

Tennessee Trial Court Vacancy Commission
Application for Nomination to Judicial Office

04/15/16

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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 word processing 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 word processing 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 debra.hayes@tncourts.gov, or via another digital storage device such as flash drive or CD.

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

PROFESSIONAL BACKGROUND AND WORK EXPERIENCE

1. State your present employment.

State of Tennessee, Office of the District Attorney General, 21st Judicial District, Deputy District Attorney General

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

2001 – BPR 021163

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 – 021163 – 2001 - 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).

2004-present – Office of the District Attorney General, 21st Judicial District (2004-2012 Assistant District Attorney General; 2012 – present Deputy District Attorney General)

2001-2004 – Law Office of Stacey M. Brackeen (solo practitioner)

2000-2001 – National Recovery Bureau (family owned company - repossessions)

1988-2001 – Pam’s Studio of Dance (dance instructor)

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.

Criminal Prosecution – 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 have been practicing law for 17 years however I have been involved in the legal community since 1996. My legal practice has generally been at the trial court level. At this point of my legal career, I handle solely criminal prosecutions for the 21st District Attorney's Office. In this role, I handle a wide array of criminal cases from public intoxication to first degree murder. While in private practice, I handled a variety of legal matters including criminal defense, divorce, child custody, adoption, juvenile, guardian ad litem and conservatorships, appellate work and probate. I have handled appeals in both the Court of Criminal Appeals and the Court of Appeals as well as the Tennessee Supreme Court. I attended Rule 31 mediation training and finished the training right before entering the District Attorney's Office.

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

Early in my legal career, I represented a juvenile on a traffic issue. While trying to locate a viable defense that would help the juvenile maintain his driving privileges, I learned of a jurisdictional issue. A local city court was handling traffic matters involving juvenile offenders but it appeared that the County Juvenile Court had not transferred jurisdiction of those matters to the local city courts as required by statute. At the court date on the traffic citation, I advocated that the juvenile court had jurisdiction over the matter instead of the city court and the matter was transferred to juvenile court. During the process, the juvenile court became aware that various city courts in Williamson County were handling juvenile traffic matters without proper jurisdiction. Ultimately, by bringing this matter to the Courts attention, the local city courts and juvenile court were able to properly confer jurisdiction to the city courts to handle traffic offenses.

Another important case in my early career involved Ms. Aubrey Acuff. I was appointed to represent Ms. Acuff on assault charges that were being handled in Criminal Court due to mental health issues. The State had filed a Motion to Determine Competency prior to my becoming involved in the case. By the time I was appointed, Ms. Acuff had been in custody for many months and had been evaluated through Middle Tennessee Mental Health which deemed her to be incompetent. Ms. Acuff adamantly told me that she was competent and that she understood everything that was happening. Ms. Acuff was an extremely intelligent but eccentric individual with access to financial resources who also had some mental health issues. After meeting with Ms. Acuff, I asked what I could accomplish for her as her court appointed counsel when others

had been unsuccessful and had access to her monetary resources to aid in her defense. What she asked of me was what she had asked of the attorneys before me, which was to have her found competent to stand trial so that she could defend herself on the assault charges. Interestingly, while she was in custody on the assault charges, she was also fighting in civil court against a partition suit and a conservatorship. The Circuit Judge appointed me to represent her in those matters as well since I was able to effectively communicate with her. Ultimately, Ms. Acuff was deemed competent to stand trial and released from custody. The partition suit was resolved and I successfully defended her against having a conservator appointed. Sadly Ms. Acuff's mental health remained an issue for her until her death. Her case taught me a great deal about the mental health system and how it interfaces with our legal system. Ms. Acuff also taught me that sometimes the most important part of my job is to listen without judgment.

Osborne v. Marr – I was appointed to represent Justin Marr in a termination of parental rights case which was filed by the mother of his young son. The trial court denied the mother's petition. The case was appealed. Ultimately, the Tennessee Supreme Court determined the mother lacked standing to file the termination of parental rights petition.

State of Tennessee vs. Johnny Lynn – Mr. Lynn was charged with multiple counts of Rape of a Child involving multiple victims. The parties elected not to sever the charges in the first trial which resulted in a hung jury. The defendant then moved to sever the cases by victim. The defendant was convicted and sentenced to 54 years in prison based on the convictions from the second trial. The State took the defendant to trial on a second victim and the verdict was not guilty. The main difference in the two cases was the existence of photographic evidence that corroborated the first victim's testimony.

