

**The Governor's Council for Judicial Appointments**

**State of Tennessee**

***Application for Nomination to Judicial Office***

Name: JEFFREY WILLIAM PARIHAM

Office Address: 201 W. Main Street  
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Union City, Tennessee 38281 (Obion County)

Office Phone: 731-599-5038 Facsimile: 731-599-5005

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Address:

Home Address: [REDACTED]  
(including county) Martin, Tennessee 38237 (Weakley County)

Home Phone: [REDACTED] Cellular Phone: [REDACTED]

**INTRODUCTION**

The State of Tennessee Executive Order No. 87 (September 17, 2021) hereby charges the Governor's Council for Judicial Appointments with assisting the Governor and the people of Tennessee in finding and appointing the best and most qualified candidates for judicial offices in this State. Please consider the Council's responsibility in answering the questions in this application. 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 Council 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.

The Council requests that applicants use the Microsoft Word form and respond directly on the form using the boxes provided below each question. (The boxes will expand as you type in the document.) Please read the separate instruction sheet prior to completing this document. Please submit your original hard copy (unbound) completed application (*with ink signature*) and any attachments to the Administrative Office of the Courts as detailed in the application instructions. Additionally you must submit a digital copy with your electronic or scanned signature. The digital copy may be submitted on a storage device such as a flash drive that is included with your original application, or the digital copy may be submitted via email to [rachel.harmon@tncourts.gov](mailto:rachel.harmon@tncourts.gov).

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

**PROFESSIONAL BACKGROUND AND WORK EXPERIENCE**

1. State your present employment.

Circuit Court Judge, Twenty-Seventh Judicial District

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

1993 BPR 016241

3. List all states in which you have been licensed to practice law and include your bar number or identifying number for each state of admission. Indicate the date of licensure and whether the license is currently active. If not active, explain.

Tennessee 1993 BPR 016241 Active

4. Have you ever been denied admission to, suspended or placed on inactive status by the Bar of any state? If so, explain. (This applies even if the denial was temporary).

No

5. List your professional or business employment/experience since the completion of your legal education. Also include here a description of any occupation, business, or profession other than the practice of law in which you have ever been engaged (excluding military service, which is covered by a separate question).

October 1993-1999 - Speight, Parham & Gearin, Martin, Tennessee - General Law Practice

March 1998-February 2007 – Twenty-Seventh Judicial District Public Defender’s Office (part-time)

March 1999-September 2014 - Law Office of Jeffrey Parham, Martin, Tennessee - General Law Practice

September 2014-present - Circuit Court Judge, Twenty-Seventh Judicial District

6. If you have not been employed continuously since completion of your legal education, describe what you did during periods of unemployment in excess of six months.

Not applicable

7. 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.

As Circuit Court Judge for the Twenty-Seventh Judicial District, composed of Obion and Weakley Counties, I handle both criminal and civil matters. The criminal docket accounts for approximately 75 percent of my workload. It consists of handling all types of cases from Class C misdemeanors to First-Degree murders. All criminal cases begin with the impaneling of the grand jury, then arraignment of defendants after the indictment. Thereafter I hear motions, accept guilty pleas, conduct bench and jury trials, sentencing hearings and motions for new trials. I also preside over probation violation hearings and post-conviction hearings. I review search warrants and judicial subpoena requests on a regular basis. The civil docket ranges from General Sessions appeals to automobile accidents and health care liability trials. I conduct status conferences, motion hearings, and trials (bench and jury).

8. 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. In making your description, include information about the types of matters in which you have represented clients (e.g., information about whether you have handled criminal matters, civil matters, transactional matters, regulatory matters, etc.) and your own personal involvement and activities in the matters where you have been involved. In responding to this question, please be guided by the fact that in order to properly evaluate your application, the Council needs information about your range of experience, your own personal work and work habits, and your work background, as your legal experience is a very important component of the evaluation required of the Council. Please provide detailed information that will allow the Council to evaluate your qualification for the judicial office for which you have applied. The failure to provide detailed information, especially in this question, will hamper the evaluation of your application.

Licensed Attorney (1993-2014)

I began my career in Martin, Tennessee with a small association of attorneys. I routinely handled most everything that came through the door, as we were rural attorneys. I maintained this practice throughout my career. I handled numerous types of actions in the various courts, mainly in my judicial district and the adjoining districts.

