

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

MOTION FOR COURT REVIEW OF DENIED RECUSAL MOTION

Per Tennessee Supreme Court Rule 10 B 3.02 (a), the movant within twenty-one days of entry of the order, may file a motion for court review to be determined promptly by three other judges of the intermediate court upon a de novo standard of review.

Appellant makes a motion for court review of the denied recusal motion of Feb 24, 2021, to obtain a fair, impartial, open and transparent judiciary as promised by the Tennessee Constitution, Article VI, Section 11, and Article I, Section 17. Exhibit 1

Appellant's motion is not being presented for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation.

Appellant's motion is filed to seek fairness and impartiality after Appellant's three requests for "*oral arguments*" were denied; Appellant's 1st recusal request was denied; and Appellant's 2nd recusal request submitted to a three-man unnamed secret appellate panel was denied on Feb. 24, 2021. Exhibit 1

Appellant has repeatedly informed Tennessee Attorney General Herbert Slatery's Office about the Covenant Presbyterian Church – Worrick Robinson child sex abuse cover-up, just as

Appellant informed the Tennessee Supreme Court on Sept 8, 2014, with Attorney General Candidate Herbert Slatery sitting behind the Appellant during the first public hearing to select the Tennessee Attorney General. Tennessee Attorney General Herbert Slatery continues to defend DA Glenn Funk's "*malicious prosecution*" of the Appellant, but Tennessee Attorney General Herbert Slatery protected DA Glenn Funk from prosecution on or about, Dec 1, 2015. Exhibit 2 - Exhibit 3 – Exhibit 17 (Catherine Davis Declaration) – Exhibit 18 (Appellant Declaration).

Appellant humbly petitions the Honorable Court to exercise "*nostra sponte*" authority via the expansive collective legal knowledge of the Honorable Court, to administer substantial justice to protect the Appellant's legal right to a fair, impartial, open and transparent judiciary, and to protect the public's confidence in the integrity of the Tennessee Judicial System.

This is of paramount importance since Tennessee Attorney General Herbert Slatery and his career professional legal team continue to support a "*real time*" Mann Act Federal crime cover-up, which involves child-molester John Perry, Christ Presbyterian Church, Christ Presbyterian Academy, Covenant Presbyterian Church, The Covenant School, Stephens Valley Church, the Nashville Presbytery, the Presbyterian Church in America, Montgomery Bell Academy, The Harpeth Hall School, Brentwood Academy, and many others. Exhibit 4 – Pgs 24-25, Pg 30. Exhibit 5 - Pgs 13-25.

Tennessee Attorney General Herbert Slatery's Office is also unresponsive to serious and fact-based allegations about at least three contaminated grand juries in Davidson County, which include the contaminated secret grand jury of former Tennessee Titans quarterback and Brentwood Academy father, Steve McNair. Exhibit 14 – Exhibit 15 – Exhibit 18 (Appellant Declaration).

Standard of Review

Appellant is inadequate as a "*pro se*" to cite previous cases involving an Appellate Court recusal, but Appellant does know that Tennessee Supreme Court Justice Cornelia Clark recused from a decision in a connected Brentwood Academy alleged gang rape case, and Judge Ellen Hobbs Lyle just recused from a Tennessee Education Lawsuit in recent days, which demonstrates that Justice Cornelia Clark, Judge Ellen Hobbs Lyle, and other Tennessee Judges do possess the judicial integrity to recuse from certain cases to avoid any appearance of bias, prejudice or favoritism toward one party over another, in submission to the authority of the Tennessee Constitution and the Tennessee Supreme Court - Rule 10 - Code of Judicial Conduct, and Rule 10B – Disqualification and Recusal of a Judge. Exhibit 6.

Justice Cornelia Clark's recusal is very important because it communicates to average lowly Tennessee citizens that an elected Tennessee Supreme Court Justice does care about the appearance of impropriety, especially during a divisive time in American history when approximately 40% of the national voting public has lost significant confidence in the American voting process and judicial system.

Despite Appellant's own disappointing personal experience in the Tennessee Judicial System since Appellant's initial experience with ex-Judge Carol Soloman in 2013, Appellant still believes that a majority of Tennessee courts, juries and grand juries are most likely free from bias, prejudice or favoritism towards either party involved in a dispute, and that a majority of Tennessee Courts are still governed by Article I, Section 17, and Article VI, Section 11 of the Tennessee Constitution, and Tennessee Supreme Court Rule 10 and 10:B, with the exception of several Davidson County courts, juries and grand juries involved in the Appellant's criminal

case, which included ex-Judge Casey Moreland (now in Federal Prison for public corruption), Judge Steve Dozier, and Judge Cheryl Blackburn. Exhibit 7.

Article I, Section 17 states: “That all courts shall be open; and every man, for an injury done to him in his lands, goods, person, or reputation, shall have remedy by due course of law, and right and justice administered without sale, denial, or delay. Suits may be brought in such manner and in such courts as the Legislature may by law direct.”

Article VI, Section 11 states: “No Judge of the Supreme or Inferior Courts shall preside on the trial of any cause in the event of which he may be interested, or where other parties shall be connected with him by affinity of consanguinity, within such degrees as may be prescribed by law, or in which he may have been counsel, or in which he may have presided in any inferior Court, except by the consent of all the parties. In case all or any of the judges of the Supreme Court shall thus be disqualified from presiding on the trial of any cause or causes, the court or the judges thereof, shall certify the same to the governor of the State, and he shall forthwith specially commission the requisite number of men, of law knowledge, for the trial and the determination thereof. The Legislature may by general laws make provision that special judges may be appointed, to hold any courts the judge of which shall be unable or fail to attend or sit; or to hear any case in which the judge may be incompetent.”

Tennessee Supreme Court Rule 10 preamble 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 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 are the precepts 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.”

With regard to the recusal issue, the Appellant is able to cite a lower court case which may have similar application to helping maintain the integrity and public confidence in the higher courts also. In *Davis vs. Liberty*, as it pertains to the recusal issue, the court’s decision must be affirmed unless the court abused its discretion. See *Davis vs. Liberty Mutual Ins. Co.*, 38 S.W.3d 560,564 (Tenn. 2001). A finding of an abuse of discretion is appropriate “only when the court that made the decision applied incorrect legal standards, reached an illogical conclusion, based its decision on a clearly erroneous assessment of the evidence, or employ[ed] reasoning that cause[d] an injustice to the complaining party. See *Konvalinka vs. Chattanooga-Hamilton Cnty Hosp. Auth.*, 249 S.W.3d 346, 358 (Tenn. 2008).

Law and Argument

Appellant simply believes the Honorable Court abused its judicial discretion resulting in more “*injustice*” by denying the Appellant’s requests for “*oral arguments*” three times, and by denying the Appellant’s recusal requests two times, which prohibit the Appellant from receiving a fair, impartial “*due process*” as guaranteed by the 5th Amendment of the U.S. Constitution, and the Tennessee Constitution, Article I, Section 17, and Article VI, Section 11.

Appellant simply believes the Honorable Court should preside equally and fairly over all citizen cases in an open, transparent public hearing available to all who wish to attend, to avoid any appearance of impropriety, prejudice, bias, and that it is unfair and problematic for a secret three-man judicial panel to meet in private without an Appellant knowing who was considering and deliberating over an important decision in the Appellant’s case.

For clarity, Appellant did not receive a copy of the Tennessee Court of Criminal Appeals Docket as he did in other civil appeal cases, and Appellant did not know who was serving on his secret panel when he wrote his 2nd recusal request and filed it with the Clerk's Office on the morning of Feb 10, 2021. Exhibit 8.

Appellant simply wishes to have a fair, impartial judicial hearing in the State of Tennessee, as promised to the citizens of Tennessee, even though the Appellant is not certain such a fair, impartial judicial hearing is remotely possible since the Appellant's case involves current or former Covenant Presbyterian Church Member, Attorney Worrick Robinson, who is a member of the powerful Robinson family that is firmly established as a law enforcement, political and judicial dynasty in the State of Tennessee for approximately 80 years, via information easily available in a book written by former editor of the Chicago Tribune, James D. Squires: The Secrets of the Hopewell Box: Stolen Elections, Southern Politics, and a City's Coming of Age. Exhibit 9.

To assist and protect Tennessee Judges and Justices from becoming active participants in a "real-time" child sex abuse Mann Act Federal crime cover-up case, and to avoid any conflict of interest with the powerful Robinson Family Dynasty and Attorney Worrick Robinson, Appellant did make a first recusal request for all Tennessee Criminal Appellate Court Judges and the Tennessee Supreme Court to recuse from the Appellant's case, because the Robinson Family Dynasty has a long historical, powerful influence across the State of Tennessee, which places the inferior and lowly Appellant at a overwhelming "David vs. Goliath" courtroom disadvantage. Exhibit 9.

Appellant believes that the Robinson Family Dynasty is so powerful across the State of Tennessee for almost 80 years, or a time period equal to twenty Presidential "four-year" terms

going back to the era of President Franklin D. Roosevelt and Boss Crump in Memphis, that it is most certain that any single Judge and Justice in the State of Tennessee would have to be an isolated alien from Mars to escape the subtle, and not so subtle influence of the Robinson Family Dynasty, and to be free from a state of mental prejudice and bias against the inferior Appellant, simply when the powerful name of former University of Tennessee Board Alumni President, Worrick Robinson, is mentioned as being connected to the Appellant's appeal before the Tennessee Court of Criminal Appeals. Exhibit 10.

Former Davidson County Judge Carol Soloman provided the Appellant a "*good ole boy*" Tennessee "*no recusal*" lesson when Judge Soloman presided over three John Perry related child sex abuse cover-up cases beginning in June 2013, even though Judge Soloman also presided over the John Perry divorce case with Judge Soloman possessing an extensive knowledge of John Perry's child sex abuse history, and even though Attorney Worrick Robinson represented Mrs. John Perry before Judge Carol Soloman from 2009-2012. Exhibit 7.

Former Davidson County Judge Carol Soloman presided over Appellant's child sex abuse cover-up lawsuit with Attorney Worrick Robinson named as a Defendant in the case, but Judge Carol Soloman did not recuse from the Appellant's lawsuit, and Judge Soloman refused to recuse from two subsequent John Perry child sex abuse cover-up lawsuits which were also assigned to Judge Soloman at the Davidson County Courthouse. Exhibit 7.

Appellant does not know if Judge John Everett Williams is conducting his handling of the Appellant's case in similar fashion to ex-Judge Carol Soloman, and Appellant does not know if Judge John Everett Williams and Attorney Worrick Robinson know each other via Samford University's Cumberland School of Law where both graduated, but Appellant is certain that Judge John Everett Williams is an astute and knowledgeable judge and very familiar with the

awesome power of the Robinson Family Dynasty in Tennessee, and that Judge John Everett Williams' knowledge of the Robinson Family Dynasty, consciously or subconsciously, has influenced Judge Williams to take a legal position that denied the Appellant's three requested "oral arguments" prior to the case being considered by a secret three man judicial panel on Feb 10, 2021.

Appellant believes the Feb 22nd denied recusal order demonstrates a biased position in favor of Attorney Worrick Robinson and an on-going Mann Act Federal crime cover-up taking place "real-time" before the Tennessee Court of Criminal Appeals. This biased position is evidenced by the Feb 22nd denied order which minimizes the importance of an "oral argument" in an open, public courtroom, and subtly suggests that the Appellant "contends" he did not know the names of the secret panel members assigned to his case, rather than accepting as "fact" that the Appellant truly did not know the names of the secret three man panel. Exhibit 1 - Exhibit 4 - Exhibit 5.

For the public record, Appellant does believe that being deprived of "oral arguments" in an open, public, transparent court hearing with citizen witnesses present, is a discriminatory action and a violation of 5th Amendment "due process," especially since other Appellants were being provided an opportunity to present "oral arguments" in a public hearing before citizen witnesses, while the Appellant was denied a similar and equal opportunity. Exhibit 8 – Exhibit 18 (Appellant Declaration).

For the public record, Appellant did not know the names of the three-man panel prior to writing the recusal request which was filed on Feb 10, 2021, and Appellant does continue to believe that a criminal defendant does have a right to know the identity of any three-man

Appellant panel prior to the secret panel meeting in private to consider any Appellant's appeal. Exhibit 8. Exhibit 18 (Appellant Declaration).

Appellant believes that secret panels and non-public hearings without the presence of a criminal defendant in a public courtroom communicate a star chamber "*appearance of prejudice and bias*" to the average, ordinary citizen, and are injurious to the trustworthiness and integrity of the Tennessee Judicial System.

Appellant believes the issue of a judge's "*impartiality*" is critical and fundamental to a establishing a fair, unbiased judiciary proceeding which can be trusted by the voting citizens and taxpayers of Tennessee.

Under Supreme Court Rule 10, "[a] judge shall disqualify himself or herself in any proceeding in which the judge's impartiality might reasonably be questioned." Tenn. Sup Ct. R. 10. Canon 2.11 (A). A trial court should grant a recusal motion when "the judge has any doubt as to his or her ability to preside impartially in the case" or "when a person of ordinary prudence in the judge's position, knowing all the facts known to the judge, would find a reasonable basis for questioning the judge's impartiality." *Davis vs. Liberty Mut. Ins. Co.*, 38, S.W.3d 560, 564-565 (Tenn 2001) (quoting *Alley v. State*, 882, S.W.2d 810, 820 (Tenn. Crim. App. 1994)). Therefore, even if a judge believes that he or she can be fair and impartial, the court should grant the motion for recusal when "the judges impartiality might be reasonably questioned" because "the appearance of bias is as injurious to the integrity of the judicial system as actual bias." *Id.* (internal quotation omitted); see also *Bean vs. Bailey*, 280, S.W.3d 798, 805 (Tenn. 2009). A litigant has a fundamental right to have a case heard by fair and impartial judges. *Bean vs. Bailey*, 280, S.W.3d 798, 803, (Tenn. 2009).

I. The Secret Judicial Panel's Ability To Preside Over This Appeal With Impartiality Is Now Questionable and Doubtful

Appellant is very concerned that the Tennessee Court of Criminal Appeals has been informed about the John Perry – Mann Act Federal crime cover-up since Feb 24, 2020, but any subsequent rulings and orders from the Honorable Court do not demonstrate or express any concern or take any action about a Mann Act Federal crime cover-up taking place “*real-time*” before the Courts of Tennessee. Exhibit 4 – Pgs 24-25, Pg 30. Exhibit 5 - Pgs 13-25. Exhibit 11.

Appellant is very concerned that he will never be able to find a fair, impartial judiciary in the State of Tennessee after his previous judicial experiences with ex-Judge Carol Soloman, ex-Judge Casey Moreland (now in Federal prison for public corruption), Judge Steve Dozier, and Judge Cheryl Blackburn, as a Mann Act Federal crime cover-up continues “*real-time*” before the Tennessee Court of Criminal Appeals. Exhibit 4 – Pgs 24-25, Pg 30. Exhibit 5 - Pgs 13-25. Exhibit 7.

Appellant is very concerned that the disputed voir dire and trial transcripts which were recorded and transcribed by an “*unknown person*” were unsigned by court reporter Shana Crawford, Judge Steve Dozier, Asst. DA Chandler Harris (now fled to the state of Pennsylvania to work for Mullen Coughlin Law Firm), or the pro se Appellant, during a Mann Act Federal crime cover-up which took place in Judge Steve Dozier's courtroom. Exhibit 12 or Appellate Record Exhibit 5 – Motion For New Trial Hearing – 1, 2, 3, 4 of 4 – Jury Trial and Trial Transcripts. <https://www.mullen.law/people/s-chandler-harris/>

Appellant is very concerned that Appellant has been forced by the Court against his will and consent to rely on disputed voir dire and trial transcripts that were unsigned by court reporter

Shana Crawford and do not certify the transcripts as being "*true accurate and complete*," and yet these disputed and uncertified, unsigned transcripts are relied upon by the Court as the Appellant's appeal is reviewed and considered. Appellant doesn't know for certain who actually transcribed the voir dire and trial transcripts since the court reporter did not sign and certify the transcripts as required by the Tennessee Official Court Reporter Manual, and two of Appellant requests to review the video-audio records of the Appellant's trial were denied by Judge Robert Wedemyer, a member of the three man secret panel which accepted the written submission without oral argument on Feb 10, 2021. Exhibit 12 - Exhibit 13.

Appellant is very concerned that both of Appellant grand juries were contaminated with prejudice and ill will against the Appellant via the presence of secret grand juror Harpeth Hall Alumnae Relations Director Scottie Coombs (1st Grand Jury), and via the presence of Covenant security guard and Davidson County Sheriff Sgt. Solomon Holley (2nd Grand Jury), who was paid by Covenant Presbyterian Church to participate in the false arrest of the Appellant to protect child-molester John Perry and a Mann Act Federal crime cover-up. Exhibit 14 – Appellate Record Exhibit 5 – Motion For New Trial Hearing – 1 of 4 – Exhibit 4 – DVD Video of Sgt. Holley's Retaliation Arrest of Appellant To Protect A Mann Act Federal Crime Cover-Up.

Appellant is very concerned that other Davidson County grand juries are contaminated, including former Tennessee Titans quarterback Steve McNair's grand jury which was contaminated with a former Nashville Metro Police Sgt. Richard Hillenbrand serving as the grand jury foreman on an unidentified three-person secret grand jury panel that denied re-opening the Steve McNair murder case in Nashville. Sgt. Richard Hillenbrand was involved in a major cocaine-sex scandal that rocked the Nashville Police Department in 1988, and yet Sgt. Hillenbrand was chosen and entrusted to serve as a secret grand jury foreman on one of the

biggest Tennessee murder cases since the assassination of Dr. Martin Luther King, Jr., in Memphis. Appellant is very concerned that all the other grand jury reports going back to 1993 have been signed by the secret grand jurors, with possibly the exception of one, and yet no one on the Steve McNair secret grand jury signed the final grand jury report. Exhibit 15

Steve McNair is the also the father of Trent McNair who currently attends Brentwood Academy where 900 alumni have recently signed a petition expressing a vote of “*no confidence*” in the leadership of Brentwood Academy Headmaster Curt Masters. Exhibit 15.

Covenant Attorney Worrick Robinson also attended and graduated from Brentwood Academy. Exhibit 15

Appellant is also very concerned that he has filed an appellate brief and provided numerous documents to the Clerk of Appeals Office regarding the Appellant’s two contaminated grand juries, along with Steve McNair’s contaminated grand jury, and these filings have also been provided to General Ben Ball and General David Findley in the Office of the Tennessee Attorney General, along with information about a “*real-time*” Mann Act Federal crime taking place before Tennessee Courts, and yet no one seems to have any concern about possible criminal activity which is very alarming to individual citizens who are disturbed and closely following the progression of the Appellant’s case via The Silent Bell web site: <https://www.thesilentbell.org/>

Appellant is also very concerned that Appellant’s three requests for “*oral arguments*” in an open, public Tennessee courtroom before other citizen witnesses, was denied by Judge John Everett Williams. These denied requests for “*oral arguments*” have given birth to new concerns from parents and others who continue to worry about a growing effort in American society to

normalize the acceptance of pedophilia in elementary schools, high schools, colleges and universities, public courtrooms, and Christian churches all across the United States. Exhibit 15

A number of these concerned citizens from within Tennessee, and outside of Tennessee, expressed their desire and commitment to attend the Appellant's oral argument and they were eager to visit the Tennessee Supreme Court building located across the street from the Tennessee State Capitol. These concerned grand-parents, parents, friends, ex-players and teammates, fellow youth coaches, and former business colleagues, all care about protecting little children, and all wanted to see with their own eyes if the Tennessee Court of Criminal Appeals would protect the John Perry – Mann Act Federal crime cover-up, along with the serious grand jury issues identified by the Appellant, including the secret grand jury of former Tennessee Titans quarterback Steve McNair.

As anticipated, in a Tennessee Law Enforcement and Judicial System long under the influence of the 80-year Robinson Family Dynasty, Appellant's oral argument and recusal requests were repeatedly denied, and Appellant's case was submitted to an unidentified three-man secret "*star chamber*" proceeding on Feb 10, 2021.

The Declaration of Catherine Fleming Davis is incorporated by reference as if the same were set forth herein verbatim. Exhibit 17

The Declaration of Willie Austin Davis is incorporated by reference as if the same were set forth herein verbatim. Exhibit 18

In an abundance of caution, the identity of John Perry's child sex abuse victim #1 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. REDACTED = [REDACTED]

Conclusion

Therefore, for the reasons stated above, the secret panel of judges should recuse. Appellant prays a new independent, fair and impartial appellate panel will review the facts of this case to hopefully determine the same fair and just conclusion as reached by the Honorable Andy D. Bennett in a related John Perry - child sex abuse cover-up case (Case # M2018- [REDACTED] - R3-CV). Judge Bennett was righteous and honest to write: "I believe Mr. Davis did not receive an impartial trial... I firmly believe that tainted orders by the undeniable violation of Rule 10B injure the judicial process if left uncorrected." May God bless Judge Andy D. Bennett, and may God bless the Tennessee Court of Criminal Appeals with the humility and courage to do the right thing.

Respectfully Submitted,



Willie Austin Davis - Citizen
221 31st Ave. North Apt# 135
Nashville, TN 37203
615-999-8190 fmdshiloh@aol.com

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 March 3, 2021, to the following parties:

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



Willie Austin Davis, Citizen
221 31st Ave. North Apt# 135
Nashville, TN 37203
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MIDDLE DIVISION SECTION AT NASHVILLE**

Willie Austin Davis

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vs.

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

State of Tennessee

Plaintiff/Appellee

DECLARATION OF APPELLANT WILLIE AUSTIN DAVIS

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 am filing a review of court motion to seek fairness and help from anyone in the Tennessee Judiciary or at the Tennessee Attorney General's Office, as a result of a child sex abuse Mann Act Federal crime cover-up which has really hurt and damaged my family.
4. I am not filing the review of court motion for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation.
5. On Feb 24, 2021, Presiding Judge John Everett Williams denied my 2nd recusal request. I personally printed the denied order from my appellate court record and the printed order is included with the court of review motion as Exhibit 1.
6. On Sept 9, 2014, I wrote and sent an email to Tennessee Gov. Bill Haslam to follow up with him about a child sex abuse cover-up case I informed him about, on or about, Aug 22, 2012. In the Sept 9th email, and an attached email from Sept 6, 2014, I informed Gov. Haslam that I provided the Tennessee Supreme Court a 3-minute public statement. The video link I provided Gov. Haslam and the Sept 6th and Sept 9th emails provided him information about a child sex abuse cover-up which involved the Nashville Police Department and Attorney Worrick Robinson. On or about, Dec 1, 2015, Tennessee Attorney General Herbert Slatery protected Nashville DA Glenn Funk from prosecution, but Tennessee Attorney General Herbert Slatery

In an abundance of caution, the identity of John Perry's child sex abuse victim #1 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. REDACTED = [REDACTED]

still defends the "*malicious prosecution*" of the innocent Appellant who followed the law to report child-molester John Perry to Nashville Police to protect other children from being sexually molested. The two emails and an Aug 22, 2012 letter sent from Gov. Bill Haslam to me, and the Tennessean article about Tennessee Attorney General Herbert Slatery's decision not to prosecute Nashville DA Glenn Funk are included with the court of review motion as Exhibit 2.

7. I personally printed the Catherine Davis – Herbert Slatery – Gov. Bill Haslam information provided with this court of review motion as Exhibit 3. My wife has provided a sworn declaration about this information being hand-delivered to Gov. Bill Haslam's office which is included as Exhibit 17.

