

Tennessee Trial Court Vacancy Commission
Application for Nomination to Judicial Office

9/8/20

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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. 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 ceesha.lofton@tncourts.gov, or via another digital storage device such as a flash drive. See section 1(g) of the application instructions for additional information related to hand-delivery of application packages.

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

PROFESSIONAL BACKGROUND AND WORK EXPERIENCE

1. State your present employment.

I am the owner and sole practicing attorney at the Stone Law Firm, PLLC.

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

I was licensed to practice law in Tennessee in 2000. My Tennessee Board of Professional Responsibility number is 021043.

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.

During law school, I received a student license from the Alabama State Bar in order to participate in the Litigation Externship at the Jefferson County District Attorney's Office, Bessemer Division, during the Spring 2000 Semester. I learned that the date of licensure cannot be determined because the Alabama State Bar destroyed my file in 2010. This license is not currently active.

I am also admitted in the United States District Court for the Eastern District of Tennessee and the Sixth Circuit Court of Appeals in Cincinnati, Ohio. My admission date for the United States District Court for the Eastern District of Tennessee was May 16, 2001. My admission date for the Sixth Circuit Court of Appeals was July 8, 2013.

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).

Professional Employment

After taking the Bar Exam in 2000 and before receiving my results in October 2000, District

Attorney General, William Paul Phillips, allowed me to work in the Claiborne County Office. During that same time, I worked in the solo-practice law office of my father, Lee Dan Stone, III, in Tazewell, Tennessee, but did not begin practicing law until I was formally admitted to the Tennessee Bar.

From 2000 to 2006, I was a solo practitioner sharing office space with my father at Stone and Stone, An Association of Attorneys at Law in Tazewell, Tennessee.

From 2006 to 2007, I was a solo practitioner sharing office space in Franklin, Tennessee, with Jon Perry at The Perry Firm. In 2007, I opened Stone Law Office in Franklin, Tennessee, with my father. From December 2007 through July 2008, I was an assistant public defender in the Twenty-First Judicial District of Tennessee covering Williamson, Lewis, Hickman and Perry counties.

From August 2008 to December 2013, I was an associate attorney at Hodges, Doughty and Carson, PLLC, in Knoxville, Tennessee. In January 2014, I accepted an offer to become a Member at Hodges, Doughty & Carson, PLLC. I practiced law as a Member with Hodges, Doughty and Carson PLLC until June 30, 2020, when I voluntarily withdrew from Hodges, Doughty and Carson, PLLC to open my own law firm.

From July 1, 2020, to present I have owned and operated Stone Law Firm, PLLC, in Knoxville, Tennessee.

Professional Experience

Since admission to the Bar in 2000, my professional experience includes representing numerous clients charged with crimes in the Municipal, Juvenile, General Sessions, and Criminal Courts throughout middle and east Tennessee. In addition, I have represented clients on direct appeal from their criminal convictions, probation violations, denial of a petition for a writ error coram nobis, and denials of their petitions for post-conviction relief in the Tennessee Court of Criminal Appeals in the Eastern Division. I have appeared before the Tennessee Supreme Court sitting in the Eastern Division regarding a criminal matter.

In addition to representing clients charged with crimes throughout middle and east Tennessee, I represented numerous clients regarding a variety of civil matters during the time I have been in private practice. These civil matters include divorces, post-divorce proceedings, petitions to establish paternity, petitions for orders of protection, termination of parental rights, adoptions, dependency and neglect proceedings, personal injury matters, boundary line disputes, conservatorships, and probate matters. I appeared in several different Chancery, Juvenile, Probate, and Circuit courts throughout middle and east Tennessee for these civil matters.

Other Occupations

My first real job was a part-time position bagging ice at Sandlick Grocery in New Tazewell, Tennessee, when I was approximately 10 years old.

While in high school, I was an active member of the Future Farmers of America. Although I

was involved in many skills competitions, including Parliamentary Procedure, my greatest award was the one I earned for producing, marketing, and distributing cantaloupes throughout my community with a tractor and wagon, which was the result of my grandfather's and father's efforts to increase my interest in agriculture. During high school, I worked as a transport employee and graveside employee for Coffey's Funeral Home in New Tazewell, Tennessee.

During two summers while transitioning from high school to college, I worked at Signal Knitting Mill in New Tazewell, Tennessee, as an expeditor for a line where we manufactured t-shirts. In addition, I worked at Straight Creek Welding in New Tazewell, Tennessee, where we repaired and built a variety of steel works, including a large portion of Lakeview Boat Dock in Sharps Chapel, Tennessee.