Early in my career I worked for the local public defender and handled their Juvenile docket in Weakley County and part of their General Sessions docket in Obion County. This gave me valuable experience within the criminal justice system. I handled delinquent minors from start

to finish, in addition to handling transfer hearings for serious offenses where the State wanted to try the minor as an adult. In the General Sessions Court, I routinely handled client interviews, preliminary hearings, and plea negotiations.

At the same time, I had an extensive civil practice. Although the majority of my civil practice was related to domestic relations issues, I conducted bench and jury trials for boundary line disputes, car wreck cases and similar type actions. I have tried numerous bench trials in both Chancery and Juvenile Courts involving custody and visitation. I have tried countless divorces in the Chancery Court. At the same time, I handled both court-appointed and retained clients in the Circuit and General Sessions Courts.

Later, my practice, in addition to civil and criminal trial work, included a thriving real estate practice. I was responsible for title searches, title insurance, document preparation, and loan closings.

Circuit Court Judge (2014-present): When I took the bench, I inherited a sizable docket from our retiring judge. I had to hit the ground running. Although I would not call it a backlog of cases, many were set for trial immediately. Those not set were scheduled for appearance to determine their status. I feel it is important to ensure, as best as possible, the expeditious resolution of both civil and criminal cases. The litigants in civil cases and the defendants and victims in criminal cases are entitled to a speedy resolution. The victims in particular need closure so they don't feel further victimized by the system.

I am currently the presiding judge over the Twenty-Seventh Judicial District Recovery Court (2014-present). Our Recovery Court is unique in that it is somewhat of a hybrid court. Although it is a post-plea felony court, by agreement with all participants, we incorporate within our team our two General Sessions judges. They help conduct the weekly court sessions and provide both encouragement and guidance to our participants. I think our team approach provides for a better outcome for our participants. Our team members include, in addition to myself and the two General Sessions judges, a program director, the case managers, a prosecutor, a public defender, a counselor, and the sheriffs.

I have been the presiding judge of my judicial district during a large portion of my judicial career. This required me to be actively involved with the clerks, the attorneys, the judges, law enforcement, and the public. Judges have a responsibility to be available and to be visible members of both the legal and local communities. I was Presiding Judge in 2020 when we experienced the COVID-19 epidemic. I participated in the weekly conference calls with other judges and coordinated the implementation of the practice restrictions within our judicial district. This required organization of the stakeholders (clerks, attorneys, law enforcement, witnesses, jurors, and litigants), in addition to the other courthouse offices to help prevent the spread of the disease while keeping the courthouse open.

I am active in the Tennessee Judicial Conference. I serve on the Criminal Pattern Jury Instruction and Legislative Committees of the Conference. I am also a member of the Tennessee Trial Judges Association. I am active in our local bar associations and have been on several panels during CLE presentations. I have sat as a special member of the Court of Appeals when we hosted the Court at the University of Tennessee-Martin.

9. Also separately describe any matters of special note in trial courts, appellate courts, and administrative bodies.

Since the majority of my private practice was domestic relations related, I started each client out with a realistic idea of his or her outcome. I believed it was important not to mislead or oversell the case and give people unrealistic expectations. As such, every case was special, but not to everyone. I have always believed that each case in court is the most important case to those involved.

10. If you have served as a mediator, an arbitrator or a judicial officer, describe your experience (including dates and details of the position, the courts or agencies involved, whether elected or appointed, and a description of your duties). Include here detailed description(s) of any noteworthy cases over which you presided or which you heard as a judge, mediator or arbitrator. Please state, as to each case: (1) the date or period of the proceedings; (2) the name of the court or agency; (3) a summary of the substance of each case; and (4) a statement of the significance of the case.

I was elected to serve as the Circuit Judge for Obion and Weakley Counties in 2014. I attended the National Judicial College in Reno, Nevada within a year of the election. There I learned about the importance of judicial temperament and discretion.

As a sitting trial judge, I found it vitally important to be familiar with the application of the law. I have made it my practice to read the Tennessee Rules of Evidence before every jury trial, civil and/or criminal, I have conducted. I have experience in criminal sentencings and constitutional issues related to the Fourth Amendment as it pertains to searches and seizures. These are many of the same areas that are frequently addressed by the Court of Criminal Appeals and the Supreme Court.

I have presided over three noteworthy cases. In each, I was affirmed by the Court of Criminal Appeals and in each the Tennessee Supreme Court accepted the appeal with the result of new law being made.

