

**Tennessee Trial Court Vacancy Commission**  
***Application for Nomination to Judicial Office***

1/17/23

Name: Brian Todd Martin

Office Address: 220 W. Depot Street  
(including county) Greeneville (Greene Co.), TN 37743

Office Phone: 423-823-5014 Facsimile: 423-639-6451

Email Address: [REDACTED]

Home Address: [REDACTED]  
(including county) [REDACTED] (Williamson Co.), TN 37027

Home Phone: [REDACTED] Cellular Phone: [REDACTED]

**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](http://www.tncourts.gov)). The Commission requests that applicants obtain the Microsoft Word form and respond directly on the form. Respond in the box provided below each question. (The box will expand as you type in the document.) Review the separate instruction sheet prior to completing this document. Your complete application, including both the original and digital copies, must be received by the Administrative Office of the Courts on or before the deadline prescribed in the Notice of Vacancy. See section 1(g) of the application instructions for additional information related to hand-delivery of application packages.

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

**PROFESSIONAL BACKGROUND AND WORK EXPERIENCE**

1. State your present employment.

I am an Assistant United States Attorney for the United States Department of Justice, United States Attorney's Office, Eastern District of Tennessee, Greeneville Branch.

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

I became licensed in 1997. My Tennessee Board of Professional Responsibility Number is 018785.

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 (018785) Date of licensure: October 30, 1997. The license is 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).

United States Department of Justice:

U.S. Attorney's Office – Eastern District of Tennessee; Assistant U.S. Attorney (2018-Present)

Bureau of Alcohol, Tobacco, Firearms and Explosives: Division Counsel (2013 to 2018)

Bureau of Alcohol, Tobacco, Firearms and Explosives: Senior Attorney (2006-2011 and 2012-2013)

Bureau of Alcohol, Tobacco, Firearms and Explosives: Chair, Professional Review Board (2011-2012) – The Chair serves as the head of the disciplinary review board for the agency. The Board reviews evidence of allegations of misconduct of employees and recommends a lawful course of action. As Chair, I supervised a staff of employees and coordinated the Board's activities as they

related to consideration of the evidence, and made a call for a vote on action. I oversaw the drafting of any written product related to the Board's action.

U.S. Attorney's Office - Eastern District of Tennessee; Special Assistant United States Attorney (2010-2013)

U.S. Marshals Service; Deputy Assistant Director (DAD), Acting, Training Division (2011-2012) – I provided leadership and guidance to headquarters personnel on the development and delivery of training across the Service.

U.S. Attorney's Office - District of Puerto Rico; Special Assistant United States Attorney (2007)

Shenandoah University, Bernard J. Dunn School of Pharmacy: Adjunct Faculty (2013) – I instructed pharmacy degree-seeking students on pharmacy law.

Walters State Community College, Public Safety Division: Adjunct Instructor (2005) – I provided instruction to criminal justice students on Tennessee and federal constitutional and criminal law.

United States Army/United States Army Reserve: Judge Advocate (2000-2004)

Office of the District Attorney (Second Judicial District), Assistant District Attorney General (2000-2006)

King Pharmaceuticals, Inc. - Director, Human Resources Legal Affairs (1998-2000)

Mississippi County Community College: Lead Instructor (Criminal Justice) (1997-1998) – I provided instruction to undergraduate students focusing on criminal justice studies.

Bristol Tennessee Police Department, Patrol Officer (1991-1993) – I provided patrol services to the citizens; served as a medical technician and first responded on medical-related calls.

Bristol Virginia Sheriff's Office, Sheriff's Deputy/Physician's Assistant (1988-1991) – I assisted in providing physical security to the facility, engaged in detention operations, and provided medical care to inmates.

Bristol Life Saving Crew, Emergency Medical Technician – Shock Trauma Technician (1986-1990) – I provided emergency medical care to the citizens of southwest Virginia and east Tennessee.

Food Lion, Inc./Giant Food Market, Inc., Perishable Food Stocker (1983-1987) — I stocked produce, dairy, and other perishable food items.

