

Tennessee Trial Court Vacancy Commission
Application for Nomination to Judicial Office

1/17/23

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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 23rd Judicial District

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

2013, BPR Number 032408

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.

I have only ever been licensed in Tennessee.

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).

District Attorney's Office 24th Judicial District - November 2013 – April 2016

Public Defender's Office 23rd Judicial District – May 2016 – November 2017

District Attorney's Office 23rd Judicial District – December 2017 - Present

During high school, I worked for a small business that produced and shipped a number of products including hand lotion, bath salts, and t-shirts. I gained great insight into the challenges of running a business while working in this capacity.

While I was in college, I came home to Dickson County on the breaks and worked for a local farmer as a farm hand. I worked in the hay field, mended fences, and worked on farm equipment. The hard work it took on the farm has always stuck with me. There were many hot summer

days in hay lofts that engrained in me the ability to focus on the task at hand and work hard to get the job done.

In 2009, I graduated from the University of Tennessee at Chattanooga with a degree in finance. This was not a great time to have a finance degree. I went to work for approximately 1 year at Van Heusen's distribution warehouse in Chattanooga where I earned the role of lead receiver. I was the lead on a team of workers who unloaded trucks and sorted the different boxes onto pallets to be stored in the warehouse before distribution. This further engrained in me the benefit of hard work as we had to unload unairconditioned metal containers in the middle of the summer. I also began to learn how to lead a group of people to accomplish a task. I worked there until I went to law school in Memphis.

During the summer after my first year of law school, I entered a program that paired up law students with a circuit court judge to intern with for the summer. I was paired with Judge Robert Burch in the 23rd Judicial District. Judge Burch allowed me to ride with him as we went county to county where he presided over criminal, civil, and chancery dockets. He had criminal trials and a contested child custody hearing. I was able to ask Judge Burch all kinds of questions and gained invaluable insight from a judge who had been on the bench for 30 years. During the summer after my second year of law school, I interned with the 23rd Judicial District Public Defender's Office. I was able to see the law from the perspective of a criminal defense attorney. I was allowed to go to court with the attorneys and to see how to work a case and interact with clients. After I graduated from law school and took the bar exam, I interned again with the 23rd Judicial District Public Defender's Office until I obtained my law license and full-time employment. The attorneys were very kind to let me shadow them and help in matters that did not require a law license. This helped me transition from being a law student to becoming a lawyer.

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 full-time criminal prosecutor for the District Attorney's Office. I handle all kinds of cases from the least crime to the greatest. I spend approximately 75% of my time handling circuit court cases, 20% of my time in general sessions court, and approximately 5% of my time in juvenile court.

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

My career has been spent in criminal practice. In 2013 right after I was licensed as an attorney I was hired by District Attorney General Hansel McCadams as an assistant district attorney. The plan was for me to travel the circuit and help where help was needed while I learned how to be a prosecutor. Unfortunately the assistant covering Hardin county passed away unexpectedly.

General McCadams sent me to Hardin County to take over as the ADA in the county. I had to learn and learn fast on the job. There was a lot that I did not know, but I have never been afraid to ask questions of my coworkers or peers to help me along. I also did extensive research into issues that might be routine to some, but they were things I had no idea about. Through this, my research skills were sharpened. I also tried many cases in my time in Hardin County. Part of that was my ignorance of the value of a case, and part of that may have been the defense bar testing the new ADA. I believe I tried between 20 and 30 cases in my two and a half years in the 24th district. Through this I learned how to try a case, and maybe even more importantly, which cases needed to be tried.

In 2016, the Public Defender in the 23rd district had an opening come available and offered me the position. I grew up in Dickson County, so I was grateful for the opportunity to move my family back home. During my time at the public defender's office, I covered juvenile, general sessions, and circuit court. I tried 6 cases including 2 first-degree murder cases, which I tried with the District Public Defender. I already had over two and a half years as a prosecutor, so this was a great experience for me seeing the law from another perspective. It helped me understand that a case is not just a case, but there is a person on the other side of that case. That person has a story, and generally that story will help you understand why the person is in the position that they are in.