8. On Sept 11, 2018, I personally deposed child sex abuse therapist, Caroline Cone, under sworn oath during a deposition taken at the office of Attorney Larry Crain. Attorney Larry Crain represented protected child-molester John Perry, and John Perry's child sex abuse Victim 1, [REDACTED], aka, [REDACTED], at the same time during an on-going Mann Act Federal crime cover-up. Attorney Larry Crain declined to represent Austin, Catherine and Daisy Davis in 2009, but from 2016 until the present, Attorney Larry Crain is still protecting a Mann Act Federal crime cover-up. The Caroline Cone deposition is included with the court of review motion as Exhibit 4. A June 2, 2009, letter from Attorney Larry Crain mailed to Austin and Catherine Davis is also included with the court of review motion as Exhibit 4.

9. On March 14, 2016, I personally cross-examined child sex abuse therapist, Caroline Cone, under sworn testimony before Judge Kelvin Jones in the Davidson County Eighth Circuit courtroom where the John and Susan Ann Perry divorce-alimony case took place from 2009-2012 which included Attorney Worrick Robinson. I finally obtained a partial transcript of the sworn testimony of Caroline Cone on or about Nov 18, 2018, over a year after my criminal trial took place in Judge Steve Dozier's courtroom on Sept 11-12, 2017. The partial transcript of Caroline Cone's sworn testimony is included with the court of review motion as Exhibit 5.

10. On March 14, 2016, The Honorable Kelvin Jones personally heard the sworn testimony of John Perry's child sex abuse Victim 1, [REDACTED], aka, [REDACTED]. Judge Jones wrote a 5-page order denying the requested injunction to silence me from exposing unrepentant child-molester John Perry. On page 2 of the Judge Jones order, Judge Jones wrote: "The Plaintiff testified that [REDACTED] was a victim of child molestation perpetrated by John Perry." The 5-page order written by Judge Jones is included with the court of review motion as Exhibit 5.

11. On Sept 27, 2018, The Honorable Thomas Brothers wrote a letter to DA Glenn Funk informing DA Glenn Funk that he had personally heard the sworn testimony of John Perry's child sex abuse Victim 1, [REDACTED], aka [REDACTED]. Judge Brothers wrote: "The plaintiff testified under oath that [REDACTED] had been molested as a child by [REDACTED]." DA Glenn Funk's prosecution team called John Perry's child sex abuse crimes "*myths, a red herring, and ideations,*" even though John Perry's child sex abuse is a rock-solid fact backed up by sworn testimony from Victim 1, Ms. Caroline Cone, Mrs. John Perry, Covenant Clerk of Session Scott Troxel, The Honorable Kelvin Jones, and The Honorable Thomas Brothers. However, Tennessee Attorney General Herbert Slatery and DA Glenn Funk still stand firm and united in support of the "*malicious prosecution*" of me to protect child-molester John Perry and a Mann

Act Federal crime cover-up. The letter of The Honorable Thomas Brothers to DA Glenn Funk is included with the court of review motion as Exhibit 5.

12. I personally discovered and printed a Tennessean article which included information about the alleged Brentwood Academy sexual assault case, and information that Judge Cornelia Clark recused from a decision in the Brentwood Academy case. The Tennessean article is included with the court of review motion as Exhibit 6.

13. I personally obtained and/or printed the following John Perry divorce court documents which involved Attorney Worrick Robinson and Judge Carol Soloman: 1) March 13, 2009 – John Perry – Susan Ann Perry Complaint for Divorce. Mrs. Susan Ann Perry's sworn divorce complaint states: "Wife fears for her safety and the safety of [REDACTED] unless Husband is restrained from molesting, harassing, assaulting, threatening, or harming [REDACTED] and/or [REDACTED] due to Husband's past acts of abuse and molestation of [REDACTED].." 2) July 31, 2012 – Motion To Transfer to Eighth Circuit. Attorney Worrick Robinson wrote in the Motion To Transfer To The Eighth Circuit: "The case has a lot of history that deals especially with the Petitioner's admitted sexual abuse of [REDACTED], which has manifested into a lifelong requirement for [REDACTED] and [REDACTED] to have and maintain therapy and counseling. That because of the extended history of the extended history and because of the Eighth Circuit Courts in-depth interaction in the settlement terms of the case, this matter should be transferred back to the Eighth Circuit Court." These John Perry divorce documents are included in the court of review motion as Exhibit 7.

14. I personally obtained and/or printed the following Davis Family lawsuit documents which involved Attorney Worrick Robinson, Judge Carol Soloman, new Federal Judge William "Chip" Campbell, Jr. The John Perry child sex abuse cover-up lawsuit was case #: 13C2510. 1) June 19, 2013 – 1st Page of Davis Family Lawsuit vs. Worrick Robinson and others; 2) Aug 7, 2013 – 1st Page of Amended Lawsuit of Davis Family vs. Worrick Robinson and others. 3) Sept 26, 2013 – Judge Carol Soloman order dismissing Davis Family vs. Worrick Robinson and others lawsuit "with prejudice." Judge Carol Soloman did not recuse from the case, or two subsequent cases, even though she presided over the John Perry divorce case from 2009-2012 and had an extensive knowledge of John Perry's child sex abuse history. Judge Carol Soloman actively and aggressively protected child-molester John Perry and a Mann Act Federal crime cover-up which is now before the Tennessee Court of Criminal Appeals. These Judge Carol Soloman lawsuit divorce documents are included in the court of review motion as Exhibit 7.

15.) I personally obtained and/or printed the following Austin and Daisy Davis lawsuit documents which involved Covenant Elder Dale Lewelling and Judge Carol Soloman. 1) Jan 23, 2014 – Judge Carol Soloman Order Denying Motion to Recuse from Austin Davis & Daisy Davis lawsuit vs. Dale Lewelling and Covenant Presbyterian Church. Judge Carol Soloman refused to recuse from the case even though she presided over the John Perry divorce case from 2009-2012 and had an extensive knowledge of John Perry's child sex abuse history. Judge Carol Soloman actively and aggressively protected child-molester John Perry and a Mann Act Federal crime cover-up which is now before the Tennessee Court of Criminal Appeals. This Judge Carol Soloman denied recusal motion is in the court of review motion as Exhibit 7.

16.) I personally obtained and/or printed the following Austin Davis vs. Jim Bachmann lawsuit information which involved Judge Carol Soloman. 1) June 23, 2014 – 1st Page of Austin Davis lawsuit vs. Jim Bachmann and others; 2) A Jim Bachmann prayer request sent to Covenant Presbyterian Church members stating that Austin Davis made “*false allegations*” against Covenant Presbyterian Church in a child sex abuse cover-up lawsuit; 3) July 14, 2014 – Judge Randy Kennedy’s assignment to Judge Carol Soloman to replace Judge Hamilton Gayden who recused from the Austin Davis vs. Jim Bachmann defamation lawsuit. Judge Carol Soloman refused to recuse from the case even though she presided over the John Perry divorce case from 2009-2012 and had an extensive knowledge of John Perry’s child sex abuse history. Judge Carol Soloman actively and aggressively protected child-molester John Perry and a Mann Act Federal crime cover-up which is now before the Tennessee Court of Criminal Appeals. These Judge Carol Soloman related court documents are included in the court of review motion as Exhibit 7.

17.) I personally obtained and/or printed the following news articles and court document which involve Nashville news organizations, Attorney Worrick Robinson, and ex-Judge Casey Moreland who is now serving time in Federal prison for obstruction of justice, and other serious crimes. 1) A Tennessean article published on July 22, 2015, about the friendship of Attorney Worrick Robinson, Judge Casey Moreland, and Frank Daniels III. 2) An Attorney Worrick Robinson profile; 3) A photograph of Attorney Worrick Robinson and his client, ex-Judge Casey Moreland, walking in front of the Federal courthouse; 4) An artist drawing of Attorney Worrick Robinson and his client, ex-Judge Casey Moreland, sitting in Federal court. These Worrick Robinson – Casey Moreland documents are included in the court of review motion as Exhibit 7.

18.) I personally obtained and/or printed the following court document signed by ex-Judge Casey Moreland which bound me over for a contaminated grand jury indictment on April 20, 2016. The April 20th court document is included in the court of review motion as Exhibit 7.

19.) I did not receive a Tennessee Court of Criminal Appeals Docket in similar fashion to the Dockets I received from the Tennessee Court of Appeals in my civil cases. I checked my court record and there was no panel of judges listed on the page. I checked the docket posted on the criminal appellate court page but my case was not listed with the other six cases listed. I am providing the court two images of the blank court panel video which I took on Feb 8, 2021, and I am also providing two images of the Docket page which did not include my name or case. I am also providing a copy of the letter I received from Clerk of the Appellate Courts, James V. Hivner, which informed me the case had been docketed as an “*on-briefs*” case despite my 1st request for an oral argument. I am also providing the Court a copy of the Docket I received in Aug 2016 prior to my oral arguments in the Austin Davis, Daisy Davis vs. Dale Lewelling case. All of these documents are included in the court of review motion as Exhibit 8.

20.) I personally printed off the book cover of The Secrets of the Hopewell Box: Stolen Elections, Southern Politics, and a City’s Coming of Age by James D. Squires. A copy of the book cover is included in the court of review motion as Exhibit 9.

- 21.) I personally discovered and printed off information about the 2014-2015 Officers of the University of Tennessee Alumni Association, which included former President Worrick Robinson. A copy of the information is included in the court of review motion as Exhibit 10.
- 22.) On Feb 24, 2020, I filed a motion for extension of time for filing a brief and informed the Tennessee Court of Criminal Appeals about a Mann Act Federal crime cover-up connected to Covenant Presbyterian Church (Nashville), Presidential Politics, Jay Sekulow, Rev. Billy Graham's final biography, and the Ukraine. A copy of the motion is included in the court of review motion as Exhibit 11.
- 23.) Even though a defendant must pay for his own voir dire and transcript in a criminal trial such as my case, I was not allowed to review the audio-video recording of my selection and trial when I disputed the integrity and accuracy of the transcripts. To date, I have still not been allowed to view the audio-video record of my criminal trial, and my three requests to the Tennessee Court of Criminal Appeals were denied. The jury selection and trial transcript are part of the Appellate record along with many of the exhibits included with the court of review motion being filed on March 3, 2021. I am including the jury selection cover page, the unsigned court reporter page for jury selection, the cover pages for day 1 and day 2 of the trial, the unsigned court reporter page for day 1 and day 2 of the trial, and the unsigned certificate of the court page, as Exhibit 12 with the court of review motion.
- 24.) On May 13, 2020, Judge Thomas T. Woodall denied my request to review all the original video/audio records of my hearings, which included the jury selection and criminal trial which was unsigned and uncertified by the court reporter. On June 19, 2020, Judge Robert Wedemeyer denied my request to review all the original video/audio records of my hearings, which included the jury selection and criminal trial which was unsigned and uncertified by the court reporter. On June 30, 2020, Judge Robert Wedemeyer denied my request to review all the original video/audio records of my hearings, which included the jury selection and criminal trial which was unsigned and uncertified by the court reporter. I simply wanted to view and hear the video/audio records to verify the accuracy of the transcripts which I purchased. My daughter and I were both banned from recording my hearings and my jury selection and trial, and my daughter's recording of the jury selection was actually destroyed in the courtroom during the trial under the direction of Judge Steve Dozier. I think it is unfair for a criminal defendant to not have the ability to record his own hearing and trial, especially if a defendant has poor hearing and wishes to listen to a recording to make sure that he heard everything accurately in the courtroom. After Feb 10, 2021, I learned that Judge Robert Wedemeyer was a member of the secret three-man panel assigned to make a ruling on my appeal. I am very concerned about Judge Robert Wedemeyer being one of the three Appellate judges assigned to my secret three man panel because he denied two of my previous requests to review the transcript / video-audio recordings for accuracy, and he also must be aware that my three requests for "*oral arguments*" have been denied. A copy of the three denied correction-modification orders are included with the court of review motion as Exhibit 13, including two denied orders by Judge Robert Wedemeyer, who is now disclosed as a member of the three-man appellate panel reviewing the Appellant's case.
- 25.) On or about Oct 10, 2018, I learned about and began listening to a Sports Illustrated podcast entitled: Steve McNair: Fall of a Titan. I was acquainted with Steve McNair via mutual friends

at The Ensworth School and via the WNSL Sports League. After Nashville Police were used to silence my family on the night of July 2, 2008, I mentioned the incident to Steve when we had a conversation about our home state of Mississippi, Almighty God, Flat Stanley, and sports, since Steve also had his own personal experience with the Nashville Police Department. During the conversation, I promised Steve that I would write his name down to pray for him during my daily walks around the Otter Creek area. I wrote his name down and taped it to the refrigerator in my family kitchen as a daily reminder. A year after police made an uninvited 2-hour nighttime visit to my private family home to silence and intimidate my family, I heard a radio report on July 4, 2009, that Steve McNair's body was discovered in a downtown Nashville apartment.

26.) During Episode 6 of the Fall of a Titan podcast, I learned that Wayne Neely had called ex-Judge Casey Moreland after leaving the Steve McNair murder scene. If my memory is correct, I believe Wayne Neely had two conversations with Ex-Judge Casey Moreland during that time. During the Fall of a Titan podcast, I also listened to ex-Nashville Police Officer Vincent Hill discuss his appearance before a secret Nashville grand jury to ask for the case to be re-opened. I never gave grand juries much thought because the process was totally secret and I was not invited to appear before my two grand juries that returned indictments, and I was not informed about the public courtroom proceedings conducted by Judge Steve Dozier and Judge Cheryl Blackburn, who presided over my two secret grand juries that wrongfully indicted me.

27.) The secret grand jury process was mysterious, and is still mysterious, except I know I was indicted twice, and I made my appearance before Judge Steve Dozier after Judge Casey Moreland bound me over for indictment on April 20, 2016, when I was represented by Judge Casey Moreland's court appointed attorney, Lauren Willis. Ms. Willis wanted me to make a plea deal with DA Funk's office to a crime I did not commit, and I would not make a deal. As a result, Ms. Willis withdrew from my case. Frankly, I did not trust anything about the false arrest – indictment process, or the people involved in the process, and my concerns intensified after the FBI handcuffed arrest of ex-Judge Casey Moreland after he bound me over for two contaminated indictments.

28.) In listening to the Fall of a Titan podcast, I learned more about ex-police officer Vincent Hill who made an appearance before the secret grand jury the summer of 2010. Vincent Hill made a presentation to the secret grand jury in a failed attempt to persuade the grand jurors to re-open the murder case of Steve McNair. However, it is now known that a secret three-person grand panel lead by grand jury foreman, Richard Hillenbrand, denied the murder re-investigstion request of Vincent Hill.

29.) I read an ESPN article which provided the name of Steve McNair's grand jury foreman, Richard Hillenbrand.

30.) I have subsequently discovered that Steve McNair's grand jury foreman, Richard Hillenbrand, is a former Nashville Police Sergeant who possibly has been an investigator for the Nashville DA's Office. Also, Sgt. Richard Hillenbrand was in a major sex-cocaine scandal that rocked the Nashville Police Department in 1988. This information has been provided to the Tennessee Court of Criminal Appeals, Tennessee Attorney General Herbert Slatery, and many

others, including alumni and faculty at Brentwood Academy where Steve McNair's son, Trent McNair, attends school, and where Attorney Worrick Robinson also attended school.

31.) I believe Steve McNair's secret grand jury was contaminated, and I also believe my two secret grand juries were contaminated.

32.) Harpeth Hall Alumnae Relations Director Scottie Coombs was a member of my 1st secret grand jury that wrongfully indicted me, and Ms. Coombs signed and sent thousands of Harpeth Hall Alumnae a letter to discredit my daughter, Daisy Davis, a banned, bullied and molested former Harpeth Hall student, during the very same quarter when Ms. Coombs was a member of the secret contaminated grand jury. A copy of this grand jury report and the letter from Ms. Coombs is included with the court of review motion as Exhibit 14.

33.) Covenant armed security guard and Davidson County Sheriff Sgt. Solomon Holley was paid to participate in my retaliation arrest at Covenant Presbyterian Church on Nov 15, 2015. I later learned after my trial, sentencing, and time spent in jail, that Sgt. Holley was also a member of the 2nd secret contaminated grand jury. A video recording of my retaliation arrest is included as Exhibit 4 in the Appellate New Trial Hearing records, and a copy of the grand jury report and an informational page about Sgt. Solomon Holley and Judge Cheryl Blackburn is included with the court of review motion as Exhibit 14.

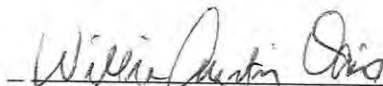
34.) Steve McNair's grand jury report, information on Nashville Police Sgt. Richard Hillenbrand, and a partial article on a Brentwood Academy petition to express "*no confidence*" in the leadership of BA Headmaster Curt Master is included with the court of review motion as Exhibit 15.

35.) On Feb 1, 2021, Presiding Judge John Everett Williams issued an order denying my 2nd oral argument request. My first request was made on the front page cover of the Appellate brief when it was filed on Aug 7, 2020. On Feb 9, 2021, Presiding Judge John Everett Williams issued an order denying my 3rd oral argument request. Both orders are included with the court of review motion as Exhibit 16.

36.) On March 3, 2021, Catherine Fleming Davis provided a sworn declaration to me about the child sex abuse cover-up information she hand-delivered to Gov. Bill Haslam's office for Tennessee Attorney General Herbert Slatery on Sept 19, 2014. The sworn declaration of Catherine Fleming Davis is included with the court of review motion as Exhibit 17.

37.) I provided a sworn declaration about all the exhibits included with the court of review motion. My sworn declaration is included with the court of review motion as Exhibit 18.

I declare under penalty of perjury that the foregoing is true and correct. Executed by me this 3rd day of March, 2021.


Willie Austin Davis – Citizen Appellant

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

Personally appeared before me, Marquetta Flournoy, a notary public in and for said County and State, the above-signed, Willie Austin Davis, 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 3 day of March, 2021.

Marquetta Flournoy
Notary Public

My commission expires: September 25, 2021



IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE
AT NASHVILLE

FILED
02/24/2021
Clerk of the
Appellate Courts

STATE OF TENNESSEE v. WILLIE AUSTIN DAVIS

Criminal Court for Davidson County
No. 2017-A-62

No. M2019-01852-CCA-R3-CD

ORDER

This appeal was placed on the Court's February 2021 Docket for consideration on the briefs of the parties, without oral argument. Currently before the Court is the Appellant's "2nd Recusal Motion." The Appellant previously moved to recuse "all Tennessee Criminal Appellate Court Judges, and the Tennessee Supreme Court." The Appellant filed that motion on the same date he filed his appellate brief, August 7, 2020. The Court denied the motion by written order on August 12, 2020.

In the current motion, the Appellant argues he is being denied due process of law because his appeal was docketed for on-brief consideration even though he requested oral argument. He also contends he "does not know the names of the secret panel members assigned to [his] case." Contrary to the Appellant's contention, the Court's February 2021 Docket clearly identifies the judges designated to hear this appeal. Moreover, as the Court stated in its previous order, "[o]ral argument on appeal is not an essential ingredient of due process." *Price v. Johnson*, 334 U.S. 266, 285 (1948), overruled on other grounds by *McCleskey v. Zant*, 499 U.S. 467 (1991).

Tennessee Supreme Court Rule 10B governs the disqualification or recusal of trial and appellate judges. Section 3 of that rule applies to appellate judges. In order to seek recusal of an appellate judge, the party must "timely" file a written motion, "supported by an affidavit under oath or a declaration under penalty of perjury on personal knowledge and by other appropriate materials," stating, "with specificity, all factual and legal grounds supporting disqualification of the judge or justice." Tenn. Sup. Ct. R. 10B, Sec. 3.01. The motion shall also "affirmatively state that it is not being presented for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation." *Id.*

Ex 1

The Court denied the Appellant's first motion to recuse because it did not satisfy any of the filing requirements of Section 3. The instant, second motion also suffers some of the same shortcomings. Specifically, the motion is not supported by "an affidavit under oath or a declaration under penalty of perjury" and the Appellant does not "affirmatively state that it is not being presented for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation." *Id.*, Sec. 3.01.

For these reasons, the Appellant's "recusal request for all judges who are unnamed members of the secret panel" of the Court's February 2021 Docket is hereby denied.