While attending the University of Tennessee, Knoxville, I worked at its experiment stations in Blount County. I worked as a Teaching Assistant in the computer lab located in the Agricultural Engineering Department on the agricultural campus. Because of my training in computer aided design while attending the University of Tennessee, one of my agricultural economics professors asked if I would be interested in designing computer-aided images for field curing tobacco structures for use in the Extension Office's publications to farmers. I accepted the offer, created the images used in the Extension Office's publications, and received compensation for this work.

Also while attending the University of Tennessee, Knoxville, I worked for the Tennessee Farmers' Cooperative ("CO-OP") through its internship program. I worked at the CO-OP previously located on Willow Street in Knoxville, the CO-OP that is still located in Halls, and the CO-OP located in New Tazewell, Tennessee. During this employment I met John Ward, the Voice of the Vols, at the Willow Street location where our picture was taken and published in the football programs for a marketing campaign for Tennessee Farmers Cooperative.

In addition to working for the University of Tennessee, Tennessee Farmers' Cooperative's internship program, and both the Knox and Claiborne Farmers' Cooperatives, I also worked on our family farm that consisted of beef production, hay production, and some tobacco production.

Between my first and second years at the Cumberland School of Law, I worked as a subrogation specialist for Vesta Insurance Companies located in Birmingham, Alabama. I continued to work in this capacity until shortly before my graduation from law school in 2000. While carrying a full course load, I worked a sufficient number of hours per week to qualify for full time employment in order to maintain health insurance for my wife and me. I also served process for a local attorney while attending the Cumberland School of Law.

I have coached or co-coached all three of my children in team sports during their first years of athletic competition. This includes basketball, T-ball, and soccer. I currently volunteer as the public address (PA) announcer for the soccer and basketball teams at Bearden High School in Knoxville, Tennessee. I also volunteer as the public address (PA) announcer for the Tennessee Ice Vols; the ice hockey team for the University of Tennessee at Knoxville.

I have served as a director on our homeowner's association. I have also served on the Board for the Tennessee Association of Criminal Defense Lawyers.

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.

My present law practice consists of approximately eighty-five percent criminal law and includes a combination of retained clients and appointed clients in federal and state court. I represent individuals charged with crimes in the Municipal, Juvenile, General Sessions and Criminal Courts in and surrounding Knox County and on appeal in the Tennessee Court of Criminal Appeals. In addition, I am also a Criminal Justice Act ("CJA") panel attorney in the United States District for the Eastern District of Tennessee and have matters pending in both the Greeneville and Knoxville divisions. My federal criminal law practice also includes handling appellate cases in the Sixth Circuit Court of Appeals in Cincinnati, Ohio where I currently have one case pending before that Court.

I also currently handle domestic relations cases, which comprise approximately five percent of my law practice. These cases include divorces, post-divorce custody modification matters, and termination of parental rights matters. In addition, my present law practice includes representing individuals regarding orders of protection in their capacity as either a petitioner or a respondent.

My present law practice also includes plaintiff's personal injury matters, which comprises approximately five percent of my law practice. The remaining five percent of my present law practice involves timber cutting / boundary line matters and pre-arrest / pre-indictment representations.

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.

Trial Court Practice

I have extensive experience in the trial courts in both east and middle Tennessee. Early in my career, I gained trial experience handling appointed criminal cases for individuals who could not afford private counsel. I also gained early trial experience handling domestic relations matters in the chancery and circuit courts. As my practice grew, my trial practice grew to include individuals who retained me to represent them in criminal court matters. While most criminal court cases are resolved by settlement, my earliest trial court experience occurred when I represented an individual with a lengthy criminal history who was charged in four indictments. After severing counts in one indictment, I represented this client in five separate jury trials. Since 2000, I have tried approximately twenty-five jury trials for clients charged with first degree murder, attempted first degree murder, solicitation to commit murder, second degree murder, vehicular homicide, aggravated child neglect, aggravated child abuse, aggravated assault, driving under the influence, felony and misdemeanor drug charges, especially aggravated kidnapping, aggravated robbery, carjacking, retaliation for past action, burglary, aggravated burglary, possession of contraband in a penal institution, property related crimes, tampering with evidence, and escape.