In December of 2017, General Crouch offered me a job with the District Attorney's Office in the 23rd District. I was grateful for my time in the public defender's office, and I learned a great deal, but I felt I was a better fit in the district attorney's office, so, after much thought and with the District Public Defender's blessing, I accepted the job in the district attorney's office. During my time here, I have mostly handled cases in Stewart County. I have handled all levels of court including juvenile, general sessions, and circuit court. I have also spent some time in the courts of the other four counties in the district. During my time here, I have tried approximately 25-30 additional cases ranging from DUI to first-degree murder.

Working as the primary ADA in a county requires a variety of skills. I work with law enforcement to give them updates on new laws. It is a fairly common occurrence to get calls on nights, weekends, and holidays for an officer to run a fact pattern by me to get my opinion. I have meetings, phone calls, and emails from concerned members of the public. They may have a question, concern, or objection about how a case has been handled. I am constantly trying to make sure I am staying in touch with victims to ensure they are informed of how a case is proceeding and that they have a voice in the outcome. Sometimes I am required to tell a victim that there are legal issues or proof problems that mean we cannot move forward with their case, or at least we cannot move forward in the way they want to. These experiences have helped me understand that often members of the public do not understand what we do and why. They just need me to take some time with them and help them understand how and why things work the way they do.

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

I have been involved in several cases involving complicated criminal litigation. Right out of the gate after General McCadams hired me in 2013, I was assigned to help with the Holly Bobo case. My role was to do legal research and whatever other leg work the 1st chair prosecutor needed. I was working on the case when the indictments came down. Unfortunately, I did not get to help try the case as I had already moved back to the 23rd district before it went to trial, but this experience helped me understand the long hours and work that went into a complicated, high-profile case such as Holly Bobo. During my time in Hardin County, I helped try a first-degree murder case where the defendant killed his mother. The victim's family all believed we charged the wrong person and were unwilling to help our office in the case. This was the first time I experienced anything like that on a case of that magnitude. The defendant was ultimately convicted at trial of second-degree murder.

During my time in the Public Defender's office, I helped to try two first-degree murder cases. In one case a baby was killed. This case required extensive expert testimony and was emotionally charged for both sides. This case helped me to begin to understand how to block out any outside noise and focus on the case and what I needed to do in the case.

In 2021 General Crouch and I tried State v. Joseph Daniels. Joe Clyde Daniels was a 5-year-old boy who suffered from autism. He was killed by his father Joseph Daniels; Joe Clyde's body was never recovered. During the time leading up to this trial, there was a great deal of publicity. At one point a gag order was even put in place on the parties due to some of the pre-trial publicity. This case received state-wide and even national attention. There were many challenges that went along with prosecuting a case receiving such publicity as well as a murder with no body. After a 2-week trial in Dickson County, using a jury picked from another county, Joseph Daniels was convicted of first-degree murder and sentenced to life in prison.

Earlier this year, General Crouch and I tried State v. BJ Brown. Mr. Brown killed his ex-girlfriend in Louisiana. This murder was captured by a witness on camera and put on social media. The same day, Mr. Brown drove all the way to Tennessee where he was pulled over by a city police officer in Erin, Tennessee. During the traffic stop, Mr. Brown pulled a rifle from his car and fired multiple rounds into the officer's patrol car, striking the officer 2 times. Thankfully the officer lived. Mr. Brown was convicted after a multi-day trial, and he was sentenced to life without parole. To my knowledge this is the first time someone was sentenced to life without parole under Tennessee's new enhancement for a person who commits an attempted first-degree murder of a police officer who is engaged in his official duties.

I have been a part of the trial team on nine first-degree murder cases as well as numerous A and B felony trials.

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

I have participated in mock trials for Creek Wood High School as well as leadership Dickson in an effort to bring more awareness of what goes on in the legal system. I have also given

presentations to high school students who are interested in going into the legal field.

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

I have not applied for a state or federal position other than my positions as an Assistant District Attorney and Assistant District Public Defender.

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.

I attended the University of Tennessee of Chattanooga from August of 2005 through May of 2009 where I received my bachelor's degree in finance.

I attended the University of Memphis Cecil C. Humphries School of Law from August of 2010 through May of 2013 where I received my law degree.

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 Tennessee my entire life.