Presiding Judge John Everett Williams

-----Original Message-----

From: valglenn18@aol.com

To: bill.haslam@tn.gov

Cc: lt.gov.ron.ramsey@capitol.tn.gov; sen.mae.beavers@capitol.tn.gov; sen.mike.bell@capitol.tn.gov; sen.janice.bowling@capitol.tn.gov; sen.charlotte.burks@capitol.tn.gov; sen.stacey.campfield@capitol.tn.gov; sen.rusty.crowe@capitol.tn.gov; sen.steven.dickerson@capitol.tn.gov; sen.lowe.finnery@capitol.tn.gov; sen.ophelia.ford@capitol.tn.gov; sen.todd.gardenhire@capitol.tn.gov; sen.mark.green@capitol.tn.gov; sen.dolores.gresham@capitol.tn.gov; sen.ferrell.haile@capitol.tn.gov; sen.thelma.harper@capitol.tn.gov; sen.douglas.henry@capitol.tn.gov; sen.joey.hensley@capitol.tn.gov; sen.jack.johnson@capitol.tn.gov; sen.brian.kelsey@capitol.tn.gov; sen.bill.ketron@capitol.tn.gov; sen.becky.massey@capitol.tn.gov; sen.randy.mcnelly@capitol.tn.gov; sen.frank.niceley@capitol.tn.gov; sen.mark.norris@capitol.tn.gov; sen.doug.overbey@capitol.tn.gov; sen.steve.southerland@capitol.tn.gov; sen.john.stevens@capitol.tn.gov; sen.jim.summerville@capitol.tn.gov; sen.reginald.tate@capitol.tn.gov; sen.jim.tracy@capitol.tn.gov; sen.bo.watson@capitol.tn.gov; sen.ken.yager@capitol.tn.gov; rep.raumesh.akbari@capitol.tn.gov; rep.david.alexander@capitol.tn.gov; rep.joe.armstrong@capitol.tn.gov; rep.paul.bailey@capitol.tn.gov; rep.harry.brooks@capitol.tn.gov; rep.kevin.brooks@capitol.tn.gov; rep.sheila.butt@capitol.tn.gov; rep.kent.calfree@capitol.tn.gov; rep.karen.camper@capitol.tn.gov; rep.dale.carr@capitol.tn.gov; rep.joe.carr@capitol.tn.gov; rep.mike.carter@capitol.tn.gov; rep.glen.casada@capitol.tn.gov; rep.jim.coley@capitol.tn.gov; rep.barbara.cooper@capitol.tn.gov; rep.vince.dean@capitol.tn.gov; rep.john.deberry@capitol.tn.gov; rep.vance.dennis@capitol.tn.gov; rep.barry.doss@capitol.tn.gov; rep.bill.dunn@capitol.tn.gov; rep.jeremy.durham@capitol.tn.gov; rep.jimmy.eldridge@capitol.tn.gov; rep.joshua.evans@capitol.tn.gov; rep.jeremy.faison@capitol.tn.gov; rep.andrew.farmer@capitol.tn.gov; rep.joanne.favors@capitol.tn.gov; rep.craig.fitzhugh@capitol.tn.gov; rep.richard.floyd@capitol.tn.gov; rep.john.forgety@capitol.tn.gov; rep.brenda.gilmore@capitol.tn.gov; rep.tilman.goins@capitol.tn.gov; rep.curtis.halford@capitol.tn.gov; rep.steve.hall@capitol.tn.gov; rep.ga.hardaway@capitol.tn.gov; rep.mike.harrison@capitol.tn.gov; speaker.beth.harwell@capitol.tn.gov; rep.david.hawk@capitol.tn.gov; rep.ryan.haynes@capitol.tn.gov; rep.matthew.hill@capitol.tn.gov; rep.timothy.hill@capitol.tn.gov; rep.andy.holt@capitol.tn.gov; rep.dan.howell@capitol.tn.gov; rep.darren.jernigan@capitol.tn.gov; rep.curtis.johnson@capitol.tn.gov; rep.gloria.johnson@capitol.tn.gov; rep.sherry.jones@capitol.tn.gov; rep.roger.kane@capitol.tn.gov; rep.kelly.keisling@capitol.tn.gov; rep.william.lamberth@capitol.tn.gov; rep.mary.littleton@capitol.tn.gov; rep.ron.lollar@capitol.tn.gov; rep.harold.love@capitol.tn.gov; rep.jon.lundberg@capitol.tn.gov; rep.susan.lynn@capitol.tn.gov; rep.pat.marsh@capitol.tn.gov; rep.judd.matheny@capitol.tn.gov; rep.jimmy.matlock@capitol.tn.gov; rep.gerald.mccormick@capitol.tn.gov; rep.steve.mcdaniel@capitol.tn.gov; rep.steve.mcmanus@capitol.tn.gov; rep.larry.miller@capitol.tn.gov; rep.bo.mitchell@capitol.tn.gov; rep.debra.moody@capitol.tn.gov; rep.gary.odom@capitol.tn.gov; rep.antonio.parkinson@capitol.tn.gov; rep.joe.pitts@capitol.tn.gov; rep.mark.pody@capitol.tn.gov; rep.jason.powell@capitol.tn.gov; rep.dennis.powers@capitol.tn.gov; rep.john.ragan@capitol.tn.gov; rep.bob.ramsey@capitol.tn.gov; rep.barrett.rich@capitol.tn.gov; rep.dennis.roach@capitol.tn.gov; rep.courtney.rogers@capitol.tn.gov; rep.bill.sanderson@capitol.tn.gov; rep.charles.sargent@capitol.tn.gov; rep.cameron.sexton@capitol.tn.gov; rep.johnny.shaw@capitol.tn.gov; rep.david.shepard@capitol.tn.gov; rep.tony.shiple@capitol.tn.gov; rep.mike.sparks@capitol.tn.gov; rep.billy.spivey@capitol.tn.gov; rep.mike.stewart@capitol.tn.gov; rep.art.swann@capitol.tn.gov; rep.john.tidwell@capitol.tn.gov; rep.curry.todd@capitol.tn.gov; rep.joe.towns@capitol.tn.gov; rep.ron.travis@capitol.tn.gov; rep.johnnie.turner@capitol.tn.gov; rep.mike.turner@capitol.tn.gov; rep.james.vanhuss@capitol.tn.gov; rep.terri.lynn.weaver@capitol.tn.gov; rep.dawn.white@capitol.tn.gov; rep.mark.white@capitol.tn.gov; rep.kent.williams@capitol.tn.gov; rep.ryan.williams@capitol.tn.gov; rep.john.windle@capitol.tn.gov; rep.tim.wirgau@capitol.tn.gov; rep.rick.womick@capitol.tn.gov

Sent: Tue, Sep 9, 2014 1:05 pm

Subject: Letter to Governor Haslam - Public Hearing For Tennessee Attorney General

Dear Governor Haslam:

I expressed my opinion before the Tennessee Supreme Court in a "first of its kind" public hearing to determine who should be the next Attorney General.

Here is a 3-minute video of my public statement made yesterday: <http://youtu.be/BvH9UTHnB6c>

I have confidence that most Tennesseans-- 6.5 million-- do not wish to have secrets kept from them about an important issue like child-molesting, the use of Nashville Metro Police to shield a known child-molester, or the response of the

Ex

Attorney General's office to this important issue.

Here are some media reports about the hearing yesterday. My public statement was not included in these media reports:
<http://www.tennessean.com/story/news/2014/09/08/cooper-makes-case-stay-attorney-general/15307055/>
<http://www.tba.org/news/court-narrows-field-to-6-for-ag-post>
<http://nashvillepublicradio.org/blog/2014/09/08/competition-hails-work-tennessees-attorney-general-still-wants-job/>

I stand resolute by my public statement.

Respectfully,
Austin Davis

<http://www.wadburleson.org/2014/05/austin-davis-covenant-presbyterian-and.html>

-----Original Message-----

From: valglenn18 <valglenn18@aol.com>

To: awadhwani <awadhwani@tennessean.com>; bmueller <bmueller@wkrn.com>; twilemon <twilemon@tennessean.com>; Waters <Waters@commercialappeal.com>; nberes <nberes@newschannel5.com>; tgonzalez <tgonzalez@tennessean.com>; jrlind <jrlind@southcomm.com>; tomhumphrey3 <tomhumphrey3@aol.com>; michael.delgiorno <michael.delgiorno@cumulus.com>; plastergeorge <plastergeorge@gmail.com>; mbellinger <mbellinger@newschannel5.com>; scase <scase@fox17.com>; mcass <mcass@tennessean.com>; kimberly.curth <kimberly.curth@wsmv.com>; locker <locker@commercialappeal.com>; asher <asher@timesfreepress.com>; eluxen <eluxen@newschannel5.com>; andre.p.rouillard <andre.p.rouillard@vanderbilt.edu>; dclimer <dclimer@tennessean.com>; atamburin <atamburin@tennessean.com>; scavendish <scavendish@nashvillescene.com>; jwyatt <jwyatt@tennessean.com>; ncole <ncole@tennessean.com>; ray <ray@raywaddle.com>; publisher <publisher@tennessean.com>; pbarton <pbarton@gannett.com>; demetria.kalodimos <demetria.kalodimos@wsmv.com>; dennis.ferrier <dennis.ferrier@wsmv.com>; cbundgaard <cbundgaard@wkrn.com>; fdanielsiii <fdanielsiii@tennessean.com>; ayeomans <ayeomans@ap.org>; agerber <agerber@timesfreepress.com>; fisher <fisher@tcog.info>; manager <manager@wbir.com>; graham <graham@commercialappeal.com>; sboonstra <sboonstra@newschannel5.com>; jkraus <jkraus@newschannel5.com>; john.jones <john.jones@greenevillesun.com>; Ralph.Bristol <Ralph.Bristol@cumulus.com>

Sent: Sat, Sep 6, 2014 12:24 pm

Subject: Tennessee Supreme Court - Davidson County Metro Court

Here is a motion filed on September 5th at the Davidson County Courthouse:

<http://www.keepandshare.com/doc4/45333/2014-z4-sept-5-motion-to-set-aside-judge-soloman-order-157k?da=y>

Worrick Robinson is listed on the Richard Rooker re-election campaign at this link: <http://richardrooker.com/campaign.php>

Also, an employee at the Supreme Court building called my attorney on September 5th to inform us that the Tennessee Supreme Court would deny our petition because the TSC does not have jurisdiction. The court employee advised us to file our petition with the Tennessee Court of Appeals who denied our first petition.

Here is the second petition which remains before the TSC and has already been pronounced dead upon arrival: <http://www.keepandshare.com/doc4/45269/2014-z3-sept-3-tn-supreme-court-petition-to-rehear-1-4-meg?da=y>

I went to Ole Miss and grew up in Mississippi as a boy where lynchings prior to my birth were commonplace. Why are Worrick Robinson and Metro Police given special, favored treatment in comparison to Vanderbilt football player Chris Boyd who was arrested and paraded before cameras in a media spectacle over a year ago?

In my opinion, there are two sets of media rules in Tennessee.

Austin Davis
Ole Miss '77

Sept 12, 2017 – Daisy Davis provided sworn court testimony that she was banned, abused and molested during the on-going Mann Act Federal crime cover-up to protect child-molester John Perry.



BILL HASLAM
GOVERNOR
STATE OF TENNESSEE

August 22, 2012

Mr. Austin Davis
5895 Willshire Drive
Nashville, Tennessee 37215-5111

Dear Austin:

Thank you for writing to me regarding your daughter, Daisy Davis. I was saddened to read your story, and appreciate you sharing this information.

After consideration and review, I believe that your best course of action is to seek legal advice regarding this matter. An attorney of your choice is in the best position to advise you of your options. Unfortunately, this office cannot advise you from a legal standpoint.

I am also forwarding your letter to Commissioner O'Day's office at the Department of Children's Services for further review and consideration.

I genuinely hope that an appropriate resolution is found soon. Please accept my best wishes.

Warmest regards,

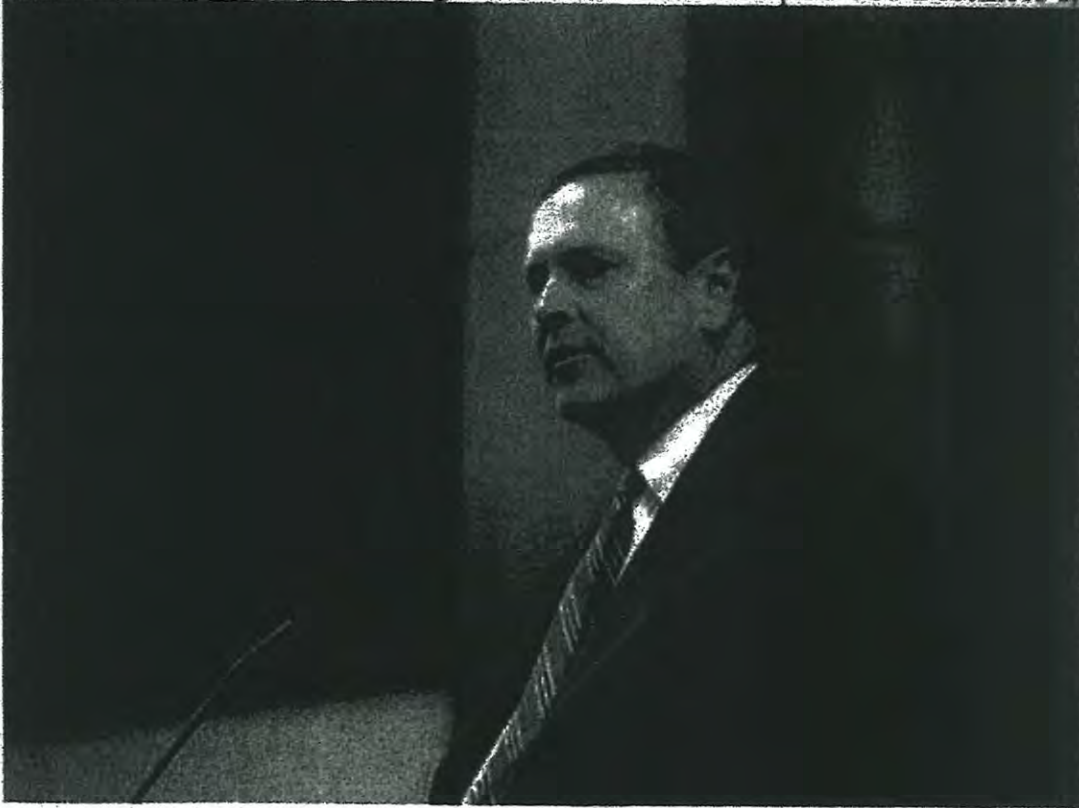
A handwritten signature in black ink that reads "Bill Haslam".

Bill Haslam

BH:jh

TN AG: DA Glenn Funk will not face criminal charges

Stacey Barchenger, sbarchenger@tennessean.com 7:26 p.m. CST December 1, 2015



(Photo: File / The Tennessean.com)

Nashville District Attorney Glenn Funk will not face criminal prosecution for taking a job created for his benefit before he took office last year, the Tennessee Attorney General announced on Tuesday.

The state has been investigating Funk since April. And though an investigative report says Funk will not be prosecuted, it does say Funk violated law by taking the job and received state benefits for doing "virtually no work." The report says Funk agreed to pay back the benefits he received, did not know that taking the job was illegal and was acting on the advice of others.

"This Office is satisfied that the remedial actions to be taken by Mr. Funk will indemnify the State for its financial loss, and institutional controls implemented by the Conference, which will be substantiated by a future Comptroller audit, should prevent the recurrence of similar circumstances," the report says.

Ex 2

Funk, a criminal defense attorney, worked as a part-time attorney for the Tennessee District Attorneys General Conference from June to August 2014. Part-time attorneys are hired by the conference and prosecute cases across the state when the local prosecutor's office has a conflict.

Funk took the state job after he was elected Nashville's district attorney but before he took office Sept. 1, 2014. It also allowed him to enroll in a state benefits program while the state made larger contributions to pensions.

THE TENNESSEAN

TBI joins investigation of Nashville DA Glenn Funk

Here are key findings in the report from Attorney General Herbert Slatery's office:

- Funk's job at the conference was created for his benefit, and he did very little work on a case that involved a Rutherford County attorney accused of stealing state money. The AG report says that Funk did nothing more than make a five-minute phone call about it.
- Both Funk and former District Attorneys General Conference Executive Director Wally Kirby violated state law that says part-time attorneys at the conference cannot also continue working as defense attorneys.
- Kirby said in media reports that Funk's hiring was justified because another part-time attorney was leaving; however, Funk was assigned one case in the same time period that the other attorney who was leaving was assigned nine new cases.

Funk told The Tennessean on Tuesday that the attorney general was weighing in on a practice — hiring as prosecutors lawyers who also handle defense cases — that the District Attorneys General Conference had continued for more than a decade.

"When I was offered the part time position in June 2014, I did not see any problem with accepting the position while finishing my criminal defense practice," Funk said in a prepared statement. "This was based on my experience, my knowledge of other defense attorneys in the program and the advice of the executive director of the conference."

THE TENNESSEAN

DA Glenn Funk won't need to testify about pension

Funk said the conference received federal grants — more than \$750,000 in 11 years — to hire part-time attorneys. He said that was evidence that the past practices were not a problem.

"Up until today's report, the conference had operated since at least 2004 doing this exact practice on hundreds of cases," Funk told The Tennessean. "If this attorney general says this now violates the law, the conference should abide by that."

Funk said Tuesday he did the job he was assigned to do while working part-time at the conference. In addition to a statement he released Tuesday about the investigation, he released a list of accomplishments since he took office.

"The office has had some tremendous accomplishments in the first year of my tenure, and I expect to continue to move this office forward," he said.

[Read the 8-page report on the Attorney General's investigation here.](#)

Read [Funk's public statement here](#) and [his accomplishments here](#).

Reach Stacey Barchenger at 615-726-8968 or on Twitter [@sbarchenger](#).

Ex 2

From: Catherine Davis <valglenn18@aol.com>
To: herbert.slatery <herbert.slatery@tn.gov>
Subject: Letter To Tennessee Attorney General Herbert Slatery
Date: Fri, Sep 19, 2014 11:56 am

Dear Mr. Slatery,

Congratulations on your historic selection as the new Tennessee Attorney General. I know you are very busy and may not have seen, or even remember, several emails I sent you earlier this year:
<http://www.keepandshare.com/doc4/45636/2014-d-jan-31-catherine-davis-emails-to-herb-slatery-gov-haslam-292k?da=y>

I know you to be an Elder at Cedar Springs Presbyterian Church, and I also know that Cedar Springs voted to depart the PCA on April 8, 2001: <http://www.uclick.com/client/zzx/rt/2001/04/12/>

Encouraged by this information, I wanted you to know about the never-ending abuse of my family prior to your speaking engagement at Covenant Presbyterian Church on February 3, 2014. I am sorry I did not get my message through to you, or that people may have provided you untrue information about me:
<https://soundcloud.com/valglenn18/herbert-slatery-speech>

Last week, the Tennessee Supreme Court allowed a public hearing to select a new Attorney General for the first time since the state was formed in 1796: <http://www.tennessean.com/story/news/politics/2014/09/11/tn-supreme-court-pick-attorney-general-monday/15469041/>

I am grateful to the Supreme Court for allowing this public hearing, and I am also grateful my husband was permitted to make a 3-minute public statement before the 8 Attorney General candidates:
<http://youtu.be/BvH9UTHnB6c>

If you have any doubts about the veracity of my husband's public statement, I would encourage you to read the sworn statements submitted to Judge Carol Soloman on August 13, 2014:
<http://www.keepandshare.com/doc4/44871/2014-w1-aug-13-4th-lawsuit-exhibits-1-5-motion-to-recuse-judge-soloman-3-0-meg?da=y>

As the new Attorney General, you have a tremendous opportunity to establish a lasting legacy by doing right in the first case brought to your attention by an ordinary Tennessean.

I will hand-deliver a hard-copy of this email down to the State Capitol today. I am willing to meet with you in person at any time to answer any questions you may have.

Respectfully Yours,
Catherine Fleming Davis
5895 Willshire Drive
Nashville, Tn 37215
615-579-7282
Psalm 93

Capitol 1st Floor



**Catherine
Davis**

ID# V120171644

LOBBYBOARD 09/19/14 11:59 pm
Sign In. Sign Out. Secure.

Received by Governor
Haslam's Office on 9/19
1:37 pm
Laura Hunt

On Jan 31, 2014, at 5:35 PM, "Catherine Davis" <valglenn18@aol.com> wrote:

Men's Luncheon Mon February 3, 2014 12:00 PM

Speaker: Herbert Slatery, Counsel to the Governor No reservation required. **Cost: \$7.** **Menu:** Will's Pork BBQ, Turnip Greens, Quinoa and Red Beans, Orange Slaw, Corn Bread, Fried Apple Pies **Contact:** Pastor Billy Barnes 383-2206, ext. 210 billyb@covenantpres.com

Dear Mr. Slatery, Let me acknowledge upfront that this is an unexpected letter since you and I have never met and do not know each other. I am writing to make you aware of a concealment effort by Covenant Presbyterian Church, where you are scheduled to speak publicly on Monday at 12:00 pm.

I would suspect that Covenant did not tell you how they covered for one of their own founders/leaders, a confessed child molester. Since this concealment was done, I have been speaking out and asking questions, for many years, about some damaging treatment of members and children and the Church's use of a 'safe house' owned by a confessed child molester.

Metro police have been used to suppress me and my family, including an 'off the record' visit to my house this past spring, other visits, and a legitimate visit, on the day I received a death threat about my husband in the U S mail and the letter was collected in an evidence bag.

Also, we had a police spotlight shine across our home in the early hours of the morning after we filed our first lawsuit in June of 2013.

The harassment of my family and bullying of my daughter became so bad that I finally took her out of Harpeth Hall at the beginning of her junior year. To further intimidate us, my mother and I were banned from the church property- physically blocked by a group of male elders on one occasion, and another time, chased off of the property in broad daylight.

My husband also remains under threat of arrest, has been repeatedly warned of leaders wishing to put him in jail (including a church "commission" apparently formed for such purposes), and there is no apology forthcoming from Metro Police, OPA, or the DA's office for such harassment being carried out in Nashville.

How is all of this harassment, intimidation and banning possible? The property deed does not identify the city of Nashville as owning the church property? Nor Metro Police, or the bodyguards who assaulted our family? Nor Jim Bachmann? Nor Covenant Elders or Deacons?

My great uncle ran the Andrew Jackson back in the grand hotel era in Nashville, and later ran the Hermitage. My great uncle was a close personal friend to Senator Albert Gore and over the years our families have remained friends for all kinds of reasons. I considered Albert and Pauline Gore to be like my grandparents, I loved them dearly, and when they were old and needed some fun companionship, a day out of the house and some loving encouragement, I sent my husband to Carthage to drive them down to attend Covenant services and to enjoy lunch with my family on many, many occasions.

During this period of time when their son was Vice President, my husband and I had to have secret service clearance. I only tell you this to impress upon you the ridiculous claim that anyone in my family is a threat to the church or to anyone else-- anywhere. In my opinion, anyone

should be welcomed to a church service with loving open arms and I will never be put to shame by anyone for loving Albert and Pauline, or any of the Gore family, or for ever taking any of them to church with me as guests of my family.

As you prepare to speak to the Covenant Men on Monday, I understand you may have accepted the invitation because someone asked you to do it and you probably felt that you were performing a good deed for a group of well-meaning church people. However, your physical presence as Governor Haslam's legal counsel gives the Covenant Leaders (including Jim Bachmann who wore a bullet-proof vest under his black robe) a formidable show of legal support, which communicates to the listening audience that everything is OK with Covenant Leaders and nothing up there has ever been done unlawful or ethically wrong.

Federal Judge John Bryant has already been utilized in this campaign of "righteous, legal" elitism when he was named as a member of an internal Covenant lawsuit committee in an email sent to all the 2000 members of Covenant on June 24, 2013. Would Governor Haslam want his right-hand legal counsel to send such an "all-clear" message of endorsement to 2000 church members and the wider Nashville community?

I realize this letter will probably not change anything you choose to do and you are most likely to ignore me and allow Covenant Leaders to continue to discredit me and my family. But I must beg you. I plead with you. I plead with the Governor. Please do not help these church leaders destroy my family as they have been trying to do now for six long years. Please. please. please. I beg you. Please listen to this audio link before you go to Covenant to speak on Monday:

<https://soundcloud.com/valglenn18/judge-solomon-recusal-hearing>

*Respectfully yours,
Catherine Davis
5895 Willshire Drive
Nashville, TN 37215
615-579-7282
Isaiah 54:17*

-----Original Message-----

From: valglenn18 <valglenn18@aol.com>
To: herbert.slatery <herbert.slatery@tn.gov>
Cc: bill.haslam <bill.haslam@tn.gov>; demetria.kalodimos <demetria.kalodimos@wsnv.com>; cbundgaard <cbundgaard@wkcr.com>; ealvarez <ealvarez@fox17.com>; nberes <nberes@newschannel5.com>; pwilliams <pwilliams@newschannel5.com>; tomhumphrey3 <tomhumphrey3@aol.com>; bhaas <bhaas@tennessean.com>; tgonzalez <tgonzalez@tennessean.com>; jrlind <jrlind@nashvillepost.com>; jrlind <jrlind@southcomm.com>; scavendish <scavendish@nashvillepost.com>; jmeador <jmeador@nashvillescene.com>; Ralph.Bristol <Ralph.Bristol@cumulus.com>; michael.delgiorno <michael.delgiorno@cumulus.com>; doug.himes <doug.himes@capitol.tn.gov>; scase <scase@fox17.com>; mcass <mcass@tennessean.com>
Sent: Sat, Feb 8, 2014 1:03 pm
Subject: Applauding Covenant

Dear Mr. Slatery,

I am disappointed you chose to applaud Covenant's contribution to the community last Monday, mostly because you did not contact me or search the matter out: <https://soundcloud.com/valglenn18/herbert-slatery-speech>.

I do not care how big and important a church is, if a church does not provide human beings love and truth, it is a clanging cymbal, passing away. To demonstrate love and truth, Covenant members need to stop the rampage of lies, slander and gossip long enough to ask me about what their leadership has done, and they should care more about abused young children than they presently do. It does not matter if a person is a

despised beggar like me, or a Governor like Bill Haslam, or an important lawyer like yourself, the rules and laws apply to all of us and no person is above the law, not even the DA's office or the Metro Police.

