

FILED

JAN 15 2021

Clerk of the Appellate Courts

Rec'd By

IN THE CRIMINAL APPEALS COURT FOR THE STATE OF TENNESSEE  
MIDDLE DIVISION SECTION AT NASHVILLE

**Willie Austin Davis**

Defendant/Appellant

vs.

**Case No.** M2019-01852-CCA-R3-CD

**Trial No.** 2017-A-62

**State of Tennessee**

Plaintiff/Appellee

*In an abundance of caution, protected information is REDACTED in submission to Attorney Larry Crain's limited injunction granted on 9/24/2018. Attorney Larry Crain represents child-molester John Perry, and John Perry's child sex abuse Victim #1.*

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**5<sup>th</sup> MOTION TO CONSIDER POST-JUDGMENT FACTS**

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1. Pursuant to Tennessee Rule of Appellate Procedure 14(a), Appellant moves the Court to consider the facts hereinafter set forth. For grounds, Appellant states these facts occurred after the judgment herein appealed.
2. New facts about the 2020 Nashville Christmas morning bombing attack have exposed new information and on-going questions about the truthfulness and transparency of the Nashville Police Department. News media organizations, business owners, property owners and residents living near Nashville's historic birthplace on 2<sup>nd</sup> Avenue have sought truthful answers and transparency from Nashville Police Chief John Drake about the accused and deceased Christmas bomber, Anthony Quinn Warner. In similar fashion, a defamed and falsely accused Appellant has sought truthful answers and transparency from new Police Chief John Drake about protected child-molester John Perry and a MNPd-child sex abuse cover-up which began with Metro Nashville Police on or about, July 2, 2008. Exhibit C – Pgs 1-4. Vol 1 – Pgs 87-88, 98-103, 111-112.

3. Appellant trusted the Nashville Police and Nashville DA's Office to provide exculpatory or favorable information to the Appellant during pre-trial discovery in submission to the Brady Rule cited in item 9 of the Appellant's Request For Discovery and Inspection. However, in reviewing the Discovery provided by Asst. DA Chandler Harris subsequent to watching local news coverage in the chaotic aftermath of the Christmas morning bombing in the historic birthplace of Nashville's 2<sup>nd</sup> Avenue, it appears that exculpatory and favorable police reports, internal notes and communications, possible audio/video recordings at the West Precinct, and OPA audio/video recordings, were withheld by the Nashville Police and/or Asst. DA Chandler Harris who has now fled the Nashville DA's Office to work for Mullen Coughlin near Philadelphia, PA. *(Note: It even appears that the names of witnesses and partial police report pages were not provided to the Appellant in possible violation of the Brady Rule – Brady vs. Maryland, 373 U.S. 83 (1963)).* Vol 1 – Pg 8, 12. Vol 1 – Pgs 11-19.
4. Obtaining honest answers, full police reports, and easy access to information is not a simple task for 1.3 million citizens who live in the Nashville metropolitan area. Likewise, it is not a simple task for the falsely accused and wrongfully convicted Appellant, or for fellow inmates the Appellant spent time with while wrongfully imprisoned in the Davidson County jail. In numerous recent emails to new Police Chief John Drake and Detective Chuck Fleming, Appellant asked and received no response to a repeated question: “Do you know or even care what was done to my middle school daughter at Covenant Presbyterian Church on July 6, 2008, to protect Rev. Franklin Graham's co-author, John Perry?” Exhibit C – Pg 2 – <https://www.thesilentbell.org/>

5. On or about Sept 6, 2020, Appellant sent another email to Police Chief John Drake, Davidson County Sheriff Daron Hall, and Detective Chuck Fleming which asked: “Question: Does Sex Crimes Detective Chuck Fleming think it is normal for Bill Clark, Susan Ann (Perry) Clark, child-molester John Perry, Nashville Police, and the Davidson County Sheriff’s Office to all be working on the same team?” Exhibit C – Pg 1
6. To date, Nashville Police (a law enforcement agency) and the Davidson County Sheriff Department (a non-law enforcement agency per Judge Cheryl Blackburn and Asst. DA Chandler Harris) have not been transparent or responsive to the Appellant’s simple questions cited above. *(Note: Davidson County Sheriff Sgt. and secret grand juror Sgt. Solomon Holley told the Appellant’s daughter that he did possess the law enforcement authority to arrest the Appellant when Sgt. Holley was paid to participate in the video recorded arrest of the Appellant on Nov. 15, 2015. In contrast to Judge Cheryl Blackburn and former Asst. DA Chandler Harris, Appellant respects the law enforcement authority of the Davidson County Sheriff Office and does not believe that the National Sheriffs’ Association would allow Sheriff Daron Hall to be the National Sheriffs’ Association President if he wasn’t a lawful authority participating in law enforcement. Appellant has also seen an official deputy sheriff commission card that Sheriff Hall states is given to every deputized officer: “By virtue of the power vested in me as Sheriff of Davidson County under the laws of Tennessee, I have this day deputized \_\_\_\_\_ a Deputy Sheriff to execute any and all processes that may come into his hands and to maintain the peace and dignity of the State, and arrest any and all persons violating the Criminal laws of the State of Tennessee).* Vol 4 – Pg 424. Vol 4 – Pg 449. TE Vol 14 – Pgs 13, 24-25. TR Vol 4 – Pgs 441-442.

7. As a result of the possible DA and judicial subversion of the Davidson County Sheriff's law enforcement authority, and as a result of the lack of transparency, integrity and honesty of Nashville Police Leadership for more than a decade, Appellant now questions if Nashville Police employee Robert Morris was a supervisor or assigned to work on two "terror" investigation cases which have possibly collided: 1) The accused and deceased Christmas bomber, Anthony Quinn Warner; 2) The defamed and falsely accused potential crazy "church shooter" suspect, Willie Austin Davis (Appellant), a distant blood nephew of Founding Father Patrick Henry, and a distant blood cousin of First Lady Dolley Madison, wife of President James Madison, Father of the U. S. Constitution? Exhibit A – Pg 4. Exhibit C – Pgs 5-6.
8. In reviewing new MPD Incident Report 2019-0624273 obtained via NewsChannel5 on or about Dec 29, 2020, defamed and falsely accused Appellant does not know if MNPD Employee Robert Morris identified in the "Anthony Quinn Warner" bomb-maker investigation is the same person as MNPD Employee Robert Morris who was assigned to the Appellant-- a falsely accused, potential crazy "church shooter" suspect and supposed dangerous threat.
9. Appellant does not know if MNPD Employee Robert Morris is the same investigator for both cases, but the Appellant does know for certain that the Nashville Police have not been truthful and transparent about MNPD's intentional participation in the John Perry child sex abuse cover-up, therefore MNPD may not be truthful and honest about the Christmas morning bombing attack on Nashville's historic birthplace on 2<sup>nd</sup> Avenue near the modern AT&T Batman building. Exhibit A. Exhibit C

10. Appellant prays the Honorable Court will be more responsive and genuinely concerned, as a matter of public interest, to ensure the transparency and truthfulness of the Nashville Police Department by reviewing the exhibits attached to this motion:

- a. Exhibit A – MPD Incident Report – 2019-0624273 – Robert Morris
- b. Exhibit B – 108 page complaint prepared for Detective Robert Morris
- c. Exhibit C – Appellant - Nashville Police - emails
- d. Exhibit D – Appellant – WSMV TV Demetria Kalodimos - emails
- e. Exhibit E – Appellant conversation with DA Investigator Norris Tarkington
- f. Exhibit F – Appellant interview with OPA Investigators
- g. Exhibit G – Attorney Duncan Cave conversation with Mrs. Lee Parks
- h. Exhibit H – Herbert Slatery speech at Covenant Presbyterian Church
- i. Exhibit I – Caroline Cone sworn court testimony and deposition
- j. Exhibit J – Silent No More - MNPD Sexual Assault Document
- k. Exhibit K – Covenant emails
- l. Exhibit L – John Perry – Judge Carol Soloman – Worrick Robinson Divorce Docs
- m. Exhibit M – FBI Document – Email to U.S. Attorney

11. Appellant respectfully requests the Honorable Court to grant this motion to consider the new information along with other exculpatory information pertaining to Detective Robert Morris, Detective Chuck Fleming, Nashville Police Leadership, WSMV TV, Covenant Presbyterian Church, Montgomery Bell Academy, The Harpeth Hall School, and many others, in relation to and in the context of the memorandum of law (attached hereto and incorporated by reference), and sworn affidavit (attached hereto and incorporated by reference) in such a matter as the Court shall deem fair.

12. In support hereof, Appellant submits the sworn affidavit of Austin Davis, a memorandum of law in accordance of Rule 14(b) and Rule 22(a) of the Tennessee Rules of Appellate Procedure, and supporting background exhibits, all of which are incorporated herein by reference.

