



## STATE OF TENNESSEE BOARD OF JUDICIAL CONDUCT

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January 25, 2024

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Re: Judge A. Melissa Boyd

Dear Speakers,

Dan Springer  
Terica N. Smith  
Valerie L. Smith  
Bishop Edward Stephens, Jr.  
John W. Whitworth  
Robert W. Wilkinson

Pursuant to Tennessee Code Annotated section 17-5-302(a), the Board of Judicial Conduct (“Board”) is recommending that Judge A. Melissa Boyd, Criminal Court Judge in the 30th Judicial District, be removed from office. Judge Boyd has received two public reprimands since assuming office in September 2022. She has been suspended since May 22, 2023, failed to comply with agreed upon terms of that suspension, and has failed to comply with a November 22, 2023, order giving her a final opportunity to address her admitted substance abuse issues. Her term expires August 31, 2030. The circumstances leading up to this recommendation of removal are explained below.

1. Public Reprimand on May 8, 2023. Within weeks of Judge Boyd assuming office, she solicited resources and cash donations on social media for the benefit of a third party. This solicitation for contributions from the public depicted Judge Boyd wearing her judicial robe. Despite being notified by the Board of her statutory obligation to respond to the Board’s inquiry into the matter, as well as the statutory timeframe in which to do so, she failed to timely respond either directly or through an attorney.

Accordingly, on May 8, 2023, Judge Boyd was issued a public reprimand, which she agreed to accept, for lending the prestige of judicial office to advance the private interests of others, a violation of the Code of Judicial Conduct. *See* Tenn. Sup. Ct. R. 10, RJC 1.3. In addition, Judge Boyd was reprimanded for failing to timely respond to the Board's investigation, another violation of the Code of Judicial Conduct. *See* Tenn. Sup. Ct. R. 10, RJC 2.16.

Importantly, as part of the May 8, 2023, reprimand, Judge Boyd was specifically reminded that "[j]udges are expected to maintain the highest standards of conduct at all times." She was admonished that "neglecting ethical responsibilities not only reflects poorly upon the individual judge but undermines the integrity of the judicial system and the administration of justice." Unfortunately, these admonishments went unheeded.

2. Suspension on May 22, 2023. During its investigation of Judge Boyd's social media activities, the Board received affidavits from a confidant of Judge Boyd who stated that she had been the judge's campaign manager during the 2022 election and had a personal relationship with her. One of the affidavits, dated February 3, 2023, stated in part:

2. I work as a Mental Health Life Coach in Shelby County, specializing in helping battered women. I also served as Judge A. Melissa Boyd's campaign manager during the 2022 election. Judge Boyd and I had a close, personal relationship. As such, I have spent a lot of time with Judge Boyd both before and after she became a judge.

3. On December 16, 2022, I was at Judge Boyd's residence to take her to a doctor's appointment at Baptist Minor Clinic. While looking for a pair of hair clippers, I discovered a white plate with yellow and blue flowers inside of Judge Boyd's closet. On this plate was a spoon and a white powder, formed into a single narrow line, which I believed to be cocaine.

4. After returning from her doctor visit, I began questioning Judge Boyd about finding the white substance in her closet. During this conversation, Judge Boyd admitted that it was cocaine. During this same conversation, Judge Boyd admitted that she has used cocaine off and on for the last year and that she used cocaine once during the week of December 12, 2022. She told me that she did not use it every day. I implored her to get help and that the longer she waited the worse the habit was going to get.

5. I have also observed Judge Boyd smoke marijuana multiple times since she was elected.

6. On January 21, 2023, at approximately 2:30 a.m., I woke up and discovered that Judge Boyd was sitting outside of my house in her

car and taking pictures of my property. Judge Boyd texted me a picture of my vehicles while sitting outside of my house and accused

me of having someone in my home. One of the text messages she sent to me said, "You got your [n\*gg\*] in your bed." Another of her messages asked, "Who is the whore seriously?" I found this behavior very disturbing.

7. I invited Judge Boyd into my residence so that she could see that no one was in my house. Once inside, Judge Boyd became argumentative and appeared to be intoxicated and high as her speech was slurred.

