

Tennessee Trial Court Vacancy Commission
Application for Nomination to Judicial Office

04/15/16

Name: Carrie Ann Searcy

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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.

Self-employed Attorney at Law

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

2011, BPR No. 029938

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.

State of Tennessee, 2011, BPR No. 029938

April 19, 2011

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).

2011 to present: I am a sole practitioner, focused on litigation. My primary area of practice is criminal law, with a small percentage of family law, juvenile law, and personal injury.

2010 to 2011: Law Office of Rob McKinney. I began employment as a legal assistant during law school, and after licensing I continued employment as an attorney until fall of 2011 while building my own practice. My primary responsibilities included drafting motions, trial preparation, second chair at trials, investigations, drafting complaints, legal research, and court appearances in General Sessions, State Trial Courts, and administrative hearings as needed.

I have not engaged in any other occupation, business, or profession other than the practice of law since the completion of my legal education.

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 a trial attorney in Nashville and surrounding areas. My primary practice consists of criminal defense, with remaining matters in the areas of family law, juvenile law, personal injury, and administrative hearings typically resulting from or having some criminal law related aspects.

Criminal Law 85%, Family/Juvenile Law 10%, other Civil Litigation 5%

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 2009, I completed an Internship with the Metropolitan Nashville Davidson County Office of the Public Defender. Under the supervision of a licensed attorney in both General Sessions and Criminal Court I negotiated plea agreements, conducted trials and preliminary hearings, prepared pretrial motions and trial motions, and interviewed clients and witnesses.

In 2010, I was hired at the Law Office of Rob McKinney as a legal assistant, then continued as a licensed attorney. My assignments covered a range of criminal offenses from minor offenses such as Simple Possession or Driving Under the Influence to Rape and Felony Murder, as well as some family law, administrative hearings, and circuit court litigation. I prepared case files, conducted legal research, prepared pretrial and trial motions, and prepared appellate briefs. I second chaired two Felony Murder Jury Trials with Mr. McKinney, and one Aggravated Child Abuse Bench Trial which resulted in an acquittal.

In 2011, I began practice as a sole practitioner. Each year I represent hundreds of criminal defendants in General Sessions and State Trial Courts in matters ranging from Criminal Trespass to Felony Murder. I handle all aspects of my cases including investigation, interviews, preliminary hearings, pretrial motions, expert witness retention, jury trial, sentencing, probation and community corrections violations, direct appeal after conviction, and post-conviction proceedings. The family/juvenile law matters I handle are typically either uncontested divorces or post-divorce proceedings for modification or enforcement. Additionally, I represent clients in administrative agency matters such as Victims Compensation Fund appeals, Department of Safety seizures, or Sex Offender Registry removals, as well as Professional Boards regarding licensure issues. My remaining civil practice consists primarily of personal injury, Orders of Protection, and tort and contract disputes.

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

State of Tennessee v. Tony D. Brown, 2012-A-868. I defended Mr. Brown in this case in Davidson County Criminal Court, Division III against three counts of Aggravated Robbery and one count of Especially Aggravated Kidnapping where he faced over forty years in prison. In this case, Mr. Brown maintained his innocence from the time of his arrest throughout his incarceration. Due to the serious nature of the charges and potential incarceration, I obtained indigent defense funds for a private investigator as well as an Eyewitness Identification expert. I filed numerous pretrial motions regarding bond, constitutional violations, suggestive identification techniques, and unconstitutional interrogation procedures regarding the codefendant statements implicating my client. After completing several hearings, extensive investigation, and numerous conferences with the Assistant District Attorney, the investigators for the Office of the District Attorney and Tennessee Bureau of Investigation were able to confirm my information that Mr. Brown had been wrongfully identified and arrested. The charges were dismissed immediately at the request of the State, Mr. Brown was released from custody, and I filed orders to expunge all charges from Mr. Brown's record.

State of Tennessee v. Jamal H. McAllister, 2012-A-474. I defended Mr. McAllister in this case in Davidson County Criminal Court, Division VI against one count of Possession of a Controlled Substance, over .5 grams cocaine, resisting arrest, simple possession, and evading arrest. Mr. McAllister had been detained and searched while walking late at night, after which he attempted to flee from the officers, and was charged with possession of a large bag of cocaine found along the path he had fled. This was significant because Mr. McAllister was on parole at the time of his arrest and would have by operation of law served a potential thirty years consecutive to the remainder of his parole sentence. At the time I was appointed as substitute counsel after his original attorney became ill and unable to continue representation the case had already been set for trial. After thorough review of the facts and research I filed a motion to suppress all statements and evidence against my client based upon an illegal seizure and search, which was granted by the Court. The State considered an interlocutory appeal; however, the Assistant District Attorney ultimately dismissed the charges resulting in Mr. McAllister's release from custody back onto parole.