Respectfully Submitted,

*Willie Austin Davis*

Willie Austin Davis - Citizen  
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**CERTIFICATE OF SERVICE**

I, Willie Austin Davis, hereby certify that a true and exact copy of the foregoing motion has been forwarded by United States Postal Service, first class, postage pre-paid, on Jan 15, 2021, to the following parties:

Attorney General Herbert Slatery  
General David Findley  
Office of the Tennessee  
Attorney General  
301 6<sup>th</sup> Ave. North  
Nashville, TN 37243



Willie Austin Davis, Citizen  
221 31<sup>st</sup> Ave. North Apt# 135  
Nashville, TN 37203  
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Memorandum of Points and Authorities  
Introduction

Appellant brings this motion pursuant to Tenn. R. App. P. 14 to provide the Honorable Court with new information and questions about the transparency and truthfulness of the Nashville Police Department. New and previous evidence now submitted to and possessed by the Honorable Court reveal that the Nashville Police Department intentionally lied and obstructed justice to defame and criminalize the Appellant in a never-ending effort to protect child-molester John Perry and a Mann Act Federal crime cover-up. Nashville Police betrayed their solemn oath to “*honestly and faithfully*” perform their law enforcement duties as they falsely prosecuted and criminalized the innocent Appellant as an alleged danger to elementary school children, while they protected a known child-molester threat, and an accused alleged bomb-builder threat, which were both given a free pass by the Nashville Metro Police Department.

Background

The background narrative is extensive, but the intentional obstruction of justice and MNPD-child sex abuse cover-up has also been extensive, possibly beginning on or about, Dec 5, 2012, or possibly extending back as far as June 27, 2008. Exhibit C – Pg 8. TR Vol 1 – 111-112.

Post-judgment sworn testimony by child sex abuse therapist Caroline Cone further exposed MNPD’s intentional obstruction of justice to protect child-molester John Perry, John Perry’s “*safe house*” used for other vulnerable children, and a Mann Act Federal crime cover-up which is now before the Honorable Tennessee Court of Criminal Appeals.

On or about Sept 11, 2018, child sex abuse therapist Caroline Cone provided sworn deposition testimony that MNPD Detective Chuck Fleming met with child sex abuse therapist Caroline Cone, and John Perry's Victim #1, **redacted**, aka **redacted**, on Oct 22, 2012. During the two and a half hour police interview, Victim #1 shared everything about John Perry's repeated child sex abuse crimes with Detective Chuck Fleming, which included child sex abuse crimes beyond the State of Tennessee in violation of the Federal Mann Act, which does not have a statute of limitations for child sex abuse across state lines. Exhibit I – Carolyn Cone Deposition - Transcript pgs 24-25, 34.

On or about Sept 11, 2017, Covenant Elder Scott Troxel provided sworn trial testimony that Covenant Leadership knew about John Perry's child sex abuse at least four years and four months before Detective Chuck Fleming was fully informed about the child sex abuse "*across state lines*" on Oct 22, 2012. Scott Troxel testified: "The Witness: Sure. John Perry was a former member, he was a deacon and he revealed to the Session that he--. The Court: He what? I didn't understand what you said, revealed. The Witness: Well, no, no, no. Actually I don't think he revealed. I'm trying to recall how we found out, but basically we learned that he had molested **redacted** ... And he was immediately removed as a Deacon." (*Note: Per Covenant Board Minutes, child-molester John Perry's resignation from the Covenant Diaconate was accepted on July 14, 2008. During the very same Covenant Board Meeting, Metro Police Sgt. Twana Chick and Attorney Worrick Robinson provided a false and defamatory security briefing on the Appellant as a potential security threat to Covenant Members*). Exhibit 5 – Motion For New Trial – 2 of 4 – Transcript of Trial – Vol 1 – Pgs 51, 53, 54-57. TR Vol 1 – Pgs 84-85.

On or about March 14, 2016, child sex abuse therapist Caroline Cone provided sworn court testimony that Covenant Pastor Larry Ferris knew about John Perry's child sex abuse at

least four years and six months before Detective Chuck Fleming was fully informed about the child sex abuse “*across state lines*” on Oct 22, 2012: “Q. So when in 2008 did you first start counseling **redacted**. A. April. Q. Or was it 2007, or whenever it was. A. It was 2008, and it was April. Q. April. And so when the church calls you, do you know who in the church it was that called you? A. One of the pastors. Q. Do you remember who? A. I believe it was Pastor Larry Ferris. Q. Pastor Larry Ferris called you in April 2008. A. Yes, sir.” Exhibit I – Caroline Cone Court Testimony – Transcript Pg 14

On or about Sept 11, 2018, child sex abuse therapist Caroline Cone provided sworn deposition testimony that Covenant Pastor Larry Ferris knew about John Perry’s child sex abuse at least four years and six months before Detective Chuck Fleming was fully informed about the child sex abuse “*across state lines*” on Oct 22, 2012: “Q. In the injunction hearing, **redacted** answered the question that **redacted** had been meeting with you for ten years, so that would take it back to 2006. Did you ever counsel with **redacted** before? A. No, sir. We started in April 2008. Q. April 2008. Okay. And in the injunction hearing, you said that Larry Ferris was the one that contacted you from Covenant. A. Uh-huh. Q. So how did it all come about. What is it exactly that happened because you got contacted before and then met **redacted** and **redacted** after? A. Well, so what happened is Mr. Ferris called me on the phone and said, ‘Hey, we have something that came up in our church. Do you have room for a new client.’ And I said, ‘Yes, I do.’ And he told me a little about what happened. And so then we made the appointment, and who came to the first appointment was both **redacted** and **redacted**.” Exhibit I – Caroline Cone Deposition – Transcript Pgs 22.

On or about Sept 11, 2018, Appellant cross-examined child sex abuse therapist Caroline Cone in a related child sex abuse cover-up lawsuit (Case # - 16C-505): Q. I have bad hearing so

when you mentioned that the police had contacted you, who was the police officer again? A. Chuck Fleming. Q. Chuck Fleming. And you met with him in October 2012? A. Yes. Sir. Q. During the injunction hearing, you said that you had not met with him until I think it was the summer of 2013? A. I met with him October 22<sup>nd</sup>, 2012. Q. October 22<sup>nd</sup>. And you met with him and **redacted**? Where was that meeting? A. In my office.” Exhibit I – Carolyn Cone Deposition - Transcript Pgs 34-35.

On or about Sept 11, 2018, child-molester John Perry’s attorney, Larry Crain, cross-examined Caroline Cone about John Perry’s Victim #1 (Case # - 16C-505): Q. Do you recall a time around October 2012 when you received a phone call from a detective with Metropolitan Police Department? A. I do. Q. And what was the purpose of that call? A. He called me because he said that there was a complaint about-- that this sexual abuse case had not been handled appropriately, and so he wanted to meet with me at that time. And actually, I wouldn’t-- I didn’t talk to him until I first talked to my client to make sure that it was okay that I talked to him. Confidentiality. Q. Sure. Sure. When you talked to **redacted** \*\*\* and said that you had been contacted by the police department, here, Metro, do you recall **red\*\*** initial reaction? A. So **redacted** actually called me-- Q. Okay. A. -- and said, “Hey, this detective is going to call you,” and **red\*** was-- the not so technical term is **red\*** was wiggling out. But **red\*** was just completely anxious and totally upset, very distraught, and really did not want to see the detective except in a session with me. Q. Did you accommodate the police at that time and agree to meet with your client and them in your office? A. Yes, sir. Q. And describe that meeting, if you would, please? A. So the detective came to my office and **redacted** came to my office, and the three of us sat around and it was probably a good two and a half hours. And we just-- he asked all the questions, discussed the case from beginning to end. It was very-- it was very anxiety

provoking. It was very traumatic to revisit everything all over again. Q. So in terms of your own observations during that meeting with the detective, what did you observe with respect to **redacted** in terms of whether **redacted** held back or attempted to conceal information from the police? A. **redacted** was completely open and honest. And all of the things that **redacted** told me in therapy, were the exact same things that **redacted** told the detective as well. *(Note: Attorney Larry Crain represents child-molester John Perry, and John Perry's Victim #1, **redacted**, aka **redacted**. On Feb 20, 2020 The Tennessee Supreme Court possibly erred in trusting the Nashville Police – DA wrongful conviction of the Appellant when the Honorable Court rewarded child-molester John Perry's attorney, Larry Crain, with a \$2.1 million final default victory for defamation and invasion of privacy further damaging and destroying the falsely convicted Appellant. ” Exhibit I – Caroline Cone Deposition – Transcript Pgs 10-12.*

On or about Sept 11, 2018, Appellant cross-examined child sex abuse therapist Caroline Cone in a related civil lawsuit (Case # - 16C-505): Q. In the lawsuits, they've given the ages 11 and then they changed it; they went to 12. Do you know what the age was? A. I believe the age when **redacted** was first sexually abused-- is that what you are asking me? Q. Uh-huh. A. Was 11. Q. Eleven? The lawsuit says-- uses the word “incident,” which seems to indicate it's only one time. Is it one time or is it multiple times? A. Multiple times. Q. Is it constrained just to Tennessee? A. No. Q. What other states? A. I'm not sure what other states there are, but I think some of the incidents occurred outside the state of Tennessee. Q. Did **redacted** go over that or give you any information on those states, where it was? A. Yes, sir. Exhibit I – Caroline Cone Deposition – Transcript Pgs 24-25.

