

Tennessee Trial Court Vacancy Commission
Application for Nomination to Judicial Office

1/17/23

Name: Emily Faye Abbott

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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. 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.

Assistant District Attorney, 7th Judicial District, composed solely of Anderson County.

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

2006; 025231

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; 025231; 2006; 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).

- **Assistant District Attorney; September 2009-present**

7th Judicial District; composed solely of Anderson County.

- **Assistant District Attorney; January 2007-September 2009**

4th Judicial District; composed of Sevier, Grainger, Jefferson, and Cocke Counties.

- **HealthSpring; August 2006-December 2006**

After passing the bar exam and prior to beginning my work as an Assistant District Attorney, I was employed through a temporary staffing agency in the Appeals Department at

HealthSpring, a national health insurance company.

- **Legal Clerk; Summer 2004 and 2005**

During my time at the University of Tennessee College of Law, I completed two legal clerkships. The first was at the 20th Judicial District Attorney's Office in Nashville where I was assigned to Criminal Court, Division I. The second was an externship with the 6th Judicial District Attorney's Office in Knoxville where I was assigned to the Knox County Felony General Sessions Court.

- **Other Employment**

Throughout high school, college, and law school, I worked at various part-time retail and food service jobs.

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 represent the State of Tennessee as an Assistant District Attorney in Anderson County, where I exclusively practice criminal law. I routinely appear in Criminal Court, General Sessions Court, and Juvenile Court. My responsibilities include consulting and advising law enforcement, conducting contested hearings, negotiating plea agreements, interviewing and counseling victims and witnesses, drafting and filing legal pleadings, trying cases before juries, and conducting post-conviction litigation.

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.

Since my admission to the bar in 2006, I have practiced exclusively in criminal law, dedicating my entire legal career to serving as a prosecutor in East Tennessee. Over the past 18 years, I have served in two District Attorney General's Offices—the 4th and 7th Judicial Districts—where I have prosecuted thousands of cases, ranging from misdemeanors to serious felonies. I have tried several dozen jury trials, including multiple homicide cases, one of which involved the State seeking the death penalty.

My courtroom experience spans a wide range of proceedings, including: violations of probation hearings, suppression hearings, pre-trial evidentiary hearings, sentencing hearings, applications for and denials of judicial diversion, motions to withdraw guilty pleas, post-conviction relief petitions, and other complex litigations. I also have had numerous cases affirmed on appeal.

January 2007-September 2009

In January 2007 my prosecutorial career began in the 4th Judicial District, where I was primarily assigned to Sevier County Criminal Court, appearing regularly before Judges Rex Henry Ogle and the late Richard Vance. I also handled felony matters in Cocke and Grainger Counties, appearing in both General Sessions and Criminal Court.

During this time, I began working with the Child Protective Investigative Team (CPIT)—a multidisciplinary group composed of prosecutors, law enforcement officers, social workers, and staff from the Department of Children’s Services. As a CPIT member, I participated in the investigation, classification, and prosecution of cases involving child physical abuse, child sexual abuse, and the exploitation of children.

September 2009-Present

In September 2009, I joined the 7th Judicial District Attorney General’s Office under District Attorney General Dave Clark, serving Anderson County. The office oversees prosecutions in Criminal Court, two General Sessions Courts (Division I in Clinton and Division II in Oak Ridge), and Juvenile Court. At that time, it also handled State cases in Oliver Springs Municipal Court.

From 2009 until 2011, I appeared extensively before Criminal Court Judge Donald R. Elledge, General Sessions Judge Don Layton, and General Sessions Judge Ron Murch.

In Spring 2011, I assumed sole responsibility for general sessions prosecution in Division II (Oak Ridge). Over the years, I personally prosecuted thousands of cases in that court, developing a strong working relationship with Judge Murch, the Anderson County Public Defender’s Office, and members of the private defense bar. Judge Murch fostered a collegial courtroom environment, and I treasured my time there.

From November 2014 to January 2019, I served as the lead prosecutor in Juvenile Court before Judge Brian Hunt. In that role, I gained extensive experience in juvenile law, including overseeing transfer hearings for juvenile offenders charged with serious offenses, including homicides, to be tried in Criminal Court. During this time, I also resumed my work with the Child Protective Investigative Team (CPIT), continuing in that capacity until July 2023. Simultaneously, from November 2014 to July 2023, I was assigned as a Criminal Court prosecutor, appearing before Judge Donald R. Elledge and later Judge Ryan M. Spitzer, a former colleague from the District Attorney’s Office. In this role, I primarily prosecuted cases involving victims of crime, a responsibility I found both challenging and deeply meaningful.

