

Tennessee Trial Court Vacancy Commission
Application for Nomination to Judicial Office

9/8/20

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(including county)

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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.

Chief Deputy Assistant District Attorney General for the 19th Judicial District

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

October 1987 – BPR #012580

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.

No states other than 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).

1987–1990 Associate Attorney at Daniel, Harvill, Batson & Nolan in Clarksville
1991–1992 Solo Practice in Clarksville
1993–1995 Partner at Cunningham, Mitchell, Hicks, Broilier & McMillan in Clarksville
1996–June 2000 Assistant District Attorney

July & August 2000 Interim Circuit Court Judge 19th Judicial District Division II

September 2000-June 2009 Assistant District Attorney

July 2009-Present Chief Deputy Assistant District Attorney

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 work primarily in the Montgomery County Circuit Criminal Court Division II. I primarily prosecute major violent crimes and felony drug cases including homicides, kidnappings, robberies, aggravated burglaries, aggravated assaults and felony firearms violations as well some rapes, sexual assaults, felony thefts and embezzlements and some domestic violence cases. I have also prosecuted all types of child abuse cases, sexual exploitation of minors, DUIs, domestic assaults and other misdemeanor cases. I also handle probation violations, post-conviction relief petitions and other post-conviction proceedings for my assigned defendant's. My work in Criminal Court makes up about 85% of my practice.

I supervise the other assistant district attorneys who work in Division II, help oversee the administrative needs of the Clarksville office and review and prepare some cases for presentation to the Grand Jury. My work in this area constitutes about 10% of my practice.

I advise citizens and victims concerning whether they can or should seek a criminal warrant. I also assist law enforcement officers in the review and assessment of cases that are still in the investigation stage and in the preparation or review of search warrants. When needed, I help with cases in the General Sessions or Juvenile Courts. This work constitutes about 5 % of my practice.

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.

I worked as a law clerk for the Memphis firm of *Farris, Hancock, Gilman, Branan & Hellen* for a year and half while I was in law school. I primarily did research and drafted briefs for the senior partners, however I was able to assist in a few trials and did most of the research and drafted the brief for the plaintiff-appellant in *Corcoran v. Foster Auto GMC, Inc*, 746 S.W. 2d

452 (Tenn. 1988). The case involved a workers compensation claim for a hernia injury where the testifying physician refused to give an anatomical disability rating for the hernia injury. The Court ruled that where the medical evidence establishes permanency, the failure of the physician to set a percentage disability rate does not justify the denial of compensation. Dean White was the counsel of record in that case.

As an associate attorney at *Daniel, Harvill, Batson & Nolan*, I represented creditors in bankruptcy proceedings, handled business litigation, represented clients in divorce, child custody and other domestic relations cases, contested probate cases, assisted in insurance defense cases, drafted wills and contracts, and handled subrogation and collection claims for the firm's clients. I tried many bench trials, primarily in General Sessions Court, and my first jury trial, which was a five-day breach of contract trial, while I was with the firm. I also handled a large portion of the firm's court appointed cases, primarily representing juvenile defendants in Delinquency and Unruly Petitions in Juvenile Court.

I had a general law practice from 1991 through 1995. My primary areas of practice were in Family Law (contested divorces and child custody cases) (35%), Bankruptcy (primarily representing debtors in bankruptcy petitions) (35%), Business and Real Estate Litigation (10%); Personal Injury and Workers Compensation Claims (10%), Criminal Defense Representation (5%), and Drafting Wills and Business Contracts (5%). Most of my clients were individuals or small businesses during this time. I tried more than fifty bench trials in courts of record during this time, including, one multiple day bench trial in which I successfully sought to pierce several layers of corporate veils to ultimately collect breach-of-contract damages for my client from the parent corporation. This case involved extensive discovery and the sifting through thousands of corporate documents and records. I also tried three criminal and two civil jury trials during this period. In addition, I filed and argued two civil and one criminal appeal in that time.

After coming to the District Attorney's Office in January of 1996, I worked in the General Sessions Courts for six months covering the criminal cases in two courts with an average docket of around fifty cases per day. I handled many suppression motions, preliminary hearings and misdemeanor bench trials during that time. Since then I have worked primarily in the Circuit Criminal Court, except for a four-year period between 2005 and 2009 when I was responsible for the review and presentation of almost all of the cases going before the Montgomery County Grand Jury, which was between one hundred and fifty and two hundred cases per month. This primarily involved the review and assessment of case files, consulting with and advising officers concerning their cases and drafting Indictments.