1. State of Tennessee v. Janet Michelle Stanfield, Tony Alan Winsett and Justin Bradley Stanfield, Obion County Circuit No. CC-15-CR-84

This case involved the warrantless search of the residence of Tony Winsett (a parolee), his girlfriend Janet Stanfield (a Community Corrections probationer), and her son Justin Stanfield. Drug Task Force agents were conducting a parole search of Winsett. They knocked on the door of the residence with no response. They noticed a burn pile in the yard with incriminating evidence of drug activity. They again knocked and heard movement within the house and entered, finding no one at home. The movement turned out to be a large dog. They conducted a complete search of all rooms within the residence. The officers, hearing the noise and fearing the destruction of evidence, entered the residence based upon exigent

circumstances. I suppressed the evidence because the exigent circumstances ceased when the residence was secured and they had probable cause to obtain a search warrant. The Court of Criminal Appeals affirmed my ruling, State v. Stanfield, 2017 WL 1205952, (Tenn. Crim. App. March 31, 2017). The Supreme Court granted permission to appeal to consider the expectation of privacy enjoyed by the three different individuals: Winsett (a parolee); Janet Stanfield (a probationer) residing in the same bedroom as Winsett; and Justin Stanfield residing within the residence. The Supreme Court held (1) that the police officers' warrantless search of the home of Winsett, a parolee, was constitutionally reasonable based on his parole status; (2) that under the totality of circumstances, the officers' warrantless search of home was constitutionally reasonable with respect to the parolee, despite his absence at the time of the search; (3) as a matter of first impression, the doctrine of common authority applied to render the warrantless search of bedroom in home constitutionally reasonable with respect to co-defendant, Janet Stanfield; and (4) common authority did not apply to co-defendant Justin Stanfield's bedroom based on facts. 554 S.W.3d 1 Tenn (2018).

2. State of Tennessee v. Angela Carrie Hamm and David Lee Hamm, Obion Circuit No. CC-16-CR-15

This case involved a warrantless search of the residence of Angela Hamm and David Hamm. Angela Hamm was on probation at the time for a previous felony. She agreed to a condition of probation to allow a warrantless search of her person, property or vehicle at any time. Based upon United States v. Knights, 534 U.S. 112 (2001), I suppressed the evidence from the search since the officers did not have reasonable suspicion of criminal activity to conduct the search. The Court of Criminal Appeals affirmed my decision. State v. Hamm, 2017 WL 3447914. (Tenn. Crim. App. August 11, 2017). The Supreme Court of Tennessee granted permission to appeal to consider whether a warrantless search of a probationer's residence who agreed to be subject to a probation search condition requires reasonable suspicion of criminal activity prior to conducting the search. They concluded it did not and reversed, 589 S.W.3d 765 (Tenn. 2019).

3. State of Tennessee v. Jerome Antonio McElrath, Obion Circuit No. CC-15-CR-71, 72

This case involved two arrests of the defendant without a warrant because he was on a list of individuals who were barred from Union City Housing Authority property. The list was maintained by the Union City Police Department. It was later determined the list was incorrect and defendant should have been removed prior to his arrests. The defendant was searched incident to his arrests and drugs were found. Each stop of the defendant was based solely on the information from the dispatcher that defendant was on the list and was thus trespassing. I suppressed the evidence. I was affirmed by the Court of Criminal Appeals, State v. McElrath, 2017 WL 2361960 (Tenn. Crim. App. May 31, 2017). The Supreme Court granted permission to appeal to determine whether, as a matter of law, Tennessee should adopt the good-faith exception set forth by the United States Supreme Court in Herring v. United States, 555 U.S. 135 (2009). Ultimately, the Tennessee Supreme Court did adopt the good-faith exception, 569 S.W.3d 565 (Tenn. 2018).

11. Describe generally any experience you have serving in a fiduciary capacity, such as guardian ad litem, conservator, or trustee other than as a lawyer representing clients.

Not applicable

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

I served as a hearing officer for the Tennessee Board of Professional Responsibility for two terms from March 1998 to February 2007. Much like the Court of Criminal Appeals, the hearings are conducted by a panel of three officers. The most interesting cases were for attorneys petitioning to regain the right to practice law.