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

Since May of 2016 – 8 years

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

Dickson 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. Throughout my career I have been contacted by the Consumer Assistance Program on 3 occasions; however, after I responded to these inquiries they were closed and never resulted in a formal inquiry or complaint.

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.

23rd Judicial District Drug Court Board of Directors – Board member, January 2016 - Present

Southern Baptist Disaster Relief

Victory Fellowship Church – Deacon, January 2020 – May 2023

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

No

ACHIEVEMENTS

25. List all bar associations and professional societies of which you have been a member within the last ten years, including dates. Give the titles and dates of any offices which you have

held in such groups. List memberships and responsibilities on any committee of professional associations which you consider significant.

Tennessee District Attorneys General Conference – November 2013 – April 2016

Tennessee District Public Defenders Conference – May 2016 – November 2017

Tennessee District Attorneys General Conference – December 2017 - 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.

In 2021 I was awarded the President's award from the Tennessee District Attorneys General Conference. This award was in recognition of exceptional service to the criminal justice system of Tennessee, the Tennessee District Attorneys General Conference, and the Citizens we serve.

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.

I am currently on the City Council for Charlotte, Tennessee. I am one of 6 councilmen on the council. I was elected in August of 2022 to a 4-year term.

ESSAYS/PERSONAL STATEMENTS

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

I believe I should use whatever talents I have to help others. I will have an even better opportunity to do that as a circuit judge. There are three principles I will be guided by:

1. Have a love for justice. The law should be upheld in all situations, to convict or to set free as the law deems appropriate.
2. Seek opportunities to show mercy where justice can still be achieved. Sometimes a person just needs a little mercy and guidance to be able to get back on track.
3. Walk humbly. Judge Robert Burch was on a team that picked up trash in the church parking lot. He told me that if he was too good to pick up trash, then he had no business being on the bench. That humility has stuck with me.

I will strive to help others by displaying these qualities.

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)*

Our judicial district covers 5 counties: Cheatham, Dickson, Houston, Humphries, and Stewart. We currently have 3 circuit court judges who hear civil, criminal, and chancery cases. All of the judges ride the circuit and rotate the counties. This model has worked for a long time; however, a problem is arising because of the disparity in the case load of Dickson, and to a lesser degree, Cheatham counties with the 3 river counties. I have experience working in all 5 of these counties. I will be able to make a seamless transition and take some of the workload from the other judges. I also hope to work with the other judges to determine if there is a better way we can cover the counties to give the counties with a larger case load more coverage while keeping the same coverage in the smaller counties.

30. Will you uphold the law even if you disagree with the substance of the law (e.g., statute or rule) at issue? Give an example from your experience as a licensed attorney that supports your response to this question. *(250 words or less)*

I will absolutely uphold the law even if I disagree with the substance of the it. I had a case in Stewart County General Sessions Court where a man was charged with Possession of a Firearm while under the Influence. He was pulled over for a traffic violation, and he was quite intoxicated. There was a fully loaded AK-47 laying in the passenger seat of his vehicle. The officer charged the man with a number of things including having this weapon while under the influence. After I reviewed the law, it was clear to me that the statute only precludes a person from having a handgun while under the influence, not from having a rifle. I disagree with this distinction; in my view it should either be illegal to have both, or both should be legal to possess. Even though I held this belief, I dismissed the case. The law is clear. The legislature only meant for the statute to apply to a handgun. My job as an Assistant District Attorney is not to make new law, but to seek justice. In this case, the law was clear, and justice demanded the case to be dismissed. I will act in the same manner as a judge. It will not be my job to make new law. Our founders made 3 distinct branches of government for a reason.

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 Wolfe, Circuit Court Judge 23rd Judicial District, [REDACTED]

B. Ray Crouch Jr., District Attorney General 23rd Judicial District, [REDACTED]

C. Matthew Mitchell, District Public Defender 23rd Judicial District [REDACTED]

D. Joe Craig, Former Special Agent in Charge TBI, Retired, [REDACTED]

E. Doug Beecham, 23rd Judicial District Drug Court Director, [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] 23rd 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: June 8, 2024.



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.

Joshua Turnbow

Type or Print Name



Signature

June 8, 2024

Date

032408

BPR #

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