8. On January 16, 2023, Judge Boyd also text messaged me pictures of my prior marriage license and information about my divorce. These text messages also made me feel disturbed.

9. Judge Boyd has asked me to withdraw my complaint with the Board of Judicial Conduct several times. Although I fear retaliation from her, I have not given in to Judge Boyd's efforts to intimidate me by showing up in the middle of the night at my house, taking pictures, demanding to know who is in my house, and texting me my divorce history.

10. I have continued to see her and encourage Judge Boyd to seek treatment for her substance abuse issues but to no avail.

During a recorded conversation by the individual who submitted the affidavit, Judge Boyd admitted that she had occasionally used cocaine throughout the past year and at least on one occasion during the week of December 12, 2022, while she was a judge. A picture of the plate showing the white powdery substance was provided to the Board and, in turn, to Judge Boyd through her attorney. The recorded conversation was likewise provided to Judge Boyd through her attorney.

In another affidavit, dated December 7, 2022, Judge Boyd's confidant stated in part, "I have seen Judge Boyd intoxicated many times before and after she was elected and, when she drinks, she becomes aggressive and hostile. Judge Boyd has a drinking problem for which she needs help. I have repeatedly encouraged her to seek treatment to no avail."

By letter dated April 27, 2023, the Board notified Judge Boyd, through her attorney, that the initial investigation regarding this separate complaint had been expanded for a third time to include allegations of illegal drug use. That letter stated in pertinent part:

In an affidavit (attached) dated February 3, 2023, [the confidant] stated that on December 16, 2022, she discovered a white plate with yellow and blue flowers in Judge Boyd's closet in the judge's residence. On the plate was a white powder, formed into a single line consistent with

cocaine use. . . . During a subsequent recorded conversation on December 16, 2022, Judge Boyd admitted that she occasionally used cocaine throughout the past year and at least on one occasion during the week of December 12, 2022.

In a response dated May 5, 2023, Judge Boyd, through her attorney, notified the Board that she did “not deny the facts and allegations set forth” in the above-quoted paragraph from the Board’s April 27, 2023, letter, and she requested “the opportunity to take time to receive treatment for her illnesses.”

Having received an acknowledgment from Judge Boyd that she was in possession of illegal drugs and had used cocaine while a sitting judge, the Board and Judge Boyd, through her attorney, entered into a negotiated suspension on May 22, 2023. The suspension was not made public at that time, as Judge Boyd had requested an opportunity to seek treatment. She was granted that opportunity, while receiving her full salary and benefits, but to no avail. It was hoped that Judge Boyd would in fact use the opportunity to work with the Tennessee Lawyers Assistant Program (“TLAP”)<sup>1</sup> and address her substance abuse issues, as she agreed to do, while at the same time protecting the public by temporarily suspending her judicial authority.<sup>2</sup>

3. Public reprimand on October 31, 2023. As part of Judge Boyd’s May 22, 2023, negotiated suspension, she agreed to certain conditions to keep the suspension private so that she could address her substance abuse and/or mental health issues. One such condition was to submit to a physical, mental health, and/or substance addiction evaluation by an appropriately licensed healthcare provider and to complete all recommendations of the evaluation as directed and monitored by TLAP. In addition, Judge Boyd agreed that the Order of Suspension would be released to the public as a public reprimand if she became non-compliant with either the Order of Suspension or her treatment plan. Unfortunately, she was non-compliant with both.

Shortly after her suspension became effective, Judge Boyd, on May 25, 2023, signed a Preliminary Evaluation and Assessment Monitoring Agreement with TLAP, agreeing to undergo a professional assessment with a TLAP-approved provider within thirty days. She failed to do so. By letter dated October 26, 2023, TLAP notified the Board that despite having multiple chances to do so over five months, Judge Boyd failed to complete an assessment in violation of her agreement. TLAP further notified the Board that it “has done everything possible to support Judge Boyd, but she is not cooperating with TLAP and . . . has declined to honor the [Agreement]. As such, she is non-compliant at TLAP.”