13. List all prior occasions on which you have submitted an application for judgeship to the Governor's Council for Judicial Appointments or any predecessor or similar commission or body. Include the specific position applied for, the date of the meeting at which the body considered your application, and whether or not the body submitted your name to the Governor as a nominee.

No prior applications

### EDUCATION

14. List each college, law school, and other graduate school that 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.

The University of Tennessee-Martin, 1978-1983

--Bachelor of Science in Criminal Justice, Cum Laude

--Minor in Sociology

The Nashville School of Law, 1989-1993

--Doctor of Jurisprudence

--Recipient of the American Jurisprudence Award for Domestic Relations

PERSONAL INFORMATION

15. State your age and date of birth.

62 years old DOB [REDACTED] 1960

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

I have lived continuously in Tennessee since 1987.

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

I have lived in Weakley County continuously since October 1993.

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

Weakley

19. 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.

Not applicable

20. Have you ever pled guilty or been convicted or placed 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

21. 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

22. 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.

Since elected to my position in 2014, I have not had any ethical or unprofessional complaints filed against me. I had one complaint filed against me as an attorney. In 2003, a former divorce client was unhappy with the division of property by the Chancellor and filed a complaint. The complaint was dismissed after the board investigated.

23. 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 tax lien or other collection procedures have been instituted against me.

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

I have never filed for bankruptcy.

25. 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.

Jeffrey Parham and Tina Parham vs. Rea Farms Inc., Chancery Court of Weakley County, Docket No. 21244. This was a nuisance action I filed against a farming operation who built a concentrated animal feeding operation (CAFO) within a half mile of my home in 2010. The defendants worked to mitigate the problems complained of and I nonsuited the case. I am proud to say we are now good neighbors.

26. 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 that you have held in such organizations.

The Martin United Methodist Church, Chair of the Administrative Board, Chair of the Trustee Committee, Chair of the Pastor-Parrish Committee

WestStar Leadership, 2019-present (currently on Board of Trustees)

Tennessee Farm Bureau, Member

27. Have you ever belonged to any organization, association, club or society that 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.

- a. If so, list such organizations and describe the basis of the membership limitation.
- b. 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.

(a) Pi Kappa Alpha, fraternity

(b) I have not actively participated since college.

#### ACHIEVEMENTS

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

Weakley County Bar 1993-2022

Tennessee Trial Judges Association 2014-present

Tennessee Judicial Conference 2014-present

WestStar Leadership 2019-present (currently on the Board of Trustees)

I am currently on the Board of Judicial Ethics as a trial court representative.

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

Tennessee Bar Foundation Fellow 2016

30. List the citations of any legal articles or books you have published.

None

31. List law school courses, CLE seminars, or other law related courses for which credit is given that you have taught within the last five (5) years.

None

32. 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 Circuit Court Judge in the Twenty-Seventh Judicial District in 2014 and was elected to the position.

33. Have you ever been a registered lobbyist? If yes, please describe your service fully.

No

34. Attach to this application at least two examples of legal articles, books, briefs, or other legal writings that reflect your personal work. Indicate the degree to which each example reflects your own personal effort.

See attached. Each example reflects one hundred percent of my own personal effort.

**ESSAYS/PERSONAL STATEMENTS**

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

When I ran for Circuit Judge, my goal was to ensure that all litigants be treated with respect and that, at the conclusion of their cases, left knowing they had been heard and treated fairly. That is, again, my goal if chosen for this position. A judge's decisions potentially impact the participants for years. The work must be done with much thought and compassion. The work is important not only to those involved but to the public in general. It is our responsibility to do it correctly. I believe a position on the Court of Criminal Appeals is a chance for me to further contribute to the administration of justice.

36. State any achievements or activities in which you have been involved that demonstrate your commitment to equal justice under the law; include here a discussion of your pro bono service throughout your time as a licensed attorney. *(150 words or less)*

Although judges cannot provide pro bono legal services, I believe we have an obligation to support and encourage equal justice to everyone who enters the justice system. I have, since becoming Circuit Judge, helped with a pro bono legal clinic at the request of the local bar by being present to sign orders. Prior to attaining my current position, I performed many hours of

pro bono representation through West Tennessee Legal Services. I have also worked with the local bar going into our local public schools to educate the students as to our court system.