State of Tennessee v. Brandon Hunt Clark, 2016-I-620. I defended Mr. Hunt Clark in this case arising in Davidson County Criminal Court, Division I against charges of Aggravated Assault and Felon in Possession of a Weapon. This highly publicized case resulted from the late-night shooting of an elected official under atypical circumstances at a West Nashville convenience market. My client initially fled the jurisdiction, and after his arrest I traveled out of state to meet with him and advise him regarding his Constitutional rights before agreeing to be interviewed by authorities being returned to Nashville. Significantly, this matter required a delicate yet deliberate response to media inquiries, protection of my client's rights and interests, communication with the Victim and Victim's Attorney, and collaboration with the assigned Detective and Assistant District Attorney. Through extensive negotiations, a reduced plea agreement was reached resulting in a sentence of agreed probation with conditions constructed to deter future criminal conduct.

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

Since 2015, I have served on the Character and Fitness Committee, District V, for the Tennessee Board of Law Examiners, conducting personal interviews for applicants who sit for the Tennessee Bar Exam.

In November 2012 I was admitted and qualified to practice in the United States District Court, Middle District of Tennessee. In 2013 I was placed on the second chair reserve Criminal Justice Act Panel for the Middle District of Tennessee for indigent defense appointments and have continued on the CJA Panel through present. Through my private practice I have also represented clients in Federal Court regarding civil rights violations and criminal offenses.

In 2009 while serving my Internship at the Metropolitan Nashville Davidson County Office of the Public Defender, I was shot in the arm while in J.C. Napier Public Housing with my supervising attorney to investigate and interview witnesses for a case. After surgery to repair my arm with a titanium plate and one week of recovery in the hospital, I returned immediately to law school and the internship. I testified at the preliminary hearing, and again at a jury trial as the only one of three victims who would identify the defendant. After trial I testified again at sentencing, with a deep appreciation for the equitable consideration of punishment, rehabilitation, and deterrence in determining the appropriate length of sentence. Being involved in this process solidified my passion for criminal justice. The intricate relationship between the working parts of our judicial system, including police investigation, court and clerk staff, victim witness services, zealous advocacy by State and Defense attorneys, and most importantly a temperate and respected judiciary create and maintain the fair and impartial system in which justice prevails.

In 2008 and 2009 I worked as legal assistant to Attorney Bo Taylor in Nashville, Tennessee. In this position I performed legal research for both State and Federal criminal matters, and preparation of documents and scheduling in foreclosure and bankruptcy litigation on behalf of corporate lenders.

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

None.

EDUCATION

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

2007 – 2010: Nashville School of Law, Nashville, Tennessee. Awarded a Doctor of Jurisprudence. Awarded membership in The Honorable Society of Cooper’s Inn of Nashville School of Law, December 4, 2010.

2003 – 2005: Trevecca Nazarene University, Nashville, Tennessee. Awarded a Bachelor of Arts Degree in Management and Human Relations.

1992 – 1994: Butler University, Indianapolis, Indiana. I enrolled immediately after high school graduation, however due to financial issues, I was unable to continue at that time.

Summer 1993: Indiana University, South Bend, Indiana. I took summer classes to accumulate additional hours towards my degree.

PERSONAL INFORMATION

12. State your date of birth.

1974

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

I have lived in Tennessee since 1999.

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

I have lived in Davidson County continuously since 2009. Prior to that time, I was a Davidson County resident from 2000 to 2005.

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

Davidson County

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.

Yes.

Marion County Superior Court, Division III, Docket 49D039702DR000272, Uncontested Divorce proceeding; Carrie Romanov v. Vladimir Romanov, granted January 4, 1999.

Cheatham County Chancery Court, Docket 13414, Petitioner in Adoption of Minor Child, Final Order of Adoption entered July 30, 2007.

Cheatham County Chancery Court, Docket 14114, Uncontested Divorce proceeding; John T. Gleaves III v. Carrie Ann Gleaves, granted April 27, 2009.

Davidson County Circuit Court, Docket 17C1409, Personal Injury action regarding illness outbreak in jail facilities transmitted to Court staff and Attorneys; Carrie Searcy, J.T. Searcy, Scotty Yates, and Matthew Jones, Individually and on Behalf of All Others Similarly Situated v. CoreCivic of Tennessee, LLC f/k/a Corrections Corporation of America, Pending.

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.

2016 - 2017, Harpeth High School Mock Trial Team, Coach

2016 - Present, Daughters of the American Revolution, General Francis Nash Chapter, Member

2015 - 2017, Northwest Y.M.C.A., Board Member

2014 - 2017, National Association for the Advancement of Colored People, Member

2015 - 2016, Executive Committee Member, Nashville Chapter

2016, Legal Redress Committee Member, Nashville Chapter

2014 - 2016, Disciples Village Retirement Community, Board Member

2015 - Present, Bordeaux North Chamber of Commerce, Member

2011 - Present, Eastern Star, Rock City #2, Member

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.