On or about Sept 11, 2018, Appellant cross-examined child sex abuse therapist Caroline Cone in a related civil lawsuit (Case # - 16C-505): Q. Did you ever counsel **R\*** and John Perry?

A. Yes. Q. So red and John Perry actually sat down and had counseling with you? A. Yes. It was appropriate. Q. What does that mean that it's "appropriate?" A. What it means is that through the process-- what's healthy if someone has been abused, is to be able to verbalize what's happened to them and then to be able to tell the person who did that to them what happened and what it meant to them. It's a normal part of the process in treatment, and that's what happened." Exhibit I – Pg 30.

On or about March 14, 2016, Appellant cross-examined child sex abuse therapist Caroline Cone in a related civil lawsuit (Case # - 16C-505): Q. (By Mr. Davis) Who is the molester? A. Who is the what? Q. The molester. Do you know who the molester was? A. Yes, sir. Q. Did you name him? A. Yes, sir. Q. Who is it? A. John Perry. Exhibit I – Caroline Cone Court Testimony – Transcript Pg 20.

On or about July 9, 2012, six years prior to the 2018 sworn testimony of child sex abuse therapist, Caroline Cone, Appellant reported child-molester John Perry to the office of U. S. Attorney Jerry Martin: "In recent days, I've learned about the *'molesting of a child.'*" Appellant met with Duty Attorney Lee Deneke and was instructed to report the child sex abuse to the Nashville FBI office. Appellant reported child-molester John Perry to the Nashville FBI Office as instructed by the U. S Attorney's Office. TR Vol 4 - Pg 431 Exhibit M.

On or about July 14, 2012, Appellant returned to the Covenant Presbyterian Church property for the first time in four years as an invited wedding guest of Covenant Member Rick Jacques. Oddly, no Nashville Police or armed security were summoned to the Covenant church property to arrest or to jail the Appellant for trespass, or to protect hundreds of weddings guests from a falsely accused, potential crazy "church shooter" Appellant. TR Vol 2 – Pg 214.

On or about Oct 1, 2012, five years and 10 months prior to the 2018 sworn testimony of child sex abuse therapist, Caroline Cone, Appellant reported child-molester John Perry to MNPD Commander Marlene Pardue and Sgt. Twana Chick. Exhibit C – Pg 5-6. TR Vol 1 – Pgs 48-49, 51.

On or about Oct 21, 2012, three weeks after Appellant made initial contact with Detective Robert Morris, Appellant sent Commander Marlene Pardue an email notification that he was returning to the Covenant Church property after Detective Robert Morris did not return his phone call five days earlier and Appellant discerned he was being ignored: “Dear Marlene: I made a phone call last Tuesday to follow up with the detective but he did not return my call. I am very appreciative of your willingness to help but four years and three months of community harassment and hatred and brutal suffering for my daughter has exhausted my hope in human help. I cannot stand to watch her cry one more night. Maybe the police will choose to help me at some point in time but today I am actively placing my faith in God to help me. I am peacefully returning to Covenant to seek the Lord’s face and to ask for His help (web site states: all visitors are welcome and encouraged to attend.) I am prepared to be arrested if Covenant Leadership decides to follow through on four years of lies, intimidation, bullying, and threats to shield a child molester. Many Thanks, Austin.” *(Note: Oddly, no Nashville Police or armed security were summoned to the Covenant church property to arrest or to jail the Appellant for trespass, or to protect hundreds and hundreds of church members and visitors from a falsely accused, potential crazy “church shooter” Appellant. Appellant’s peaceful, sane and lawful return to the Covenant Property openly demonstrated that Covenant Elder Scott Troxel never received authorization from the Covenant Session, Diaconate or 2000 property owners to create his counterfeit 2008 trespass letter, and the Appellant’s two peaceful, sane and lawful visits back*

*to the Covenant Property are more evidence that the counterfeit “trespass” letter was unauthorized and without any legal authority. Even though Asst. DA Chandler Harris was provided the 2008 Covenant Board Minutes proving the Covenant Session, Diaconate and 2000 property owners had never authorized or given consent for the two trespass letters to be couriered and mailed to the Appellant, Asst. DA Chandler Harris intentionally used the fake, unauthorized 2008 trespass letter as the sole foundation to obtain a wrongful conviction for his “malicious prosecution” of the Appellant to protect the John Perry – Mann Act Federal crime cover-up.)* 6 Exhibits – Jury Trial (9//11/17) – Exhibit 2. TR Vol 1 – Pgs 80-85. TR Vol 2 – Pg 243.

On or about Oct 22, 2012, Metro Detective Robert Morris contacted the Appellant asking him to “*chill*” and to not return to the Covenant Church property a few hours before MNPD Detective Chuck Fleming interviewed child sex abuse therapist Caroline Cone and John Perry’s Victim #1, **redacted**, aka **redacted**. Exhibit C – Page 6

On or about Nov 8, 2012, approximately two weeks after MNPD Detective Chuck Fleming interviewed John Perry’s Victim #1 and was informed of the child sex abuse across state lines, the Appellant’s wife received a creepy “*threat*” letter in the U. S. Mail while Detective Robert Morris, Detective Chuck Fleming and others continued to provide assistance to the John Perry child sex abuse cover-up effort which is still on-going before the Tennessee Court of Criminal Appeals. TR Vol 1 – Pgs 133-136.

On or about Nov 9, 2012, Appellant’s wife reluctantly reported the creepy “*threat*” letter to the Nashville Metro Police Department even though she did not trust or want the Nashville Police to return to her private family home because she was afraid of Nashville Police. Nashville Police did return and MNPD Officer Michael Schlegel completed MPD Incident Number 2012-

0906123 with the police report narrative written to the attention of Detective Robert Morris: “Attn Det. Morris: Mrs. Davis stated that her husband reported an abuse case and was assisted by Metro Det. Morris. Ms. Davis received a letter in the mail yesterday that contained a news paper clipping with an attached sticky note. The clipping was in reference to what she should do with her money if her husband was to pass. The sticky note states “Thought you’d be interested. J.” Mrs. Davis states that the subjects name in reference to the abuse case started with a J. Officer placed the entire contents into the property. (*Note: Nashville Police did not follow up on the Christmas morning bomber, and to date, over eight years later, Detective Morris and Nashville Police have not followed up with Appellant’s wife on the “creepy” threat letter sent to her via U. S. Mail.*) TR Vol 1 – Pgs 133-136.

On or about Nov 27, 2012, Appellant and his wife were invited to attend a meeting with Commander Marlene Pardue, a representative from the sex crimes division, and the MNPD special investigations division. Exhibit C – Pg 7.

On or about Dec 5, 2012, Appellant and his wife traveled to the West Precinct and met with Commander Marlene Pardue, sex crimes Detective Michael Shreeve, Criminal Investigations Leader and Interim OPA Director Preston Brandimore, Sgt. Twana Chick, Detective Robert Morris, and two other police authorities with the special investigations division. Detective Chuck Fleming was not a participant in the Dec 5<sup>th</sup> meeting even though Detective Fleming was the sex crimes investigator who was informed six weeks earlier about John Perry’s child sex abuse “*across state lines.*” Exhibit C – Pg 8.

On or about Dec 5, 2012, Commander Marlene Pardue and Criminal Investigations Leader and Interim OPA Director Preston Brandimore were two Nashville Police authorities who attended the Dec 5<sup>th</sup> meeting, and who were also later cited in former police detective Greta

McClain's "*Silent No Longer*" report which informed the public about the alleged sexual assaults and harassment of 19 current or former female Nashville police officers resulting in the surprise early retirement of former Nashville Police Chief Steve Anderson on Aug 6, 2020. Exhibit J – Pgs 24, 39.

On or about Dec 5, 2012, eight high level Nashville Police authorities including Detective Robert Morris, met and provided false information to the Appellant and his wife about the statute of limitations being expired on child-molester John Perry. Nashville Police authorities obstructed justice and intentionally deceived the Appellant and his wife stating the statute of limitations expired at 18+1 years of age for the victim, even though the Tennessee statute of limitations were set-- at a minimum-- to expire at 21 years of age, and even though Detective Chuck Fleming was informed six weeks earlier that John Perry's child sex abuse occurred across state lines in violation of the Federal Mann Act, which has no statute of limitations for child sex abuse across state lines. Exhibit C – Pg 8.