Some emails sent to me in recent days have struck me as decidedly unloving (see in red below). You, Governor Haslam, Covenant Members and those who sent me these emails all seem to be "locked-in-arms" that Covenant Leaders have not concealed a known child-molester with access to a private elementary school by using Metro Police?

Have all the parents of The Covenant School been informed of this inappropriate conduct or is this still a private, internal matter undisclosed to The Covenant School parents, especially to those parents who are non-church members? Is the known child molester banned by police from returning to the church-school property or is my family still the only people subject to unwarranted arrest by Metro Police?

I realize you do not want any questions on "litigation" and the Covenant audience found this comment to be funny (start at 33:44 in audio link above). However, the deliberate shielding of a child-molester while attacking my family with police does not amuse me.

This Sunday morning, and every public church gathering hereafter, each Covenant man or woman who stands before the congregation or a Sunday School class is effectively participating in a public endorsement of a child-molestation cover-up which has now lasted for almost six years under the cover of Metro Police.

If you and the Governor do not search the matter out, and if the courts of Tennessee continue to block us from ever getting our rightful day in court, and if the Tennessee Media never reports a single word about the the concealment of a child-molester with the help of Metro Police, it is a tragic day for all Tennesseans and will ultimately set a precedent for all Tennessee houses of worship to become "safe sanctuaries" for the hiding of child-molesters if First Amendment arguments by PCA attorneys prevail in Tennessee civil courts.

For the moment, a California news agency is the only media organization in the United States to serve the public interest by reporting on any aspect of two lawsuits and Covenant Members probably do not even know about the 2nd lawsuit filed in October 2013: <http://www.courthousenews.com/2013/10/24/62312.htm>.

Did Covenant Leadership share this California news report with you or Governor Haslam prior to your speaking at Covenant on Monday?

Again, I beg with you, I plead with you. I plead with Governor Haslam. Please, please, please, do not provide the Governor's seal of approval for the use of Metro Police to invade my family's property, or anyone else's private property, for the sole purpose of suppressing First Amendment rights in an effort to conceal a known child molester.

*Respectfully yours,
Catherine Davis
5895 Willshire Drive
Nashville, Tn 37215
615-579-7282
Isaiah 54:17*

-----Original Message-----

From: Jimmy Stansell <jstanselljr@[REDACTED]>
To: Catherine Davis <valglenn18@aol.com>
Sent: Sun, Feb 2, 2014 7:00 pm
Subject: Re: Please Do Not Delete - Herb Slatery - Covenant Men's Luncheon

Get a life and stop sending me your drivel.

-----Original Message-----From: Jerry Harris <HarrisJ@[REDACTED]>
To: 'Catherine Davis' <valglenn18@aol.com>
Sent: Tue, Feb 4, 2014 2:19 pm
Subject: RE: Please Do Not Delete - Herb Slatery - Covenant Men's Luncheon

Please delete this email address from all of your mailings. I have no desire to hear anything further from you or to have you email anything to me--ever.

-----Original Message-----

From: valglenn18 <valglenn18@aol.com>

To: bill.haslam <bill.haslam@tn.gov>

Sent: Mon, Feb 10, 2014 7:14 pm

Subject: If The Salt Has Lost Its Savor...

Dear Governor Haslam:

I was disheartened when I heard Covenant's Sunday sermon: <https://soundcloud.com/valglenn18/enemies-of-god-feb-9-2014>

The message was preached after I sent you and others an email this past Saturday (see emails below). I would recommend the entire audio but the sermon begins at 31:53 and a later segment (51:23 - 52:21) is of interest.

Also, here is a video you should watch: <http://www.youtube.com/watch?v=AcfxWNBg6nbsyou>

I realize I am foolish for speaking out but what was done was wrong.

I certainly hope you and Mr. Slatery do not condone using the police to conceal a known child-molester.

I look forward to hearing from you soon.

*Respectfully yours,
Catherine Davis
5895 Willshire Drive
Nashville, Tn 37215
615-579-7282
Isaiah 54:17*

09/19/2018

In an abundance of caution, the identity of John Perry's child sex abuse victim #1 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. REDACTED = [REDACTED]

FILED

Facsimile Rec'd 9/19/18 2:41 p

SEP 19 2018

RICHARD R. ANDERSON Clerk
By *Mesury* Justice

[REDACTED]

VS

AUSTIN DAVIS

FILED
JAN 22 2019
Clerk of the Appellate Courts
Rec'd By _____

Deposition of

CAROLYN CONE

September 11, 2018

H

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ExA

vs AUSTIN DAVIS
Deposition of CAROLYN CONE on 09/11/2018

Page 2

1 APPEARANCES:
 2 For the Plaintiff:
 3 MR. LARRY L. CRAIN
 4 Crain, Schuette & Associates
 5 Maryland Way
 6 Suite [REDACTED]
 7 Brentwood, Tennessee 37027
 8 615.376.2600
 9 Larry@csafirm.com
 10
 11 For the Defendant:
 12 MR. AUSTIN DAVIS, PRO SE
 13 5211 Park Avenue
 14 Nashville, Tennessee 37209
 15 valglenn18@aol.com
 16
 17 ALSO PRESENT:
 18 Carrie Leigh Willis, Videographer
 19
 20
 21
 22
 23
 24
 25

Page 4

1 I N D E X
 2
 3 EXAMINATION BY:
 4 MR. CRAIN 5
 5 MR. DAVIS 21
 6 E X H I B I T S
 7 Exhibit 1 - Research brief entitled "Sexual
 8 Revictimization" 16
 9 Exhibit 2 - Photograph of Carolyn Cone 18
 10 Exhibit 3 - Cost sheet of psychotherapy for
 11 [REDACTED] 20
 12
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Page 3

1 The videotaped deposition of CAROLYN CONE, taken
 2 on behalf of the Plaintiff, on September 11, 2018, at
 3 the offices of Crain, Schuette & Associates, .
 4 Maryland Way, Suite [REDACTED], Brentwood, Tennessee 37027,
 5 for all purposes under the Tennessee Rules of Civil
 6 Procedure.
 7 The formalities as to caption, certificate, et
 8 cetera, are waived. All objections, except as to the
 9 form of the questions, are reserved to the hearing.
 10 It is agreed that Ariela Pastel, being a
 11 Certified Court Reporter for the state of Tennessee,
 12 may swear the witness, and that the reading and
 13 signing of the completed deposition by the witness was
 14 not discussed.
 15
 16 * * *
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Page 5

1 THE VIDEOGRAPHER: Okay. This is the
 2 video deposition of Carolyn Cone on September the
 3 11th, 2018, at the time reflected on the screen, which
 4 is 13:14 p.m. The full introduction has been waived.
 5 Court reporter, would you please swear in the witness.
 6
 7 CAROLYN CONE,
 8 was called as a witness, and after having been first
 9 duly sworn, testified as follows:
 10
 11 E X A M I N A T I O N
 12 BY MR. CRAIN:
 13 Q. Good afternoon, Ms. Cone. I'm Larry Crain. I
 14 represent [REDACTED] in this case that's pending in
 15 the Circuit Court of Davidson County. With us today
 16 is the videographer and court reporter. Also
 17 Mr. Davis is joining us here today, and he'll have an
 18 opportunity after I'm done to certainly ask any
 19 questions that he may have.
 20 This deposition is being taken for proof and
 21 will be introduced at the trial of this case later
 22 this month.
 23 You understand that; right?
 24 A. Yes, sir.
 25 Q. And this is done because you are unable due to

Ex 4

vs AUSTIN DAVIS
Deposition of CAROLYN CONE on 09/11/2018

Page 22

1 Q. In the injunction hearing, [redacted] answered the
 2 question that [redacted] had been meeting with you for ten
 3 years, so that would take it back to 2006.
 4 Did you ever counsel with [redacted] before?
 5 A. No, sir, we started in April of 2008.
 6 Q. April 2008. Okay. And in the injunction
 7 hearing, you said that Larry Ferris was the one that
 8 contacted you from Covenant.
 9 A. Uh-huh.
 10 Q. So how did it all come about? What is it
 11 exactly that happened because you got contacted before
 12 and then met with [redacted] and [redacted] after?
 13 A. Well, so what happened is Mr. Ferris called me
 14 on the phone and said, "Hey, we have something that
 15 just came up in our church. Do you have room for a
 16 new client?" And I said, "Yes, I do." And he told me
 17 a little bit about what had happened. And so then we
 18 made the appointment, and who came to the first
 19 appointment was [redacted] and [redacted].
 20 Q. Do you know why he picked you as a person to
 21 contact?
 22 A. My understanding was that he called a friend
 23 of mine who is also a therapist, and she couldn't take
 24 them at first and gave him my name. And otherwise, I
 25 don't have any idea why I got the call.

Page 23

1 Q. Do you know any of the people that are over in
 2 Covenant in leadership?
 3 A. Do I now, or did I then?
 4 Q. Did you then?
 5 A. I knew Larry because he would frequently --
 6 actually, that was probably the beginning of me
 7 getting to know him and him referring clients to me.
 8 Q. Did you know Joe Eades who happened to be kind
 9 of in the mental health --
 10 A. I did not know Joe Eades. I did not know him.
 11 Q. Is Dr. Anderson Spickard -- is he over at
 12 Vanderbilt in the area that you're in?
 13 A. Yes. Are you talking about Anderson Senior or
 14 are you talking about Anderson -- are you talking
 15 about Andy Spickard or are you talking about
 16 Anderson --
 17 Q. The older, Anderson. The one that wrote the
 18 book, "Dying for a Drink."
 19 A. And so, was he over at Vanderbilt? What's --
 20 help me.
 21 Q. When you were at -- I thought you said you
 22 were at the Center For Professional Health. Was that
 23 Vanderbilt?
 24 A. Yes.
 25 Q. And he's in that program or something; isn't

Page 24

1 he?
 2 A. Well, he was. He's not been in the program
 3 since I've been there.
 4 Q. He wasn't in the program back in 2008?
 5 A. Well, I don't know if he was there in 2008. I
 6 only started working there, I believe, in 2012 or so.
 7 Q. In the lawsuits, they've given the ages 11 and
 8 then they changed it; they went to 12. Do you know
 9 what the age was?
 10 A. I believe the age when [redacted] was first sexually
 11 abused -- is that what you're asking me?
 12 Q. Uh-huh.
 13 A. Was 11.
 14 Q. Eleven? The lawsuit says -- uses the word
 15 "incident," which seems to indicate it's only one
 16 time. Is it one time or is it multiple times?
 17 A. Multiple times.
 18 Q. Is it constrained just to Tennessee?
 19 A. No.
 20 Q. What other states?
 21 A. I'm not sure what other states there are, but
 22 I think some of the incidents occurred outside of the
 23 state of Tennessee.
 24 Q. Did [redacted] go over that or give you any
 25 information on those states, where it was?

Page 25

1 A. Yes, sir.
 2 Q. The reason I'm asking is because there's laws
 3 in different state and different statutes of
 4 limitations in other states, and so just curious if it
 5 got reported in the other states.
 6 A. Well so, let me talk a little bit about the
 7 whole concept of reporting. When the client came to
 8 me, [redacted] was 18 years old. And because [redacted] was [redacted]
 9 18 years old, I actually didn't have to report it, but
 10 I did call DCS, and I said, "I have a child who was
 11 sexually abused as a minor, now [redacted]'s 18; what do I
 12 do?" And they said that they do not handle cases
 13 after a child turns 18.
 14 Q. So what happens to the child molester?
 15 MR. CRAIN: Objection; calls for legal
 16 conclusion.
 17 You may answer, if you know.
 18 THE WITNESS: It would be up to the
 19 person who was sexually assaulted to bring charges.
 20 BY MR. DAVIS:
 21 Q. I mean, I'm not in this world, in this realm
 22 at all. I'm not trained; I'm not a professional.
 23 You're obviously a professional now trained in the
 24 medical world. I'm just an average person.
 25 Is child -- and there are privileges that are

Ex 4

██████████ vs AUSTIN DAVIS
 Deposition of CAROLYN CONE on 09/11/2018

Page 30

1 Axis IV as severe psychosocial stressors.
 2 Q. You said ██████ and ██████ came to the first
 3 visit. Did you counsel ██████ and ██████, or do you
 4 counsel just ██████ or --
 5 A. Counselling them both together.
 6 Q. Did you ever counsel ██████ and John Perry?
 7 A. Yes.
 8 Q. So ██████ and John Perry actually sat down and
 9 had counseling with you?
 10 A. Yes. It was appropriate.
 11 Q. What does that mean that it's "appropriate"?
 12 A. What it means is that through the process --
 13 what's healthy if someone has been sexually abused, is
 14 to be able to verbalize what's happened to them and
 15 then to be able to tell the person who did that to
 16 them what happened and what it meant to them. It's a
 17 normal part of the progress in treatment, and that's
 18 what happened.
 19 Q. Did you counsel Charles Perry?
 20 A. I was not an individual therapist for Charles.
 21 Charles has been in a session or two.
 22 Q. Did you -- when they contacted you in
 23 April 2008, did you help facilitate them going to PCS
 24 in Arizona?
 25 A. I did not. I may have suggested that that

Page 32

1 about April of 2008.
 2 A. So you're asking me -- let me see I've got
 3 this right -- if in April of 2008, I anticipated going
 4 to court? Or what?
 5 Q. Well, I'm saying that they contact you, you
 6 said I don't know whether -- you don't really know the
 7 nature of it. You start hearing whatever it is, what
 8 you're being told.
 9 To me, I'm a novice. You do this all day long
 10 so everybody that comes to you -- you said 50 to
 11 75 percent of your people are sexual trauma victims,
 12 so that's your life; that's not mine. If I'm told
 13 that, just like if I'm told there's a bank robber or
 14 anything else, I might be going to the phone and
 15 calling the police, and then headed into that realm.
 16 And so I'm just asking, when you go over and
 17 pick that phone up and make that phone call to DCS,
 18 you obviously have come to a place where you think
 19 it's serious enough that you're making a phone call to
 20 the authorities.
 21 A. Uh-huh.
 22 Q. So do you have a lot of evidence at that point
 23 in time? Have you sat down and spent a bunch of time?
 24 I mean I'm just trying to figure out, did ██████ say this
 25 is all the times, these are the places, you've gone

Page 31

1 would be a good option, but they set it all up. I
 2 believe John went and Susan Ann went.
 3 Q. The reason I ask is because Vanderbilt has got
 4 some kind of tied to PCS, so I thought that was --
 5 A. I am not aware that Vanderbilt has any tie to
 6 PCS. I don't know anything about that.
 7 Q. Is that something that is normal? If there's
 8 somebody, they're molesting children, is that a normal
 9 thing that they would go to PCS and get treated?
 10 A. It's a normal thing that they get treated,
 11 whether they use PCS or someone else, I mean that's up
 12 to them.
 13 Q. Do they get reported to law enforcement or
 14 they just get treated?
 15 A. Well, my understanding is that when the victim
 16 is of a certain age and that would be 18 and older, it
 17 is up to them to bring charges against the person who
 18 victimized them.
 19 Q. When you met with ██████ and counselled ██████, was
 20 there ever any possibility that it was going to be --
 21 I mean, you called DCS. So obviously, if you called
 22 DCS, would they have -- would you have -- would there
 23 have been any preparation during that that this might
 24 go to the court or that we may be, you know, doing
 25 anything with the police or with anybody? I'm talking

Page 33

1 through, and you're making the call or --
 2 MR. CRAN: Objection.
 3 You can answer.
 4 THE WITNESS: Typically -- I mean we had
 5 just grazed the surface of what had happened, and we
 6 had not gone into detail when I made the first call to
 7 DCS to find out if this was reportable.
 8 BY MR. DAVIS:
 9 Q. Was the child molester sexually abused?
 10 MR. CRAN: Objection; irrelevant.
 11 THE WITNESS: I don't know.
 12 BY MR. DAVIS:
 13 Q. What -- what is this class -- is this a
 14 mental illness? What is this?
 15 A. What is -- what is what?
 16 Q. Anyone that wants to go and -- go in the room
 17 of a sleeping ██████ or whatever, is 10, 11, 12 years
 18 old, and molest them in the middle of the night or
 19 whatever, is that a -- is that classified as a mental
 20 illness? Is there something that the health officials
 21 have put on this?
 22 A. Well, so I mean are you asking me to get into
 23 the origins of what would cause somebody to do that?
 24 Q. Yeah, I think most people don't -- have a hard
 25 time understanding that, and they can't get their mind

Ex 4

vs AUSTIN DAVIS
Deposition of CAROLYN CONE on 09/11/2018

Page 38

1 that you have.

2 Q. I don't have -- oh, this exhibit?

3 A. Yeah. That was me testifying about [redacted], and

4 it has [redacted] name on it. My understanding is that

5 you're the one that posted that.

6 Q. It's got somebody blacked out here. I don't

7 know what it says.

8 MR. DAVIS: I think I've had enough.

9 MR. CRAIN: All right. I have no further

10 questions, and that will conclude the deposition.

11 THE VIDEOGRAPHER: Thank you. The time

12 is 2:00 p.m. We're off the record.

13 (Whereupon, the deposition

14 concluded at 2:00 p.m.)

15

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Page 39

1 REPORTER'S CERTIFICATE

2

3 STATE OF TENNESSEE

4 COUNTY OF DAVIDSON

5 I, ARIELA PASTEL, Licensed Court Reporter,

6 with offices in Nashville, Tennessee, hereby certify

7 that I reported the foregoing deposition of CAROLYN

8 CONE by machine shorthand to the best of my skills and

9 abilities, and thereafter the same was reduced to

10 typewritten form by me.

11 I further certify that I am not related to any

12 of the parties named herein, nor their counsel, and

13 have no interest, financial or otherwise, in the

14 outcome of the proceedings.

15

16

17 *Ariela Pastel*

18

19

20 ARIELA PASTEL, LCR

21 Licensed Court Reporter (TN)

22 LCR # 736 - Expires 6/30/19

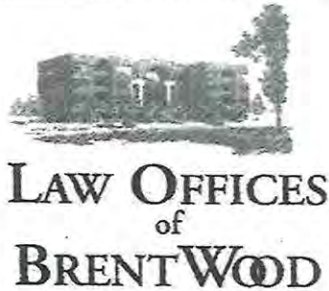
23

24

25

Ex 4

LARRY L. CRAIN
Attorney at Law



615.376
615.345 Fax
@
www.brent .com

June 2, 2009

Austin and Catherine Davis
5895 Willshire Drive
Nashville, TN 37215

*Re: Austin, Catherine and Daisy Davis v. Jim Bachmann, Worrick Robinson and
Covenant Presbyterian Church*

Dear Austin and Catherine,

It was my pleasure to meet with both of you today. I have since had an opportunity to review the documents that you left with me concerning your case.

The facts as related by you raise a host of legal and constitutional issues, all of which are complex in nature. It appears to me that you have sought repeatedly to resolve this matter following the admonition of the Holy Scriptures in 1 Corinthians: 6, Matthew: 18 and others. It is indeed unfortunate that your appeals to the ecclesiastical authorities of the church seem to have fallen on deaf ears. What is even more disturbing is the apparent pattern on the part of some church leaders within Covenant Presbyterian to use their political influence to try and intimidate you through the use of law enforcement and civil authority. This pattern opens the church and leadership to potential civil liability under such theories as invasion of privacy, defamation and for casting you in a false light.

Over the course of my thirty years practice I have specialized in representing churches and Christians in a wide spectrum of church/state issues. I have been on both sides of church discipline cases and will tell you that when civil courts become involved, these cases rapidly escalate into a warfare in which the casualty often is the reputation of Christians, particularly in the eyes of non-believers. It is for this reason that I must advise you to tread cautiously into your decision whether to bring any type of civil action against those who have usurped their role as church leaders, and I am convinced that you have prayerfully considered any such action.

I will continue to give this matter further thought and consideration as I review the documents that you have provided me. You should also be mindful of the fact that there is a one year statute of limitations which may expire as early as **June 27, 2009**; as to certain causes of action you may have against these defendants. This statute of limitations is, of course, tolled as to your daughter, Daisy, because of her minority status.

Maryland Way, Suite Brentwood, TN 37027

ADMITTED: VIRGINIA WASHINGTON D.C. TENNESSEE

EX 4

Austin and Catherine Davis

6/2/09

Page 2

At this time, I am unable to commit to the filing of any civil action prior to the expiration of this statute of limitations. However, if after further review and consultation with you, I change my mind, I will certainly notify you. I remain

Very Truly

Larry L. Crain

LLC/agc

In June 2009, Attorney Larry Crain rejected representing the Davis Family. In March 2016, Attorney Larry Crain chose to protect a Mann Act Federal crime cover-up by representing John Perry's child sex abuse Victim #1 in a \$3 million lawsuit against Austin Davis.

During a court hearing on March 10, 2016, Attorney Larry Crain sought an injunction to silence Austin Davis from exercising his First Amendment right to speak out about the John Perry child sex abuse cover-up. This hearing occurred about two weeks after Austin Davis informed GOP Presidential Candidate John Kasich about the child sex abuse cover-up during a televised C-Span town hall rally in Nashville.

In 2018, Attorney Larry Crain represented child-molester John Perry in a \$3 million lawsuit against Rev. Billy Graham's publisher, HarperCollins, during the same period of time when he was representing John Perry's child sex abuse Victim #1, and during the same period of time when he filed a \$1.5 million lawsuit against the mother of the alleged 6th grade Brentwood Academy gang rape victim. Child-molester John Perry lived, or still lives, approximately 12 houses away from the family of the alleged 6th grade Brentwood Academy gang rape victim.

Attorney Larry Crain is a long-time friend and former ACLJ senior counsel with Jay Sekulow, President Trump's 1st impeachment attorney. Attorney Larry Crain graduated from the Nashville School of Law. Attorney Jay Sekulow graduated from Mercer Law School. There is **NO** statute of limitations for child sex abuse across state lines under the Federal Mann Act.

Ex4

IN THE CIRCUIT COURT OF DAVIDSON COUNTY TENNESSEE

COPY

[REDACTED])
 Plaintiff,)
 vs.) CASE NO.
 AUSTIN DAVIS,) 16 [REDACTED]
 Defendant.)

Proceedings before the Court

March 14, 2016

EXCERPT: Testimony of Caroline Cone

Before: The Hon. Kelvin Jones, as Judge

Reported By: Priscilla Smith, LCR

A P P E A R A N C E S:

For the Plaintiff:

Mr. Larry Crain
Arena Law Firm, PC
[REDACTED] Maryland Way
Suite [REDACTED]
Brentwood, TN 37027

The Defendant:

Mr. Austin Davis appeared Pro Se

ALSO PRESENT:

[REDACTED]

MRS. DAVIS

I N D E X

WITNESS

CAROLINE POST CONE, MSN, APRN, BC

Direct Examination by Mr. Crain.....3

Cross Examination by Mr. Davis.....13

E X H I B I T S

No. 1 Report.....11

Reporter's Note: All proper names in the transcript are spelled phonetically, unless spelling is provided by counsel or witness.

EXS

1 CROSS EXAMINATION BY MR. DAVIS:

2 Q. Ms. Cone, did you say you had learned
3 about the child molestation in 2008?

4 A. Yes.

5 Good morning.

6 THE COURT: She said "good morning."

7 MR. DAVIS: "Good morning"?

8 THE COURT: "Good morning," to you.

9 Q. Oh, good morning. I asked a question.
10 Did you hear it?

11 A. Yes, sir. I answered it.

12 Q. So you learned about it in 2008?

13 A. Yes, sir.

14 Q. And what did you do?

15 A. What did I do with the information?

16 Q. Yeah.

17 A. Meaning, like, what -- did I contact?

18 Q. I just want to know what you did. Was it
19 a private thing at that point in time? Were
20 you -- I don't know; I'm not a counselor or
21 anything. I'm not a lawyer, so I'm just asking
22 questions.