37. Describe the judgeship you seek (i.e. geographic area, types of cases, number of judges, etc. and explain how your selection would impact the court. *(150 words or less)*

I am seeking a judgeship on the Court of Criminal Appeals, Western Division. The Court of Criminal Appeals consists of twelve judges, four from each grand division. The court hears appeals from the Circuit and Criminal courts involving criminal judgments and orders. I believe my experience as a trial lawyer and most recently as a trial court judge gives me valuable insight and understanding for clear and concise rulings. My rural upbringing and practice would provide rural insight to the court's Western Section.

38. Describe your participation in community services or organizations, and what community involvement you intend to have if you are appointed judge? *(250 words or less)*

I believe members of the judiciary are in a unique position to educate the public through community involvement. I have been involved in the WestStar Leadership Program since 2019, and it has allowed me to develop relationships with citizens across the western part of our state. Prior to my involvement with WestStar, I gave seminars on distracted driving to high school students within Weakley and Obion Counties.

In my judicial district, I conduct jury orientation. It allows me the opportunity to speak directly with potential jurors about this important civic responsibility.

39. Describe life experiences, personal involvements, or talents that you have that you feel will be of assistance to the Council in evaluating and understanding your candidacy for this judicial position. *(250 words or less)*

I was raised in a rural community. My dad was a farmer and my mom was a stay-at-home mom. No doubt, this made me the person I am today.

I was expected at an early age to rise early and get to work doing chores, to include bottle feeding calves. On the farm, my dad taught me the meaning of working hard to accomplish your goals. Many days were spent with a hoe walking from one end of the field to the other cutting down weeds, then turning around and going back down the next rows cutting weeds.

We grew a large garden and delivered fruits and vegetables to our neighbors. This taught me never to take for granted what I had and, more importantly, what others might not have.

My parents taught me to be kind and polite to others. I have tried to instill those traits to my three sons.

I have never been afraid of hard work. I believe my temperament and work ethic will benefit

both the court and the litigants.

40. 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. It is not for judges to substitute their personal opinions for that of the legislature. I believe it is the duty of the judiciary to apply the rule of law fairly and to give effect to the legislative intent using the ordinary and natural meaning of the language used.

REFERENCES

41. 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 Council or someone on its behalf may contact these persons regarding your application.

<p>A. Keith Carver, Chancellor of University of Tennessee-Martin [REDACTED] Martin, TN 38238 [REDACTED]</p>	
<p>B. Art Sparks, Jr. CPA, Partner in Alexander, Thompson, Arnold (ATA) CPAs [REDACTED] Union City, TN [REDACTED]</p>	
<p>C. Keely Wilson, Esquire, Partner in Rainey, Kizer, Reviere &amp; Bell [REDACTED] Jackson, TN 38301 [REDACTED]</p>	
<p>D. John Stevens Tennessee State Senator [REDACTED] Huntingdon, TN [REDACTED]</p>	
<p>E. Lewis Jenkins, Esquire, Partner in Jenkins-Dedmon [REDACTED] Dyersburg, TN 38024 [REDACTED]</p>	

**AFFIRMATION CONCERNING APPLICATION**

Read, and if you agree to the provisions, sign the following:

I have read the foregoing questions and have answered them in good faith and as completely as my records and recollections permit. I hereby agree to be considered for nomination to the Governor for the office of Judge of the Court of Criminal Appeals of Tennessee, and if appointed by the Governor and confirmed, if applicable, under Article VI, Section 3 of the Tennessee Constitution, 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 application with the Administrative Office of the Courts for distribution to the Council members.

I understand that the information provided in this application shall be open to public inspection upon filing with the Administrative Office of the Courts and that the Council may publicize the names of persons who apply for nomination and the names of those persons the Council nominates to the Governor for the judicial vacancy in question.

Dated: October 19, 2022.

  
Signature

When completed, return this application to Rachel Harmon at the Administrative Office of the Courts, 511 Union Street, Suite 600, Nashville, TN 37219.



**THE GOVERNOR'S COUNCIL FOR JUDICIAL APPOINTMENTS  
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 Governor's Council for Judicial Appointments to request and receive any such information and distribute it to the membership of the Governor's Council for Judicial Appointments and to the Office of the Governor.

Jeffrey William Parham  
Type or Type or Print Name

*Jeffrey W. Parham*  
Signature

10/19/2022  
Date

016241  
BPR #

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

National Association of Insurance Commissioners

Tennessee License No. 945425

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**IN THE CIRCUIT COURT OF TENNESSEE FOR THE  
TWENTY SEVENTH JUDICIAL DISTRICT  
AT OBION COUNTY**

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**VICTORIA FRAZIER, and husband,  
OZELL FRAZIER  
Plaintiffs,**

vs.