On or about Dec. 7, 2012, and Dec 10, 2012, Appellant waited for five hours on both days to meet with Detective Robert Morris but Detective Morris failed to show up on both days. Appellant prepared a 108-page child sex abuse cover-up document for Detective Morris but the Appellant was never able to deliver the 108-page document to Detective Morris. (*Note: The 108-page document was later provided to WSMV TV Anchor Woman Demetria Kalodimos*). Exhibit B. Exhibit C – Pg 9.

On or about Dec 17, 2012, Appellant received receipt signatures for the 108-page complaint document prepared for Detective Robert Morris which was hand-delivered to the offices of Commander Marlene Pardue, Mayor Karl Dean and DA Torry Johnson. Exhibit B – TR Vol 1 – Pg 57.

On or about Feb 17, 2013, Covenant Presbyterian Church had a congregation meeting to discuss the Appellant and his claims about John Perry's child sex abuse. Appellant was informed that the Nashville Police provided Covenant Members with a police statement: *"There is nothing to these claims."* Exhibit G

On or about Feb 17, 2013, Covenant Member Larry Stone sent former Covenant Member Ron Pitkin an email: "You sent me information about the alleged "child-molestation cover-up" at Covenant last spring or summer. I received this email this morning and there's going to be a church meeting this afternoon about it. My memory was you sent it to me just because you're not a member of Covenant any more and I am." Exhibit K – Pg 1.

On or about Feb 17, 2013, former Covenant Member Ron Pitkin, a caring gentleman publisher friend of the Appellant who does not support child sex abuse, sent an email to Covenant Member Larry Stone: "Sorry I didn't get this earlier. Be careful about believing what Jim says. I'm not accusing him of anything, but please pray for wisdom. This has been heavy on my heart, and I have not known what to do. Ron" Exhibit K – Pg 1.

On or about Sept 11, 2017, Federal Judge and Covenant Elder John Bryant was a DA prosecution witness against the Appellant who provided sworn testimony that he attended a Covenant church meeting in early 2013. Federal Judge John Bryant testified: "And I think in fairness part of the alarm was because that just in December 2012 was the shooting of the school children at the Sandy Hook Elementary School in Connecticut by a man named Adam Lanza which was all over the news, it was horrible thing. And I think it was fresh in everybody's mind at the time... We hired a private security guard to come to church on Sunday morning during worship wearing a uniform and having a marked patrol car." *(Note: Covenant armed security guard Davidson County Sheriff Sgt. Solomon Holley was paid for his services to Covenant and*

*was also a secret grand juror who served with the contaminated grand jury that wrongfully indicted the Appellant to cover-up a Mann Act Federal crime cover-up.)* Appellant's Brief – Pgs 5-6, 10-12, 32. Exhibit K – Pg1.

On or about Feb 20, 2013, three days after the Covenant church meeting and five months after Nashville Police were informed about John Perry's child sex abuse across state lines, Appellant sent an email to Commander Marlene Pardue, Interim OPA Director Preston Brandimore, Detective Michael Shreeve and Detective Robert Morris: “ Dear Marlene: Did anyone from the Metro Police Department attend another meeting at Covenant this past Sunday evening or Monday night? Are Metro Police continuing to work with Covenant Leadership as they did in 2008 when a confessed child-molester was shielded and protected? I have received warnings about being arrested, am receiving hate mail, and also received threats in recent days. I have not reported the incidents to police because it appears that Covenant Leadership continues to have “*privileged standing*” with police while my family has “*no standing.*” Here is a recent email threat: “I am aware of your lies. If you contact me again I'll consider it harassment against me and I WILL CALL THE POLICE. I will also consider suing you for harassment. You are mentally ill. GET HELP! Are Metro Police advising Covenant Leadership / church employees to officially tell members that I am suffering from a “*mental illness.*” I am mentally sound. I look forward to hearing from you soon. Austin.” (Note: Commander Marlene Pardue and other police authorities did not respond to Appellant's email.) Exhibit C – Pg 11.

On or about Feb 20, 2013, three days after the Covenant church meeting, Covenant Member Jill Starr, a true friend of the Appellant who does not support child sex abuse, sent an email to Covenant church employee, Janice Kirkpatrick: “Hey Janice! I hope you're doing great! I

received an email about the church this weekend that alarmed me. Can you shed some light on what is happening? Thank you, and hope to see you soon!” Exhibit K – Pg 2.

On or about Feb 20, 2013, three days after the Covenant church meeting, and four months after Detective Chuck Fleming was informed about John Perry’s child sex abuse across state lines, and at least four years and ten months after Covenant Leadership knew about John Perry’s child sex abuse, Covenant church employee Janice Kirkpatrick responded to Jill Starr: “So sorry to hear that you received an unwanted email about our church. The sender is a former disgruntled member, Austin Davis, who (we think) is suffering from a mental illness. A great many of our church members have received these emails. Generally, in the past, when asked to remove a name from his email list he has honored that request. If you’d like further info I’m sure Jim would be glad to answer any questions. Hope all is well with you also. I know I’m looking forward to spring! Exhibit K – Pg 2

On or about Feb 21, 2013, four days after the Covenant church meeting, Covenant Member Jill Starr, a true friend of the Appellant who does not support child sex abuse, sent an email to Covenant Deacon Buddy Smith: “Buddy, Below is the only email that I have ever received. I don’t recognize the names of the people listed other than Jim Bachman and John Avery, but this worries me and sounds like deception within the leadership at my church.” Exhibit K – Pg 2.

On or about Feb 21, 2013, four days after the Covenant church meeting, and four months after Detective Chuck Fleming was informed about John Perry’s child sex abuse across state lines, and at least four years and ten months after Covenant Leadership knew about John Perry’s child sex abuse, Covenant Deacon Buddy Smith sent an email response to Covenant Member Jill Starr: “Dear Jill: I wouldn’t worry about this and will explain when we talk as it is absolutely “False information” and there is NO cover up for any of these allegations. The church held a

special meeting last Sunday at 4:30 PM for anyone interested in a discussion on these bogus emails. Austin simply is wanting to “get attention” and pose concern for members. We will talk soon, however, the weekend is probably the hardest time for me to find time to talk with family duties so if you can give me some options to talk during the week let’s get something on the calendar. Your friend, Buddy. Exhibit K – Pg 2.

On or about March 10, 2013, five months after Nashville Police were informed about John Perry’s child sex abuse across state lines, and at least four years and eleven months after Covenant Leadership knew about John Perry’s child sex abuse, Appellant sent an email to MNPD Commander Marlene Pardue, Detective Robert Morris, and many Covenant members: “Dear Marlene: On Tuesday (Feb 26, 2013), a loving friend cautioned me that Covenant Leadership might have me arrested. The next morning at 7:22 am, I received two phone calls on my new cell phone from 862-7341. This 862 number is listed as the Davidson County Recruitment Office at 2231 26<sup>th</sup> Ave. N.. Friends and non-member friends also inform me that untrue information is being disseminated about me because I spoke out about the child-molestation cover-up at Covenant.” Exhibit C –Pg 12.

On or about March 10, 2013, five months after Nashville Police were informed about John Perry’s child sex abuse across state lines, and at least four years and eleven months after Covenant Leadership knew about John Perry’s child sex abuse, Detective Robert Morris and Detective Chris West made an uninvited night-time visit to the Appellant’s private family home to inform the Appellant’s wife that the Appellant should stop writing emails about the John Perry child sex abuse cover-up. *(Note: On Jan 6, 2021, Appellant contacted Nashville Police Department Central Records at 4:01 PM and was informed that there was no police report for the Detective Robert Morris police visit to the Davis private family home, or for any visit in the*

*month of March. Five days later, on January 11, 2021, Appellant contacted Nashville Police Department Central Records at 3:57 PM and was informed that now a police report has been put in the public records for March 9, 2013. Appellant is still praying about whether to officially request the police report via email as instructed because Appellant does not wish to be falsely jailed in retaliation again. The MPD Incident Number is 2013-0224912.) Exhibit C – Pg 14.*

On or about June 16, 2013, eight months after Nashville Police were informed about John Perry's child sex abuse across state lines, and at least five years and two months after Covenant Leadership knew about John Perry's child sex abuse, Appellant's former attorney, Duncan Cave, was informed by the wife of Covenant Ruling Elder Dr. Lee Parks: *"They had a meeting at the church a while back and read something that the Police Department actually said... we have investigated this and there is nothing to these claims."* Even though Commander Marlene Pardue told the Appellant on April 18, 2013, that she was *"not aware of anyone from MNPD indicating to Covenant Presbyterian Church that you are crazy or mentally ill,"* vicious rumors and falsehoods about the Appellant and his family contaminated the toxic Covenant-MBA-Harpeth Hall community defaming the Appellant as a mentally ill potential *"church shooter"* to the great detriment and harm to the Appellant's family. Commander Pardue's April 18<sup>th</sup> email and the exculpatory recording of Mrs. Lee Parks was provided to Asst DA Chandler Harris in discovery along with other exculpatory information, but Asst DA Chandler Harris was vigorous to pursue the *"malicious prosecution"* of the Appellant and has now fled the Nashville DA's Office to work for Mullen Coughlin near Philadelphia, PA. *(Note: Waller Attorney Robb Harvey, WSMV TV and Demetria Kalodimos would later reveal a powerful WSMV TV-Nashville Police-Covenant Presbyterian Church-MBA-Harpeth Hall alliance to falsely portray the peaceful*

*Appellant as a danger and threat within the Nashville Community.*) Exhibit G – TR Vol 1 – Pg 48-49, 51. TR Vol 1 – Pg 139. TE Vol 13.