In July 2023, I returned to General Sessions Division II in Oak Ridge, now presided over by Judge Matthew Tuck, where I resumed general prosecution duties. I thrive in this high-volume court setting, and enjoy the frequent interactions with the public and the diverse and active

caseload it affords. Judge Tuck's courtroom is both efficient and collegial, making it an exceptionally rewarding environment in which to practice.

Since 2015, I have served as the prosecuting attorney on the Child Fatality Review Team for the 7th Judicial District. This multidisciplinary team meets quarterly to review and investigate every child death in Anderson County. Our findings and recommendations are formally reported to the Tennessee Department of Health. As the representative of the District Attorney's Office, I make a concerted effort to ensure that no potentially prosecutable child death is overlooked, and that appropriate legal action is pursued when warranted.

Beyond my work in the 4th and 7th Judicial Districts, I have been assigned pro tempore to represent the State in Knox, Greene, Blount, and Campbell Counties, handling a variety of criminal cases across different jurisdictions and court settings.

I have also appeared selectively before the Tennessee Board of Parole in particularly egregious or high-impact cases.

To date, I have prosecuted criminal jury trials before eight different judges, each with their own unique style, courtroom customs, and procedural preferences. From each judge—and each case—I have gained valuable insight into the judicial process, advocacy, and professionalism. I have found that experience is the best teacher, and I consider myself fortunate to have developed such a broad and diverse foundation over the course of 18 years in practice.

The number of cases I have handled only begins to reflect the depth of my legal experience. Equally important are the close working relationships I have built over the years—with law enforcement, victims, defense counsel, court staff, and colleagues. Through these relationships, I have learned the importance of listening carefully and seeking to understand perspectives different from my own. My accumulated experience has provided not only legal knowledge and competence, but also the perspective and wisdom necessary to approach each case—and each person involved—with fairness, integrity, and professionalism.

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

State v. Brandon Pendergrass, B9C00206

Lead Prosecutor | Anderson County Circuit Court

I served as lead counsel in the prosecution of the defendant for the rape of an unconscious victim. The assault occurred in late 2017, when the defendant encountered the victim at her sister's home and took advantage of her while she was heavily intoxicated. A key eyewitness walked in during the assault and confronted the defendant at the scene. The victim later sought

medical care at a hospital in a neighboring jurisdiction, where she underwent a sexual assault forensic examination and reported the crime to law enforcement.

This case is notable because it was not indicted until 2019 and not tried until December 2024—a seven-year delay from the date of the offense. This delay was initially caused by significant backlogs at the Tennessee Bureau of Investigation (TBI) forensic laboratory, which slowed the processing of critical DNA evidence. Following indictment, the case faced further setbacks due to the COVID-19 pandemic, a substitution of defense counsel, and the recusal of the originally assigned judge.

Although often stated that "justice delayed is justice denied," this case showed that justice can still be achieved, even under difficult and prolonged circumstances beyond the State's control. The trial featured DNA evidence and expert testimony in forensic biology and serology. The case was tried before Judge Michael Pemberton, sitting by interchange. The defendant was convicted of rape by a jury, and the case is currently pending sentencing.

State v. Norman Lee Follis, Case No. B2C0092A
Co-Counsel | Anderson County Circuit Court

I served as co-counsel at trial for the State in the prosecution of Norman Lee Follis for the first-degree murder of his elderly uncle, Sammie Adams, in Anderson County.

Mr. Follis, who had been financially exploiting his uncle to support a drug habit, robbed and strangled the elderly victim with an extension cord in his own home just before Christmas, 2011. The victim was known to carry large amounts of cash and it was believed that he had recently refused further financial assistance to the defendant. Following the robbery and murder, Mr. Follis concealed the body in a closet, where it remained undiscovered for over a month. During that time, Mr. Follis was seen driving the victim's vehicle, which he later sold for profit using a forged signature. Mr. Adams had been reported missing, and Mr. Follis became the prime suspect. Upon being interviewed, he confessed to the murder, which led investigators to the victim's remains.