I have handled not less than sixteen (16) first degree murder cases in the trial courts of east Tennessee. Nine of those cases went to a jury. I have also represented one client at trial on a first degree murder charge where the death penalty was at issue. I, along with co-counsel, avoided the death penalty for our client during the sentencing phase of that jury trial. I have also represented two other clients on first degree murder charges that involved an enhanced request by the State of Tennessee for life without the possibility of parole. In these cases, I successfully defended and avoided the enhanced punishment of life without the possibility of parole after a jury trial. In an unrelated first degree murder matter, I successfully avoided a first degree murder conviction, and thus a life without possibility of parole sentence, through negotiations with the State of Tennessee primarily relating to my client's mental health and with the assistance of a forensic psychologist. I serve as first chair, by appointment due to my client's indigency, in a state court death penalty case. I also serve as second chair, by appointment due to an unrelated client's indigency, in an additional state court death penalty case.

These trial experiences include appearances in the trial courts for arraignments, motions regarding bail and pretrial release, pretrial motions including motions regarding the admissibility of evidence, preparing jury selection questionnaires, conducting jury selections, trial, sentencing, and post-trial motions. My experience in the trial courts for the eastern and middle divisions of Tennessee also includes handling probation violations, petitions for post-conviction relief, sentencing, and sentencing alternatives.

Beginning in 2010, I became active in the United States District Court for the Eastern District of Tennessee, specifically the Knoxville and Greeneville divisions. In addition to being retained for a variety of cases in the District Court, I continue to accept court appointments for clients who are unable to hire counsel. In order to accept court appointments in federal court, a panel of judges, lawyers, and other court personnel must approve your application to accept these federal criminal cases. Since 2010, I have handled not less than fifty-six (56) federal criminal cases in the Eastern District of Tennessee, and some of these matters are ongoing. These cases include complex drug conspiracy indictments and a wide range of other charges, including, but not limited to, being a felon in possession of a firearm, illegal re-entry, money laundering, bank fraud, conspiracy to commit bank fraud, maintaining a drug premises, possession of a controlled substance in a national park, possession of alcohol in a national park, and aggravated identity theft.

I also have extensive experience in civil matters in the trial courts of Tennessee. I have represented and continue to represent clients in divorces, post-divorce proceedings, petitions to establish paternity, petitions to terminate parental rights, and boundary line disputes. With one exception, these cases were resolved by bench trials. In addition, I have represented numerous clients as petitioners or respondents regarding petitions for orders of protections. In one termination of parental rights case, I represented, *pro bono*, a maternal grandmother in her efforts to terminate the father's parental rights because he shot and killed the mother. We succeeded in terminating the father's parental rights and successfully defended the trial court's decision upon appeal by the father to the Tennessee Court of Appeals.

I have represented one client in a federal civil case where my client alleged that his civil rights were violated. The parties reached an agreement and resolved this case. I also represented a

client in a federal civil matter involving the interpleader of insurance proceeds where I represented a beneficiary under an insurance policy. The parties reached an agreement and the case was dismissed.

Appellate Court Practice

I have extensive experience in the Tennessee Court of Criminal Appeals, and I have filed several Applications for Permission to Appeal to the Tennessee Supreme Court. I have also appeared before the Tennessee Supreme Court on an application made by the State of Tennessee for permission to appeal.

I was appointed to represent my first appellate court client within the first couple of years of my practice. My client, a juvenile at the time of the incident, pleaded guilty to the murder and attempted murder of his father's girlfriend and father and submitted his sentencing to the trial judge, who imposed a twenty-year sentence. The client's attorneys were allowed to withdraw after filing a notice of appeal, and the trial judge appointed me to represent the client on appeal. I conducted legal research and filed an appellate brief regarding the enhancement and mitigating factors the trial court applied in sentencing my client. The Tennessee Court of Criminal Appeals agreed with my argument, and I successfully reduced the client's sentence on appeal by demonstrating the trial court's misapplication of the factors.

Since that time, I have handled approximately 34 appeals in the Tennessee Court of Criminal Appeals. With the exception of the one appeal where I successfully defended the trial court's termination of parental rights, all of my appellate cases have involved a variation of criminal matters, including direct appeals from a conviction and probation violations and post-conviction appeals. In one appellate court case, the Tennessee Court of Criminal Appeals appointed me to represent a client regarding his post-conviction DNA petition. The Tennessee Court of Criminal Appeals appointed me to represent an indigent client regarding his petition for a writ of error coram nobis regarding his 1991 conviction for first degree murder. A non-exclusive list of cases I have handled on appeal follows:

In State v. Breeden, No. E2004-01512-CCA-R3-CD, 2005 WL 3199280 (Tenn. Crim. App. Nov. 30, 2005), I, along with two other attorneys representing a different defendant, successfully obtained the reversal of my client's convictions and a remand to the trial court for a new trial after successfully demonstrating that the trial court misunderstood its role as thirteenth juror.