- a. Public Service Organization – Daughters of the American Revolution is a non-profit service organization founded in 1890 dedicated to historic preservation, education, and patriotism. The organization's membership is limited to female direct lineal descendants of soldiers or other Patriots of the Revolutionary period who aided the cause of United States' efforts towards independence.
- b. I do not intend to resign membership or withdraw from participation in Daughters of the American Revolution. Although membership is limited to women, the organization is committed to enhancing community awareness of our nation's birth and history, public service, historic preservation of Revolutionary War homes and artifacts, education and scholarship opportunities, and patriotic endeavors.

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.

Tennessee Board of Law Examiners, Character and Fitness Committee, District V, 2015 to Present

Tennessee Association of Criminal Defense Attorneys, 2008 to 2014, Member

Nashville Bar Association, 2013 to present, Member

Tennessee Bar Association, 2012 to present, Member

Napier-Looby Bar Association, 2015 to present, Member

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.

Tennessee Supreme Court, Attorney for Justice, Pro Bono Service Award, 2016 and 2017

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.

August 2015, Candidate, Metropolitan Nashville Davidson County Council District 2, elective

ESSAYS/PERSONAL STATEMENTS

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

Fairness has been a guiding principal in my life since I was very young. I pursued a career in law knowing that I could serve others by helping find fair resolutions in difficult situations. Criminal law has always been my focus. Life can change abruptly, it is possible for anyone to be suddenly labeled as the victim or accused, or even a deeply impacted loved one. In this regard it is important that every individual before the court is treated with respect and dignity. A fair result is rooted in an impartial judiciary, yet one that is also decisive, perceptive, and courteous. My legal skills combined with my personal experiences have developed and refined my ability to approach every case with unbiased judgment, render decisions based upon the facts and law presented, and conduct my court in a manner where each and every citizen receives a fair and just determination.

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)*

Davidson County Criminal Court is a court of record serving approximately 700,000 residents of Metropolitan Nashville, with six divisions having jurisdiction over criminal cases by indictment, presentment, or appeal from General Sessions Court. Each division is responsible for approximately 3,000 cases annually, ranging from jury and bench trials, to motion hearings, sentencing, probation violations, and post-conviction matters. Judges are responsible for ensuring docket efficiency, maintaining courtroom procedure and propriety, and imparting fair and unbiased legal rulings.

My selection will bring necessary diversity to the court, both in experience and gender. Balancing the prosecution and defense experiences of our judiciary will provide an additional measure of integrity and increase public confidence in our courts during this critical time of changing social dynamics. Equally important is that our courts reflect our citizens, and I will continue to be a steadfast example for young women aspiring to positions of leadership in our community.

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, I will uphold the law even if I disagree with the substance of the law. A founding principal of our country is separation of powers, charging our legislature to enact laws and our judiciary to interpret and apply the law to the facts. One example to support this response is to consider the constitutional protections afforded criminal defendants and my ethical responsibility in representation. As a criminal defense attorney my clients often tell me when they are guilty, yet

regardless of guilt or innocence my job is to examine the evidence and defend my client zealously at every opportunity. Identifying a violation of law can lead to evidence being inadmissible resulting in my guilty client going free. I don't believe a guilty person should enjoy a complete lack of consequences, however my opinion must remain separate from my ethical duty to represent my client. Non-lawyers often ask if there is some moral or ethical dilemma knowing a client is guilty yet arguing to uphold a law or rule that would release him. I don't believe there is. The only thing worse than a guilty man going free is an innocent man being imprisoned. Fair, consistent, unbiased interpretation and application of the law protects individual liberty and freedom, maintains societal order, and improves public confidence in a fair and impartial judiciary. When appointed I will uphold the law and maintain privacy in my personal opinions even if, perhaps particularly if, I disagree with substance of the law.

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. Dan Cook, Attorney at Law,
B. Jay Lefkovitz, Attorney at Lefkovitz & Kefkovitz,
C. Adam Dread, Attorney at Law,
D. Dariel B. Washington, Senior United States Probation Officer,
E. Martin Lovelace, Realtor,

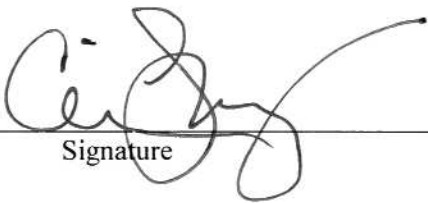
AFFIRMATION CONCERNING APPLICATION

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 of Davidson County, Twentieth Judicial District, Division IV, 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, 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**

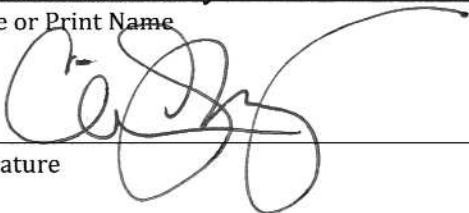
511 UNION STREET, SUITE 600
NASHVILLE CITY CENTER
NASHVILLE, TN 37219

**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.

Carrie Ann Searcy
Type or Print Name


Signature

July 21, 2018
Date

029938
BPR #

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