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 prosecute violations of federal law, with a focus on violent and narcotics offenses. I am involved from case initiation through any final appeal before the Sixth Circuit. This includes grand jury, responsive motions and briefs, trials, and post-conviction proceedings. I serve as a Digital Asset Coordinator, the office's subject-matter expert on digital assets, and a first-line resource on information and guidance about legal and technical matters such as cryptocurrency and related technologies. I also serve as the Branch Opioid Coordinator, with focus on investigations and prosecutions of opioid trafficking and distribution.

Criminal investigations and litigation related to Titles 18, 21, and 26 of the United States Code – 100%

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 began my legal career as a criminal justice instructor for a community college in Arkansas. I left the school for a position as an attorney for a pharmaceutical manufacturer and distributor, where I negotiated, drafted, and interpreted contracts, assisted with mergers and acquisitions, managed the corporate's intellectual property portfolio, and assisted with employer-employee relations, to include addressing allegations of employee misconduct. I assisted with civil litigation, including violations of intellectual property rights and a mass tort action.

In 2000 I left the pharmaceutical company to accept a position as an Assistant District Attorney General (ADA) for Sullivan County, Tennessee. As an ADA, I handled a variety of felony offenses from the start of the investigation through trial and sentencing. The cases included homicides and other violent offenses, property and financial crimes, and narcotics offenses. I also served as a Senior Attorney for the Child Protective Investigation Team, which addressed allegations of neglect and physical/sexual abuse of minors. I also handled related civil litigation, including Habitual Traffic Offender adjudications and civil forfeitures.

In September of 2000 through November of 2004, I served as a U.S. Army Judge Advocate, which included a one-year activation in support of Operation Enduring Freedom where I served as the Chief of Criminal Law at Camp Atterbury Maneuver and Training Center.

After deactivation from the military, I returned to the District Attorney's Office in Sullivan County and resumed my duties.

In 2006 I accepted a position as a Staff Attorney within the Firearms, Explosives, and Arson Division (FEA) in the Office of Chief Counsel at the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) in the U.S. Department of Justice. As a Senior Attorney in FEA, I assisted in the classification of regulated devices and materials, drafted memoranda of law, and responded to Executive and Legislative Branch requests for assistance on technical/legal matters.

In 2007, ATF temporarily assigned me to a Violent Crime Impact Team (VCIT) at the U.S. Attorney's Office for the District of Puerto Rico. As a part of the VCIT, I served as a Special Assistant U.S. Attorney (SAUSA) and prosecuted violent firearm offenses within the District of Puerto Rico. Upon my return to my original agency, I assumed my role as Staff Attorney and was then promoted to Senior Attorney in FEA.

In 2010, to assist in the investigation and prosecution of a complex smuggling operation, ATF assigned me to assist with the U.S. Attorney's Office for the Eastern District of Tennessee as a SAUSA. The case resulted in a felony offense for an individual operating a licensed and regulated business entity.

Later in 2010, I was selected to serve as the Chair of ATF's Professional Review Board (PRB). The PRB is responsible for reviewing and addressing allegations of employee misconduct, and recommending a lawful course of action – clearance, caution, warning, suspension, or termination.

During 2011, I was selected to complete a 1-year, leadership program within the U.S. Department of Justice. As a part of that program, I was assigned to serve as the Deputy Assistant Director of the Training Division at the headquarters of the U.S. Marshals Service. While there, I addressed the creation and delivery of a comprehensive training program across the entire agency. Upon completion of the program and detail, I returned to ATF and resumed my position as Senior Attorney within FEA.

In 2013, I was selected as the Division Counsel for the Nashville Field Division of ATF. As Division Counsel, I conducted formal and informal hearings related to administrative actions related to licensed persons and entities, represent ATF's interests in civil litigation before federal judges, and provided day-to-day legal counsel to the senior leadership and staff of the Division. My legal work included appearances before Administrative Law Judges, informal hearing officers, and U.S. District Judges. I also drafted responsive motions and appellate briefs in support of those appearances.

In 2018, I accepted appointment with the U.S. Attorney's Office for the Eastern District of Tennessee as an Assistant U.S. Attorney (AUSA). I investigate and prosecute federal violations of law. I regularly appear before U.S. Magistrate and U.S. District Court judges and federal grand juries. I research and respond to motions, conduct trials, and draft post-conviction responses.

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

I have conducted countless criminal and civil hearings before a variety of tribunals at the state and federal level. I also conducted numerous jury trials and bench trials to a verdict. My cases ranged the spectrum of Title 39, including murders. I did not handle death-penalty cases.