State of Tennessee vs. Cordell Vaughn – Mr. Vaughn was charged with First Degree Murder. I tried his case for the first time in 2005 along with ADA Jeff Long. The jury returned a verdict of Guilty and sentenced Mr. Vaughn to Life. The case was remanded for a new trial after appeal due to the trial court pulling the funding for a mental health expert when the defendant's family retained counsel for him shortly before trial. The second trial resulted in a guilty verdict and a sentence of Life Without Parole. The defendant appealed. The conviction was affirmed but the case was remanded for a judgment reflecting a sentence of Life. Application to the Supreme Court was denied.

State of Tennessee vs. James Brewer and Dorothy Brewer – Mr. Brewer was charged with First Degree Murder in 1977 for shooting a man while his wife (Dorothy) sat in the vehicle and watched. The victim was Ms. Brewer's ex-boyfriend. The two fled the State of Tennessee and in 2009 the pair returned after Mr. Brewer had suffered a stroke. Ms. Brewer contacted her family who lived in Tennessee who she had not spoken with in years believing that her husband was dying so she could return home. Mr. Brewer survived the stroke but was unable to be tried because his medical condition after the stroke caused him to be incompetent to stand trial. Ms. Brewer was charged and tried for Second Degree Murder since the law in 1977 precluded a spouse from being an accessory after the fact. The jury found Ms. Brewer not guilty but in speaking with jurors after the trial I learned that many believed she was involved and should be found guilty of something. Interestingly, many believed she was an accessory after the fact. The main issue for the jury was that they did not believe she deserved the sentence that was available

to them under the 1977 code. To date, I find this case to be the most intriguing case that I have tried because it started with a phone call and an old case file with one sheet of paper in it. Our office basically had to reinvestigate the case and reconstruct a case file in addition to researching the laws in effect in 1977.

I have handled several Homicide and Attempted Homicide cases over my years as an Assistant District Attorney. Some of those cases are State of Tennessee vs. Mitchel Caitlin (Plead to serve 40 years); State of Tennessee vs. Sherry McAlister (Guilty and sentenced to 25 years); State of Tennessee vs. Josh Nash (Plead to serve 25 years); State of Tennessee vs. Andolyn Sims (Plead and sentenced to serve 8 years); State of Tennessee vs. Tyler Hunter and Carmen Sharp (Hunter was convicted of Reckless Endangerment by the jury and Sharp plead to Attempted Second Degree Murder. The State eventually suspended Sharp's sentence as his plea agreement had him serving more time than the actual shooter); State of Tennessee vs. Kyle O'brien (Plead to serve 35 years); State of Tennessee vs. Shane Shirley (Plead to serve 40 years). Each of these cases had interesting elements and legal issues. I was involved in the prosecution of these cases, with the exception of the Sherry McAlister case, from day one of the investigation.

State of Tennessee vs. Christopher Farrar – Mr. Farrar was charged with the shooting death of Sgt. First Class Michael Braden at the National Guard Armory in Perry County, TN. At the time of the crime, Mr. Farrar was 15 years old. Mr. Farrar was transferred to adult court and ultimately the parties reached a settlement where he is serving 40 years in the Department of Corrections. This settlement was reached due to the concerns of the victim's family regarding proposed juvenile sentencing reform which was being discussed in the state legislature.

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

Prior to entering law school, I worked in the Williamson County Clerk and Master's Office. I started working in the office when I graduated from college in 1996. I worked there for approximately one year before leaving the State to attend law school. When I was in town for summers and breaks, I would work for the Clerk and Master to help when employees who wanted time off for holidays and vacations. While working in this office, I learned more about civil procedure and how to practice law than I did from any law school classroom. I was the courtroom clerk and sat through numerous hearings and trials. I was involved in preparing the case file for the Judge so that they could seamlessly move from case to case keeping the docket moving as well as marking exhibits. I was responsible for filing pleadings, preparing the dockets and case files, opening lawsuits, accounting review for guardianships and conservatorships as well as other general administrative duties. While attending law school, I interned at the District Attorney's Office in the Twenty-First District and the Office of the Public Defender in Davidson County's Juvenile Division.

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

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.