The Order of Suspension was unambiguous, providing that “[i]f for any reason Judge Boyd becomes non-compliant with this order or her treatment plan, this order may be released

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<sup>1</sup>TLAP, established by the Tennessee Supreme Court, is a confidential program serving lawyers and judges who suffer from conditions that impair their ability to practice or serve.

<sup>2</sup>This was not the first time Judge Boyd had been suspended during her legal career. In 2015, she was suspended by the Tennessee Supreme Court for unethical conduct as an attorney. The suspension was for one year (thirty days active and the remainder on probation).



to the public and shall serve as a public reprimand.” See Order of Suspension, paragraph 17. Given that Judge Boyd had violated the terms of the Order of Suspension, to which she had agreed, by failing to submit to an evaluation as directed by TLAP, failing to cooperate with TLAP, and was determined to be non-compliant by TLAP, the Board, on October 31, 2023, released the Order of Suspension to the public as a public reprimand. This was Judge Boyd’s second public reprimand. Furthermore, during her suspension Judge Boyd provided an interview to the *Daily Memphian*, published on October 16, 2023, in which she reportedly admitted that she intended to violate the terms of her suspension by not undergoing an assessment. She was also quoted as stating, “I don’t care because guess what? The people elected me. In order for me to be removed, they have to go to the state legislature. Let them do it.”

4. Notice to the General Assembly. On November 6, 2023, the Board, as required by Tennessee Code Annotated section 17-5-203(a)(1), notified the General Assembly that Judge Boyd had received two public reprimands since assuming judicial office in September 2022. In doing so, the Board fulfilled its statutory obligation to report Judge Boyd to this body.

5. Resignation offer in lieu of further proceedings. Following the Board’s required reporting to the General Assembly, Judge Boyd was given the opportunity to resign in lieu of further proceedings. Specifically, in a letter dated November 13, 2023, Judge Boyd was informed that she could avoid any further proceedings if she would resign by December 31, 2023. She did not respond.

6. Order to cooperate with TLAP. Given that Judge Boyd’s admitted substance abuse issues had still not been addressed, the Board, on November 22, 2023, entered an order giving Judge Boyd a final opportunity to address those issues. Specifically, the November 22, 2023, order gave Judge Boyd thirty days, or until December 22, 2023, to cooperate with TLAP and undergo a physical, mental health, and/or substance abuse evaluation by a TLAP-approved provider as directed and monitored by TLAP.

Judge Boyd did not avail herself of this second chance. In a letter dated January 2, 2024, TLAP notified the Board that Judge Boyd failed to contact TLAP as directed by the Board’s order. The Board likewise heard nothing from Judge Boyd within the time specified in the order.

7. Criminal proceedings. On December 12, 2023, Judge Boyd was indicted on one count of coercion of a witness, a Class D felony, under Tennessee Code Annotated section 39-16-507. In addition, Judge Boyd was indicted on one count of harassment, a Class C misdemeanor, under Tennessee Code Annotated section 39-17-308(a)(2). In an order entered December 14, 2023, the Board, pursuant to Tennessee Code Annotated section 17-5-303(g), expanded Judge Boyd’s suspension to include this additional development.

8. Notice to Judge Boyd dated January 4, 2024. In light of Judge Boyd’s failure to comply with the November 22, 2023, order, Judge Boyd was notified in a letter dated January 4, 2024, that her actions implicated the following:

- Tenn. Code Ann. § 17-5-301(j)(1)(A) (willful misconduct relating to official duties of the office);
- Tenn. Code Ann. § 17-5-301(j)(1)(c) (a judicial offense includes a violation of the Code of Judicial Conduct);
- Tenn. Code Ann. § 17-5-301(j)(1)(E) (persistent pattern of irresponsible or injudicious conduct);
- Tenn. Code Ann. § 17-5-301(j)(1)(H) (a judicial offense includes conduct calculated to bring the judiciary into public disrepute or to adversely affect the administration of justice);
- Tenn. Sup. Ct. R. 10, RJC 1.1 (a judge shall comply with the law, including the Code of Judicial Conduct);
- Tenn. Sup. Ct. R. 10, RJC 1.2 (requires judges to act at all times in a manner that promotes public confidence in the judge’s impartiality and avoid impropriety and the appearance of impropriety); and
- Tenn. Sup. Ct. R. 10, RJC 2.16(A) (requires judges to cooperate with disciplinary agencies).