I have conducted administrative hearings before informal hearing officers, as well as Administrative Law Judges related to the denial or revocation of federal explosive licenses and permits, as well as the denial or revocation of federal firearm licenses. I also drafted responsive briefs and motions for de novo review before the U.S. District Court, and the Sixth Circuit Court of Appeals related to the denial or revocation of permits and licenses for explosives and firearm applicants and licensees or permittees.

As an AUSA, I write responsive briefs for post-conviction matters, including appeal.

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

I provide legal instruction, for credit, related to the following topics –

Federal Firearm Laws  
Constitutional Law: 4<sup>th</sup>, 5<sup>th</sup>, and 6<sup>th</sup> Amendments  
Pharmacy Law  
Tennessee and Federal Constitutional Law  
Confidential Informants and Cooperators

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

In July of 2018, I applied for a Trial Court position in the 21<sup>st</sup> Judicial District.

### 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.

Boston University School of Law – Master of Laws (August 2017 to July 2018).

American University, Washington College of Law – Master of Laws (January 2011 to June 2013). The degree was not awarded as I relocated for the U.S. Government to Tennessee.

The University of Memphis, Cecil C. Humphrey's School of Law – Juris Doctor (August 1994 to May 1997).

East Tennessee State University (Graduate School)– Master of Arts in Teaching (August 1993 to May 1994). The degree was not awarded. I was accepted into law school and left the program.

Walters State Community College (March 1993) – I completed a continuing education unit of one class (Interviewing and Interrogation), which lasted one week. No degree was offered or conferred.

East Tennessee State University – Bachelor of Science (August 1988 to May 1991)

Southwest Virginia Community College (November 1989) – I completed a one-month course related to certification, which I received.

New River Community College – Associate in Applied Science (Police Science) (1991)

New River Community College – 1-year Certificate (Forensic Science) (1992)

**PERSONAL INFORMATION**

12. State your date of birth.

1967

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

I lived in Tennessee from 1967 to 1987. I left to attend college and returned to Tennessee in 1991. I stayed in Tennessee until 1997. I left Tennessee for work in around 1998 but returned that same year and stayed until 2006, when I left again for work. I returned in 2013 and have remained in Tennessee since then.

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

10 years

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

Williamson

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.

I entered the U.S Army (Reserves) as a 1st Lieutenant on September 11, 2000, and served as a

Judge Advocate. On March 1, 2003, I was activated into the U.S. Army in support of Operation Enduring Freedom. I spent the next year serving as the Chief of Criminal Law at Camp Atterbury Maneuver and Training Center in Indiana. I received the following awards: Army Service Ribbon, Armed Forces Reserve Medal (with "M" device), for being mobilized, the National Defense Service Medal, the Global War on Terrorism Medal, and an Army Reserve Commendation. I receive an Honorable Discharge at the rank of Captain in November of 2004.

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.

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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.

I was the plaintiff in Brian Martin v. Amy Martin, which was a dissolution of marriage proceeding in the Chancery Court for Sullivan County at Bristol, TN. The action was filed January 17, 2002. The case number is 820CH202002-CB-68. The grounds for dissolution were irreconcilable differences. The marriage was dissolved on March 20, 2002.

I was the plaintiff in Brian Martin v. Meadow Branch South Property Owners Association, Inc., which was filed in the Circuit Court for the City of Winchester, VA in late 2012. The exact dates of filing and resolution are not presently available to me. The docket number is CM-12-6. The matter arose after I made a demand under Virginia law to review records of the homeowner's association (HOA) related to actions of the HOA Board and use of HOA funds. The management company and elected members of the HOA Board failed to comply with my request so I filed a demand for the records with the Circuit Court. After an initial court appearance before the court, the matter was resolved by agreement when the court ordered the release of the records and the HOA paid costs associated with my expenses.

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.

National Rifle Association

Tennessee Firearms Association

Brentwood (TN) Historic Commission

Williamson County (TN) Republican Party

Association of Certified Fraud Examiners

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.

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.

Association of Certified Fraud Examiners – 2023

Tennessee Bar Association – 2017-2018

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.

Special Commendation, U.S. Department of Justice - 2012

U.S. Attorney's Office, Eastern District of Tennessee: Special Act or Service Award - 2012

Tennessee District Attorneys General Conference's President's Award - 2006

U.S. Army Reserve Commendation – 2004

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.