Belmont University – 1992-1996, Bachelor of Science Degree, Political Science and Criminal Justice Major

Middle Tennessee State University – 1994, attended summer classes that were transferred credits to Belmont degree

Loyola University School of Law - 1997-2000, Juris Doctor

PERSONAL INFORMATION

12. State your date of birth.

██████ 1974

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

Lifelong resident in TN – lived briefly in New Orleans, LA while attending law school – continuously resided in TN since June 2000

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

Since 2001

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.

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.

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.

Thompson Station Church

Allendale Elementary School PTO

A-game Admirals

Nashville Jr. Predators

Preds Select Hockey Club

Nashville Youth Hockey League

Nashville Flyers

The Lab (hockey organization)

Total Package Hockey

South Williamson Athletics

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.

American Inns of Court – 2001-2003 and 2012-13

Williamson County Bar Association – 2001-2005 (have intermittently attended meetings since 2005 but not as a dues paying member due to inability to attend because my office is out of county)

Davis House Child Advocacy Center – CPIT member – 2004 to present

Williamson County Child Abduction Response Team – 2012-14

Lewis/Perry County General Sessions Drug Court – 2005-2008

Representative of District Attorney’s Office for Court Security and Jail Committees in Lewis and Perry County -2008 to present

Child Fatality Review Team – 2014 to 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.

Outstanding Child Protective Investigative Team Member - 2010

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.

2014 – Applicant for Trial Court Vacancy in 21st Judicial District - Appointive

ESSAYS/PERSONAL STATEMENTS

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

I love where I work and live. The communities comprising the 21st district are unique and each county functions differently. Hickman, Lewis and Perry Counties have a small town familiarity so working there daily feels like going home. Unfortunately, these counties have been

consistently slighted over the years by our judiciary due to the growing Williamson County dockets. I am seeking this position because I am uniquely qualified for this position due to my involvement in these counties daily. I understand the challenges and appreciate the beauty of each county. I am seeking this position because I desire to make a difference in our district and I want to diligently work to make sure everyone who resides in the district has equal access to our judiciary.

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)*)

The 21st district encompasses Hickman, Lewis, Perry and Williamson County. Hickman, Lewis and Perry counties are rural areas whereas Williamson is the wealthiest counties in the state. Currently, the district has 4 Circuit Judges that cover the counties on a rotation with the addition of the 5th judge on September 1. The criminal case filings for the district for FY2017 were 5,010 district-wide with civil/chancery filings of 4,755 district-wide. The general citizenry in Hickman, Lewis and Perry County needs faster resolutions to cases and cannot afford protracted litigation whereas Williamson County tends to have more motion/pre-trial hearings because the litigants can afford it. Further, the criminal caseload is abundant in the 21st district and the current make-up of our judiciary is more civilly dominated. Our district needs a Judge with a strong criminal background and an understanding of the differing needs of the practicing attorneys and litigants in each county.

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.

Several years ago, TBI brought a case to our office for review involving an assisted suicide. Assisted Suicide under TN law is a felony offense. The agent had proof beyond a reasonable doubt against an individual that had assisted another in ending his/her life who was suffering from terminal cancer and the individual had confessed as much. I was obligated to present this charge to the Grand Jury. Even though prosecutors have discretion there was a clear violation of the law. I followed the law and presented the case to the Grand Jury. Had the grand jurors chosen to indict then I would have prosecuted the case as required by law.

As a prosecutor, it is my life's work to follow the law. Oftentimes as a prosecutor, I must tell a law enforcement officer that the case that they have been working lacks sufficient evidence to proceed even when a gut feeling tells you differently. Recidivism is high in our more rural counties due to a lack of resources. At times it would be easier to give law enforcement a pass on a sloppy case because I have prosecuted the defendant that is their suspect numerous times. But my job is to seek justice and follow the law therefore I am required to make sure the officers

are following the law even when it may work against what my personal judgment might be.

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. Sean Duddy, Assistant District Attorney General, 21 st Judicial District, [REDACTED]
B. Chief Sam Livingston, Hohenwald Police Department, [REDACTED]
C. Sheriff Jeff Long, Williamson County Sheriff, [REDACTED]
D. Gordon Inman, Chairman of FirstBank of Middle Tennessee, [REDACTED]
E. Marsha Moffitt, Senior Vice President of Commercial Bank – Midsouth Region – Wells Fargo Bank, [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] 21st Judicial District Circuit Court 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 1, 2018.


Signature

When completed, return this questionnaire to Debbie Hayes, 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.

Stacey Brackeen Edmonson

Type or Print Name

Signature

7/1/18
Date

021163
BPR #

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