**DOCKET NO. CC-18-CV-22**

**CITY OF UNION CITY, TENNESSEE and  
UNION CITY HOUSING AUTHORITY,  
Defendants.**

OBION COUNTY  
CIRCUIT COURT CLERK  
FILE *DM*  
*3:30*  
OCT 05 2022

And

DENISE TAYLOR  
*DM* D.C.

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**VICTORIA FRAZIER, and husband,  
OZELL FRAZIER,  
Claimants,**

vs.

**DOCKET NO. CC-19-CV-47**

**STATE OF TENNESSEE,  
Defendant.**

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**ORDER GRANTING SUMMARY JUDGMENT**

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These consolidated cases came before the Court upon motions of all three defendants seeking Summary Judgment.

As background, the plaintiffs filed a complaint for personal injuries against the City of Union City, Tennessee and Union City Housing Authority on August 21, 2018. They filed an action against the State of Tennessee in the Claims Commission for the Western Division on August 5, 2019, for injuries arising from the same fact situation. The Claims Commission by agreement transferred the action to the Obion County Circuit Court and the matters were consolidated for trial. Plaintiff's original counsel, Jay DeGroot, passed away unexpectedly during the proceedings. One of his associates, Charles Holliday, took over representation, but a

conflict developed in the relationship between he and the Plaintiffs, making it impossible to continue as their attorney of record. After notice and hearing, Holliday was allowed to withdraw on December 13, 2021, and the Plaintiffs were given sixty (60) days to retain new counsel or proceed Pro Se. Plaintiffs never retained representation and elected to proceed Pro Se.

The City of Union City, Tennessee filed its Motion for Summary Judgement on June 14, 2022, supported by a Statement of Undisputed Facts and Memorandum of Law in Support. The City filed the Affidavit of Kathy Dillon, City Manager of Union City, in support of its Motion. The Motion and documents were served on the Plaintiffs on June 10, 2022.

The Union City Housing Authority filed its Motion for Summary Judgment on July 25, 2022, supported by a Statement of Undisputed Facts and Memorandum of Law in Support. They filed the discovery deposition of the Plaintiff, Victoria Frazier, in support of its Motion. The Motion and documents were served on the Plaintiffs on July 21, 2022.

The State of Tennessee filed its Motion for Summary Judgement on August 17, 2022, supported by a Statement of Undisputed Facts and Memorandum of Law in Support. They filed the Affidavit of John Ward, Operations District Engineer for District 47, which includes Obion County, in support of its Motion. The Motion and documents were served on the Plaintiffs on August 15, 2022.

Plaintiffs never filed any response to any of the Motions, nor did they respond to the statements of undisputed facts. The matter was set for hearing on September 15, 2022. The Plaintiffs attended and acted Pro Se.

The court makes the following findings of fact:

1. On September 14, 2017, Plaintiff Victoria Frazier was walking down Church Street in the City of Union City, Tennessee to meet her sister in order for her sister to drive Plaintiff to work.
2. Plaintiff's sister was parked on Miles Avenue in Union City, Tennessee.
3. There is a crosswalk located across Miles Avenue that connected one side of Church Street to the other side of Church Street.
4. Plaintiff chose to walk across the grass at the northwest corner of the intersection of Church Street and Miles Avenue instead of using the crosswalk.

5. The Plaintiff, Victoria Frazier, stepped in a hole in the grass near Miles Avenue in Union City, Tennessee, causing her to fall and sustain injuries.
6. At the time of her fall, Plaintiff was not watching where she was walking in the grass because she was focused on getting to work.
7. The “hole” in which the Plaintiff fell was a water valve box that was missing its cover.
8. Plaintiff does not know how long the cover had been missing from the water meter prior to her fall.
9. Plaintiff does not know whether Union City Housing Authority, the City of Union City, or the State of Tennessee had any knowledge that the cover was missing from the water meter prior to her fall.
10. Plaintiff failed to present any evidence to show the length of time that the allegedly dangerous or defective condition existed prior to the fall, or that water valve boxes with missing covers were a common occurrence.
11. Plaintiff failed to present any evidence to show that either the Union City Housing Authority, the City of Union City, or the State of Tennessee had actual notice of the allegedly dangerous or defective condition which caused the fall.
12. There is no evidence that anyone ever reported to the Union City Housing Authority, the City of Union City, or the State of Tennessee that the water valve box at issue was missing its cover prior to Plaintiff’s fall.
13. The Plaintiff did not know how the water valve cover was removed.
14. The State of Tennessee is not the entity that owns or maintains the water valve box.
15. The area where the Plaintiff fell is within a municipality and not within the roadway between the curbs.
16. The State of Tennessee did not maintain the location where the fall occurred as it was not within the roadway.
17. The City of Union City, Tennessee is a governmental entity.
18. The Union City Housing Authority is a governmental entity.
19. Plaintiffs failed to respond in any way to the statements of undisputed facts or summary judgment motions.