The State sought the death penalty, citing the aggravating circumstances that the killing was especially heinous, atrocious, and cruel, and that the victim was particularly vulnerable due to age. The case provided me with unique experience in capital litigation, including:

- Individual voir dire of prospective jurors
- Use of juror questionnaires
- Sequestration of the jury

- Extensive litigation of Tennessee Rule of Evidence 404(b) issues concerning the forged car title

The defendant was convicted of first-degree murder and theft. After a bifurcated sentencing hearing, the jury imposed a sentence of life without the possibility of parole.

The conviction and sentence were affirmed on appeal. See *State v. Follis*, No. E2018-01667-CCA-R3-CD, 2019 WL 5302853 (Tenn. Crim. App. Oct. 18, 2019), *perm. app. denied* (Tenn. Mar. 26, 2020). The defendant later filed for post-conviction relief but died in prison before the petition could be heard.

State v. Christy Viola Comer, Case No. B9C00034

Lead Prosecutor | Anderson County Circuit Court

I served as lead prosecutor in the case of *State v. Christy Viola Comer*, involving the murder and robbery of JC Copeland, a disabled elderly man in Rocky Top, Tennessee. In August 2018, the defendant, motivated by a need to obtain narcotics, devised and executed a plan to rob and restrain her neighbor, ultimately strangling him to death in his own home.

Following the murder, Ms. Comer stole the victim's car, various personal items and a DVD player, which she later admitted to trading for approximately \$10 of methamphetamine. The brutality of the crime and the vulnerability of the victim led the State to seek an enhanced sentence of life without the possibility of parole, citing aggravating factors: that the offense was especially heinous, atrocious, and cruel, and that the victim was particularly vulnerable due to age and disability.

After extensive case development and consultation with Mr. Copeland's family, the defendant entered a guilty plea on June 7, 2022, to life imprisonment, with an additional 20-year sentence to be served consecutively.

Ms. Comer later filed a petition for post-conviction relief, which was denied by the trial court.

State v. Kenneth Darrin Fisher, Case No. B1C00719

Lead Prosecutor | Anderson County Circuit Court

I served as lead counsel in the prosecution of Mr. Fisher for the attempted first-degree murder of his wife. In August 2011, while on active duty with the U.S. Army, Mr. Fisher went AWOL

and returned to his home in Clinton, Tennessee, emotionally distraught over the collapse of his marriage. He formulated a plan—disclosed to several friends—to torture, mutilate, and murder his wife.

On the night of August 26, 2011, Mr. Fisher began to act on that plan, arming himself with an M-14 rifle and a large amount of ammunition. He intended to travel to LaFollette in Campbell County to carry out the attack. However, after being alerted by Mr. Fisher’s father and friends, law enforcement intervened and apprehended him in Clinton before he could reach his wife. At the Clinton Police Department, Mr. Fisher provided a detailed confession, outlining his violent intentions.

This case was heavily litigated in Anderson County Circuit Court prior to trial on a myriad of legal issues including challenges to the sufficiency of the indictment, the requirement of electing a particular substantial step constituting the criminal attempt, and the adequacy of the State’s bill of particulars. At trial, several complex evidentiary issues arose, including:

- Admission of 911 calls from the defendant’s father and friend under hearsay exceptions and in compliance with the Confrontation Clause;
- Handling of a State witness who claimed lack of memory at trial, despite having provided a detailed written statement and prior preliminary hearing testimony;
- Application of Tennessee Rule of Evidence 803(5) (past recollection recorded) and 804(b)(1) (former testimony of an unavailable witness), as clarified in *State v. Marlo Davis*, W2011-01548SC-R11-CD.

I argued that the defendant’s entire course of conduct, from going AWOL to preparing for the attack, constituted a substantial step toward committing first-degree murder. On June 11, 2015, the jury found Mr. Fisher guilty of attempted first-degree murder, and he was sentenced to 18 years in prison.

The conviction was affirmed on direct appeal. See *State v. Fisher*, No. E2016-01333-CCA-R3-CD, 2017 WL 4083785 (Tenn. Crim. App. Sept. 15, 2017), perm. app. denied (Tenn., Feb. 14, 2018).