On or about June 19, 2013, Appellant and his family filed a John Perry child sex abuse cover-up civil lawsuit which was assigned to Judge Carol Soloman. New Federal Judge and Covenant Member William “*Chip*” Campbell, Jr., represented the Nashville Presbytery during the child sex abuse cover-up lawsuit as the Mann Act Federal crime cover-up finally reached the Davidson County Court system. Appellant later learned that Judge Carol Soloman was the presiding judge for the John Perry divorce case from 2009-2012 with an extensive knowledge of John Perry’s child sex abuse history. Covenant Member Worrick Robinson was the attorney for Mrs. John Perry, just as Worrick Robinson had been the attorney for Mrs. Greg Lurie after Covenant Leadership placed Mrs. Lurie and her children in John Perry’s “*safe house*” without the knowledge and consent of the father, Mr. Greg Lurie, back in March 2002. Exhibit L – Pgs 1-4. TR Vol 1 – Pgs 92-97. TR Vol 1 – 69-70.

On or about Aug 8, 2013, Appellant and Appellant’s Attorney Duncan Cave were interviewed by WSMV TV Anchor Woman Demetria Kalodimos. WSMV TV Anchor Woman Demetria Kalodimos was provided information by the Nashville Police Department which has never been provided to the Appellant, but was used by Ms. Kalodimos during the interview of the Appellant. To date, WSMV TV has never aired the interview and continues to protect child molester John Perry and a Mann Act Federal crime cover-up endangering children in Nashville, and beyond. Exhibit D – Pg 1. TR Vol 3 – 347.

On or about Sept 19, 2013, Judge Carol Soloman allowed WSMV TV to place a camera in the courtroom for the Appellant’s first hearing. To date, WSMV TV has never aired truthful reporting on the “*trial by ambush*” court hearing, or two contaminated secret grand juries, and

WSMV TV continues to protect child molester John Perry and a Mann Act Federal crime cover-up endangering children in Nashville, and beyond. Exhibit D –Pgs 2-6. TR Vol 4 – Pg 467.

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On or about Sept 19, 2013, Judge Carol Soloman did not voluntarily recuse from the case in violation of the Tennessee Constitution, Article VI, Section 11, and the Tennessee Supreme Court Judicial Conduct – Rule 10. Judge Carol Soloman dismissed the John Perry child sex abuse cover-up case with prejudice and falsely ruled the Appellant’s written complaint had “*zero facts.*” Judge Carol Soloman defrauded the Appellant pretending to be a fair, impartial judge as Judge Soloman also intentionally demolished two other John Perry child sex abuse cover-up cases which were later assigned to her court. All of Judge Soloman’s prejudiced and destructive court rulings ultimately resulted in the total financial destruction and ruin of the Appellant, including a final \$2.1 million default judgment awarded to child-molester John Perry’s attorney, Larry Crain, who also represents John Perry’s Victim 1, **redacted**, aka **redacted**. The Appellant and his wife also had to sell their cherished wedding rings during this time of financial destruction and ruin. Case # 13C2510. Case # 13C4281. Case # 12C2556.

On or about Sept 25, 2013, WSMV TV Anchor Woman Demetria Kalodimos sent the Appellant an email about the 108-page report prepared nine months earlier for Detective Robert Morris: “Austin: I looked at all 108-pages and I saw a lot of documents I have seen before, except for maybe the references to the Gores. I will leave it at the front desk for you to pick up... in the same envelope. Please keep me posted on the appeal. I take it the judge did not dismiss with prejudice, so you are open to appeal. I have all my files and interviews saved. If the case is resurrected, I will be prepared. Demetria.” *(Note: The Middle Tennessee Appellate Court temporarily reversed the assault claim on June 23, 2014, but Demetria Kalodimos and*

*WSMV TV never informed the public and both continue to protect child molester John Perry and a Mann Act Federal crime cover-up endangering children in Nashville, and beyond. WSMV TV filmed the Mann Act Federal crime cover-up which took place during the intentional defrauding of the Appellant's family by Judge Carol Soloman, and it is unknown if WSMV TV and/or Demetria Kalodimos has destroyed the video/audio evidence or if the video/audio evidence is still available for law enforcement authorities. The Eighth Circuit court also has video/audio recordings of the courtroom, and it is also unknown if the video/audio evidence is still available for law enforcement, or if video/audio evidence has been destroyed.) Exhibit D – Pg 5.*

On or about Nov 12, 2013, thirteen months after Nashville Police were informed about John Perry's child sex abuse across state lines, and at least five years and seven months after Covenant Leadership knew about John Perry's child sex abuse, and about nine months after Covenant Deacon Buddy Smith lied to Jill Starr that the Appellant's emails were bogus and false information and "*there is no cover-up for any of these allegations,*" MNPD OPA Investigators Sgt. Jerry Hertenstein and Sgt. Corey Sanderson met with the Appellant and his former attorney, Duncan Cave, to discuss the John Perry child sex abuse cover-up. The 2-hour interview included the Appellant providing OPA Investigators a copy of MPD Incident Number 2012-0906123 which was noted to the attention of MNPD Detective Robert Morris, along with information discussed about WSMV TV Anchor Woman Demetria Kalodimos, the Nashville Police, and the John Perry child sex abuse cover-up case. OPA Director Kathy Morante, OPA Sgt. Jerry Hertenstein, and OPA Sgt. Corey Sanderson misled the trusting Appellant to believe that the Metro Nashville Police Department would follow up and respond to the Appellant about his concerns with the Nashville Police Department. To date, OPA has not followed up with the Appellant as OPA Director Kathy Morante promised on Nov 14, 2013: "*Thank you for taking*

*the time to let me know about your meeting with Sgts. Hertenstein and Sanderson and for your kind words. They are currently working on some of the information you have gave them. One of them will be in touch in the future to let you know the outcome of their investigation.”* Also, OPA Director Kathy Morante was cited in former Detective Greta McClain’s “*Silent No Longer*” report about a toxic police culture abusive to women and girls. (Note: *Nashville Metro Police should also have a copy of MPD Incident Number 2012-0906123 which is part of the Appellate record, along with a signed Office of Professional Accountability Acknowledgement of Statement. An audio record of this exculpatory 2-hour interview is also possessed by the Nashville Police Department but it was never provided to the Appellant during pre-trial discovery in possible violation of the Brady Rule - Brady vs. Maryland, 373 U.S. 83 (1963). A handwritten note at the top of the exculpatory OPA Acknowledgement of Statement document states: “Police recorded interview – statement so DA should be able to get a copy.)* Exhibit F. TR Vol 1 – Pg 55. TR Vol 1 – Pgs 133-137. TR Vol 1 – Pg 148.

On or about April 2, 2015, two years and six months after Nashville Police were informed about John Perry’s child sex abuse across state lines, and at least seven years after Covenant Leadership knew about John Perry’s child sex abuse, and about two years and two months after Covenant Church employee Janice Kirkpatrick informed Jill Starr that the Appellant was a “*former disgruntled member*” suffering from a “*mental illness,*” Appellant went to the Nashville DA’s Office on 2<sup>nd</sup> Avenue and spoke in person with DA Investigator Norris Tarkington to follow up on the 108-page complaint document that was originally prepared for Detective Robert Morris two and a half years earlier. Exhibit E.

On or about April 9, 2015, two years and six months after Nashville Police were informed about John Perry’s child sex abuse across state lines, and at least seven years after Covenant

Leadership knew about John Perry's child sex abuse, and about two years and two months after Covenant Deacon Buddy Smith lied to Jill Starr that the Appellant's emails were bogus and false information and "*there is no cover-up for any of these allegations,*" DA Investigator Norris Tarkington informed the Appellant that the Nashville DA's Office had no record of the 108-page complaint document which had been delivered and signed for by DA employee Omeka Fuller on Dec. 17, 2012. TR Vol 1 – Pgs 57-60. Exhibit B. Exhibit E.

On or about April 9, 2015, two years and six months after Nashville Police were informed about John Perry's child sex abuse across state lines, and at least seven years after Covenant Leadership knew about John Perry's child sex abuse, and about two years and two months after Covenant Deacon Buddy Smith lied to Jill Starr that the Appellant's emails were bogus and false information and "*there is no cover-up for any of these allegations,*" Appellant provided DA Investigator Norris Tarkington a replacement copy of the 108-page complaint document prepared for Detective Robert Morris on Dec 10, 2012. TR Vol 1 – Pgs 57-60.