In State v. Eads, No. E2006-02793-CCA-R3-CD, 2008 WL 2790434 (Tenn. Crim. App. July 21, 2008), I successfully persuaded the Tennessee Court of Criminal Appeals on direct appeal to remand my client's sentence to the trial court for resentencing.

In State v. Sisk, No. E2009-00320-CCA-R3-CD, 2010 WL 3502512 (Tenn. Crim. App. Sept. 8, 2010), the Tennessee Court of Criminal Appeals appointed me to represent an individual who was convicted by a jury of three crimes in a multi-count indictment. In the Court of Criminal Appeals, I successfully argued that the convicting evidence was legally insufficient, and the Court of Criminal Appeals reversed and dismissed my client's convictions. This decision was reversed by the Tennessee Supreme Court based on a change of law that occurred during the

pendency of this case. See State v. Sisk, 343 S.W.3d 60 (Tenn. 2011); see also State v. Dorantes, 331 S.W.3d 370 (Tenn. 2011). Nonetheless, in the Court of Criminal Appeals, I successfully argued that my client's right to be free from double jeopardy was violated as it related to one of the counts and that the trial court incorrectly classified my client as a career offender. These holdings were undisturbed by the Tennessee Supreme Court.

In In re Christopher M., Jr., No. E2009-02564-COA-R3-PT, 2010 WL 2244117 (Tenn. Ct. App. June 4, 2010), I represented the maternal grandmother of two children whose mother was killed by the children's father. I successfully established that there were grounds to terminate the father's parental rights and allow the grandmother to adopt them. Upon appeal by the father, the Tennessee Court of Appeals affirmed the trial court's decision. The representation was *pro bono*.

In State v. Hood, No. E2008-02298-CCA-R3-CD, 2010 WL 3529002 (Tenn. Crim. App. Sept. 10, 2010), I successfully demonstrated, under plain error because original trial counsel did not object and preserve the issue for appellate review, that the trial court improperly commented on the evidence in the presence of the jury regarding the defendant's motion for judgment of acquittal. The Tennessee Court of Criminal Appeals reversed my client's convictions and remanded the matter back to the trial court for a new trial. I was appointed by the original trial court to represent this client on his post-trial motions following his convictions, and my appointment continued through the Court of Criminal Appeals.

In State v. Foust, 482 S.W.3d 20 (Tenn. Crim. App. 2015), the Tennessee Court of Criminal Appeals appointed me to represent Mr. Foust after he was convicted in the trial court while represented by a different attorney. I successfully demonstrated that the trial court erred in admitting evidence offered by the State of Tennessee. In a published opinion, the Court of Criminal Appeals reversed my client's convictions and remanded the case to the trial court for a new trial. The Court of Criminal Appeals also reversed and dismissed one count contained in the indictment. On remand, I represented Mr. Foust at trial. After a jury convicted him again, I appealed his conviction to the Tennessee Court of Criminal Appeals. I obtained a new trial for Mr. Foust on his second appeal regarding two of the counts contained in his indictment. See, State v. Foust, No. E2017-02420-CCA-R3-CD, 2019 WL 3824028 (Tenn. Crim. App. Aug. 15, 2019).

In State v. Bonds, 502 S.W.3d 118 (Tenn. Crim. App. 2016), I, along with three other attorneys in a consolidated appeal, successfully challenged the constitutionality of the criminal gang enhancement for our respective clients. In a published opinion, the Tennessee Court of Criminal Appeals vacated my client's sentence and the other defendants' sentences and remanded the matter to the trial court for resentencing. I represented Mr. Bishop during his initial trial, on appeal, and at resentencing. I continued representing Mr. Bishop on a second appeal after his resentencing. In State v. Bishop, No. E2018-00283-CCA-R3-CD, 2019 WL 2501484 (Tenn. Crim. App. June 17, 2019), the Tennessee Court of Criminal Appeals reversed the trial court's discretionary consecutive sentencing decision and ordered that amended judgments be entered reflecting that Mr. Bishop's two sentences be served concurrently.

In Derrick Helms v. State of Tennessee, No. E2017-02421-CCA-R3-PC, 2018 WL 4692462 (Tenn. Crim. App. Sept. 28, 2018), I successfully obtained the reversal of the post-conviction

court's summary denial of my client's petition for post-conviction relief by demonstrating that the post-conviction court considered information beyond the petition to determine whether a colorable claim had been stated. The Court of Criminal Appeals appointed me to represent Mr. Helms on his appeal of the post-conviction court's ruling.