Mr. Fisher later filed a petition for post-conviction relief, alleging ineffective assistance of counsel. The trial court denied relief, and the Tennessee Court of Criminal Appeals affirmed. See *Fisher v. State*, No. E2019-00580-CCA-R3-PC, 2020 WL 3582507 (Tenn. Crim. App. July 1, 2020), perm. app. denied (Tenn., Nov. 16, 2020).

State v. Noelle Leigh Patty, Case No. B7C00016 and State v. Justin Lee Seeber, Case No. B4C00277

Vehicular Homicide | *Lead Prosecutor* | Anderson County Circuit Court

I have had the opportunity to work on two notable vehicular homicide cases.

In the case of *St. v. Noelle Leigh Patty*, Ms. Patty was prosecuted for her role in a fatal motor vehicle crash. I served as lead counsel at trial, where Ms. Patty was ultimately convicted of criminally negligent homicide and reckless endangerment. This case involved multiple expert witnesses, including specialists in accident reconstruction and speed calculation, who provided complex scientific testimony to the jury. A central issue was clearly distinguishing criminal negligence from simple negligence, which I presented through both expert testimony and argument. The Defendant waived her right to appeal following conviction.

In the case of *St. v. Justin Lee Seeber*, Mr. Seeber was charged in connection with a fatal vehicle crash. The case was particularly challenging due to significant failures in the initial investigation—the responding officer failed to properly document the scene or preserve key evidence on the night of the incident. Despite these early deficiencies, accident reconstructionists, led by the late Trooper Randall Massengill, conducted a thorough investigation the following day, including precise speed calculations and scientific analysis. I worked closely with expert witnesses to present this evidence to the jury. The trial resulted in a hung jury, and the case was later resolved through a plea agreement.

State v. Jordana Jenyane Wright, Case No. B7C00313 and State v. Bryant Lamont Thomas, Case No. B8C00153

Judicial Diversion Denied | *Lead Prosecutor* | Anderson County Circuit Court

I have had the opportunity to work on two notable cases in which the Court denied judicial diversion.

In *State v. Jordana Jenyane Wright*, the defendant pled guilty to theft and left the issues of judicial diversion and placement on the Tennessee Elderly and Vulnerable Adult Abuse Registry to the discretion of the Court. Ms. Wright, a custodial employee at an assisted living facility in Oak Ridge, stole and pawned valuable jewelry belonging to one of the elderly residents—violating the trust placed in her both by the victim and the institution. After considering the relevant statutory factors, the Court denied judicial diversion, citing the defendant’s amenability to correction, the circumstances of the offense, the deterrent value of denial, and the public interest. The Court also ordered the defendant’s placement on the Elderly and Vulnerable Adult Abuse Registry. The defendant appealed, and the Court of

Criminal Appeals affirmed the trial court's decision. *See State v. Wright*, No. E2019-01599-CCA-R3-CD, 2020 WL 7091383 (Tenn. Crim. App. Dec. 4, 2020).

In *State v. Bryant Lamont Thomas*, B8C00153 (Anderson County Circuit Court), the defendant pled guilty to engaging in sexual contact with a probationer under his supervision. At the time of the offense, Mr. Thomas was employed by the Tennessee Department of Correction as a probation officer. He was accused of coercing a probationer into performing a sexual act in exchange for favorable treatment during her supervision. At sentencing, the defendant sought judicial diversion, which the State opposed. I argued that Mr. Thomas had grossly violated the public's trust and abused his official position of authority, power, and control over the victim for personal gratification. The Court denied the request for judicial diversion after applying the relevant statutory factors and finding that the nature and circumstances of the offense, along with the need for deterrence and the interests of the public, weighed heavily against diversion. While I argued for incarceration in the Department of Correction, the Court ultimately imposed a probationary sentence. The defendant appealed, and the Court of Criminal Appeals affirmed the trial court's judgment. *See State v. Thomas*, No. E2019-01974-CCA-R3-CD, 2021 WL 306212 (Tenn. Crim. App. Jan. 29, 2021).

State v. Kevin Anthony Dickson, Case No. 13010-II

Lead Prosecutor | Sevier County Circuit Court, Div. II

I served as lead counsel for the State in the prosecution of Kevin Anthony Dickson, who was charged with multiple offenses, including two counts of attempted first-degree murder. The case stemmed from a drug-related dispute in which the defendant, believing he had been cheated, enlisted two co-defendants to assist in a planned act of retaliation. One of the co-defendants shot and seriously injured two individuals, including a bystander who was left paralyzed. The defendant waived his right to a jury trial, and I tried the case to the bench. A central issue was whether Mr. Dickson could be held criminally responsible for the actions of his co-defendant, the shooter. The court found the defendant guilty on all charges and sentenced him to 50 years in the Tennessee Department of Correction.