On or about May 12, 2015, two years and seven months after Nashville Police were informed about John Perry's child sex abuse across state lines, and at least seven years and one month after Covenant Leadership knew about John Perry's child sex abuse, and about two years and four months after Covenant Church employee Janice Kirkpatrick informed Jill Starr that the Appellant was a "*former disgruntled member*" suffering from a "*mental illness,*" DA Investigator Norris Tarkington informed the Appellant: "I will not recommend this case advance further into this office because the decision was already made." (*Note: Norris Tarkington is a former Nashville Police Detective who investigated the murder of Tennessee Titans quarterback Steve McNair and is possibly friends with Steve McNair's grand jury foreman, retired MNPD Sergeant and Bomb Tech Expert Richard Hillenbrand, who also possibly worked for the*

*Nashville DA's Office*). TR Vol 1 – Pgs 57-60. Exhibit E. Appellate Brief – Pg 47. TR Vol 4 – 467.

On or about Oct 25, 2015, three years after Nashville Police were informed about John Perry's child sex abuse, and at least seven years and five months after Covenant Leadership knew about John Perry's child sex abuse, and about two years and eight months after Covenant Deacon Buddy Smith lied to Jill Starr that the Appellant's emails were bogus and false information and *"there is no cover-up for any of these allegations,"* Nashville Police received a phone call from **MEDIA** resulting in Nashville Police unlawfully removing the peaceful Appellant from a public Sunday church service in violation of the Tennessee Constitution, Article I, Section 3, and the Presbyterian Church in America Book of Church Order. As a result of the **MEDIA** phone call to police, a peaceful public Sunday church service was interrupted and disturbed by **MEDIA** and Nashville Police in violation of the Tennessee Constitution, Article I, Section 3, and the Presbyterian Church in America Book of Church Order. *(Note: It is still unknown if WSMV TV is the **MEDIA** organization that falsely reported the Appellant to the Nashville Police, or if it was another **MEDIA** organization in Nashville or beyond).* TR Vol 2 – Pg 200. TR Vol 2 Pg 221-225. Exhibit D

On or about Nov 14, 2015, about three weeks after a **MEDIA** organization falsely reported the Appellant to Nashville Police as a disturbance in church, Covenant Ruling Elder Jack Bailey accused Covenant Pastor Jim Bachmann of *"heinous"* sin. A similar charge was made against child-molester John Perry who was ultimately excommunicated for *"heinous"* sins against **redacted** on June 6, 2010. The Covenant internal document makes no mention of three John Perry child sex abuse cover-up lawsuits, or the false retaliation arrest of the peaceful Appellant to protect John Perry. However, it does give an inside perspective of Covenant Leadership's two-

year secret internal investigation conducted during the John Perry – Mann Act Federal crime cover-up, which include: 168 hours of internal interviews with 17 leaders and 1 member over a period of 13 days, with interviews most likely recorded. TR Vol 2 – Pg 262. TR Vol 2 – 245 – 264. 6 Exhibits – Jury Trial (9/11/17) – Exhibits 3, 4.

On or about Nov 15, 2015, three years and one month after Nashville Police were informed about John Perry’s child sex abuse, and at least seven years and six months after Covenant Leadership knew about John Perry’s child sex abuse, and about two years and nine months after Covenant Deacon Buddy Smith lied to Jill Starr that the Appellant’s emails were bogus and false information and *“there is no cover-up for any of these allegations,”* Nashville Police unlawfully arrested the law-abiding Appellant during a peaceful public Sunday church service in violation of the Tennessee Constitution, Article I, Section 3, and the Presbyterian Church in America Book of Church Order. TR Vol 2 - Pg 237. TR Vol 2 – Pg 221-225.

On or about April 20, 2016, three and a half years after Nashville Police were informed about John Perry’s child sex abuse across state lines, and at least eight years after Covenant Leadership knew about John Perry’s child sex abuse, and about three years and two months after Covenant Church employee Janice Kirkpatrick informed Jill Starr that the Appellant was a *“former disgruntled member”* suffering from a *“mental illness,”* ex-Judge Casey Moreland bound over the Appellant for two contaminated grand jury indictments which included secret grand juror, Harpeth Hall Alumnae Director Scottie Coombs, and secret grand juror, Covenant Security Guard and Davidson County Sheriff Sgt. Solomon Holley. *(Note: Ex-Judge Casey Moreland was represented by his long-time friend, Covenant Member and Attorney Worrick Robinson, and ex-Judge Casey Moreland is now serving time in Federal prison for obstruction*

of justice, witness tampering, and more.) TR Vol 3 – 349. TR Vol 4 – Pgs 429 – 432. TR Vol 4 – Pgs 407-435. <https://www.thesilentbell.org/>

On or about July 8, 2016, four years and nine months after Nashville Police were informed about John Perry’s child sex abuse across state lines, and at least eight years and three months after Covenant Leadership knew about John Perry’s child sex abuse, and about two years and five months after Covenant Deacon Buddy Smith lied to Jill Starr that the Appellant’s emails were bogus and false information and “*there is no cover-up for any of these allegations,*” Attorney Robb Harvey of Waller Law Firm sent the Appellant a threatening, untrue email obstructing justice on behalf of WSMV TV and Demetria Kalodimos: “Mr. Davis: I am counsel for WSMV and Demetria Kalodimos. Recently, you have been sending a number of emails to, and about Ms. Kalodimos and WSMV. My clients consider your communications both disturbing and threatening. This email is notice to you to immediately cease any further email or other communications with Ms. Kalodimos. Do not attempt to approach her in public, as you have done in the past. Any communication to Ms. Kalodimos must go through me. Thank you for your anticipated, and required, cooperation.” *(Note: WSMV TV threatened the Appellant’s First Amendment freedom in a different manner a month earlier, which might be disclosed if the Appellant takes legal action against the Meredith Corporation-WSMV TV in the future. Also, WSMV TV reported on the alleged suicide of Ensworth - Harpeth Hall Alumnae Leigh Terry and the FBI arrest of Ex-Judge Casey Moreland, but WSMV TV did not report on ex-Judge Casey Moreland binding the Appellant over for contaminated indictments two months earlier. WSMV TV still has not reported on two contaminated grand juries that wrongfully indicted the Appellant, or Steve McNair’s contaminated grand jury, or the “malicious prosecution” of the Appellant to protect child-molester John Perry and a Mann Act Federal crime cover-up.)* TR

Vol 1 – Pgs 33-35. TR Vol 3 – Pg 349. TR Vol 4 – Pgs 407-435. Exhibit D. Appellate Brief – Pg 32-33. TR Vol 3 – Pg 347. Exhibit F. <https://www.thesilentbell.org/>

On or about Sept 11, 2017, four years and eleven months after Nashville Police were informed about John Perry's child sex abuse across state lines, and at least nine years and five months after Covenant Leadership knew about John Perry's child sex abuse, and about four years and seven months after Covenant Deacon Buddy Smith lied to Jill Starr that the Appellant's emails were bogus and false information and "*there is no cover-up for any of these allegations,*" Nashville Police Officers James Smith and John Daugherty provided sworn trial testimony to wrongfully convict the Appellant while Asst. DA Chandler Harris boldly lied to a trusting trial jury that John Perry's child sex abuse crimes were "*myths, ideations and a red herring.*" Even though Nashville Police and the DA's Office knew John Perry's child sex abuse crimes were true and not "*myths, ideations and a red herring,*" the DA's Office vigorously pursued and obtained the "*wrongful conviction*" before Judge Steve Dozier who violated the Tennessee Constitution, Article VI, Section 11, and the Tennessee Code of Judicial Conduct – Rule 10. Appellant Brief – Pgs 40-41.