I currently have two cases pending in the Tennessee Court of Criminal Appeals.

Since 2013, I have represented seven different clients in the United States Court of Appeals for the Sixth Circuit in Cincinnati, Ohio. I currently represent one client in the United States Court of Appeals for the Sixth Circuit in Cincinnati, Ohio.

Transactional Matters

During my first six years of practice, I assisted my father's title and loan closing practice by conducting title searches, preparing warranty and quitclaim deeds, and performed loan closings on real estate transfers. I also prepared deeds relating to divorce matters.

I have prepared Last Wills and Testaments and related last directives throughout my legal career. The first Last Will and Testament I prepared was a Joint Will for a married couple who had adult children by previous marriages.

Administrative Bodies

Regarding experience in administrative bodies, I have extensive experience in handling matters brought by the Office of Student Conduct at the University of Tennessee. In one case under the Administrative Procedures Act, we succeeded in avoiding an expulsion of a student accused of violating Title IX. I have also successfully defended a student at Tusculum College (now Tusculum University) from being expelled. In addition, I have successfully handled matters with the Department of Safety when clients have had forfeiture proceedings instituted against them upon the allegation their property was derived from illegal funds and activities. I have successfully represented individuals in other Department of Safety matters regarding their driving privileges and the points system associated with traffic violations.

I have also represented clients in a matter filed in the Tennessee Claims Commission. This matter was also filed in the circuit court for the respective county where the tort occurred. Upon reaching a favorable result in the circuit court matter, we voluntarily dismissed the complaint in the Tennessee Claims Commission.

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

While I lived in New Tazewell, Tennessee, and shared office space with my father, I had the privilege of having an excellent mentor who counseled me throughout those early years of my practice. Although we did not usually work on cases together, I did have the honor of sitting second chair with him in a civil jury trial before the Honorable Conrad Troutman. I learned a lot

about professionalism from my father in that particular case, learned a tremendous amount from him about the profession of law during the time I shared office space with him, and continued to learn from him until his death on June 30, 2020.

While residing in Franklin, Tennessee, and working for the Public Defender's Office for the Twenty-First Judicial District, I had the occasion to help another assistant public defender prepare for and try her first jury trial. Although she had been an attorney for a number of years both in private practice and as an assistant public defender, she needed assistance with her first jury trial in Hohenwald, Tennessee. I was honored when she asked me for my assistance. Although the trial judge implicitly encouraged me to take a more active role in the defense of that client, I declined, and the assistant public defender did an excellent job. I learned as much from her during that experience as she learned from the experience itself. The jury found our incarcerated client not guilty of attempted first degree murder, and the client had served his misdemeanor conviction sentence at the conclusion of the jury's verdict. We were able to walk our client out of the courthouse a free man.

I have had the honor and privilege to appear in the Tennessee Supreme Court while representing an indigent client whose convictions were overturned by the Tennessee Court of Criminal Appeals. The Tennessee Supreme Court is not required to accept every application for permission to appeal. While I appeared in that Court on the State of Tennessee's Application for Permission to Appeal, practicing in the highest court of our state, the same court from which I received my license to practice law, gave extra meaning to me and my career as a trial and appellate attorney.

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

Throughout my professional career and in addition to being retained in many criminal and civil matters, I have provided greater access to justice by accepting court appointments throughout my practice. This has provided me with the satisfaction of providing my professional services to individuals who cannot otherwise afford counsel. While a majority of my practice has consisted of being privately retained in criminal and civil matters, I have been rewarded by giving my professional services at a reduced rate to people of limited or no means.

Often, appointed clients are in custody or do not otherwise have sufficient funds to afford adequate clothing for their trials. I always have taken pride in providing clothing for my clients when the need arises. In one instance of particular note, I represented a female client who was incarcerated. I was able to obtain my client's clothing sizes and select clothing that fit with the help of my legal assistant, but the pants needed to be hemmed. My mother agreed to hem them for us, and the clothes fit perfectly. Because this client was incarcerated in a neighboring county, this was no small task, but the client was appreciative of our extra efforts and the legal work we performed for her.

Throughout my twenty-two year career representing individuals charged with violating the criminal code, I have recognized the role mental health plays in an increasing amount of cases.