As a Criminal Court prosecutor, I usually carry an active caseload of somewhere between one and two hundred cases, plus probation violations and other post-conviction proceedings. At this time I have 14 active murder cases with a total of 29 defendants. The total number of criminal cases I have prosecuted is well over two thousand. While I do not know the exact number, I am confident in saying that I have had over one hundred and fifty criminal jury trials. That would include first degree murder cases, including one death penalty case, vehicular homicides, aggravated child sexual and physical abuse cases, sexual exploitation

cases involving thousands of images, major drug cases, kidnapping cases, rape cases, other felony cases and misdemeanors cases. I was the solo or primary prosecutor in over 95% of those cases.

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

I tried *State v. Cedric Phelps* in 1997. It was a five-day first-degree murder trial involving the death of a nineteen-day-old infant. The State's medical examiner had ruled that the death was accidental. The case focused on the complicated medical proof and involved the testimony of seven expert medical witnesses, five forensic pathologists, and two medical doctors. The defendant was convicted of felony murder by aggravated child abuse.

I tried *State v. Tracy Leonard* in March of 1999 in the Criminal Court for Montgomery County. This was a first-degree murder, kidnapping and rape case that took five days to try. At the time of the murder, the case was highly publicized because it involved a Special Forces soldier and his ex-wife. The defendant was convicted and received a life without parole sentence that was reduced to a life sentence because of a mistake in the jury instructions.

I was co-counsel in a death penalty trial, *State v. William Glenn Rogers*, in January of 2000. It was a highly publicized first-degree murder, kidnapping and rape trial. The trial took three weeks including jury selection and sentencing. The defendant received the death penalty.

In 2013 and 2014 I prosecuted five defendants for the murders of two victims that were killed at a Halloween party. Hundreds of people were present at the party and we had to sift through hundreds of interviews and statements. Five individuals were charged and all five eventually pled guilty to the homicides or crimes directly related to the homicides.

I prosecuted the murder of Jalen Johnson who was killed in April of 2017 when the car that he was in fled from a group of bounty hunters attempting to arrest a defendant with outstanding warrants. Several shots were fired into the fleeing car by the bounty hunters. There were three other individuals in the car with Jalen Johnson, but the wanted suspect was not in the car. Seven bounty hunters were charged in the case and six of the seven went to trial in July of 2019. The case took three full weeks to try, but only one of the six defendants was convicted for the lesser included offense of Reckless Homicide.

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

Governor Don Sundquist appointed me as the Interim Circuit Court Judge for Division II of the

19th Judicial District in July of 2000. Judge Jim Walton was ill during that time so I presided over his civil court non-jury dockets, two Worker's Compensation bench trials and two civil jury trials.

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

In 2000 I applied for the Division II vacancy in the 19th Judicial District Circuit Court. My name was submitted to the Governor as a nominee and Governor Don Sundquist appointed me to the position on June 6, 2000 near the end of the election campaign for that position. I served as the Interim Judge for two months.

In 2001 I applied for the Division I vacancy in the 19th Judicial District Circuit Court. My name was submitted to the Governor as a nominee, but I was not chosen for the appointment.

In 2015 I applied for the Division IV vacancy in the 19th Judicial District Circuit Court. I was not selected as a nominee for the appointment.

I have also applied for the current vacancy in Division I of our Judicial District.

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.

United States Air Force Academy	1976	I did not receive a degree because I decided to resign from the Air Force after completing boot camp and one semester of classes. I left the Academy in good standing.
Memphis State University	1977 – 1983	Bachelor of Arts Degree
Memphis State University School of Law	1984 – 1987	Juris Doctor Degree
Luther Rice University	2003 – 2009	Master of Divinity Degree

PERSONAL INFORMATION

12. State your date of birth.

██████████ 1958.

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

I have lived continuously in Tennessee for 48 years except for the 6 months that I was at the Air Force Academy in 1976.

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

I have lived continuously in Montgomery County for almost 34 years.

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

Montgomery 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.

I was a cadet at the United States Air Force Academy from June 1976 until December 1976. I was never on active duty. I resigned as a cadet in good standing and received an honorable discharge.

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.

I was charged with unruly behavior as a juvenile in the summer of 1973. The driver of the car I was in was speeding excessively. The case was dismissed after we attended a defensive driving course.

I was charged with littering in 1979 in Memphis, TN.

18. To your knowledge, are you now under federal, state or local investigation for possible

violation of a criminal statute or disciplinary rule? If so, give details.