23 Did you do anything, or did you just...

24 A. Sure. Yes, sir. My client, at the time,
25 was 18 years old, which is important to note. And

1 when [REDACTED] came, the church called, and it was a
2 crisis, and could I get [REDACTED] in fairly quickly, and
3 I said, absolutely. [REDACTED] came in quickly.

4 And then, because I was not sure of what
5 to do, I contacted the Department of Children's
6 Services and spoke with a representative there, and
7 what they said was that because [REDACTED] was now 18,
8 that it had left their office's abilities, and
9 so ---

10 Q. So when in 2008 did you first start
11 counseling [REDACTED]?

12 A. April.

13 Q. Or was it 2007, whenever it was?

14 A. It was 2008, and it was April.

15 Q. April. And so when the church calls you,
16 do you know who it was in the church that called
17 you?

18 A. One of the pastors.

19 Q. Do you remember who?

20 A. I believe it was Pastor Ferris.

21 Q. Pastor Larry Ferris? Pastor Larry Ferris
22 called you in April of 2008?

23 A. Yes, sir.

24 Q. Were, like, the parents back from TCS at
25 that time? Was it an active separation, or do you

1 know? Do you remember?

2 A. They hadn't separated yet.

3 Q. They hadn't separated. Okay. Well, they
4 separated on April 26th, is what the divorce
5 records say, so was it, like, in mid-April, maybe,
6 when they called?

7 A. Uh-huh.

8 Q. All right. Are you supposed to report it
9 to the DCS or police or anything?

10 A. If the child is under the age of 18.

11 Q. So there is no duty to report a child
12 molester if the statute of limitations is active or
13 running to 21?

14 A. So I did call and report the incident, and
15 they told me that it was not something that their
16 office handles once a child turns 18.

17 Q. You called DCS?

18 A. Yes. Yes, sir. I said that to you
19 earlier.

20 Q. Well, I called DCS, and they said it
21 hadn't been reported.

22 A. Well, I called them. I have
23 documentation.

24 Q. They have no record of it.

25 And then if it gets reported to DCS, then

1 DCS, I think, has to let the police know, and then
2 the police come and investigate.

3 A. My understanding, when I reported it, is
4 that they told me that they don't start working on
5 cases where children are the age of 18 or above.
6 That's my understanding.

7 Q. I'm not -- I mean, I'm just asking because
8 I don't know. This was all murky to me when I got
9 to it and did it. I'm just trying to figure out
10 what happened. Because I called them in 2012.

11 I went to the FBI, the US -- I didn't go
12 to the police, because I was too scared to go the
13 police, of course ---

14 THE COURT: Mr. Davis, if you could just
15 focus on the question. I know this is helpful
16 information for you, but just ask her
17 questions, if you would.

18 THE WITNESS: Would it be okay if I get
19 some water?

20 THE COURT: Yes, yes.

21 Q. (BY MR. DAVIS) So the police, the first
22 time you ever talked to any police was in 2013?

23 A. Correct.

24 Q. Are you sure about that? It's hard -- I
25 say "are you sure" because I reported this in

1 October of 2012. And the police brought me in on
2 December 5th. My wife -- there were eight police
3 officers there. High-level, all the way to the
4 top.

5 THE COURT: Mr. Davis, now, you're
6 testifying about your own experiences.

7 MR. DAVIS: Okay.

8 THE COURT: So just ask Ms. Cone about
9 her experiences.

10 MR. DAVIS: I may become a lawyer, if I
11 stay here long enough and you coach me. Okay.

12 Q. (BY MR. DAVIS) So the police told me, on
13 December 5, 2012, that the investigation was closed
14 and over and that they had already talked to
15 everybody. So could you think back a little bit
16 and see if it was sometime at the end of 2012,
17 maybe?

18 A. According to my records, I got a call in
19 July of 2013 by a detective who was researching the
20 case. That's what's documented in my records.

21 Q. Do you know who that was?

22 A. I don't. I have it written down, but I
23 don't know what detective it was. I met him in
24 person, I talked to him on the phone, he came to my
25 office, and the three of us had a conversation.

1 And I will say, sir, that that was
2 extremely traumatizing for my client.

3 Q. Okay, and so your testimony -- are you
4 saying -- I just want to be clear -- you're saying
5 I'm the one traumatizing your client?

6 A. Yes.

7 Q. Has the child molester, has he traumatized
8 your client?

9 MR. CRAIN: Objection, your Honor.
10 Irrelevant.

11 THE COURT: I will sustain the objection.

12 Obviously I think it's inherent in the
13 witness' testimony that the underlying event
14 was traumatizing, so -- and I think what she's
15 saying is that by you publishing information
16 regarding the incident, that when [REDACTED]
17 hears about it, it continues to traumatize

18 [REDACTED]
19 I think that's what she testified to.

20 THE WITNESS: Exactly.

21 THE COURT: I don't think she said that
22 you've intended to do anything, but she's
23 saying when [REDACTED] hears about it, it has a
24 traumatic effect.

25 THE WITNESS: I'm guessing that you care.

1 I'm guessing that you care and want the truth
2 to come out.

3 However, what ends up happening is, it
4 ends up backfiring, and [REDACTED] just really is
5 highly anxious, and the word is
6 "revictimized," every time something comes out
7 on BuzzFeed or something like that,

8 Q. (BY MR. DAVIS) So if, when I came forward
9 and brought it to people's attention in 2012 and
10 everybody who was involved had just said, yes, this
11 is what we did, then there wouldn't have been
12 anything traumatizing, is what I believe, possibly,
13 if people told the truth.

14 A. I don't believe I can speak to that.

15 THE COURT: That's your experience. She
16 can't -- she doesn't know anything about your
17 experience. So you're asking her to speculate
18 about something you did. She doesn't know
19 anything about that.

20 She only knows -- she's going to testify
21 to her experience. So when you say something
22 like that, and "I went to the folks in 2012,"
23 she doesn't know that.

24 MR. DAVIS: Okay.

25 THE COURT: So ask her questions.

1 Q. (BY MR. DAVIS) Who is the molester?

2 A. Who is the what?

3 Q. The molester. Do you know who the
4 molester was?

5 A. Yes, sir.

6 Q. Did you name him?

7 A. Yes, sir.

8 Q. Who is it?

9 A. John Perry.

10 Q. Do you know how many times?

11 A. How many times ---

12 THE COURT: I don't know how that's
13 relevant. How is that relevant? You asked
14 her a question.

15 MR. DAVIS: I thought she was a
16 psychologist.

17 THE COURT: How is that relevant?

18 THE WITNESS: May I say one thing?

19 MR. DAVIS: I asked her a question.
20 She's testifying as a psychiatrist or
21 whatever.

22 THE WITNESS: Hang on one minute. So my
23 understanding is that we're here to determine
24 whether the continued publicity around this
25 issue affects my client, which it really does,

1 but I will also say that the more details you
2 ask me related to [REDACTED] sexual abuse will
3 retraumatize [REDACTED] far more than some other
4 things have in the past year or so. And that
5 would be my concern as a clinician.

6 Q. (BY MR. DAVIS) It's relevant because
7 we're sitting here in 2016. Back in 2008, people
8 were discussing something, and I have a question I
9 want to ask you.

10 Do you practice relational restoration?

11 A. As an entity?

12 Q. As a counseling technique.

13 A. Yes, I don't know what that specific term
14 means, but if that needs to happen, then
15 absolutely.

16 Q. So when there -- a child's molested, is
17 relational restoration -- and the Presbyterian
18 Church of America has admitted that they did do for
19 a long time -- is that a technique where you sit
20 down with the victim and the person who did the
21 molesting and go over that in tremendous detail to
22 try to find out what he did?

23 A. Well, so it is not appropriate for every
24 relationship to be restored; it's just not. In
25 general population, mostly it is not appropriate.

1 Q. Was it used in this case?

2 A. I don't know in this case what the church
3 did with it. I only know from my perspective what
4 happened in counseling sessions.

5 Are you asking me about the church?

6 Q. Did you ever sit down with the parties
7 involved and go through that practice with them?

8 A. I sat down with the parties involved, and
9 the purpose was not relational restoration. The
10 purpose was disclosure and healing for my client
11 and also some -- it -- it is helpful when somebody
12 admits to harming you, in front of you.

13 Q. Does that ever backfire with anybody?
14 Does it ever hurt them? Is it ever traumatic for
15 them?

16 A. So are you asking if the process of
17 relational ---

18 Q. Is that done, like it would be, like, on a
19 high school coach and a 13-year-old girl, where the
20 school wanted to get them together, set them down
21 together and make sure that didn't happen, to try
22 to have the child reclaim something with the person
23 and still restore the gift that the person's
24 done -- no police involved or anything, but try to
25 work that out, is that something that -- does that

1 work all the time?

2 A. Well, are you asking based on my own
3 experience or ---

4 Q. I'm just asking -- because I'm not a
5 psychiatrist, or anything. I'm just asking, is
6 that a practice, and I'm wondering if it's
7 successful.

8 A. I really don't know. I really don't know
9 if that whole concept of relational restoration is
10 healing or helpful.

11 Q. Did you ever go to a counseling meeting at
12 the church or have a meeting at the church?

13 A. About this case?

14 Q. Yes.

15 A. No.

16 Q. Did you go up there as a member?

17 A. No, sir.

18 Q. Are you a member of the PCA?

19 A. Yes, sir.

20 Q. Which church?

21 MR. CRAIN: Object. How could that
22 possibly be relevant, what church she attends?

23 THE COURT: It's not relevant. Let's
24 move on.

25 Q. (BY MR. DAVIS) So when you called DCS,

1 they told you there was nothing that could be done?

2 MR. CRAIN: Objection, hearsay.

3 MR. DAVIS: Huh? .

4 THE COURT: She's already testified. Her
5 testimony was, she contacted DCS, and DCS
6 informed her that because [REDACTED] was 18, that
7 they don't handle those matters.

8 Q. (BY MR. DAVIS) Did you know other
9 children had been put in the molester's house back
10 in 2002?

11 A. Other children had been put ---

12 Q. Yes, the safe house, and there were other
13 children, put back in his house, little girls,
14 small kids.

15 A. I did not know that.

16 Q. Yes. That was done in 2002 ---

17 MR. CRAIN: Objection. That's testimony,
18 your Honor.

19 THE COURT: You're testifying. You're
20 trying to ---

21 MR. DAVIS: I'm not trying ---

22 THE COURT: You asked her a question:
23 Was she aware of a safe house back in 2002.
24 Her answer was no, she was not aware.

25 Then you said: Well, you know, it was

1 this, this was going on.

2 That's not -- ask a question.

3 Q. (BY MR. DAVIS) As a person that deals
4 with people who have been molested, is that a
5 concern to you?

6 A. That it was a safe house?

7 Q. No, that John Perry had children that the
8 church put in that house with him back at the same
9 time when the victim was being molested.

10 A. That would be a concern for me.

11 MR. DAVIS: Thank you.

12 THE COURT: All right. Anything else?

13 MR. CRAIN: No further questions.

14 THE COURT: Thank you. You're free to
15 go. All right.

16 (The witness was excused.)

17 * * * * *

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REPORTER'S CERTIFICATE

1
2
3 I, Priscilla Smith, Notary Public and
4 Licensed Court Reporter in the State of Tennessee,
5 do hereby certify that I was present at and did
6 report, to the best of my skill and ability, by
7 machine shorthand, all the proceedings in the
8 foregoing excerpt, and that said excerpt is a true
9 and accurate transcript of the proceedings to the
10 best of my ability.

11
12 I further certify that I am not an attorney
13 or counsel of any of the parties, nor a relative or
14 employee of any attorney or counsel connected with
15 the action, nor financially interested in the
16 action.

17
18 SIGNED this 18th day of ~~October~~ ^{November} 2018.

19 *Priscilla Smith*

20 Priscilla Smith, LCR

21 LCR No. 600

22 Expires: ~~6/30/2018~~ ^{6/30/2020}

23 Notary Public, Expiry December ~~9~~ ⁵, 2016
24 ~~2016~~ ²⁰²⁰

25

IN THE EIGHTH CIRCUIT COURT OF DAVIDSON COUNTY
AT NASHVILLE, TENNESSEE

FILED

2016 MAR 14 PM 4:31

RICHARD R. ROOPER, CLERK

Case No. 16
Kevin D. Jones

Plaintiff,
v.
AUSTIN DAVIS,
Defendant.

ORDER DENYING PLAINTIFF'S REQUEST FOR A TEMPORARY INJUNCTION

This matter came to be heard on March 14, 2016 before the Honorable Kelvin D. Jones, III upon Plaintiff's Petition for a Temporary Injunction. The Plaintiff was represented by Attorney Larry Crain and the Defendant appeared *pro se*. Based upon the testimony of the parties and witnesses, the evidence presented, the arguments of counsel and the Defendant, the findings of facts and conclusions of law recited by this Court while rendering its opinion and the entire record, this Court finds that the temporary injunction should not be issued. The Court's ruling is based upon the following findings of facts and conclusions of law.

Findings of Fact

The Plaintiff filed [redacted] Verified Complaint on February 18, 2016. The Defendant was served on March 2, 2016. In [redacted] original Verified Complaint, the Plaintiff alleges four counts, two of which are causes of action for invasion of privacy. The Plaintiff did not bring a claim for defamation in [redacted] original Verified Complaint, but added that claim in an Amended Complaint that was filed on the morning of this hearing.

In [redacted] prayer for a temporary injunction, the Plaintiff specifically asks the Court to enjoin "the Defendant, and all those acting in concert with him, from publishing, disseminating, or posting on any social media or Internet site, or through the use of any written or digital media of

Ex 5

any type, any reference to any events allegedly taking place during the Plaintiff's childhood, whether the same are believed by the Defendant to be truthful or otherwise."

At today's hearing on March 14, 2016, the Plaintiff substantively argued that Defendant has defamed the Plaintiff by publishing and/or publicizing false statements regarding the Plaintiff's role in an alleged child-molestation cover up. The Plaintiff testified that the Defendant's prior statements regarding [REDACTED] role in the alleged cover up are false. The Defendant, on the other hand, contends that any statement made about a cover up, in which he alleges the Plaintiff was involved, are true. The Plaintiff testified that [REDACTED] was a victim of child molestation perpetrated by John Perry.

Conclusions of Law

The Plaintiff asks for a temporary injunction pursuant to Tennessee Rule of Civil Procedure 65.04. Under that Rule, the Plaintiff must clearly show that [REDACTED] rights are being or will be violated by an adverse party and that [REDACTED] will suffer immediate and irreparable harm in the absence of an injunction.

There are four factors for the Court to consider in deciding whether to grant injunctive relief in this case:

- (1) The Plaintiff's likelihood of success on the merits
- (2) Irreparable harm to Plaintiff that would result if the injunction is not granted
- (3) Potential harm to the Defendant if the injunction is granted
- (4) The public interest

Weighing all of these factors, the Court finds that the temporary injunction sought by the Plaintiff should not be granted.

With respect to the Plaintiff's likelihood of success on the merits, the Court notes that its evaluation of this factor is limited in that the Defendant did not have an adequate opportunity to

respond to the Plaintiff's claim for defamation, which Plaintiff substantively argued at today's hearing. Without adequate notice of this claim, the Defendant did not have an opportunity to call any witnesses or present other proof to rebut the Plaintiff's testimony that some of the Defendant's prior statements regarding [REDACTED] are false. Under these circumstances, the Court finds that the alleged falsity of the Defendant's statements is still in dispute.

For the Plaintiff's invasion of privacy claims, the Court finds that the United States Supreme Court case of *Cox Broadcasting v. Cohn*, 420 U.S. 469 (1975) is most on point. In that case, the father of a deceased rape victim brought action against a broadcasting company and others to recover damages for invasion of father's right to privacy, which invasion allegedly occurred when the broadcasting company, in contravention of a Georgia statute, identified the victim during television coverage of the trial of the alleged rapists. On appeal from a Georgia Supreme Court ruling which found that the Georgia statute did not conflict with the First Amendment, the U.S. Supreme Court reversed. In making its ruling, the Court observed that "the interests of privacy fade when the information involved already appears on public record, especially when viewed in terms of the First and Fourteenth Amendments and in light of the public interest . . ."

In the case at bar, there have been at least two global news outlets that have published stories identifying John Perry and his molestation of a young [REDACTED]. Plaintiff testified that [REDACTED] granted one of these outlets, *BuzzFeed*, an interview. There are numerous Court documents filed in connection with other lawsuits in which John Perry's commission of sexual molestation is referenced. In light of the case law and evidence presented at the hearing today, the Court cannot definitively find that the Plaintiff has a substantial likelihood of success on [REDACTED] invasion of privacy claims or [REDACTED] defamation claim.

With respect to irreparable harm to the Plaintiff in the absence of an injunction, the Court finds that, most unfortunately, the Defendant's prior publicization has caused much harm to the Plaintiff by re-opening traumatic events from [REDACTED] childhood. The Court finds the Plaintiff's testimony that further publication of the event will continue to cause [REDACTED] harm to have been particularly moving. However, the Court must balance the harm to the Plaintiff with the potential harm to the Defendant in granting an injunction.

With respect to the potential harm to the Defendant if the injunction is granted, the Court notes that any such injunction against the Defendant would qualify as a prior restraint of the Defendant's speech. Tennessee and federal Courts have notoriously held that such prior restraints are strongly disfavored and, in the context of a defamation claim, are permissible only after a specific finding by the trial court that the Defendant's statements are false. *See In re Conservatorship of Turner*, 2014 WL 1901115 (Tenn. Ct. App. 2014). As discussed in the Court's evaluation of the first factor, the Court has not had an adequate opportunity to make such a finding. Accordingly, the Court finds that the potential harm to the Defendant – a prohibition of constitutionally protected speech – is grave.

Lastly, the Court similarly finds that the public interest resides primarily in the Court's observance and protection of constitutional rights. The Court does not intend for this finding to diminish in any way the Plaintiff's own compelling interest in preventing the unlawful publicization of [REDACTED] private life. However, as observed by the Supreme Court in the *Cox Broadcasting* case, the "the interests of privacy fade when the information involved already appears on public record, especially when viewed in terms of the First and Fourteenth Amendments and in light of the public interest"


Ex 5

E will respond at a later time.

Based on the foregoing, the Court respectfully DENIES the Plaintiff's petition for a temporary injunction.

It is so Ordered.

Entered this the 14th day of March, 2016.



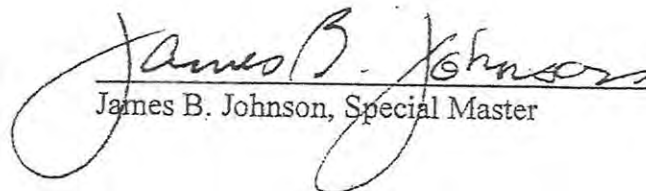
Kelvin D. Jones, III,
Judge, Eighth Circuit Court

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Memorandum and Order has been delivered via U.S. Mail on this the 14th day of March, 2016 to:

Larry I. Crain
Crain, Schuette & Associates
█ Maryland Way, Suite █
Brentwood, Tennessee 37027
Attorney for the Plaintiff

Austin Davis, *pro se*
5211 Park Avenue
Nashville, TN 37209



James B. Johnson, Special Master



State of Tennessee

TWENTIETH JUDICIAL DISTRICT

THOMAS W. BROTHERS,
JUDGE
SIXTH CIRCUIT COURT

404 METROPOLITAN COURTHOUSE
NASHVILLE, TENNESSEE 37261
(615) 862-5917

September 27, 2018

General Glenn Funk
Washington Square, Suite 500
222 2nd Avenue North
Nashville, Tennessee 37201-1649

Dear General Funk,

Please find enclosed DVDs of the trial testimony in the recent case of [REDACTED] versus Austin Davis, [REDACTED]. The plaintiff testified under oath that [REDACTED] had been ← * molested as a child by [REDACTED]. During the trial the defendant made numerous complaints that the police and authorities have refused to investigate these claims. I believe it is my obligation to provide this information to your office in order that you may determine whether any further review or investigation is required. Please maintain the identity of the plaintiff, "[REDACTED]," confidential unless [REDACTED] authorizes otherwise. I am advising both parties of my actions by copies of this letter.

Thank you and please do not hesitate to let me know if I can provide any other assistance.

Sincerely,

Thomas W. Brothers

CC: Larry Crain, attorney for plaintiff
Austin Davis, defendant

EX 5

The Tennessean

State Supreme Court denies Brentwood Academy's application to appeal sexual assault case

Elaina Sauber
The Tennessean

Published 12:00 p.m. CT June, 2018 – Updated 1:14 p.m. CT June 11, 2018

The Tennessee Supreme Court will not hear an appeal brought by Brentwood Academy lawyers, stemming from a high-profile sexual assault case.

The ruling formally opens the door to a new civil lawsuit from a boy who says he was repeatedly assaulted by other students in a locker room at the prestigious Williamson County private school.

An order filed June 7 confirms the Supreme Court denied an application for permission to appeal. **Judge Cornelia Clark recused herself from the decision.**

"We're very appreciative of the Supreme Court's ruling," said Justin Gilbert, who is representing the plaintiffs Jane Doe and John Doe in the case.

In April, attorneys for the school filed an application to appeal an order handed down by the Court of Appeals in February. That filing included a motion asking the Supreme Court to seal the application. The court granted the motion to seal.

The Court of Appeals decision reversed the ruling by Circuit Court Judge Deanna Johnson, who in December dismissed the entire case with prejudice, meaning it couldn't be refiled in the future.

The Supreme Court's refusal to hear the appeal means the school has no other avenues to ensure the case won't be refiled, said Mark Chalos, a Nashville attorney providing legal analysis for The Tennessean.

"The argument about whether the trial court should have dismissed this case with prejudice is over," Chalos said. "If the case is refiled in Williamson County, the judge should treat it as essentially a brand new case. Any prior proceedings should not impact the judge's view of the case."

It's possible that Johnson will preside over the case if it is refiled. Johnson denied a motion to recuse herself from the case in March. Gilbert tried to ask a higher court to force a recusal, but he missed the deadline to file appropriate paperwork by one day. As a result, the Court of Appeals denied the motion.

Attorneys for Brentwood Academy didn't immediately respond to a request for comment.

The school provided a statement through its communications director, Susan Shafer, on Monday.

"The Supreme Court's decision not to hear the appeal does not change the fact that this case has been dismissed at plaintiffs' choosing. What is clear is that Brentwood Academy took appropriate actions based on the information available," the statement says.

"This is supported by facts provided in the December 20th announcement by the Brentwood Police Department's Child Protective Investigative Team, including the Tennessee Department of Children's Services and the District Attorney, which stated that 'no criminal wrongdoing on the part of Brentwood Academy staff was discovered.'"

In August 2017, John Doe filed a lawsuit through his mother Jane Doe against the Williamson County school, administrators and four students. The lawsuit accused students during the 2014-15 school year of blocking locker

Exb

room doors and holding down John Doe, then a 12-year-old boy, while another student repeatedly sexually assaulted Doe.

The lawsuit also accused school administrators of not doing enough to prevent or appropriately respond to the alleged attacks.