I have educated myself regarding the varied mental health diagnoses of individuals and their effects in the alleged criminal actions of my clients. In one instance, a forensic psychologist was unable to determine my client's mental health diagnosis and suggested we employ a neuro-forensic psychologist to further evaluate the client. The neuro-forensic psychologist determined that my client, who was charged with homicide, suffered from dementia. In a different case, my client was charged with first degree murder and the State of Tennessee sought the enhanced punishment of life without the possibility of parole. We employed a forensic psychologist, and through her evaluation and the efforts of our mitigation expert, we were able to present a viable and meritorious mental health defense. After providing the information relating to the client's mental health issues to the State of Tennessee, we were able to avoid both a first degree murder conviction and a sentence of life without the possibility of parole.

Indigence also plays an important part in criminal law. Individuals charged with a crime have a right to funding from the State of Tennessee to employ investigators, experts, and related services. Since early in my career, I have sought lawful *ex parte* funding from both the trial courts and the Tennessee Administrative Office of the Courts in instances where I believed expert services were necessary.

Quality experts and expert services are difficult to identify. Recently, as part of my representation of an individual charged with first degree murder, I obtained court approval to conduct genetic testing on tissue samples retained by a medical examiner's office to determine whether the decedent suffered inborn errors of metabolism, which may have contributed to his death. Those samples were initially disclosed as being nonexistent. Upon further investigation, it was determined that the samples still existed at the medical examiner's office. I coordinated the proper shipment of those samples to the genetics lab from the medical examiner's office and coordinated the collection and shipment of DNA from both parents, one of whom was in custody. To make this possible, I sought and obtained additional funding for the assistance of the forensic pathologist, a genetics lab and a geneticist. In addition, these funding, shipment, and investigation efforts would not have been possible without the trial judge's understanding of the issues involved and the importance of determining whether inborn errors of metabolism existed.

I have served as judge in both the General Sessions and Juvenile courts in Union County, Tennessee, on a limited basis. I have also served as Sessions Judge for Knox County, Tennessee, on a limited basis.

Teachers at my children's elementary school and high school have invited me to speak to their classes. I spoke several times at my children's elementary school regarding the practice of law at their career days. In addition, I was invited by my child's high school English class to discuss To Kill A Mockingbird and my profession. I enjoyed speaking to these students about the practice of law.

I have also been invited to speak to sororities and fraternities at the University of Tennessee, Knoxville, regarding alcohol and drug related issues both on and off campus. I enjoyed the opportunity to make these young adults aware of the dangers of alcohol and drug related activity that violates state law in hopes of deterring criminal conduct.

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

In October 2019, I applied for the state judicial position for the Sixth Judicial District (Knox County) Criminal Court Judge, Division II. My name was forwarded to the Governor for his consideration and appointment to this position. I did not receive the appointment.

In September 2020, I applied for the state judicial position for the Sixth Judicial District (Knox County) Circuit Court Judge, Division I. I did not receive the appointment.

In March 2021, I applied for the federal judicial position of United States Magistrate Judge for the Federal District Court in the Eastern District of Tennessee at Knoxville. I did not receive the appointment.

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.

From August 1992 to May 1993, I attended Mars Hill College (now Mars Hill University), in Mars Hill, North Carolina, on a partial football scholarship as a quarterback. I majored in biology but left Mars Hill College after my first year because I no longer wanted to play football and wanted to attend the University of Tennessee in Knoxville. I did not earn a degree from Mars Hill College.

From August 1993 to December 1996, I attended the University of Tennessee in Knoxville and graduated with a Bachelor of Science in Agriculture with an emphasis in Agricultural Economics.

From August 1997 to May 2000, I attended the Cumberland School of Law at Samford University in Birmingham, Alabama, where I graduated *cum laude* with my Juris Doctorate. While at the Cumberland School of Law, I received the Certificate of Merit award for the Cumberland School of Law's Research and Writing Program. In addition, I received the Scholar of Merit Award for superior performance in Equitable Remedies.

PERSONAL INFORMATION

12. State your date of birth.

I was born on [REDACTED] 1974.

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

I have continuously lived in Tennessee since graduating law school in 2000. Prior to that, I lived in Tennessee my whole life with the exception of one school year at Mars Hill College in Mars Hill, North Carolina, and the three years I studied at Cumberland School of Law in Birmingham, Alabama, obtaining my Juris Doctorate.

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

I have lived in Knox County, Tennessee, with my wife and three children for almost fourteen (14) years beginning on July 14, 2008.

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

I am registered to vote in Knox County, Tennessee.