In a response dated January 12, 2024, Judge Boyd stated that she arrived at a rehabilitation facility on December 29, 2023, beyond the time specified in the order for her to do so. Judge Boyd viewed her actions “as obviating the need to have done the demanded TLAP assessment.” Judge Boyd had clearly violated the Board’s November 22, 2023, order.

Further, rather than accepting responsibility for her continued noncompliance, Judge Boyd expressed her view that the Board was “piling on” by keeping her off the bench, despite having at least eight months to avail herself of the opportunity to seek treatment.

9. Recommendation of removal from office. On January 24, 2024, the Board voted to recommend, pursuant to Tennessee Code Annotated section 17-5-302(a), that Judge Boyd be removed from office. The vote was unanimous, sixteen to zero, in favor of removal.

The Board does not make this recommendation lightly. However, Judge Boyd was specifically and unambiguously admonished in May 2023 that “[j]udges are expected to maintain the highest standards of conduct at all times” and that “neglecting ethical responsibilities not only reflects poorly upon the individual judge but undermines the integrity of the judicial system and the administration of justice.” Judge Boyd has consistently ignored that warning, and the Board has been more than patient in allowing her multiple, extended opportunities to address her admitted substance abuse issues. Judge Boyd is solely responsible for the untenable situation she has created for herself, the judiciary, and the public.

Finally, the Board notes that Judge Boyd has now received two public reprimands and has been suspended since May 22, 2023, all within the short time she has been a judge. She agreed to the first public reprimand, agreed to the suspension of May 22, 2023, and agreed that the suspension would become public as a second reprimand upon her noncompliance. She acknowledged that she used illegal drugs while a judge, acknowledged that she needed treatment, and she failed to comply with the November 22, 2023, order. Nor is there any doubt that other criminal court judges in Shelby County have had to handle Judge Boyd’s

cases, in addition to their own cases.<sup>3</sup> Meanwhile, Judge Boyd has continued to collect her full salary and benefits going on the better part of a year and, unfortunately, there is no end in sight but for her removal.

Accordingly, to protect the public and preserve the trust and confidence in the integrity of the judiciary and the proper administration of justice, the Board recommends that Judge Boyd be removed from office.

Please advise me if you need any further information or if I can be of further assistance.

For the Board:



Hon. G. Andrew Brigham  
Board Chair

Enclosures:

Affidavit dated December 7, 2022

Affidavit dated February 3, 2023

*Daily Memphian*, October 16, 2023

Indictment dated December 12, 2023

Notice of Full Investigation dated January 4, 2024

Notice of Full Investigation dated December 21, 2022

Notice of Expanded Full Investigation dated January 20, 2023

Notice of Second Expanded Full Investigation dated March 22, 2023

Notice of Third Expanded Full Investigation dated April 27, 2023

Notice to General Assembly dated November 6, 2023

Order Expanding Suspension dated December 14, 2023

Order of Enforcement dated December 21, 2015

Order of Suspension dated May 22, 2023

Order to cooperate with TLAP dated November 22, 2023

Public Reprimand dated May 8, 2023

Public Reprimand dated October 31, 2023

Resignation offer dated November 13, 2023

Response from Judge Boyd dated May 5, 2023

Response from Judge Boyd dated January 12, 2024

Report of retired Shelby County Criminal Court Judge J. Robert Carter, Jr.

TLAP letter dated October 26, 2023

TLAP letter of non-compliance dated January 2, 2024

TLAP Preliminary Evaluation and Assessment Monitoring Agreement dated May 25, 2023

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<sup>3</sup>A recent report (attached) prepared by retired Shelby County Criminal Court Judge J. Robert Carter, Jr., discusses the backlog of criminal cases in Shelby County. Having a judge suspended for months on end with no end in sight due to the judge's recalcitrance, pattern of injudicious behavior, and legal troubles, only exacerbates the problem.