On appeal, the Court of Criminal Appeals affirmed the convictions in part and reversed in part. The Tennessee Supreme Court granted review and ultimately affirmed the trial court's judgment, holding that the evidence was sufficient to sustain the convictions. *See State v. Dickson*, No. E2010-01781-SC-R11-CD, 413 S.W.3d 735 (Tenn. Oct. 8, 2013). Notably, the case was selected for presentation before the American Legion Boys' State delegation as part of the Tennessee Supreme Court's S.C.A.L.E.S. educational outreach program. The defendant, who claimed to be a sovereign citizen, later filed multiple pro se grievances in both state and federal court.

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

It is estimated that 80 percent of crime in Tennessee is drug related. I have prosecuted over a dozen homicide defendants in the past 18 years where the crimes were related to the defendant's desire to procure drugs to fuel their addiction or otherwise related to the illegal drug trade. Drug overdose deaths have been a significant burden in our communities, and I am of the belief that the criminal justice system must continue to be proactive in addressing this growing issue.

I believe the best approach to preventing and mitigating drug-related crime and deaths must be comprehensive. By aligning strategies and incorporating a community organization model, we are best situated to meet the needs of all residents to prevent, reduce, and rehabilitate behaviors that lead to substance misuse and subsequent criminal activity. This means that the court system, while integral, cannot solve this problem alone. It takes a collaborative approach across all sectors of our community to solve this complex problem. To that end, I served as President of the Board of Directors for ASAP of Anderson, Anderson County's local substance misuse prevention coalition, for six years, and as a board member at large for two years prior. During my tenure as Board President, our coalition advocated for the passage of many laws and local ordinances dealing with substance misuse prevention at the local, state, and national levels. In addition, I consulted with the Anderson County Underage Drinking Task Force on compliance check operations in accordance with state law, which increased outlet compliance with underage drinking laws. As ASAP Board President, I also liaised between ASAP of Anderson and the District Attorney's Office to offer guidance to local law enforcement on Tennessee's social host liability law.

In my role with ASAP of Anderson and as Assistant District Attorney, I have spoken at schools in Anderson County about the dangers of substance misuse. I also have participated in Anderson County Schools' "Principal for the Day" at Claxton Elementary School and the Clinch River Community School.

When I was the lead prosecutor in Anderson County Juvenile Court, I assisted District Attorney General Dave Clark in his truancy prevention program. That program was designed to identify children at risk of becoming involved with Juvenile Court due to their truancy and offer the parents and children resources in a diversionary program that would keep them out of the court system. Studies have shown that substance use and truancy have a relationship of mutual influence, wherein students who misuse substances are at higher risk of becoming truant. In addition, children of parents with substance use disorder are more likely to be truant. Likewise, truancy is a predictor of substance use. Our best move forward is to be proactive amongst parents, offering restorative justice for non-violent offenders to protect children in elementary and middle schools and ultimately lead to the prevention of crime, resulting in better outcomes for our students.

I have referred a number of qualified defendants to participate in the Anderson County Recovery Court, the Morgan County Residential Recovery Court, and DC4 in Nashville. I have a strong relationship with the program administrator of the Anderson County Recovery Court and I understand how important these programs are to rehabilitate individuals stuck in the criminal justice system. If chosen to serve, I would hope to expand Criminal Court involvement and assistance in the Knox Recovery Court.

Other special items of note in my career relevant to this application are as follows:

In addition to attending annual trainings of the District Attorney's Conference, I have completed trainings including the District Attorney's Conference Capital Litigation Seminar, the District Attorney's Conference Justice & Professionalism Symposium on Emerging Issues & Ethics, Advanced Roadside Impaired Driving Enforcement for Prosecutors, and have attended several state-wide and locally held Child Advocacy Center Conferences.