16. Describe your military service, if applicable, including branch of service, dates of active duty, rank at separation, and decorations, honors, or achievements. Please also state whether you received an honorable discharge and, if not, describe why not.

I do not have any prior military experience.

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.

I have had no formal complaints filed against me and, thus, have not responded to any formal complaints. I have promptly responded to inquiries from the Consumer Assistance Program with the Tennessee Board of Professional Responsibility. However, no Consumer Assistance Program inquiry turned into a formal complaint. I attach a letter from the Board of Professional Responsibility of the Supreme Court of Tennessee containing a blank disciplinary report. The letter and report reflect that I am currently active, in good standing, and that the Board has never opened an investigative file on me.

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.

I was charged with the introduction of contraband into a penal facility in the General Sessions Court for Lauderdale County in December 2006. I went to the West Tennessee State Penitentiary for a scheduled appointment with a client who was an inmate. I entered the parking lot and voluntarily disclosed to the correctional officers performing searches on vehicles that I possessed an unloaded handgun. Neither the ammunition nor the magazine for this firearm was in my truck. During my first court appearance, the charge was dismissed, and the public records were then expunged. I do not recall the specific date or docket number.

In 2012, I was involved in a car accident where the other driver caused my truck to flip upside down and slide across multiple lanes of traffic in the eastbound lane of Interstate 40. My wife and I filed a lawsuit in the Circuit Court for Knox County, Tennessee, against the other driver.

See Wesley and Suzanne Stone v. John David Greene, Knox County Circuit Court, No. 1-303-13. We settled the claim with the responsible party's insurance carrier, and the case was dismissed on January 24, 2014.

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.

Tennessee Farm Bureau - Member (2000 to present)

Cedar Springs Presbyterian Church; Knoxville, Tennessee - Member (2010 to present)

Young Men's Christian Association (YMCA) - Member, (2010 to present)

Beaver Ridge Lodge # 366, Free and Accepted Masons, Knoxville, Tennessee - Master Mason, (2016 to present)

Kerbela Shriners of Shriners International - Legal Advisor, (2017 to present)

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.

As a Freemason, I am a member of the Beaver Ridge Lodge # 366. Membership as a Mason is limited to men. I anticipate being a Freemason of my Lodge for the remainder of my life unless otherwise prohibited by the Tennessee Rules of Professional Conduct or the Tennessee Code of Judicial Conduct.

Membership with the Kerbela Shriners is limited to men. I anticipate being a member and Noble of the Shriners for the remainder of my life unless otherwise prohibited by the Tennessee Rules of Professional Conduct or the Tennessee Code of Judicial Conduct. If continued membership with Kerbela Shriners is not prohibited by these Rules, I will relinquish my duties and title as Legal Advisor if I receive the appointment to this judicial position as required by the Tennessee Code of Judicial Conduct.

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 Association of Criminal Defense Lawyers, 2013 to 2015

National Association of Criminal Defense Lawyers, 2014 to 2018

Tennessee Bar Association, 2012 to present

Knoxville Bar Association, 2008 to present

26. List honors, prizes, awards or other forms of recognition which you have received since your graduation from law school which are directly related to professional accomplishments.

In 2010, I received the award for the Pro Bono Project from the Legal Aid of East Tennessee and the Knoxville Bar Association.

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 was a candidate in the Knox County Republican Primary in March 2020 for the elective position to serve Knox County and the Sixth Judicial District as its Criminal Court Judge, Division II.

Consistent with my response in paragraph 10 above, I applied for the state judicial position for the Sixth Judicial District (Knox County) Criminal Court Judge, Division II, in 2019. I also applied for the state judicial position for the Sixth Judicial District (Knox County) Circuit Court Judge, Division I, in 2020. These two state court judicial positions are traditionally elected positions. However, due to vacancies occurring during each of the respective judge's terms, these positions were initially appointive positions.

I applied for the federal judicial position of United States Magistrate Judge for the Federal District Court in the Eastern District of Tennessee at Knoxville in March 2021. This position is an appointive position.

ESSAYS/PERSONAL STATEMENTS

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

My personal and professional experiences have provided me the necessary skills and temperament to serve my community in the most important position in our judicial system. These experiences will guide me in being a fair, impartial, and independent judge for all parties that appear before me.

My practice primarily has been in criminal law in all court levels throughout two-thirds of this state, including complex homicide cases that could have resulted in my clients' deaths or incarceration for the remainder of their lives. Knox County is where I was born, where I earned my undergraduate degree, where I met my wife of nearly twenty-five years, where my wife and I have primarily raised and continue to raise our three children, and where I have practiced a majority of my profession. Knox County is my home, and I want to use my experiences for the betterment of my community.