On or about Oct 23, 2017, five years after Nashville Police were informed about John Perry's child sex abuse across state lines, and at least nine years and six months after Covenant Leadership knew about John Perry's child sex abuse, and about four years and eight months after Covenant Deacon Buddy Smith lied to Jill Starr that the Appellant's emails were bogus and false information and "*there is no cover-up for any of these allegations,*" Judge Steve Dozier, a long-time friend of Covenant Member and Attorney Worrick Robinson, finally recused from the Appellant's case after the Appellant was wrongfully arrested and jailed for 18 days without an appearance before the Night Commissioner. Judge Steve Dozier's father, MNPD Major Tom

Dozier, was the longest serving police officer in the history of Nashville, and Judge Dozier's uncle is ex-police officer and Covenant Member Don Dozier. TR Vol 3 – Pgs 315-318. TR Vol 3 – 319-322. Vol 3 – Pg 349

On or about April 6, 2018, four years and six months after Nashville Police were informed about John Perry's child sex abuse across state lines, and ten years after Covenant Leadership knew about John Perry's child sex abuse, and about five years and two months after Covenant Deacon Buddy Smith lied to Jill Starr that the Appellant's emails were bogus and false information and "*there is no cover-up for any of these allegations,*" MBA Headmaster Brad Gioia provided damaging untrue sworn testimony against the Appellant further obstructing justice and further protecting three MBA faculty members and John Perry's child sex abuse across state lines. MBA Headmaster Brad Gioia did reckless destruction to the "*Gentleman-Scholar-Athlete-Honor Code*" school tradition during a \$100-million increased endowment - MBA campus construction effort when he falsely testified that the Appellant and his wife had sent veiled "*threats*" to him simply for requesting an apology to their children, including a banned, bullied and molested former Harpeth Hall student: Brad Gioia testified: "A. And the email was an expression of a number of his concerns, none of which seemed to be about our school. The problem was he scared a lot of people and indicated in the email that they should read this email before our homecoming game that evening. That also heightened the alarm of a number of individuals, to the point where I had at least twenty phone calls that same morning asking me if there would be police protection at the game because they were worried about individual welfare. Q. And you asked for additional protection as a result of that; is that correct, sir? A. I did call the district attorney and asked him what he would recommend... A. No. But I would like to add that there were concerns because his engagement with both the

Harpeth Hall community and Covenant Church was well known, and a number of people on campus expressed their concern about how they felt he had intruded on the lives of those campuses... A. I was hopeful that he would not involve MBA, because I knew firsthand from a number of discussions about the concerns and frustrations from those other communities... Q. Okay. All right. And so when you received the October email, the February 7 and February 9 emails, you considered them as threats, did you think there could be some imminent threat of harm or injury when you received those. A. Well, I certainly had that feeling directly from a number of phone calls I received..." TE Vol 13 – Pgs 5, 10-11. TR Vol 3 – 331, 332, 394-400.

On or about Sept 17, 2019, four years and eleven months after Nashville Police were informed about John Perry's child sex abuse across state lines, and at least nine years and seven months after Covenant Leadership knew about John Perry's child sex abuse, and about six years and seven months after Covenant Deacon Buddy Smith lied to Jill Starr that the Appellant's emails were bogus and false information and "*there is no cover-up for any of these allegations,*" the Nashville DA's Office and Judge Cheryl Blackburn vigorously defended the paid Covenant security guard and contaminated secret grand juror, Davidson County Sheriff Sgt. Solomon Holley, and the "*malicious prosecution*" of the innocent Appellant which further protected child-molester John Perry and a Mann Act Federal crime cover-up. TR Vol 4 – Pgs 437-456.

On or about Sept 4, 2020, Tennessee Attorney General Herbert Slatery and General David Findley filed their Appellee Reply to vigorously defend the "*malicious prosecution*" of the Nashville Police and the Nashville DA's Office against the innocent Appellant. Tennessee Attorney General Herbert Slatery spoke at Covenant Presbyterian Church on Feb 3, 2014, one year and four months after Nashville Police were informed about John Perry's child sex abuse across state lines, and at least five years and ten months after Covenant Leadership knew about

John Perry's child sex abuse, and one year after Covenant Deacon Buddy Smith lied to Jill Starr that the Appellant's emails were bogus and false information and *"there is no cover-up for any of these allegations,"* Tennessee Attorney General Herbert Slatery is a long-time friend of Covenant Pastor Billy Barnes and others at Covenant Presbyterian Church, Christ Presbyterian Church, and within the Presbyterian Church In America. On April 8, 2015, Appellant forwarded DA Investigator Norris Tarkington an email sent to Pastor Billy Barnes, long-time friend of Attorney General Herbert Slatery: *"Pastor Billy, my family produced over 50 audio tapes to Covenant Attorneys for discovery during the past few days, which does include a former Covenant member, a current inactive Covenant member, a current inactive Covenant church officer, and a former Covenant pastor who were very courageous to share details with me about a child-molestation cover-up which has now lasted almost 7 years... Lots of young girls and boys are watching, Billy. Kids are watching you, Davis, Roderick, Rob, Gary, Lee, David, Ken, and Ben, as you teach them your "Honor Code" example here in Nashville. You and the other men below should ask Federal Judge John Bryant, John Avery, Ron Kimery, and Herb Kneeland if you can listen to the tapes."* Appellant believes the powerful Tennessee Attorney General's Office has a glaring conflict of interest against the weaker Appellant, and Appellant prays the Attorney General will step back to carefully review all of the evidence to protect and affirm the integrity of the Tennessee Attorney General's Office, the Tennessee Judicial System, and the innocence of the Appellant. On January 13, 2021, Tennessee Attorney General Herbert Slatery condemned the Jan 6<sup>th</sup> assault on the U.S. Capitol, and Appellant continues to pray that Attorney General Herbert Slatery will condemn the 12-year assault on the Appellant and his family, which is still protecting child-molester John Perry and a Mann Act Federal crime cover-up now before

the Tennessee Court of Criminal Appeals. Appellant’s Brief – Pgs 8-9. TR Vol 1 – Pgs 58-59. Appellant’s Reply to the State.

Upon review of the new information and exculpatory evidence already within the Appellate record information, plus five post-judgment motions now filed with the Honorable Court, the existing record of information about Detective Robert Morris, Detective Chuck Fleming and the Nashville Police Department clearly reveal that the Nashville Police Department intentionally pursued a “*malicious prosecution*” and “*unlawful jailing*” of the Appellant, while Nashville Police gave a free pass to a protected child-molester John Perry, and the accused and deceased Christmas bomber, Anthony Quinn Warner. Appellant remains hopeful the Tennessee Attorney General and/or the Tennessee Court of Criminal Appeals will reverse the judgment to declare the Appellant to be innocent, and to protect and safeguard the public’s confidence in the integrity of the Tennessee Judicial System.

#### Standard

The Court of Criminal Appeals on its motion or on motion of a party may consider facts concerning the action that occurred after judgment. Tenn. Rule App. P. 14(a). “Consideration of such fact lies in the discretion of the Appellate Court.” *Id.* “While neither controlling nor fully measuring the court’s discretion, consideration generally will extend to those facts, capable of ready demonstration, affecting the positions of the parties or the subject matter of the action such as mootness, bankruptcy, divorce, death, or other judgments or proceedings, relief from the judgment requested or granted in the trial court, and other similar matters.” *Id.* “The appellate court may grant or deny the motion in whole or in part and subject to such conditions as it may deem proper.” Tenn. R. App. P. 14(b). “If a motion to consider post-judgment facts is granted

or the appellate court acts on its own motion, the court, by appropriate order, shall direct that the facts be presented in such a manner and pursuant to such reasonable notice and opportunity to be heard as it deems fair.” Tenn. R. App. P. 14(c)

**I. The Integrity and Transparency of Nashville Police Who Knew About John Perry’s Child Sex Abuse Across State Lines Merits Review For Substantial Justice**

Of matters that can properly be considered on a motion to consider post-judgment facts, the Tennessee Supreme Court has found, “[s]ometimes the court is in need of extraneous evidence representing some situation or fact to enable it to determine, not the propriety of the conduct... but the nature of the judgment to be directed..” Duncan vs. Duncan, 672 S.W.2d 765, 767-768 (1984) (citation omitted). “Sometimes a document, or public record, or other item of evidence like character, material to a proper determination of appeal and substantially uncontestable, is called for, or is examined if produced, and then is treated in the same way as an admission of the parties would be treated if found in the record.” *Id.* at 768 (1984) (citations omitted).

Appellant’s discovery of new information concerning the truthfulness and transparency of the Nashville Police Department, plus other exculpatory information already included in the Appellant record, clearly “*connect all the dots*” to reveal that the Nashville Police Department knew about John Perry’s child sex abuse across state lines eight years ago, prior to the Nashville Police Department and the Nashville DA’s Office “*wrongful arrest*” and “*malicious prosecution*” of the Appellant in retaliation for reporting a Belle Meade Boulevard child-molester to Nashville Police, while the known, protected child-molester, John Perry, and the

accused Christmas bomb maker, Anthony Quinn Warner, were given a free pass by the Nashville Metro Police Department.

### Conclusion

For the reasoning stated above, Appellant prayerfully petitions the Tennessee Court of Criminal Appeals to grant this motion to consider new exculpatory information pertaining to Detective Robert Morris, the Nashville Police Department, the Nashville DA's Office, ex-Judge Casey Moreland, WSMV TV, Covenant Presbyterian Church, Montgomery Bell Academy, The Harpeth Hall School, and other institutions and individuals. Appellant also prays the Honorable Court will take decisive action to establish a new culture of honesty and integrity for the Nashville Police Department and the Nashville DA's Office, who arrest, indict, prosecute, and jail ordinary American citizens on a daily basis.

The Preamble to the Tennessee Code of Judicial Conduct – Rule 10 states: “An independent, fair, and impartial judiciary is indispensable to our system of justice. The United States legal system is based upon the principle that an independent, impartial, and competent judiciary, composed of men and women of integrity, will interpret and apply the law that governs our society. Thus, the judiciary plays a central role in preserving the principles of justice and the rule of law. Inherent in all the Rules contained in this Code that judges, individually and collectively, must respect and honor the judicial office as a public trust and strive to maintain and enhance confidence in the legal system.”