I routinely provide in-service training for law enforcement agencies in Anderson County, teaching on issues of search and seizure, warrant writing, court procedure, and developing issues in the law. I take calls and questions from law enforcement daily, instructing them as to what the law is and what it does and does not allow. Recently I provided training to Department of Children's Service employees, prosecutors, and law enforcement on special issues in child sexual abuse prosecutions

Since 2010, I have coordinated the internship program in my office. Supervising and mentoring future lawyers is one of the most important aspects of my job and one which I am enormously proud to fulfill. I allow interns in our office to take part in prosecutions in a meaningful way, from assisting in plea negotiations, drafting motions and responses, and participating in Criminal Court trials. I am proud that many of our former interns have advanced their careers to become my colleagues in the District Attorney's Conference.

Since 2021, I have been responsible for screening and approving expungements and restoration of citizenship rights in Anderson County. I am happy to play a small role in helping those who have paid their debt to society clean up their criminal history and return to being productive members of their community.

Outside of my employment in the criminal justice system, I served on the Board of Directors for the Junior League of Knoxville where I was Parliamentarian from 2012-2014. In that role, I drafted and reviewed bylaws, gave advice as to what the bylaws allow and, more importantly, advised what they did not allow. I also advised the Board of their legal, fiscal, and ethical responsibilities. During my tenure on the Board, the Junior League of Knoxville embarked on its first Issue-Based Community Impact. These projects arise from research on the needs of Knox County and unfold as multi-year plans to tackle the chosen issue. The issue that was selected by the League was women's education and safety.

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

I previously applied for a judicial vacancy in Knox County Criminal Court, Division II, in 2022. I was honored to be one of three candidates recommended to the Governor's Office by the Trial Court Vacancy Commission. The Honorable Hector Sanchez was ultimately appointed to fill the vacancy.

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

J.D., May 2006

Concentration: Advocacy and Dispute Resolution

- Vice President and Police Ride-Along Coordinator, Criminal Law Society (3L year)
- Recipient, Pro Bono Recognition Award (3L year)
- Awards for Highest Achievement in Criminal Law and Prosecutorial Externship
- Dean's List, Fall 2003

Vanderbilt University

B.A. in English, May 2003

- Staff member of *The Vanderbilt Hustler*, the university's student newspaper, all four years
- Progressed from Staff Writer to Editor-in-Chief

PERSONAL INFORMATION

12. State your date of birth.

[REDACTED]

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

I have lived in the State of Tennessee my entire life.

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

I have lived continuously in Knox County for over 15 years, since September 2009. I also previously resided in Knox County from August 2003 to July 2006 while I was a student at the University of Tennessee College of Law.

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

Knox 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.

None.

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

No.

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

No.

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

None.

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

No.

21. Have you ever filed bankruptcy (including personally or as part of any partnership, LLC,

corporation, or other business organization)?

No.

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

Dickson v. Cubberley, Case No. 3:15-CV-47-TAV-CCS
E.D. Tenn. Sep. 9, 2015 | *Kevin Anthony Dickson, Jr., Plaintiff, v. Matthew Cubberley, Jeff McCarter, Emily Faye Abbott, and John Doe, Defendants*

This was a pro se civil rights complaint filed in the Eastern District of Tennessee by Mr. Dickson, whom I prosecuted in Sevier County for Attempted Murder. As a result of the prosecution, Mr. Dickson was sentenced to 50 years in prison. The suit was dismissed prior to service, pursuant to the Prison Litigation Reform Act, for failure to state a claim.

University Health Systems DBA UT Medical v. Emily F Abbott, Docket Number 101583H
February 26, 2018 | Knox County Civil Sessions

A nonsuit was entered on February 26, 2018. The suit was brought by UT Hospital regarding a nominal medical bill for a balance remaining after insurance was billed, of which I was unaware. The matter was resolved through prompt payment, and the suit was dismissed.

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.

Big Brothers Big Sisters of East Tennessee
Big Sister to Sha’Niya since 2017

ASAP of Anderson – Board of Directors
Member at Large (2015–2022); President (2017–2022)

North Knoxville Rotary Club
Member at Large (2020–2024); President (2023–2024)

Note: The club has since dissolved, and members have joined other Rotary Clubs or civic organizations.

Vanderbilt Alumni Association – Knoxville Chapter
Chapter Leader since 2018

Christian Hospitality Network
Fundraising and event volunteer since 2017

Tennessee Farm Bureau
Active Member since 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.