Brentwood Academy and the accused boys have all denied wrongdoing. In December, the Brentwood Police Department announced it had concluded a more than three-year investigation and would not file criminal charges.

Copy

15

EIGHTH CIRCUIT

IN THE ~~FOURTH~~ CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

SUSAN ANN PYLE PERRY,

Plaintiff,

vs.

JOHN SMITH PERRY,

Defendant.

)
)
)
)
)
)

2009 MAR 13 PM 4:11

RICHARD R. BOONER, CLERK

DOCKET NO.:

Bdd

D.C.

09 [REDACTED]

COMPLAINT FOR DIVORCE

1. Plaintiff, SUSAN ANN PYLE PERRY (hereinafter called "Wife") is married to defendant, JOHN SMITH PERRY (hereinafter called "Husband"). The following is the statistical information pertaining to said parties required by T.C.A. § 36-4-106:

WIFE:

- a. Full maiden name of Wife: Susan Ann Pyle
- b. Race: Caucasian
- c. Residence address: [REDACTED] Bresslyn Road, Nashville, TN 37205
- d. Length of residence at above address: 10 years
- e. Date and place of birth: April 12, 1954, South Charleston, West Virginia
- f. Number of previous marriages: None
- g. Member of the Armed Services of the United States: No
- h. Employed: Mother

HUSBAND:

- i. Full name of Husband: John Smith Perry
- j. Race: Caucasian

Ex 7

k. Residence address: Hallmark Inns of America, 309 W Trinity Lane, Nashville, TN 37207

l. Length of residence at above address: Three months

m. Date and place of birth: October 4, 1952, Greensburg, Kentucky

n. Number of previous marriages: None

o. Member of the Armed Services of the United States: Yes

p. Employed: Self-Employed Author

q. Date and place of marriage of the parties: February 26, 1977 in Larchmont, New York

r. Date of separation of the parties: April 26, 2008

s. Residence of the parties at the time of their separation: [REDACTED] Bresslyn Road, Nashville, TN 37205

t. [REDACTED]
[REDACTED]
[REDACTED]

u. Grounds for divorce relied on by Plaintiff: Irreconcilable Differences, Inappropriate Marital Conduct

JURISDICTION

2. Husband and Wife have been bona fide residents of Tennessee for more than six (6) months.

3. [REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

4. [REDACTED]

[REDACTED]

ALLEGATIONS

- 5. The parties own real property located at [REDACTED] Bresslyn Road, Nashville, TN 37205.
- 6. The parties own various items of household furniture and furnishings.
- 7. The parties incurred some debts during the marriage, and to the best of the Wife's knowledge, the Husband has incurred a large sum of credit card debt in his name only.

* 8. Wife fears for her safety and the safety of [REDACTED] unless Husband is restrained from molesting, harassing, assaulting, threatening or harming [REDACTED] due to Husband's past acts of abuse and molestation of [REDACTED], *

9. Wife has the following ground(s) for divorce:

- (a) The parties have irreconcilable differences;
- (b) Husband has been guilty of inappropriate marital conduct;
- (c) Husband has been guilty of such cruel and inhuman treatment or conduct towards her as renders cohabitation unsafe and improper;

WHEREFORE, WIFE PRAYS:

- 1. For process to issue and be served on the Husband, requiring him to answer, but his oath thereto is waived;
- 2. For an absolute divorce;

Copy

3. For alimony, both *in solido* and *in futuro*, as well as rehabilitative, transitional and pendente lite, including, but not limited to, requiring Husband to acquire and maintain hospitalization and major medical insurance covering Wife;
4. For all right, title, and interest in the personal property already in her possession to be divested out of Husband and vested in Wife;
5. For all right, title, and interest in the parties' real property described herein to be divested out of Husband and vested in Wife;
6. For Husband to be ordered to pay as alimony any and all debts of the parties and to indemnify and hold Wife harmless thereon;
7. For restoration of her maiden name, Pyle;
8. For the Court to approve the marital dissolution agreement that the parties may execute and file;
9. For additional alimony, the Wife be awarded her attorney fees in connection with this action for divorce;
10. For the litigation tax and costs to be taxed to Husband; and
11. That the Wife has such further, different and general relief to which she may be entitled.

THIS IS THE FIRST APPLICATION FOR EXTRAORDINARY PROCESS HEREIN.

Respectfully submitted,

ROBINSON, REAGAN & YOUNG, PLLC

BY: 

WORRICK G. ROBINSON, IV #15009
Attorney for Plaintiff/Wife
260 Cumberland Bend
Nashville, TN 37288
(615) 726-0900



Copy

STATE OF TENNESSEE
COUNTY OF DAVIDSON

OATH *

I, SUSAN ANN PYLE PERRY, being first duly sworn, makes oath that I am the Plaintiff/Wife in the above-stated action, that I have read the foregoing Complaint for Divorce, I know the contents thereof, and that the same is true and correct to the best of my knowledge, information, and belief; that this Complaint for Divorce is not made out of levity or collusion with the Defendant/Husband; that this Complaint is made for the causes mentioned therein; that I am unable to bear the expense of this cause, but is justly entitled to the relief sought.

Susan Ann Pyle Perry *
SUSAN ANN PYLE PERRY

SWORN TO AND SUBSCRIBED before me this 4th day of March,
2009.

Cristina Thomas

NOTARY PUBLIC

My Commission Expires: 3/21/09



Commission Expires MAR. 21, 2009

Ex 7.

Copy

IN THE EIGHTH CIRCUIT COURT OF DAVIDSON COUNTY, TENNESSEE

FILED

In Re: Court Mandated Parenting Skills Seminars 2004 APR 19 AM 11:29

RICHARD R. BOONE, CLERK

ORDER

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that all parents who file for either contested or uncontested divorce in Davidson County, when their case is assigned to the Eighth Circuit Court, shall be required to attend a Parenting Skills seminar and receive a certificate from such seminar, in order to be granted a Final Divorce. When a divorce is granted by Default Judgment, the party seeking the divorce must complete the Parenting Skills seminar. However, it will not be held against the Party seeking the divorce by default if the unresponsive party fails to answer or attend the parenting seminar and the Final Divorce may still be granted.

The Eighth Circuit Court finds that these classes are very important to the health and well-being of the children of Davidson County, and therefore, the Court will no longer grant "Motions to Waive" attendance at the Parenting Seminars.

ENTERED this 19th day of April, 2004.

Carol Solomon
JUDGE CAROL SOLOMAN *

EX 7

Copy

IN THE THIRD CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE
AT NASHVILLE

FILED

SUSAN ANN (PERRY) CLARK JUL 31 PM 3:49
Respondent,

RICHARD R. WELSH, CLERK

Case No. 09 [REDACTED]

vs.

C. Stone
)

JOHN SMITH PERRY
Petitioner.

MOTION TO TRANSFER CASE TO EIGHTH CIRCUIT

Now comes Respondent, Susan Ann (Perry) Clark, by and through counsel moves this Court to transfer this case file back to the Eighth Circuit Court. As grounds for its motions, Respondent will show as follows:

1. That the original Complaint for Divorce was filed and assigned to the Eighth Circuit Court.
2. That prior to the Entry of Final Decree, numerous Motions were held in Eighth Circuit Court that addressed issues particular to this case.
3. That this matter was settled while the parties were present in court for a pending Motion in the Eighth Circuit Court on November 2, 2009.
4. That the very particular terms of the divorce were announced in open court and there was actually dialogue between counsel, the parties and the Judge about specific terms that were announced in open court. As a matter of fact, several terms were actually tweaked during the final announcement of terms in agreement of the parties.
5. That the Petitioner has filed a Petition to Terminate Alimony, whereby, Mr. Perry has requested that he be able to modify the Final Decree to label Respondent's share of his intellectual property rights granted in the Final Decree as Alimony In Futuro and then to

Ex 7

terminate same because she had married since the time of the entry of the Final Decree dated November 3, 2009.

6. That subsequently on February 17, 2012, the Petitioner propounded upon Respondent Interrogatories and Request for Production of Documents that seek non relevant information.
7. That on February 29, 2012, the Respondent filed a Motion for Protective Order arguing that the discovery requests were improper and irrelevant because his allegations that a certain provision of the parties Final Decree constitutes a property division rather than alimony.
8. That on April 13, 2012, the Eighth Circuit Court heard the motion and granted Respondent's Motion for Protective Order. It was additionally discussed on this date that a Motion for Summary Judgment would be appropriate by the Respondent. Respondent has not filed her Motion for Summary Judgment as of this date.
9. That subsequently, the Respondent filed a Motion to Amend Order for Protective Order, which was to be heard on June 15, 2012. Unbeknownst to counsel for Respondent, this matter had been transferred to the Third Circuit Court. Lead counsel for the Respondent sent an associate from his office and later learned that the case was argued before the Third Circuit Court and the Third Circuit Court issued an Order Amending the Eighth Circuit Court original Protective Order.
10. That this case should be transferred back to the Eighth Circuit Court. The case has a lot of history that deals especially with the Petitioner's admitted sexual abuse of [REDACTED]
[REDACTED], which has manifested into a lifelong requirement [REDACTED]
[REDACTED]

Copy.

11. That because of the extended history and because of the Eighth Circuit Courts in-depth interaction in the settlement terms of the case, this matter should be transferred back the Eighth Circuit Court.

Respectfully Submitted,

ROBINSON, REAGAN & YOUNG PLLC



Worrick G. Robinson, IV (#15009)
Attorney for Respondent
Broadway, Suite
Nashville, Tennessee 37201
Telephone (615) 726-0900
Facsimile (615) 256-3634

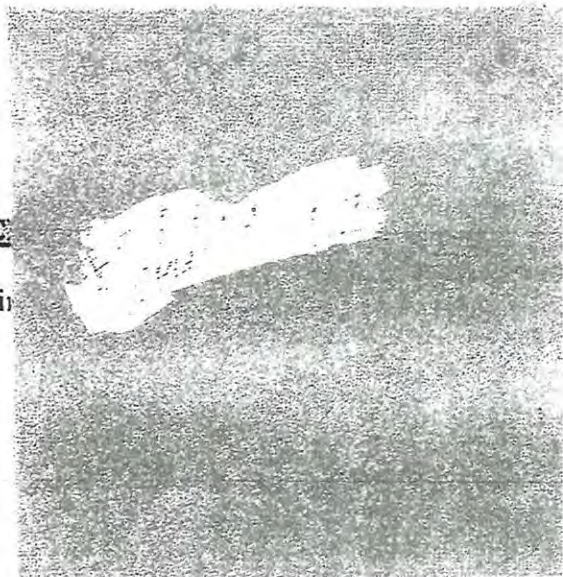
THIS MOTION IS EXPECTED TO BE HEARD ON AUGUST 17, 2012 AT 9:00am

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing first class, United States mail, postage prepaid, to:

Paul A. Rutherford
Sixth Avenue North
Nashville, TN 37208

On this the 31st day of July, 2012.



WORRICK G. ROBINSON, IV

EX

IN THE CIRCUIT COURT OF DAVIDSON COUNTY
AT NASHVILLE, TENNESSEE

2013 JUN 19 PM 1:37

AUSTIN DAVIS and wife,
CATHERINE DAVIS; DAISY
DAVIS; D.D. b/n/f CATHERINE
DAVIS,

Plaintiffs,
vs.

Case No. 13 ~~_____~~
JURY DEMANDED

COVENANT PRESBYTERIAN
CHURCH OF NASHVILLE; NASHVILLE
PRESBYTERY, P.C.A.; PRESBYTERIAN CHURCH IN
AMERICA (A CORPORATION); JIM BACHMANN;
JOE EADES; JOHN AVERY; and
WORRICK ROBINSON.

Defendants,

COMPLAINT FOR DAMAGES

Plaintiffs complaining of Defendants, allege and say as follows:

1. Plaintiff Austin Davis and wife, Catherine Davis are adult citizens and residents of Davidson County, Tennessee. Plaintiff, Daisy Davis, is an adult citizen and resident of Davidson County, Tennessee, and daughter of Austin Davis and wife, Catherine Davis. Plaintiff, D. D. b/n/f Catherine Davis, is the minor son of Catherine Davis and is a citizen and resident of Davidson County, Tennessee. Hereafter, the plaintiffs shall be collectively referred to as the "The Davis Family" or referred to individually. The Davis family attended Covenant Presbyterian Church, until being banished, denied access to by unwarranted threat of trespass, or departed otherwise under pressure and ridicule by one or more of the defendants.
2. Upon information and belief, Defendant Covenant Presbyterian Church of Nashville (hereafter "Covenant") is a non-profit corporation organized and existing under the laws of the State of Tennessee and maintains a principal place of business in Davidson

IN THE CIRCUIT COURT OF DAVIDSON COUNTY
AT NASHVILLE, TENNESSEE

FILED

2013 AUG -7 PM 3: 37

RICHARD R. ROOKER, CLERK

cc [Signature] D.C.

AUSTIN DAVIS and wife,
CATHERINE DAVIS; DAISY
DAVIS; D.D. b/n/f CATHERINE
DAVIS,

Plaintiffs,
vs.

Case No. [REDACTED]
JURY DEMANDED

COVENANT PRESBYTERIAN
CHURCH OF NASHVILLE; NASHVILLE
PRESBYTERY, P.C.A.; PRESBYTERIAN CHURCH IN
AMERICA (A CORPORATION); JIM BACHMANN;
JOE EADES; JOHN AVERY; WORRICK ROBINSON; *
UNKNOWN DEFENDANTS.

Defendants,

AMENDED COMPLAINT

Plaintiffs complaining of Defendants, allege and say as follows:

THE PARTIES

1. Plaintiff Austin Davis and wife, Catherine Davis are adult citizens and residents of Davidson County, Tennessee.
2. Plaintiff, Daisy Davis, having recently obtained the age of the majority, is an adult citizen and resident of Davidson County, Tennessee, and daughter of Austin Davis and wife, Catherine Davis.
3. Plaintiff, D. D. b/n/f Catherine Davis, is the minor son of Catherine Davis and is a citizen and resident of Davidson County, Tennessee.
4. Hereafter, the plaintiffs shall be collectively referred to as the plaintiffs or referred to individually.

Copy

IN THE EIGHTH CIRCUIT COURT OF DAVIDSON COUNTY
AT NASHVILLE, TENNESSEE

FILED
2013 SEP 26 AM 8:41

WILLIAM R. HOGAN, CLERK

[Signature]
D.C.

AUSTIN DAVIS and wife,
CATHERINE DAVIS; DAISY DAVIS;
D.D. b/tr/f CATHERINE DAVIS,

Plaintiffs,

vs.

COVENANT PRESBYTERIAN
CHURCH OF NASHVILLE;
NASHVILLE PRESBYTERY, P.C.A.;
PRESBYTERIAN CHURCH IN
AMERICA (A CORPORATION); JIM
BACHMANN; JOE EADES; JOHN
AVERY; AND WORRICK ROBINSON,

Defendants

Case No. 13 [REDACTED]

ENTRY REQUESTED PURSUANT
TO TENN. R. CIV. P. 58

ORDER GRANTING DEFENDANTS' MOTIONS TO DISMISS

This cause came on for hearing on Thursday, September 19, 2013, before the Honorable Carol L. Soloman of the Eighth Circuit Court of Davidson County, Tennessee, upon Defendants Covenant Presbyterian Church of Nashville, Jim Bachmann, Joe Eades, John Avery, and Worrick Robinson's Motion to Dismiss Plaintiffs' Amended Complaint, Defendant Nashville Presbytery's Motion to Dismiss, and Defendant Presbyterian Church in America's Motion to Dismiss. Whereupon, in consideration of Defendants' Motions, Plaintiffs' responsive briefs, the argument of counsel, and the entire record as a whole, this Court finds that Defendants' Motions to Dismiss are well taken and should be granted on the grounds that Plaintiffs' Amended Complaint fails to state a claim upon which relief may be granted pursuant to Tenn. R. Civ. P. 12.02(6).

Ex 7

Copy

It is, therefore, ORDERED that Defendants' Motions to Dismiss are GRANTED, and Plaintiffs' Amended Complaint is DISMISSED in its entirety with prejudice to the refiling of the same. *Costs are taxed to Plaintiff US*

IT IS SO ORDERED *in*

Entered this *26* day of September, 2013.

Carol L. Solomon
JUDGE CAROL L. SOLOMAN

APPROVED FOR ENTRY BY:

DICKINSON WRIGHT PLLC

Thomas M. Donnell, Jr.

Thomas M. Donnell, Jr., #3841

Autumn L. Gentry, #20766

Kelly M. Telfeyan, #24473

Fifth Third Center, Suite 1401

Church Street

Nashville, TN 37219

(615) 244- [REDACTED]

Attorneys for Defendants Covenant

Presbyterian Church of Nashville,

Jim Bachmann, Joe Eades, John Avery,

and Worrick Robinson

FROST BROWN TODD LLC

* *William Campbell Jr. by Alg. of permission*

William L. Campbell Jr., #22712

R. Mark Donnell, Jr., #30136

The Pinnacle at Symphony Place

Avenue South, Suite [REDACTED]

Nashville, TN 37201

(615) 251- [REDACTED]

Attorneys for Defendant Nashville Presbytery

Copy

HODGES, DOUGHTY & CARSON, PLLC

E. Michael Brezina III by alg w/ permission

Wayne A. Kline, #13361

E. Michael Brezina, III, #23526

█ W. Main Street █

P. O. Box █

Knoxville, Tennessee 37901-0869

(865) 292 █

Attorneys for Defendant

Presbyterian Church in America

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing has been served via email transmission and United States Mail, first class, postage pre-paid, to:

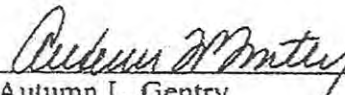
Duncan C. Cave, Esq.
█ 4th Avenue North, Suite █
Nashville, Tennessee 37219

X

William L. Campbell Jr., Esq.
Frost Brown Todd LLC
The Pinnacle at Symphony Place
█ Avenue South, Suite █
Nashville, TN 37201

E. Michael Brezina, III, Esq.
█ W. Main Street
P. O. Box █
Knoxville, Tennessee 37901-0869

Dated: September 20, 2013.


Autumn L. Gentry

NASHVILLE 38374-133 467642v1

Copy

IN THE EIGHTH CIRCUIT COURT OF DAVIDSON COUNTY, TENNESSEE
AT NASHVILLE

FILED

2014 JAN 23 PM 1:40

RICHARD H. BOOKER, CLERK

W. C. [Signature] D.C.

Docket No. 13 [Redacted]

AUSTIN DAVIS,, DAISY DAVIS,
Plaintiffs,

v.

DALE LEWELLING, COVENANT
PRESBYTERIAN CHURCH OF
NASHVILLE,
Defendants.

ORDER DENYING MOTION TO RECUSE

This cause came to be heard on January 21, 2014 before the Honorable Carol Solomon, Judge of the Eighth Circuit Court of Davidson County, Tennessee, on Plaintiff's Motion to Recuse this Court. This Court finds the Motion to be without merit as the Plaintiff makes no allegations that would require disqualification under Tenn.S.Ct. R10, RJC 2.11. The Motion is therefore denied.

Tennessee Supreme Court Rule 10, Canon 2.11(A) states, "A judge shall disqualify himself or herself in a proceeding in which the judge's impartiality might reasonably be questioned, including but not limited to the following circumstances: (1) the judge has a personal bias or prejudice concerning a party or a party's lawyer, or personal knowledge of facts that are in dispute in the proceeding." The Court in *Davis* held that a recusal motion should be granted when "the judge has any doubt as to his or her ability to preside impartially in the case" or "when a person of ordinary prudence in the judge's position, knowing all of the facts known to the judge, would find a reasonable basis for questioning the judge's impartiality." *Davis v. Liberty Mut. Ins. Co.*, 38 S.W.3d 560, 564-5 (quoting *Alley v. State*, 882 S..2d 810, 820 (Tenn.Crim.App. 1994)). Even if a judge believes that she can be fair and impartial, the judge should disqualify herself when "the judge's impartiality might be reasonably question" because "the appearance of bias is as injurious to the integrity of the judicial system as actual bias." *Bean v. Bailey*, 280 S.W.3d 798, 805 (Tenn. 2009).

In this matter, the Plaintiffs named several reasons that they believed warranted a recusal. First, they assert that, due to a relationship the Court has with Retired Judge Muriel Robinson, the Court is swayed to rule in favor of Mr. Worrick Robinson, a supposed relative of the retired Judge. Mr. Robinson is not, however, a named party in this matter. Further, while Plaintiff believes that both Judge Muriel Robinson and this Court are in the same political party, that fact has no bearing on this case. Plaintiff then asserted that, because this is an election year, there is the appearance of bias. As this is an election year for every Judge in the state, the Court finds that this assertion also has no merit. The Plaintiff goes further to suggest that there is a relationship between this Court and Mr. Robinson because of a divorce heard in 2009 by this Court wherein Mr. Robinson was counsel for the wife. Again, as Mr. Robinson is not a party to this case, or otherwise involved, there is not merit to this allegation.

Second, Plaintiff asserts that, because a Federal Judge is a member of Covenant Presbyterian, and apparently on an internal church committee regarding this matter, the Court might be swayed. The Court assured the Plaintiff, however, that it does not know the federal Judge in question, and was not aware of his membership in the church until it was brought up by the Plaintiff.

Third, Plaintiff asserts that this Court cannot be impartial because it has somehow signed written orders that don't correspond to what was said in court. The Court speaks through its orders, not through any oral rulings. However, a separate order will be entered that hopefully clears up any perceived differences between what was said in Court and what was written in the orders.

This Court has no doubt as to its ability to preside impartially in this case. This Court has no personal bias or prejudice concerning either party or their lawyers. Further the Court finds there to be no reasonable appearance of bias to question the Court's impartiality.

Based on all these reasons, the Plaintiff's Motion is DENIED.

IN THE CIRCUIT COURT OF DAVIDSON COUNTY
AT NASHVILLE, TENNESSEE

FILED
2014 JUN 23 PM 2:35
COURT REPORTER

DK

Case No. 00
JURY DEMANDED

AUSTIN DAVIS,

Plaintiff,
vs.

COVENANT PRESBYTERIAN
CHURCH OF NASHVILLE; NASHVILLE
PRESBYTERY, P.C.A.; PRESBYTERIAN CHURCH IN
AMERICA (A CORPORATION); STEWART JAMES
(JIM) BACHMANN, JR,

Defendants,

COMPLAINT FOR DAMAGES

Plaintiff, Austin Davis complaining of Defendants, brings this cause of action for the recovery of damages based on the Defendants' violations of common law negligence, intentional infliction of emotional distress, negligent infliction of emotional distress, false light invasion of privacy, and defamation; whereby, Plaintiff shows as follows:

1. Plaintiff, Austin Davis is an adult citizen and resident of Davidson County, Tennessee.
2. Defendant, COVENANT Presbyterian Church of Nashville (hereafter "COVENANT") is a non-profit corporation organized and existing under the laws of the State of Tennessee and maintains a principal place of business in Davidson County, Tennessee at 33 Burton Hills Boulevard in the Green Hills Community. Its membership, consisting of approximately 2000 members, annually donates approximately \$5,000,000.00 USD a year, tax-free, for the operating budget.
3. Defendant, NASHVILLE PRESBYTERY, Presbyterian Church in America (P.C.A) (hereafter "NASHVILLE PRESBYTERY") is an unincorporated organized body of churches existing under the laws of the State of Tennessee; same possessing actual and/or apparent au-

Ex 7

From: Covenant Presbyterian Church [mailto:communications@covenantpres.com]

Sent: Monday, June 24, 2013 4:16 PM

Subject: A Letter from Pastor Jim



COVENANT PRESBYTERIAN

Peace & Justice

Dear brothers and sisters,

I write to inform you that a former member, Mr. Austin Davis, has filed a lawsuit against our church, seeking damages and making a number of serious, but false allegations. You may read something in the papers tomorrow or soon thereafter about this. He has also sued the Nashville Presbytery, and the Presbyterian Church in America denomination.