Under TRCP Rule 56, summary judgment is appropriate when the pleadings and discovery show that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law. Rye v. Women's Care Center of Memphis, M PLLC, 477 S.W.3<sup>rd</sup> 235, 250 (Tenn. 2015). Tennessee's Governmental Tort Liability Act ("GTLA") generally provides immunity from suit to governmental entities. Tenn. Code Ann. 29-20-201(a). Such immunity can be removed in limited instances for injury from dangerous structures if the entity had notice either actual or constructive. Notice of the dangerous condition or structure is an essential element of the Plaintiff's cause of action in this case. Plaintiff failed to prove that either the City of Union City or the Union City Housing Authority had either actual or constructive notice of the condition that the meter box cover was removed or how long it had been removed. Further, Plaintiff was at least fifty (50) percent at fault in crossing the grassy area, when a crosswalk was located nearby. Therefore, both the City of Union City and the Union City Housing Authority are entitled to Summary Judgement.

The Plaintiff, in order to prevail against the State of Tennessee, would have to prove under Tenn. Code Ann. 9-8-307(a)(1)(I) that the State was Negligent in maintenance of highways, and bridges and similar structures, designated by the Department of Transportation as being on the state system of highways or the state system of interstate highways.

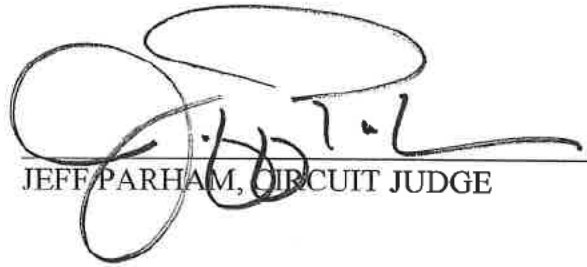
Since the State is not responsible for the maintenance of the area in question, it owed no duty to the Plaintiff. Duty is an essential element of the Plaintiff's claim against the State. Therefore, the State of Tennessee is entitled to Summary Judgement.

The consortium claim of the husband, Ozell Frazier, is a derivative claim and cannot stand alone. Thus, all defendants are entitled to dismissal.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that Summary Judgement is GRANTED.

Costs of the matter is taxed to the Plaintiffs.

Entered this 5<sup>th</sup> day of October, 2022.



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JEFF PARHAM, CIRCUIT JUDGE

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of this order was sent to all parties and/or counsel of record.



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CINDY MEYER  
CIRCUIT COURT CLERK

IN THE CIRCUIT COURT OF OBION COUNTY, TENNESSEE  
TWENTY SEVENTH JUDICIAL DISTRICT  
AT UNION CITY

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OBION COUNTY  
CIRCUIT COURT CLERK  
FILED P.M.  
4:00  
MAY 31 2022

JOSEPH LESTER HAVEN, JR.  
PETITIONER

vs.

DOCKET NO. 2017-CR-89

HARRY JOHNSON  
D.C.  
cm

STATE OF TENNESSEE,  
RESPONDENT.

Post-Conviction# CC-21-CR-195

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ORDER GRANTING PETITION FOR POST-CONVICTION RELIEF

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This matter came to be heard by the Court on a Petition for Post-Conviction Relief on May 2, 2022, alleging ineffective assistance of counsel at the trial and on appeal. The Petition was originally filed Pro Se on October 5, 2021, by the Petitioner Joseph Lester Haven, Jr. This Court found it did state a colorable claim and allowed it to be filed late due to various issues, including the COVID-19 pandemic. This Court appointed Adam Nelson to represent the Petitioner and Mr. Nelson filed an Amended Petition on January 11, 2022.