- Junior League of Knoxville.* The Junior League of Knoxville is an organization of women committed to promoting voluntarism, developing the potential of women, and improving communities through the effective action and leadership of trained volunteers. Its purpose is exclusively educational and charitable. Membership is limited to women.
- I am not currently an active member; however, I will continue to attend events and support the activities of the League, as its mission aligns with widely supported civic values and promotes public service, leadership development, and community improvement.

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 since 2020
- Anderson County Bar Association** – Member, 2015–2016

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.

- **Rising Star of Knoxville**, Cystic Fibrosis Foundation – 2018
- **Outstanding Service Award**, Junior League of Knoxville – 2010–2011

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 2022, I applied for the judicial vacancy in Knox County Criminal Court, Division II—an appointed position. Following a public hearing before the Trial Court Vacancy Commission, I was selected as one of the three finalists submitted to the Governor’s Office for consideration. The Honorable Hector Sanchez was ultimately appointed to the position by Governor Bill Lee.

ESSAYS/PERSONAL STATEMENTS

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

I have seen firsthand the profound impact that judicial decisions have—not only on victims and defendants, but also their families and communities. Throughout my professional and personal life, my commitment to public service and my dedication to serving in criminal law and courts have been informed by that impact. My high level of training and experience will bolster the competence of this court, a competence essential to the peace, safety, and public confidence in the fairness of our community

Knox County is my home. I have deep roots here and strong ties to the people and institutions that shape this community. It would be an honor to dedicate myself to serving the citizens of this county in the role of judge. I possess the right temperament and necessary experience to serve effectively. If selected, I will strive to always do justice and will serve with integrity, fairness, and humility.

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 the position of Criminal Court Judge for the 6th Judicial District, Division I. Knox County’s three trial court divisions handle criminal cases post-grand jury action, and I bring significant experience across all levels of the criminal justice system, having managed a wide variety of cases. As a seasoned prosecutor, I understand the demands of docket management and the importance of efficient, fair case resolution.

Having prosecuted in a different jurisdiction, I am unbiased toward defendants appearing in Knox County Criminal Court and have no conflicts with current cases. This will allow me to immediately assist the two other judges and alleviate their already burdensome caseload. Additionally, if appointed, I would be one of only two female judges with criminal jurisdiction in Knox County, bringing both experience and diversity to the bench.

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 firmly believe that my personal morals, values, and opinions have no influence on the rule of law.

Occasionally, my personal views or values have conflicted with what the rule of law dictates.

One such occasion occurred many years ago in a particularly egregious rape case. The evidence of this Defendant's guilt was overwhelming. The defendant was subsequently indicted on his crimes including rape, statutory rape by an authority figure, and sexual exploitation of a minor. The psychological toll these crimes took on the juvenile victim was particularly great. Prior to substantive hearings on this case, the defendant took his own life. As a result, this case had to be dismissed and abated *ab initio*—a legal doctrine requiring that the case be stricken from any court record as if it had never occurred. The victim encountered people within her community who did not believe her and ostracized her for the death of this defendant. All proof of the defendant's guilt had to be expunged, because he died prior to the conclusion of the case. I signed the paperwork expunging all records of these crimes and the accusations against the defendant, even though I knew that it would possibly negatively affect the victim the rest of her life. Since that time, the Tennessee Supreme Court has abandoned the doctrine of abatement *ab initio* for cases pending appeal in *State of Tennessee v. Hassan Falah Al Mutory*, however that reversal would not have changed the outcome in this case.

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. David S. Clark, District Attorney General, 7th Judicial District, 101 S. Main St. Ste. 300, Clinton, TN 37716, dsclark@tndagc.org; (865) 457-5640 (w) [REDACTED]

B. Hon. Donald R. Elledge, Retired Circuit Court Judge, 7th Judicial District, [REDACTED]
[REDACTED] [REDACTED] [REDACTED]

C. Hon. Matthew T. Tuck, Anderson County General Sessions Court Judge, Div. II, [REDACTED] [REDACTED] 865) 482-0081 (w) [REDACTED]
D. Stephanie Strutner, CEO of Prevention Alliance of Tennessee, [REDACTED] [REDACTED]
E. Hugh Nystrom, Director of Development for Webb School of Knoxville, former Director of Childhelp, TN, former Chairman of the Knox County Commission, [REDACTED] [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 I, 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: May 11, 2025.


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.

Emily Faye Abbott

Type or Print Name


Signature

Date
025231

BPR #

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