Mr. Davis has made numerous complaints about our church for the last 10 or 11 years. Our best efforts to resolve these matters proved unsuccessful. We are saddened that he has taken this step but will cooperate fully with the authorities in the coming days. We will also keep you well informed as developments arise. Please keep the leadership of the church in your prayers, in particular the committee that will be handling this: Herb Kneeland, chairman; John Avery, John Bryant, and Ron Kimery. Please contact any of these men, or any of the pastors if you have questions. Thank you for your prayers!


Warmly, in Christ,

Pastor Jim

Stay connected!

 covenantpres.com

 [email](mailto:communications@covenantpres.com)

 615-383-2206



If you have any changes or updates, please email Janice at janicek@covenantpres.com.

Covenant Presbyterian Church • 33 Burton Hills Blvd • Nashville, TN 37215

<http://covenantpres.com/>

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Ex 7

IN THE TRIAL COURTS FOR DAVIDSON COUNTY, TENNESSEE
TWENTIETH JUDICIAL DISTRICT

AUSTIN DAVIS,

Plaintiff,

v.

COVENANT PRESBYTERIAN
CHURCH OF NASHVILLE;
NASHVILLE PRESBYTERY, P.C.A.
PRESBYTERIAN CHURCH IN AMERICA
(A CORPORATION); STEWART JAMES
(JIM) BACHMANN, JR.,

Defendants.

2014 JUL 14 PM 2:22

RICHARD R. ROCKER, CLERK

CASE NO: 14 [REDACTED]

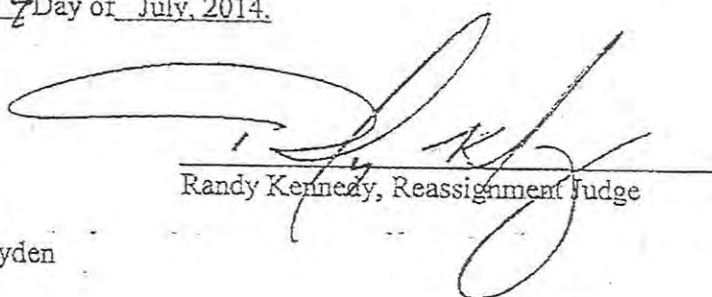
K. Lemmon D.C.

ORDER OF TRANSFER

IT APPEARING to the Court that Judge Hamilton V. Gayden has recused himself from the hearing of this case,

IT IS HEREBY ORDERED, that this case be transferred to Judge Carol Soloman for final hearing or other disposition.

Entered this 17 Day of July, 2014.



Randy Kennedy, Reassignment Judge

pc: Judge Hamilton V. Gayden
First Circuit Court

Judge Carol Soloman
Eighth Circuit Court

Mr. Thomas Donnell, Jr., Esq.
Fifth Third Center, Suite [REDACTED]
[REDACTED] Church Street
Nashville, TN 37219

Mr. Duncan Cave, Esq.
[REDACTED] Fourth Avenue, No., Ste. [REDACTED]
Nashville, TN 37219

Ex 7

Judge Casey Moreland offers a lesson

Frank Daniels III, fdaniels.iii@tennessean.com 6 a.m. CDT July 22, 2015

Last August, Nashville attorney Worrick Robinson asked me to have lunch with him and his long time friend, Casey Moreland, who had just been re-elected to the General Sessions Division 10 bench by Nashville voters 40,408 to 719.

The invitation came about two months after I had written two harsh columns disparaging Judge Moreland – one for his decision to release Nashville businessman David Chase without serving a 12-hour hold after being arrested on a domestic disturbance, and the second, echoing at-large councilwoman and recently announced mayoral candidate Megan Barry's call for his resignation.

"I have known Judge Casey Moreland for many years, and I have always maintained a great amount of respect for him as a judge," Robinson wrote in an email to set up lunch.

"It was painful to watch the coverage in your paper and on the various television outlets as Judge Moreland was 'shredded' at every opportunity for the decision he made to nullify the hold order placed on a defendant based on representations made to Judge Moreland by Bryan Lewis."

"There is no hidden agenda here," Robinson added, "and there will be no plea for leniency or mercy when you write your next op-ed about him."

THE TENNESSEAN

Judge Casey Moreland reprimanded by state judicial board

We met at Midtown Café on a Monday. It was midway through a process in which (almost) all The Tennessean newsroom employees were required to re-apply for a job. I was not predisposed to being friendly, much less warm and fuzzy, but several of my lawyer friends had told me I'd been unfair to Moreland.

After the usual preliminaries, Moreland quoted Mother Teresa, "You know," he said, "some people come into your life as a blessing, some come into your life as a lesson."

"David Chase has been a lesson."

The state Board of Judicial Conduct (BJC) rebuked Moreland in October for interfering in the detention process, which he did after a conversation with Lewis.

Lessons learned

That lunch was the first of a number of meetings, including observing a heartwarming graduation day from Moreland's treatment court, where people are afforded the chance realign their world through alternative sentencing.

I first started writing this column last fall, but held off when Moreland was reported to the BJC by fellow General Sessions judge Melissa Blackburn. She complained that Moreland had verbally abused some staff members, and violently threw some items in a fit of temper.

As we sat, sipping a glass of wine at Pinewood Social in November, Moreland was clearly distraught as he told me how crazy this was. "This did not happen," he said.

THE TENNESSEAN

Nashville Judge Casey Moreland cleared of misconduct

After more than a six-month investigation, during which investigators interviewed half of Nashville, the B.C. officially informed Moreland that investigators concluded that the event just did NOT occur.

Never happened.

That letter arrived around the same time that the District Attorney's request to dismiss charges against Chase was granted. The DA said the woman who accused Chase admitted to false testimony, that physical evidence and phone records contradicted her allegations and she tampered with evidence.

Chase is now suing the police department and his accuser, Lauren Bull.

Tart, but sweet

Moreland, who really struggled with the criticism leveled at him, is philosophical about the past year.

"During the events of last summer, the part that hurt me the most were the allegations by some that I would have intentionally hurt anyone or that I made my decision because of Mr. Lewis," Moreland wrote me in an email. "I honestly felt at the time that I was doing what was right given the facts presented to me (which as we now know turned out to be correct)."

"If we always try to learn every day from our life experiences, everyone we encounter will be a blessing and a lesson," he wrote me in an email. "I have certainly received my share of blessings over the last year.

THE TENNESSEAN

Judge Casey Moreland: Connected, caring, controversial

"Likewise, I have learned many lessons."

Me too, Casey.

We still meet about once a month to talk about life and the lessons we've learned.

It is a blessing.

Reach Frank Daniels III: 615-881-7039, or on Twitter @fdanielsiii

Worrick G. Robinson IV

Home Attorney Profiles Worrick G. Robinson IV



Worrick G. Robinson, IV is a member of Robinson, Reagan & Young, PLLC and joined the firm in 1994. Mr. Robinson's principal areas of practice are civil litigation and criminal defense. In addition, he also has a general practice that includes handling family law matters, police officers' rights, sports and entertainment law and retail collection issues.

Mr. Robinson graduated from the University of Tennessee at Knoxville with a B.S. degree in Business; he received his law degree from the Cumberland School of Law at Samford University. Upon graduation from law school, Mr. Robinson worked as an associate attorney at Leitner, Warner, Moffett, Williams, Dooley, Carpenter and Napolitan in its Chattanooga and Nashville offices before being hired by the firm of Adams and Whiteaker which is now Robinson, Reagan and Young, PLLC.

Mr. Robinson is authorized to practice in the Federal District Courts of Tennessee, as well as the U.S. Sixth Circuit Court of Appeals. Mr. Robinson is a member of the American Bar Association, the Tennessee Bar Association (former chair of the Federal Court Committee and the Creditors Rights Committee), and the Nashville Bar Association, where he formerly served on the Board of Directors. He is a Member of the Nashville Bar Foundation and serves as General Counsel to the Fraternal Order of Police. In 2005, Mr. Robinson was appointed by the Governor of Tennessee to the Collection Services Board which enforces and enacts rules and regulations concerning collection agencies and their compliance in the state.

Mr. Robinson is a frequent lecturer at several local universities, organizations and continuing legal education seminars on sports and entertainment topics, as well as collection laws. He also is an adjunct professor at Belmont University, where he teaches Sports Law in the MBA program.

**DID WORRICK ROBINSON, CASEY MORELAND AND OTHERS RIG AN
INDICTMENT OF AUSTIN DAVIS?**

WORRICK ROBINSON

CASEY MORELAND

Fall of a
TITAN
**WAS STEVE MCNAIR'S
GRAND JURY RIGGED?**

EXCLUSIVE

AM

TRIAL DATE SET FOR EX-JUDGE

4

BY



TEAM COVERAGE

JUDGE CASEY MORELAND IN COURT

CASE BOUND TO GRAND JURY

BOUND OVER TO THE GRAND JURY

Defendant: Willie A Davis 540950

Waiver to Grand Jury

Preliminary Hearing Waived on this _____ day of _____

Defendant

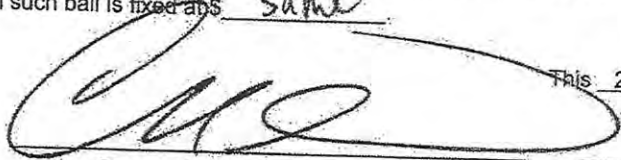
Approved by Judge

GS Division 10
Division

Preliminary Hearing

Tape # GS747507

It appearing from testimony in the case that there is probable cause to believe the defendant guilty of the offense of which he stands charged, it is adjudged that he be held to answer at the next term of Criminal Court of Davidson County, Tennessee. The offense being bailable, the amount of such bail is fixed at \$ same



This: 20th day of April, 2016

Judge Casey Moreland

GS Division 10
Division

Ex 8

STATE OF TENNESSEE v. WILLIE AUSTIN DAVIS

Davidson County Criminal Court

Blackburn, Cheryl A

2017-A-62

Case Milestones

Description	Date
Appeal Filed	10/16/2019
Record Filed	02/04/2020
Appellant(s) Briefing Complete	08/07/2020
Appellee(s) Briefing Complete	09/04/2020
Oral Argument/Submission	02/10/2021
* → Panel	
Decision Date	
Decision Type	
Disposition	
Appeal to S. Ct. Date	
Closed Date	

Parties

Ex 8



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ORAL ARGUMENTS

Audio recordings of oral arguments in the appellate courts heard on or after May 1, 2013 are available about 21 days after the oral argument. You may access the audio recording by searching the particular case and clicking on the digital play button when it appears. Within 10 days of the oral argument, parties may ask the court to exclude the audio recording from being posted. If the court grants the request, the oral argument will not be posted.

COURTS: **Court of Criminal Appeals** SECTION: **- Any -** COUNTY: **- Any -**

FROM DATE: TO DATE:

Format: 02/10/2021 Format: 02/10/2021

02/10/21

State of Tennessee v. Javier Alexander Rivas and Hayden S. Fryer M2019-02241-CCA-R3-CD	02/10/21	9:00am	Court of Criminal Appeals	Davidson County	Middle Section	
State of Tennessee v. Michael Keith Clark M2019-01813-CCA-R3-CD	02/10/21	10:00am	Court of Criminal Appeals	Montgomery County	Middle Section	
Lizandro Guovata v. State of Tennessee M2020-00118-CCA-R3-PC	02/10/21	11:00am	Court of Criminal Appeals	Davidson County	Middle Section	
State of Tennessee v. Robert E. Huse M2019-02287-CCA-R3-CD	02/10/21	1:00pm	Court of Criminal Appeals	Dickson County	Middle Section	
State of Tennessee v. Joshua Travis Griffith M2020-00521-CCA-R3-CD	02/10/21	2:00pm	Court of Criminal Appeals	Warren County	Middle Section	
State of Tennessee v. Andrew G. Walsh M2020-00357-CCA-R3-CD	02/10/21	3:00pm	Court of Criminal Appeals	Davidson County	Middle Section	



Fx 8

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COURT OF APPEALS

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Court of Criminal Appeals - Any - Any -

FROM DATE TO DATE Apply Reset

02/10/2021 02/10/2021

Format: 02/20/2021 Format: 02/20/2021

02/10/21

State of Tennessee v. Javier Alexander Rivas and Hayden S. Fryer M2019-02241-CCA-R3-CD	02/10/21	9:00am	Court of Criminal Appeals	Davidson County	Middle Section
State of Tennessee v. Michael Keith Clark M2019-01613-CCA-R3-CD	02/10/21	10:00am	Court of Criminal Appeals	Montgomery County	Middle Section
Lizandro Guevara v. State of Tennessee M2020-00118-CCA-R3-PC	02/10/21	11:00am	Court of Criminal Appeals	Davidson County	Middle Section
State of Tennessee v. Robert E. Huse M2019-02057-CCA-R3-CD	02/10/21	1:00pm	Court of Criminal Appeals	Dickson County	Middle Section
State of Tennessee v. Joshua Travis Griffith M2020-00521-CCA-R3-CD	02/10/21	2:00pm	Court of Criminal Appeals	Warren County	Middle Section
State of Tennessee v. Andrew G. Wash M2020-00157-CCA-R3-CD	02/10/21	3:00pm	Court of Criminal Appeals	Davidson County	Middle Section

22

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE
AT NASHVILLE

STATE OF TENNESSEE v. WILLIE AUSTIN DAVIS

Davidson County Criminal Court
2017-A-62

No. M2019-01852-CCA-R3-CD

Date Printed: 01/22/2021

Notice / Filed Date: 01/22/2021

NOTICE - Docket Activity - Docketed (On Briefs)

This case has been docketed as an on-briefs case. You will receive another notice when an opinion is filed.

James M. Hivner
Clerk of the Appellate Courts

Ex 8

Memorandum

To: Counsel of Record
From: James M. Hivner
Appellate Court Clerk

Re: Option to Receive Opinion in E-Mail Version in Addition to Hard-Copy

I am pleased to announce that you may opt to receive an e-mail version of the opinion of the Court of Appeals when it is issued in addition to the hard-copy at no extra cost. This service is intended to provide litigants with a copy of the opinion the moment it is filed in the Office of the Appellate Court Clerk. If you wish to receive the opinion, you, as counsel of record, may do so by filling out this form and returning it to the Appellate Court Clerk's Office. The opinion will be in PDF format; therefore, you will need an Adobe Acrobat software program on your computer to read it. The pagination of the e-mail version may not be the same as the hard-copy version; therefore, you should cite to the hard-copy version and not the e-mail version in any future pleadings and/or briefs you file. This e-mail designation applies only to this appeal. If you wish to receive an opinion by e-mail in other cases, you will have to make a specific designation in those cases.

Case Name: _____
Appeal Number: _____
Name of Counsel of Record: _____
Name of Party Represented: _____
E-Mail Address: _____

(If your e-mail address changes, you are responsible for notifying the Appellate Court Clerk's Office of that change.)

Return this form to:
Appellate Court Clerk's Office
Supreme Court Building
401 7th Avenue North
Nashville, TN 37219

Ex 8

**IN THE COURT OF APPEALS OF TENNESSEE
AT NASHVILLE**

AUSTIN DAVIS, ET AL. v. DALE LEWELLING, ET AL.

**Davidson County Circuit Court
13C4281**

No. M2016-00730-COA-R3-CV

Date Printed: 08/02/2016

Notice / Filed Date: 08/02/2016

NOTICE - Docket Activity - Docketed (Oral Argument)

The above case has been set for oral argument. Check the enclosed docket for the date and time. Oral argument is limited to 15 minutes per side unless designated otherwise by the Court.

It is imperative that you contact the Appellate Court Clerk's Office promptly and confirm receipt of this notice. All attorneys are expected to be present at the beginning of the docket call for the A.M. and P.M. sessions.

If you have a disability and require assistance, please contact the Appellate Court Clerk's Office in advance of the argument.

NOTE: * Oral arguments are posted on the website of the Tennessee Court System www.tncourts.gov 20 days after oral argument and are available to the general public. You may file a motion with the appellate court to exclude the oral argument from posting on the internet for good cause shown. See Supreme Court Rule 30. Examples of good cause include a showing that the posting of audio recordings would create a safety threat for a party, witness, lawyer, or other individual involved in the litigation, or a showing that private or embarrassing information affecting a juvenile was disclosed in oral argument. That motion must be filed no later than 10 days after the oral argument is heard.

James M. Hivner
Clerk of the Appellate Courts

Ex 8



**TENNESSEE
COURT OF APPEALS**

DOCKET

At Nashville

September 20 - 22, 2016

JUDGES

J. Steven Stafford, P.J., W.S.

Arnold B. Goldin

Brandon O. Gibson

Kenny W. Armstrong

**Oral Argument is limited to 15 minutes per side, unless
otherwise allowed per Court order.**

**James M. Hivner, Clerk
Lisa M. Marsh, Chief Deputy Clerk**

ARGUMENTS TO BE HELD AT:

**401 7th Avenue, North
Nashville, TN 37219**

Court Docket

Thursday, September 22, 2016
9:00 AM Session

THE RIVER OAKS, GP, ET AL. v. IOAN BUCSE, ET AL.

M2015-02208-COA-R3-CV

Attorneys:

Appellant/Plaintiff

Peter Harwood Curry

Appellee/Defendant

Brandon R. Meredith

Trial Court: Sumner County Chancery Court

Trial Judge: Joe Thompson

Argument Type: Oral Argument

JOAN STEPHENS, ET AL. v. HOME DEPOT U.S.A, INC., ET AL.

M2016-00509-COA-R3-CV

Attorneys:

Appellant/Plaintiff

Constance F. Mann

Appellee/Defendant

John Franklin Floyd

Lance William Thompson

Richard E. Spicer

Stephen W. Elliott

Trial Court: Williamson County Circuit Court

Trial Judge: Michael Binkley

Argument Type: Oral Argument

MICHAEL ANGELO COLEMAN v. TENNESSEE BOARD OF PAROLE, ET AL.

M2016-00410-COA-R3-CV

Attorneys:

Appellant/Plaintiff

Jodie A Bell

Michael J Passino

Robert L. Delaney

Appellee/Defendant

Pamela S. Lorch

Trial Court: Davidson County Chancery Court

Trial Judge: Ellen H. Lyle

Argument Type: Oral Argument

Court Docket

AUSTIN DAVIS, ET AL. v. DALE LEWELLING, ET AL.

M2016- [REDACTED]

Attorneys:

Autumn LaCarla Gentry

Kelly Marie Telfeyan

Pro Se

Austin Davis

Daisy Davis

Trial Court: Davidson County Circuit Court

Trial Judge: Kelvin D. Jones

Argument Type: Oral Argument

MURRAY OWEN WILHOITE, JR. v. BRENDA RUTH WILHOITE, ET AL.

M2016-00848-COA-R3-CV

Attorneys:

Appellee/Defendant

Joseph P. Rusnak

Pro Se

John M. Milazo

Murray Owen Wilhoite, Jr.

Trial Court: Williamson County Chancery Court

Trial Judge: Joseph Woodruff

Argument Type: Oral Argument

THE SECRETS OF THE HOPEWELL BOX

Advance Reader's Edition



*Stolen Elections, Southern Politics, and a
City's Coming of Age*

JAMES D. SQUIRES

TENNESSEE alumnus

A magazine for the alumni of all University of Tennessee campuses and institutes.



Meet the 2014-15 Officers of the University of Tennessee Alumni Association

Association News — 13 July 2014



President

Tom Losh (Chattanooga '71, '74), who resides in Ooltewah, once served as the assistant dean of student affairs at UT Chattanooga, was assistant coach for the Mocs basketball team and was head coach of the baseball team. The immediate past president of the UTC Alumni Board of Directors, Losh also is a member of the UC Foundation Board of Trustees. His wife, Teresa, is a 1977 and 1980 UT Chattanooga graduate.



President-Elect

Alan Ledger (Knoxville '87), who resides in Memphis, is a product manager with Lucite International. Alan first served on the Board of Governors in 2008 as an in-state representative. Since then he has served on the UTAA programming, communication and finance committees. Prior to his service on the board, Alan was active with the Shelby County alumni chapter for over a decade and served as chapter president in 2007.



Treasurer

Susan Barnes (Knoxville '70, '80), currently resides in Alcoa and is a retired faculty member from Belmont University and a retired UT development officer. She formerly served as chair of the Women's Council in 2012-13. Barnes currently serves on the UTAA programming committee, represents the Women's Council on the 2013-14 UTAA Board of Governors and is a member of the UT Alliance of Women Philanthropists. Her husband, John, is a 1970 UT Knoxville graduate.



Past President/Chair of Annual Giving

Worrick Robinson IV (Knoxville '87), a Nashville attorney, served as past president of the Davidson County alumni chapter and is a former chair of the Alumni Legislative Council. He continues to follow the Volunteer spirit of his late parents—Worrick G. Robinson III, who served as president of the Alumni Association in 1971-72, and Jean Fuson Robinson, who was a Women's Council member. His wife, the former Leslie Ann Bowman, is a 1988 UT Knoxville graduate.

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

FILED
FEB 24 2020
Clerk of the Appellate Courts
Rec'd By _____

Willie Austin Davis

Defendant/Appellant

vs.

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

Trial No. 2017-A-62

State of Tennessee

Plaintiff/Appellee

MOTION FOR EXTENSION OF TIME FOR FILING BRIEF

Pro Se Appellant, Willie Austin Davis, requests 60 days extension of time within which to file a brief from the original due date of March 5, 2020, in this case.

This is Movant's 1st request for extension in this case:

Opposing Counsel:

- Does Not object to this motion.
 Objects
 Called, unable to reach and left message

I am "*pro se*" and this is my first attempt at writing a legal brief for a criminal appellate case. The Honorable Andy D. Bennett wrote a minority appellate opinion in a related child sex abuse cover-up civil case (M2018-██████████-R3-CV), stating: "I believe Mr. Davis did not receive an impartial trial." From Appellant's knowledge of facts, my arrest at a public Sunday church service and the subsequent trespass prosecution case was used to protect a safe house - child sex abuse Mann Act Federal crime cover-up case connected to Covenant Presbyterian Church (Nashville), Presidential Politics, Jay Sekulow, Rev. Billy Graham's final biography, and the Ukraine. As an Appellant without legal representation, I respectfully request more time to study, review, research, and to prepare my written brief. Also, Pro Se Appellant still has questions about the accuracy of court transcripts but a court reporter has informed the Appellant that the court will not give out the court video and audio record to the Defendant-Appellant. Also, the Davidson County grand jury issues I have discovered are not only important to my individual case, but are also important to the "*integrity*" and "*public interest*" of other cases, including Tennessee Titans Quarterback Steve McNair's grand jury. In closing, Attorneys James G. King, Parke Morris and Phil Harvey are no longer my attorneys and should not be listed on my court record as my attorneys.

Ex 11

Affidavit

I, Willie Austin Davis, swear and/or affirm that all of the facts stated in this motion are true and correct to the best of my knowledge.

Willie Austin Davis
Signature of Appellant – Willie Austin Davis

Willie Austin Davis
Print Name of Appellant – Willie Austin Davis

Sworn to and subscribed before me
this the 24th day of FEBRUARY, 2020.