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 seek the position of Criminal Court, Division II, Knox County 6th Judicial District. This judgeship, along with two other judges, serves Knox County and consists of both rural and urban populations with wide ranging socioeconomic statuses. This judgeship resolves misdemeanor and felony cases and is responsible for empaneling juries and conducting jury trials in contested matters.

I seek a judgeship where court personnel, attorneys, law enforcement officers, parties, witnesses, jurors, and family members of the victims and defendants want to work and appear because they know they will be treated with fairness and respect.

My selection will have a positive impact on the Court and Judiciary. I have extensive experience with procedural, evidentiary and substantive law pertaining to Tennessee's criminal code. I will uphold the integrity of the Judiciary by effectively and efficiently managing this Court's large docket while providing fair, competent, and timely decisions without bias or prejudice.

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. Rule 13 of the Tennessee Supreme Court governs the compensation of attorneys representing indigent people. When I started practicing law in 2000, the pay rate for appointed attorneys was \$40.00 per hour for out-of-court time and \$50.00 per hour for in-court. Recently, these rates have increased to a uniform hourly rate of \$50.00. Rule 13 provides maximum compensation caps for compensation. Also, the hourly rates for Criminal Justice Act attorneys in federal court are less than the market rate in privately retained cases. Despite my disagreement with Rule 13 and the reduced federal hourly rate, I have spent my

professional career representing many indigent clients in state and federal court in an effort to increase access to justice by providing highly competent representation in their respective cases. I believe that these rates need to be raised to ensure that indigent people receive competent and constitutional representation.

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. Timothy F. Burchett, U.S. Congressman, Tennessee 2nd District, [REDACTED] [REDACTED] Knoxville, Tennessee 37902; [REDACTED]
B. J. William (Bill) Coley, Hodges, Doughty and Carson, PLLC, Member and Managing Partner, [REDACTED] Knoxville, Tennessee 37902; [REDACTED]
C. Jared R. Effler, District Attorney General, Eighth Judicial District & Executive Committee Member for the Tennessee District Attorneys General Conference, [REDACTED] Maynardville, Tennessee 37807; [REDACTED]
D. D. Kelly Thomas, Jr., Tennessee Court of Criminal Appeals, Judge (retired), [REDACTED] [REDACTED] Maryville, Tennessee; [REDACTED]
E. Ms. Eleanor Yoakum, [REDACTED] Tazewell, Tennessee 37879; [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 Sixth Judicial District (Knox County), Division 2 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 5, 2022.

Wesley Stone
Signature

When completed, return this questionnaire to Ceesha Lofton, 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.

Wesley D. Stone
Type or Print Name

Wesley Stone
Signature

July 5, 2022
Date

021043
BPR #

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

Alabama State Bar

Student Bar License

State of Alabama

License Number is Unknown (see paragraph 3)

EXHIBIT 1

QUESTION 19

LETTER OF GOOD STANDING AND DISCIPLINARY HISTORY
REPORT (blank)



BOARD OF PROFESSIONAL RESPONSIBILITY
of the
SUPREME COURT OF TENNESSEE

10 CADILLAC DRIVE, SUITE 220
BRENTWOOD, TENNESSEE 37027
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(800) 486-5714
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ANDREW B. CAMPBELL
ERIC A. FULLER
JAMES W. MILAM
DIANE M. NISBET
EILEEN BURKHALTER SMITH
DISCIPLINARY COUNSEL

June 29, 2022

Mr. Wesley Daniel Stone
PO Box 1931
Knoxville, TN 37901-1931

Re: Wesley Daniel Stone
BPR #021043

TO WHOM IT MAY CONCERN:

On December 18, 1975, the Tennessee Supreme Court established the Board of Professional Responsibility of the Supreme Court of Tennessee to supervise the conduct of attorneys licensed to practice law in this state.

The records of the Board of Professional Responsibility indicate that the attorney referenced above was licensed in Tennessee to practice law and sworn in on 10/20/2000. The attorney's license is currently Active and is in good standing.

Enclosed for your review is a report generated from our case management system. A blank report indicates that our office has never opened an investigative file on this attorney.

Sincerely,

A handwritten signature in cursive script that reads "Mary McKnight".

Mary McKnight
Registration Manager

MLM/lw

Enclosure

Disciplinary History Report

Stone, Wesley Daniel

021043

No complaints on file