Rule 2.15 A of the Tennessee Code of Judicial Conduct – Rule 10 states: “A judge having knowledge that another judge has committed a violation of this Code that raises a substantial question regarding the judge's honesty, trustworthiness, or fitness as a judge in other respects shall inform the appropriate authority.”

Rule 2.15 B of the Tennessee Code of Judicial Conduct – Rule 10 states: “A judge having knowledge that a lawyer has committed a violation of the Rules of Professional Conduct that raises a substantial question regarding the lawyer’s honesty, trustworthiness, or fitness as a lawyer in other respects shall inform the appropriate authority.”

Rule 2.15 C of the Tennessee Code of Judicial Conduct – Rule 10 states: “A judge who receives information indicating a substantial likelihood that another judge has committed a violation of this Code shall take appropriate action.”

Rule 2.15 D of the Tennessee Code of Judicial Conduct – Rule 10 states: “A judge who receives information indicating a substantial likelihood that another lawyer has committed a violation of the Rules of Professional Conduct shall take appropriate action.”

In closing, The Honorable Andy D. Bennett wrote the following minority opinion in a related John Perry child sex abuse cover-up lawsuit (Case # M2018-02001-COA-R3-CV) involving the Appellant on Sept 6, 2019: *“I believe Mr. Davis did not receive an impartial trial.”* Appellant prays the Tennessee Attorney General and the Tennessee Court of Criminal Appeals will also conclude that the Appellant did not receive an impartial trial in this related case, and more importantly, that the innocent Appellant was falsely arrested and wrongfully convicted.

May God bless the Honorable Court.

Respectfully Submitted,



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**IN THE CRIMINAL APPEALS COURT FOR THE STATE OF TENNESSEE  
MIDDLE DIVISION SECTION AT NASHVILLE**

**Willie Austin Davis**

Defendant/Appellant

vs.

**Case No.** M2019-01852-CCA-R3-CD  
**Trial No.** 2017-A-62

**State of Tennessee**

Plaintiff/Appellee

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**DECLARATION OF APPELLANT WILLIE AUSTIN DAVIS**

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1. I, Willie Austin Davis, am an adult citizen, and resident of Nashville, Tennessee and do make this declaration based on my own personal knowledge.
2. I am presently 65 years of age.
3. I personally discovered MPD Incident Number 2019-0624273 via NewsChannel5, on or about, Dec 29, 2020 and it is attached as Exhibit A.
4. I personally prepared the 108-page complaint document for MNPD Special Investigations Detective Robert Morris for a meeting planned for Dec 10, 2012. I waited approximately 5 hours for Detective Robert Morris who did not show up for the meeting. I then added a cover-page and an additional page to the 108-page packet and hand-delivered the document to the offices of Commander Marlene Pardue, Mayor Karl Dean, and DA Torry Johnson on Dec. 17, 2012. In April 2015, when I returned to follow-up with the DA's Office, there was no record of the 108-page complaint document or a DA case number in the DA computer system. The packet is attached as Exhibit B.
5. I personally exchanged emails with MNPD Special Investigations Detective Robert Morris, Commander Marlene Pardue, Police Chief John Drake, and other Nashville Police Officers, which are included in Exhibit C.

6. I personally exchanged emails with terminated WSMV TV Anchor Woman Demetria Kalodimos which are included in Exhibit D. My daughter, Daisy Davis, provided me with email exchanges with Demetria Kalodimos, with one of those emails included in Exhibit D.
7. Waller Attorney Robb Harvey sent me a threatening message by email on behalf of WSMV TV and Demetria Kalodimos on July 8, 2016. I trusted the false advertising of the Meredith Corporation and WSMV TV to believe their slogan "Working 4 You." I also trusted their false public advertising which led me to believe that WSMV TV was trustworthy in news reporting and journalistic investigations via the WSMV News 4 I-team. For the public record, I have never threatened or stalked Demetria Kalodimos, or anyone at WSMV TV. Mr. Harvey's email to me is included in Exhibit D.
8. I personally recorded the audio recording of my conversation with DA Investigator Norris Tarkington on April 2, 2015. The audio recording is attached as Exhibit E.
9. I personally recorded the audio recording of my interview with OPA Investigator Sgt. Jerry Hertenstein and OPA Investigator Corey Sanderson on Nov 12, 2013. The audio recording is attached as Exhibit F.
10. My former attorney Duncan Cave recorded his conversation with Mrs. Lee Parks on or about June 16, 2013, and he provided me a copy of the conversation recorded at Covenant Presbyterian Church. Duncan Cave withdrew as my family's legal counsel, and reportedly left his home state of Tennessee. The audio recording is attached as Exhibit G.
11. A friend provided me a recording of Gov. Bill Haslam's legal counsel, Mr. Herbert Slatery, speaking at Covenant Presbyterian Church during the John Perry – Mann Act Federal crime cover-up on Feb 3, 2014. Mr. Slatery's speaking event took place at least 5 years and ten months after Covenant Pastor Larry Ferris informed child sex abuse therapist Caroline Cone about John Perry's child sex abuse victim, and 1 year after Covenant Deacon Buddy Smith told Jill Starr that the Appellant's emails were bogus and false information and "*there is no cover-up for any of these allegations,*" and 1 year after Covenant Employee Janice Kirkpatrick informed Jill Starr that the Appellant was a "*former disgruntled member*" suffering from a "*mental illness.*" The audio recording is attached as Exhibit H.
12. I personally obtained the March 14, 2016, partial court transcript and the Sept 11, 2018 deposition of the sworn testimony of child sex abuse therapist, Caroline Cone. The attached Caroline Cone court and deposition sworn testimony is attached as Exhibit I.
13. I personally obtained the Silent No More – MNPD Sexual Assault Document from the internet after a face-to-face meeting with former Metro Detective Greta McClain. The Silent No More document is attached as Exhibit J.
14. Former Covenant Member Ron Pitkin provided me his email communications with Covenant Member Larry Stone because Ron was alarmed about a possible church cover-up to protect child-molester John Perry, and Ron is a genuine loving person who cares about the

protection of young children from child sex predators. The emails of Ron Pitkin and Larry Stone are attached as Exhibit K.

15. Former Covenant Member Jill Starr provided me her email communications with Covenant Deacon Buddy Smith and Covenant Church employee Janice Kirkpatrick because Jill was alarmed about a possible church cover-up to protect child-molester John Perry, and Jill is a genuine loving person who cares about the protection of young children from child sex predators. The emails of Jill Starr, Buddy Smith, and Janice Kirkpatrick are attached as Exhibit K.

16. I personally went to the Nashville Metro Courthouse to obtain John Perry – Susan Ann Perry public divorce records which reveal that Judge Carol Soloman had an extensive knowledge of John Perry's child sex abuse history prior to demolishing three of the Davis Family child sex abuse cover-up lawsuits in violation of Article VI Section 11 of the Tennessee Constitution. The divorce records are attached as Exhibit L.

17. I personally sent U. S. Attorney Jerry Martin an email on July 9, 2012, and I personally went to the Nashville Federal Courthouse and met with Duty Attorney Lee Deneke to inform the U. S. Attorney's office about John Perry's child sex abuse. Mr. Deneke advised me to make a report to the Nashville FBI Office. I personally went to the Nashville FBI office and waited in my car on the hot summer day for about 30 minutes – 1 hour until Agent Cameron \_\_\_\_\_ allowed me into the building. In 2009, FBI Agent John Medeiros interviewed me in a private room but this short interview was done in the open waiting area upstairs and did not last more than a few minutes. Agent Cameron\_\_\_\_\_ did a check on John Perry and told me the FBI did not have jurisdiction over the child sex abuse case. Agent Cameron\_\_\_\_\_ also told me FBI agents were no longer able to give their last names to citizens, but he did provide me a copy of the FBI report I completed. My email to U.S. Attorney Jerry Martin and the FBI document are attached as Exhibit M.

I declare under penalty of perjury that the foregoing is true and correct. Executed by me this 15<sup>th</sup> day of January, 2021.

  
Willie Austin Davis – Citizen Appellant

STATE OF TENNESSEE )  
COUNTY OF DAVIDSON )

Personally appeared before me, Marquette A. Flournoy a notary public in and for said County and State, the above-signed, Willie Austin Davis, Jr., and did make oath that the information contained in the foregoing document was true and correct to the best of his information, knowledge, and belief.

Sworn to and subscribed before me this 15 day of January 2021.

Marquette A. Flournoy  
Notary Public

My commission expires: September 25, 2021





TN Court of Criminal Appeals  
Exhibits A-M

## Digital Files Enclosed

Company Name: CASE # M2019-01852-CCA-R3-CJ  
Contact Person: Willie Austin Davis vs. State of TN  
Phone: \_\_\_\_\_ Date: JAN 15, 2021  
File Name: \_\_\_\_\_ Date Created: \_\_\_\_\_

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