In April of 2023, I applied to fill the vacancy of Office of the District Attorney for the 21<sup>st</sup> Judicial District. It is appointed with an election to follow.

**ESSAYS/PERSONAL STATEMENTS**

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

Over my career I have appeared before good and not so good judges. Williamson County is fortunate to have good judges. I have come to recognize that judges I believe are good judges don't always agree with my legal position. Judges who have honed a keen legal acumen and have the depth and breadth of experience to make difficult, but legally correct, decisions, are those who attorneys want to appear in before. While one may disagree with the resolution, you still recognize its legal correctness.

It's rare that the experience necessary for depth and breadth can come quickly in a legal career. In only the last few years have I felt comfortable with having attained that level of legal experience. I believe I will bring a diversity of experience that has both depth and breadth to such a degree that will supplement the bench already in place in Williamson County.

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 vacancy is for the Circuit Court in the 21<sup>st</sup> Judicial District (Williamson County), which has four Divisions. The Circuit Court hears both civil and criminal matters. The vacancy is to replace Judge Michael W. Binkley of Division III, who is retiring.

The most recent (2021-2022) statistics published by the Administrative Offices of the Court identified 650 civil filings before the courts, with resolution on approximately 550 of those matters. There were an additional 2,789 criminal counts filed with the courts, with more than 2,800 counts resolved.

I believe my experience in criminal law and civil law will easily combine with the current bench to handle cases that commonly appear before the Circuit Courts. I am familiar with trial proceedings, common hearings, and resolutions. Given my experience, I can quickly acclimate, which will avoid delays of an already busy 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)*

I will uphold the Constitution and all laws that are not in violation of it, regardless of my agreement or disagreement with the statute or rule.

Many years ago, Tennessee enacted a tax on those persons who possessed and distributed illegal narcotics. While the law had a beneficial intent, it struck me as possibly in violation of the 5th Amendment's right against self-incrimination; however, neither the Court of Criminal Appeals nor the Supreme Court had struck it down on those grounds. Despite my reservations, as an Assistant District Attorney, where those cases were assigned to me, I made sufficient inquiry into their validity and, if they met the statutory requirements, proceeded with the case and assisted the Department of Revenue in their tax collecting efforts.

Later, the Tennessee Supreme Court struck down the law as applied. Their reasoning was not on 5th Amendment grounds, but on strict statutory interpretation as applied to the identified defendants.

### **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. Richard Hickey, Chief of Police, Brentwood, TN; [REDACTED] Brentwood, TN [REDACTED] [REDACTED]
B. Kent Chitwood, Assistant District Attorney General, 21 <sup>st</sup> Judicial District: [REDACTED] [REDACTED] Franklin, TN 37064 [REDACTED]
C. Robert Montgomery, Justice, Tennessee Court of Criminal Appeals: [REDACTED] [REDACTED] Kingsport, TN 37660 [REDACTED]
D. Ali Hemyari, Owner, Nashville K-9, LLC: [REDACTED] Franklin, TN 37067 [REDACTED] [REDACTED]
E. Jim Goodwin, Criminal Court Judge, 2 <sup>nd</sup> Judicial District: [REDACTED] [REDACTED] Blountville, TN 37617 [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 Circuit Court for the 21<sup>st</sup> 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 21, 2023.

  
Signature

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



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

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

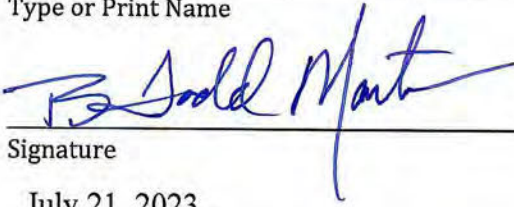
**TENNESSEE BOARD OF PROFESSIONAL RESPONSIBILITY  
TENNESSEE BOARD OF JUDICIAL CONDUCT  
AND OTHER LICENSING BOARDS**

**WAIVER OF CONFIDENTIALITY**

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

Brian Todd Martin

\_\_\_\_\_  
Type or Print Name

  
\_\_\_\_\_  
Signature

July 21, 2023

\_\_\_\_\_  
Date

018785  
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>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>
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