Although many allegations were raised in the initial petition, at the hearing the primary issue centered upon the trial counsel's failure to adequately cross-examine the Forensic Interviewer, Sydney Turner, as to her qualifications as a prerequisite to the introduction of the actual Forensic Interview. Specifically, T.C.A. 27-7-12(b)(3)(C), requires that the interviewer have three years of qualifying "fulltime professional work" within the specific statutory fields. The experience can be in one (1) or a combination of the following areas:

- (i) Child protective services;

- (ii) Criminal justice;
- (iii) Clinical evaluation;
- (iv) Counseling; or
- (v) Forensic interviewing or other comparable work with children.

At the original trial the Court conducted a pre-trial hearing on the proposed introduction of the video. At the hearing the State went through the steps outlined within the statute. When questioned about her experience requirement Ms. Turner stated she had worked at the Carl Perkins Center for approximately seven years in various social work positions. During cross-examination of the witness the trial attorney primarily focused on the CLE requirements, the definition of a forensic interview, the administration (or lack thereof) of the oath, and the general procedures used during the forensic interview. He did not challenge the direct testimony offered by Turner to the "various social work positions." At the Post-conviction hearing, trial counsel testified he was cut off by the Court from questioning Turner's qualifications. He did not, however, request the Court allow an offer of proof to continue the questions during the trial.

Post-conviction counsel later provided this Court with an opinion released in 2021 from the Western Section of the Court of Criminal Appeals. Specifically, State v. Phillip Michael Martinez, 2021 WL 2949514, where the qualifications of Ms. Turner were set out after extensive questioning. She testified as to working as case manager and as an office manager transcribing interviews.

As a result, her qualifications necessary for the introduction of the forensic interviews in the instant case are called into question. Being an office manager would not, under the circumstances, qualify under the statute. However, Haven's trial counsel did not explore this issue at trial.

Post-conviction counsel also complained about trial counsel's failure to redact the forensic videos before they were introduced into evidence as containing inadmissible evidence of incidents outside the court's jurisdiction. The Court is not concerned with this issue since the Court was able to disregard the inadmissible evidence in deciding the case during the bench trial.

Our state and federal constitutions provide criminal defendants with a right to legal representation "in order to protect the fundamental right to a fair trial." Strickland v. Washington, 466 U.S. 668, 684, (1984). The right to counsel plays a fundamental role in the adversarial system as "counsel's skill and knowledge is necessary to afford defendants the 'ample opportunity to meet the case of the prosecution.'" *Id.*

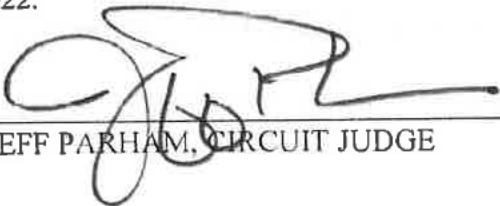
Where a constitutional violation is asserted based upon ineffective assistance of counsel, the petitioner must establish (1) that counsel's performance was deficient; and (2) that the deficiency prejudiced the defense. Dean v. State, 59 S.W.3d 663, 667 (2001). To prove deficient performance by counsel a petitioner must show that counsel's acts or omissions were so serious as to fall below an objective standard of reasonableness under prevailing professional standards. "To prove prejudice resulting from counsel's performance a petitioner must establish a reasonable probability that but for counsel's errors the result of the proceeding would have been different." Dean, 59 S.W.3d at 667.

In the instant case the child testified at trial only to a sexual battery, not to penetration. The proof of the rape came from the Forensic Interview video. Had counsel adequately examined and proven that the Forensic Interviewer was not qualified, then proof of penetration might not have been introduced and Petitioner's conviction for Child Rape likely would not be sustained. As such, the Petitioner received ineffective assistance of counsel and his conviction is hereby set aside and he is ordered to receive a new trial.



IT IS SO ORDERED, ADJUDGED, AND DECREED that the Petitioner's claim for post-conviction relief is GRANTED.

ENTERED this 31<sup>st</sup> day of May, 2022.

  
\_\_\_\_\_  
JEFF PARHAM, CIRCUIT JUDGE

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of this order was sent to all parties and/or counsel of record.

  
\_\_\_\_\_  
CIRCUIT COURT CLERK