job that I do, and I love the work I do and the positive impact I have on victim’s lives. However, after much thought, personal reflection, and prayer, I know that I am being called to promote justice in a different capacity. My patience, honesty, and compassion will serve well not just victims of crimes, but all involved in the criminal justice system—including criminal defendants. As a Criminal Court Judge, I would fairly, patiently, and professionally serve Knox County in my aim to do what is right and pursue justice.

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

I am seeking appointment to the Criminal Court for Knox County, Division II. Knox County’s Criminal Court system is divided into three divisions. The three Criminal Court judges share jurisdictions and responsibility over all criminal cases in Knox County.

Having worked as an Assistant District Attorney for almost thirteen years, I am intimately familiar with the workings of the criminal justice system. Since 2013, I have worked in Knox County, and I am confident that I have healthy working relationships with the two current Criminal Court judges, court staff, members of the clerk’s office, as well as members of the prosecution and defense bars.

My extensive trial court experience and familiarity with the Knox County Criminal Court will greatly assist in providing a smooth transition and allow me to maintain the court’s current docket.

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)

Yes. The role of a judge is to competently, honestly, and fairly enforce the law without bias or prejudice.

A fundamental principal of the criminal justice system is the absolute right of the accused to confront witnesses against him or her. In many cases, when children find out that they must testify live and in the courtroom with their abuser feet away, they are intimidated and frightened. I am often asked whether there is an exception for child victims which would allow them to testify via video or outside the gaze of their abuser. While, as a mother of three children, my heart often aches for the tribulation and gut-wrenching experience that such children will have to endure, I understand that the accused's right to confront witnesses is fundamental to our legal system.

I make sure to do everything in my power to make a trial less scary for child victims. I explain to them each step in the process, what is expected of them, and how the trial will progress. I bring each child victim into the courtroom prior to trial so that they can see how the courtroom is set up and where they will be testifying. I try my best to emphasize that there will be officers in the courtroom and that the courtroom is a safe place. Rather than focusing on the fear that they may feel about confronting their abuser, I try to empower child victims by focusing on their courage, honesty, and bravery.

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. Charme P. Allen
District Attorney General, 6th Judicial District
[REDACTED]
Knoxville, Tennessee 37902
Work Phone: [REDACTED] Cell: [REDACTED]
Email: [REDACTED]

B. James B. Dunn
District Attorney General, 4th Judicial District
[REDACTED]
Sevierville, Tennessee 37862
Work Phone: [REDACTED] Cell: [REDACTED]
Email: [REDACTED]

C. Andrew E. Farmer
Tennessee State Representative (District 17)

[REDACTED]
Nashville, Tennessee 37243

Cell: [REDACTED]

Email: [REDACTED]

D. Rev. David A. Boettner, Vicar General
Diocese of Knoxville

[REDACTED]
Knoxville, Tennessee 37919

Work Phone: [REDACTED]

Cell: [REDACTED]

Email: [REDACTED]

E. Dr. Sedonna Prater
Superintendent of Catholic Schools for the Diocese of Knoxville

[REDACTED]
Knoxville, Tennessee 37919

Work Phone: [REDACTED]

Cell: [REDACTED]

Email: [REDACTED]

AFFIRMATION CONCERNING APPLICATION

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

I have read the foregoing questions and have answered them in good faith and as completely as my records and recollections permit. I hereby agree to be considered for nomination to the Governor for the office of Judge of the Criminal Court , Division II, for the 6th Judicial District 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: July 2, 2022.

s/ Ashley D. McDermott

Signature

When completed, return this questionnaire to Ceesha Lofton, Administrative Office of the Courts, 511



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

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

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

WAIVER OF CONFIDENTIALITY

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

Ashley D. McDermott
Type or Print Name

/s/ Ashley D. McDermott
Signature

July 2, 2022
Date

028343
BPR #

<p>Please identify other licensing boards that have issued you a license, including the state issuing the license and the license number.</p> <p><u>Virginia State Bar ID# 78865</u></p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>