No

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

None

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

No

21. Have you ever filed bankruptcy (including personally or as part of any partnership, LLC, corporation, or other business organization)?

No

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

C. Daniel Brollier v. Shelly Vogt, # C7-74 in the Circuit Court for Montgomery County, TN
The case involved my claim for damages to my car arising from an auto accident. The case was dismissed on October 18th, 1989.

Herman Majors v. Dan Brollier, # 99-2238-II in the Chancery Court for Davidson County, TN
Herman Majors is a criminal defendant that I prosecuted. He sued me for prosecuting him. The case was dismissed on November 29th, 1999.

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.

YMCA: Member since 2000

Clarksville Community Life Church: Member and Elder from August 2012 until December 2016.

Spring Creek Baptist Church in Clarksville TN: Member in 2017 to present and Deacon since 2019.

Hope Pregnancy Center of Clarksville: Board of Directors Member since August 2019

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.

Montgomery County Bar Association: Member since 1987

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.

None

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 for the Division II Judgeship in the 2000 election.

I was appointed on June 7, 2000 and served as an Interim Judge in Division II through July 2000.

I was a candidate for the Division IV Judgeship in the 2014 election.

ESSAYS/PERSONAL STATEMENTS

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

I believe our citizens need to know that the courts seek to do justice in every case. I also believe that the court system must treat everyone, who becomes involved in the court system, with respect and dignity. We need to restore confidence in our court system and that can only happen if the people involved in the system apply the law consistently, fairly, without prejudice or bias. I am seeking this position because I believe that I possess the right combination of legal knowledge and life experience needed to apply the law fairly, consistently and with common sense. I have always sought to apply these values and principles as a lawyer and prosecutor, and if appointed, I promise that I will diligently seek to apply these same values and principles as a judge.

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 includes Montgomery County and Robertson County. At the present time there are five circuit court divisions in this district. The Judges, and our Chancellor, all sit in both counties. We were on tract for one additional judge before the Covid virus hit in 2020. I believe that position was to be devoted primarily to the criminal docket in both counties. Division I is primarily devoted to civil circuit court cases, but also presides over the misdemeanor criminal cases that make it to circuit court. Divisions III and V are devoted primarily to civil and family law cases. Divisions II and IV are devoted primarily to felony criminal cases.

The criminal case load in our district is very high. We have needed an additional criminal court division for several years now. I am already accustomed to the large dockets and volume of criminal cases. Because of my trial experience I already have a working understanding of the rules of criminal procedure and evidence. Criminal cases in our district are assigned to a specific division and defendants usually stay with the same judge and in the same division. I have worked in Division II since 2010, so I have no knowledge concerning the vast majority of the cases in Division IV. I believe that my criminal practice experience makes me particularly suited for the needs of our Judicial District.

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 it. I ask jurors this question all the time and I cannot expect any less of myself than I ask of them. Our system of justice depends on the rule of law. A judge's role is to follow the law, not to make law.

One example I can give is the area of the death penalty. As a prosecutor I have faced the decision about whether the death penalty should be sought several times. While my personal belief is that the death penalty should be available in all first-degree murder cases, that is not the law, and I have never sought the death penalty when I did not believe the required aggravating factors were present.

I must make one caveat. It is possible that a law could be passed that might require me to directly violate the tenants of my Christian faith. If I were to be confronted with that situation, I would not violate my faith. I would also not sit as a judge in a case where I believed I could not follow the law so I would recuse myself from the case.

REFERENCES

31. List five (5) persons, and their current positions and contact information, who would recommend you for the judicial position for which you are applying. Please list at least two persons who are not lawyers. Please note that the Commission or someone on its behalf may contact these persons regarding your application.

A. Curtis Johnson: State Representative District 68, [REDACTED] Nashville TN, 37243; [REDACTED]

B. Jim Durrett: Montgomery County Mayor, [REDACTED] Clarksville, TN 37040; [REDACTED]

C. Don Jenkins: Jenkins & Wynne Ford, [REDACTED] Clarksville, TN 37040; [REDACTED]

D. Lance Baker: Clarksville City Attorney, [REDACTED] Clarksville TN, 37040; [REDACTED]

E. Kenneth R. Goble, Jr. Montgomery County General Sessions Court Judge, [REDACTED] Clarksville, TN 37040; [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 19th Judicial District Circuit Court 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: May 8, 2021



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.

Carl Daniel Brollier, Jr

Name

Carl D Brollier

Signature

May 8, 2021

Date

012580

BPR #

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

None