Emeline Thrash
Signature of Notary Public

EMELINE THRASH
Printed Name of Notary Public



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 Feb 24, 2020, to the following parties:

General Benjamin A. Ball
Office of the Tennessee
Attorney General
301 6th Ave. North
Nashville, TN 37243



Willie Austin Davis, Pro Se
221 31st Ave. North Apt# 135
Nashville, TN 37203
615-999-8190 fmdshiloh@aol.com

IN THE CRIMINAL COURT
FOR DAVIDSON COUNTY, TENNESSEE
AT NASHVILLE

STATE OF TENNESSEE,)
Plaintiff,)
vs.) 2017-A-62
WILLIE AUSTIN DAVIS,)
Defendant.)

Transcript of Jury Selection
Before the Honorable Steve Dozier
September 11, 2017

Appearances:

For the State:
Chandler Harris
Jenny Charles
Assistant District Attorney Generals
Nashville, Tennessee

For the Defendant:
Willie Austin Davis
Pro Se
Nashville, Tennessee

FILED
FEB 04 2020
Clerk of the Appellate Courts
Rec'd By _____

Shana Crawford, CCR
Official Court Reporter
Division I
Nashville, Tennessee

EXHIBIT
(Late Filed)
#3 (Collective)

(931) 494-1191 * (615) 862-4200 X 71581

EX12

1 I the undersigned, Shana Crawford,
2 official court reporter for the 20th Judicial
3 District of the State of Tennessee, do hereby certify
4 the foregoing is a true accurate and complete
5 transcript to the best of my knowledge and ability of
6 the proceedings had and evidence introduced in the
7 captioned cause.

8 I further certify that I am neither attorney
9 for, nor related to the parties to this cause and
10 furthermore that I am not a relative of any attorney
11 or counsel of the parties hereto or financially
12 interested in the action.

13
14
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18 -----
19 Shana Crawford, LCR
20 Official Court Reporter
21
22
23
24
25

IN THE CRIMINAL COURT
FOR DAVIDSON COUNTY, TENNESSEE
AT NASHVILLE

STATE OF TENNESSEE,)	
Plaintiff,)	
)	
vs.)	2017-A-62
)	
WILLIE AUSTIN DAVIS,)	
Defendant.)	

Transcript of Trial, Volume I
Before the Honorable Steve Dozier
September 11, 2017

Appearances:

For the State:
Chandler Harris
Jenny Charles
Assistant District Attorney Generals
Nashville, Tennessee

For the Defendant:
Willie Austin Davis
Pro Se
Nashville, Tennessee

Shana Crawford, CCR

Official Court Reporter

Division I

Nashville, Tennessee

(931) 494-1191 * (615) 862-4200 X 71581

EX12

IN THE CRIMINAL COURT
FOR DAVIDSON COUNTY, TENNESSEE
AT NASHVILLE

STATE OF TENNESSEE,)	
Plaintiff,)	
)	
vs.)	2017-A-62
)	
WILLIE AUSTIN DAVIS,)	
Defendant.)	

Transcript of Trial, Volume II
Before the Honorable Steve Dozier
September 12, 2017

Appearances:

For the State:
Chandler Harris
Jenny Charles
Assistant District Attorney Generals
Nashville, Tennessee

For the Defendant:
Willie Austin Davis
Pro Se
Nashville, Tennessee

Shana Crawford, CCR
Official Court Reporter
Division I
Nashville, Tennessee

(931) 494-1191 * (615) 862-4200 X 71581

Ex 12

1 I the undersigned, Shana Crawford,
2 official court reporter for the 20th Judicial
3 District of the State of Tennessee, do hereby certify
4 the foregoing is a true accurate and complete
5 transcript to the best of my knowledge and ability of
6 the proceedings had and evidence introduced in the
7 captioned cause.

8 I further certify that I am neither attorney
9 for, nor related to the parties to this cause and
10 furthermore that I am not a relative of any attorney
11 or counsel of the parties hereto or financially
12 interested in the action.
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18 -----
19 Shana Crawford, LCR
20 Official Court Reporter
21
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25

CERTIFICATE OF THE COURT

This transcript of proceedings is
tendered to the judgment of the Court, which
transcript of proceedings is filed within the time
allowed by law and rules of the Court, and which is
signed and sealed and ordered to be made part of the
record in this cause.

This _____ day of _____ 20__.

JUDGE

APPROVED:

ATTORNEY FOR THE STATE.

ATTORNEY FOR THE DEFENDANT.

Ex 12

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE
AT NASHVILLE

FILED

05/13/2020

Clerk of the
Appellate Courts

STATE OF TENNESSEE v. WILLIE AUSTIN DAVIS

Criminal Court for Davidson County
No. 2017-A-62

No. M2019-01852-CCA-R3-CD

ORDER

The Appellant, Willie Austin Davis, is proceeding *pro se* on appeal. The record was filed on February 4, 2020, and the Appellant has been granted until July 1, 2020, to file his brief. Currently before the Court is the Appellant's request to review "all original video/audio records of Appellant's hearings." The record on file contains ten volumes of transcripts of various hearings held in this case. The Appellant is not indigent; thus, he was responsible for ensuring the necessary transcripts were prepared and filed with the trial court clerk following the filing of the notice of appeal at his own expense. Tenn. R. App. P. 24(b). The trial court clerk's certificate contained in the technical record certifies that the ten volumes of transcript have properly been authenticated. Tenn. R. App. P. 24(f). Other than the Appellant's baseless speculation, there is nothing to suggest the transcripts do not "convey a fair, accurate and complete account of what transpired in the trial court." Tenn. R. App. P. 24(g). The Appellant is not asking to add any additional transcripts or documents to the record currently on file. Upon review of the motion at hand, his request to review "all original video/audio records of Appellant's hearings" is hereby denied.

Judge Thomas T. Woodall

Ex 13

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE
AT NASHVILLE

FILED

06/19/2020

Clerk of the
Appellate Courts

STATE OF TENNESSEE v. WILLIE AUSTIN DAVIS

Criminal Court for Davidson County
No. 2017-A-62

No. M2019-01852-CCA-R3-CD

ORDER

The Appellant, Willie Austin Davis, is proceeding *pro se* on appeal. The record was filed on February 4, 2020, and the Appellant has been granted until July 1, 2020, to file his brief. On May 13, 2020, the Court denied the Appellant's request to review "all original video/audio records of Appellant's hearings." The Appellant now renews that request. For the reasons stated previously, his renewed request is hereby denied. The Appellant also moves the Court for an additional sixty days to file his brief in order to have ample time to review the original video/audio recordings. Because the Court has denied the Appellant's request to review those recordings, his reason for an additional sixty days to file a brief is unfounded. The Appellant shall have thirty days from the date of this order to file his brief. Absent extenuating circumstances, no additional time shall be granted and the Appellant's failure to file his brief within thirty days may result in the dismissal of this appeal.

Judge Robert W. Wedemeyer

EX13

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE
AT NASHVILLE

FILED

06/30/2020

Clerk of the
Appellate Courts

STATE OF TENNESSEE v. WILLIE AUSTIN DAVIS

Criminal Court for Davidson County
No. 2017-A-62

No. M2019-01852-CCA-R3-CD

ORDER

The Appellant, Willie Austin Davis, is proceeding *pro se* on appeal. The record was filed on February 4, 2020. His brief is currently due July 20, 2020. The Court has denied the Appellant's two previous motions to review "all original video/audio records of Appellant's hearings." The Appellant again renews that request. For the reasons stated previously, said request is hereby denied. The Court will not entertain another such request and, as previously ordered, the Appellant's failure to file a brief by July 20, 2020, may result in the dismissal of this appeal.

Judge Robert W. Wedemeyer

Ex 13

Grand Jury Final Report
July Term 2016

Steve R. Dozier, Judge
Criminal Court Division I
Davidson County, TN

✱

September 23, 2016

✱

The members of the Grand Jury submit the following report for the July – September 2016 term

Preparation

We were prepared for our position as jurors to determine probable cause with presentations by the following professionals:

- Davidson County District Attorney General Glenn Funk
- Assistant District Attorney Michaela Matthews
- Sue Ross, RN, Our Kids
- Metropolitan Police Department Members
 - Det. Chris Key and Det. Rob Kelly, Gang Unit
 - Det. Bill Loucks, Drug Task Force
 - Det. Chris Williams, Domestic Violence Unit
 - Officer Russell Ward, DUI Unit
 - Det. Slessinger, Child Sex Abuse Unit
 - *Cpt.* Randall Hickerson, Warrants Division

We express our appreciation to the above individuals for their time and patience as we asked questions to help further our understanding of procedure, law and process to assist us as we proceeded hearing cases.

Additionally, we wish to thank others in the District Attorney's Office, Grand Jury Division for their daily assistance during the process; ADA Rodney Faulk, ADA Michel-Clare Bottoms, ADA Jay Martin and ADA Jim Sledge and Grand Jury Assistant, Lori Hooberry.

We also express our thanks to:

- Sgt. Patrick Baird and Officer Chad Turnbow
- Wendy Skidmore
- Tommy Newman
- Chief Steve Anderson
- Mayor Megan Barry

In addition to presentations, we were able to make on-site visits to the following:

- Metropolitan Police Training Academy
 - Tour of facility and overview of training requirements. The cadets undergo a rigorous physical and mental evaluation, including classes in law and use of force.
 - Overview of tools officers use to stop, subdue suspects
 - K9 and Aviation Units
 - "Shoot – Don't Shoot" Simulator
 - Our appreciation to the following MPD officers who explained and lead us through the areas: Lt. Jason Proctor, Sgt. Ryan Lockwood, Sgt. Tiffany Gibson, Sgt. Kurt Knapp, Officer John McVey, Officer Mark Sydenstricker, Officer Chad Brown, Officer Brad Bracey, Officer Tommy Smith and Officer Michael Hackney.

- Riverbend Maximum Security Prison
 - Special appreciation to Officers Damien Phillips and Charles Stevens for their comprehensive tour of the prison, which included Death Row.
 - The facility was very clean, all personnel we encountered were very professional and we learned the food supplier contract has been awarded to another company for which the inmate we spoke to was pleased as he hoped they would be able to receive some fresher foods to eat, instead of the flash frozen premade foods they currently have.

- MPD COMPSTAT Meeting
 - We found the weekly Computer Statistics (COMPSTAT) meeting very informative. It appears the MPD has individuals in the IT Department who thoroughly understand how to use the various software programs the department has purchased and *to* produce relevant reports and documents for department evaluation, reporting and deployment of resources.
 - During our visit, each Precinct Commander was well versed in the activity in his/her area of responsibility and we learned that a sharing of Intel and best practices occurs during these meetings.

Cases

For the July 2016 session, the Grand Jury heard and made decisions on the following:

- 737 cases were presented for indictments,
- Of the 737 cases, 730 were returned as True Bills,
- Of the 737 cases, 7 were returned as No True Bills,
- We had one Direct Presentment for review and decision, in which it was determined there was not probable cause for indictment.
- We had one Citizen Request for presentment. In which it was determined there was probable cause for indictment.

Observations and Recommendations

- The number of priors for many of the suspects is staggering. Is legislation needed to prevent the Plea Bargaining for these offenders needed, or do the Judges need to take prior history into consideration for sentencing? We realize jail space is limited and expensive, but it appears that many of repeat offenders continue to victimize the public with no regard to their past arrests and convictions.
- Generally all presenters were well prepared to testify and answer jurors' questions. In instances where answers were not known the ADA's or Sgt. Baird researched further and came back with the information needed for the jury to make a decision.
- Is it necessary for all officers involved in a case to appear in court if only one or two officers are needed to testify? This appears to be a waste of the officer's time and taxpayer money, unless if it legally required.
- It appears better equipped cars are needed for the K-9 units. The current models have a tendency to overheat fairly quickly when left running, as they must be in the summer months. As vehicles are replaced, more research need to done to see if better models are available. During our term, a police K9 in another state died due to a police car overheating that the back-up alert system failing.
- All Police Helicopters need to be outfitted with GPS mapping systems. In some units, the officers have to use their phones to pull up street maps while in pursuit.
- In dealing with child abuse, lack of a sense of urgency was evident in one case. It appears the possible abuse of young child was reported by officials several times and no one from DCS responded because an official case had already been opened. It seems that when school employees or police officials call in reports, there should be sufficient DCS staff to respond to help insure no further abuse occurs to the child. Is the issue staffing, training, procedures?
- With the population of Metropolitan Nashville and Davison County increasing daily, as well as the number of persons who work and travel to Nashville regularly, it appears there is a continuing need for more officers and patrol cars.

- Of particular concern were TennCare fraud cases. While the severity of the crime pales in comparison to much more serious crimes, it seems incredulous that individuals can repeatedly defraud the citizens of the State and not lose their TennCare benefits. This occurs when enrollees use the system to "Doctor Shop", or go to various doctors and emergency rooms to obtain pain drugs. Most of these enrollees are addicted to pain killers and fail to disclose that they have been seen by another doctor and obtained opioids within a certain number of days. Some of these enrollees may be selling the drugs for profit. The amount of time TennCare investigators spend researching records and interviewing doctors is staggering, especially on repeat offenders.
 - We believe that if you were to ask a citizen if a patient was automatically dis-enrolled from TennCare if he/she was convicted of fraud, their answer would be "of course, they are", but that is not the case.
 - We asked that a representative from TennCare come to the Grand Jury to help us understand the law. Assistant General Counsel David A. Weeks, Jr. joined us on September 13, 2016. Mr. Weeks explained that due to the partnership between the Federal Medicaid program and the State TennCare program, we must adhere to federal eligibility requirements. At this time, the only time a person is 'kicked out' of TennCare is if he or she does not meet the eligibility requirements, i.e. has too much income, not a citizen, identity theft, etc. We understand that neither federal law nor state law addresses repercussions stemming from fraud via the use of bogus doctor visits, or obtaining prescriptions under false pretenses
 - We understand there exists a TennCare database to which health providers and pharmacists have access which details a TennCare patient's office and prescription history. Use of the database is voluntary, but if used could help identify potential 'doc shopping' before pills are obtained.
 - Another issue that seems to play into this problem is the use of Doctor and Hospital rating systems. If a poor or mediocre rating is given by a patient, i.e., failure to give painkillers for a UTI, painful ankle, back pain, etc., the facility or doctor could be removed from the TennCare provider list, or perhaps receive negative repercussions from their own company's internal quality system.
 - Possible solutions:
 - 1) Include in plea bargain settlements, the enrollee's voluntary disenrollment for TennCare for two years, or so.
 - 2) Include in plea bargain settlements, requirement of drug rehabilitation program for the offender. TennCare will pay for the treatment. If they choose not to comply, jail or voluntary disenrollment for a set amount of time.
 - 3) Require healthcare providers and pharmacies to check the TennCare database to identify repeat offenders.
 - 3) Revise legislation to include mandatory disenrollment from the program for fraud against the system when convicted. We understand some states have included language to do so with the caveat "as long as federal law permits."

Closing Remarks

We have found it a great honor to serve in this capacity. And even though the case load has been trying at times, the experience has been a privilege and honor to participate.

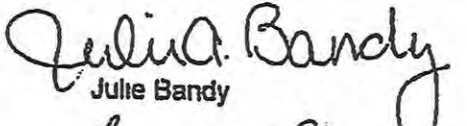

We give a special recognition to our Foreperson, Stan Fossick, for leading us throughout the session. His generosity is appreciated, but his willingness to volunteer his time to serve the citizens of Davidson County in his capacity of Grand Jury Foreperson cannot be expressed enough as Stan is truly one of Nashville's unsung volunteer heroes.

Grand Jury Members

July - September Session 2016


Crystal Allen

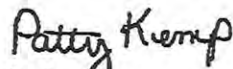

Jennifer Allen


Julie Bandy

Sandra Carney


Rebecca Carey

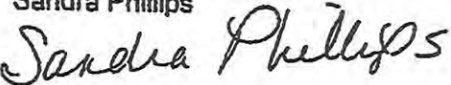

Scottie Coombs

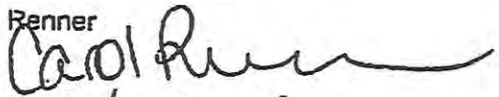


Wasmine Frierson


Patty Kemp


Matthew Martin


Janet Partee

Sandra Phillips


Carol Renner


Rita Woodcock


Donald Wunder


Hitoshi Yamaguchi


Stan Fossick, Foreperson



From: "Harpeth Hall" <alumnaeoffice@harpethhall.org>
Date: September 10, 2016 at 6:08:42 PM CDT
To: [redacted]
Subject: An important Message from Harpeth Hall
Reply-To: coombs@harpethhall.org

*



*

September 10, 2016

*

Dear Harpeth Hall Alumnae,

Many of you recently received an unauthorized email from a former Harpeth Hall student. This email is an improper use of Harpeth Hall contact information and a clear violation of our Privacy Policy as stated on the alumnae portal of our website which states:

"The information in the Alumnae Directory may NOT be reproduced in any form or used for any commercial, nonprofit, or political solicitation purposes or mass communication not previously approved by the Alumnae Office. It is NOT to be copied or provided to anyone outside the Harpeth Hall community. Individuals violating the Privacy Policy will be removed from the directory and will not be permitted to have any future access to the directory."

Please know that the former student's email was in no way an approved communication by Harpeth Hall. No one at the school had any prior knowledge of the sender's intended unauthorized use of such information and would not have approved it had such request been made. Harpeth Hall takes every precaution to protect your contact information and strives to communicate with you in an appropriate and professional manner.

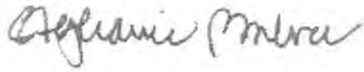
Further, we wish to reassure you that the allegations in the former student's email are unsubstantiated. We anticipate sending you a more detailed report on the current state of this

Ex 14

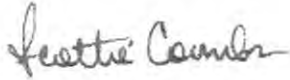
matter in the near future; however, we wanted to send this more immediate response to reassure you that the former student's email was both improper and sent without Harpeth Hall's knowledge or consent.

We are most grateful for your loyalty to Harpeth Hall and regret any concern this unauthorized email may have caused you.

Warm regards,



Stephanie Balmer
Head of School



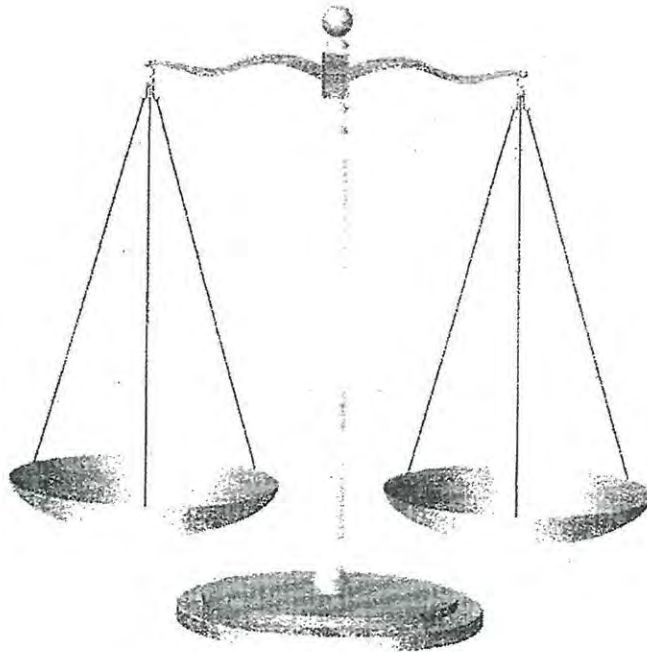
Scottie Fillebrown Coombs '78
Director of Alumnae Relations



THE HARPETH HALL SCHOOL

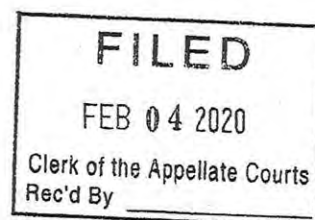
Ex 14

Grand Jury Final Report



The Honorable Judge Cheryl Blackburn
Criminal Court Division III
Davidson County, Tennessee

January – March 2017
Stan Fossick, Foreperson



Ex 14

Introduction

We, the members of the Davidson County Grand Jury for the January – March 2017 term, as commissioned by Judge Cheryl Blackburn, submit this report in summary of our service and experience.

We begin by expressing our gratitude for the dual privileges of being given both a broad education in the criminal justice system and the opportunity to perform our civic duty for Davidson County in a way that not many citizens are offered. We are confident that this experience has significantly enhanced our ability to inform others and to support the men and women in that system who act on behalf of all the residents of the County.

Instruction

Before hearing cases, we were addressed by the following:

- District Attorney General Glenn Funk regarding the overall crime statistics in the county and the purpose of the Grand Jury: "a shield for the citizen, not a sword for the State"
- Assistant District Attorney Rodney Faulk regarding the operation of the Grand Jury
- Detective David Slessinger regarding Sex Crimes
- Sergeant Gene Donegan regarding the Drug Task Force
- Sergeant John Boese regarding the Gangs Unit
- Detective John Jackson regarding Domestic Violence
- Officer Brad Nave regarding DUI
- Captain Randy Hickerson regarding Criminal Warrants
- Detective John Grubbs regarding Youth Services

During our term, ADAs Rodney Faulk and Michel-Claire Bottoms were always available and provided us with helpful explanations of the law.

Near the end of the term, Metro Nashville Police Chief Steve Anderson joined us for an extremely informative session on the organization of the MNPd, as well as the density of calls and various types of incidents across the Metro area. In light of recent concerns about racial disparities, Chief Anderson also presented a chart of

10 crimes with the corresponding percentages of African-American victims and suspects (as described by victims and witnesses), which was quite enlightening. He also responded to questions about the requested budget for 2017-2018.

We wish to express our appreciation for the valuable information each of these individuals presented.

Cases

In accordance with the Tennessee Rules of Criminal Procedures, we heard and deliberated over a total of 866 cases, including presentments:

851 were returned as True Bills

13 were returned as No True Bills

2 Presentments were made, both of which had no action taken

Site Visits

We visited the Police Training Academy (training overview, as well as Aircraft and K-9 groups), Riverbend Maximum Security Institution, Judge Seth Norman's Drug Center, and the Davidson County Sheriff's facilities; and we attended the MNPD CompStat meeting, where we met our Precinct Commanders and Community Coordinators.

Recognition

In addition to the presenters listed above, we would like to take this opportunity to recognize five people who have had a special impact on our experience as the Grand Jury:

- Mr. Stan Fossick, our Foreperson, was a patient, wise, and thoughtful guide to our group of inexperienced jurors. In addition to his many years of serving in this capacity, Stan brought a low-key style that put us all at ease while keeping our sessions on track. His generosity in providing refreshments every day at his own expense, as well as treating us to lunch at Monell's, was matched by the friendliness he offered to each member, whether a regular or an alternate. Stan is, quite simply, a treasure to Davidson County; and it was an honor and a pleasure to serve with him.

- Sergeant Sean Richmond took over from Sgt. Patrick Baird as liaison to the Grand Jury very early in our term, and he excelled in his role from his first presentation. He was always well prepared with organized, detailed reports, whether delivering them himself or delegating them to another officer. His ability to help us understand the issues in each case was complemented by his good humor and easy-going style. Sgt. Richmond is a testimony to the high caliber of those in the Metro Police force.
- Officer Chad Turnbow ably presented a number of cases in Sgt. Richmond's absence. Like Sgt. Richmond, he was gracious in answering our questions.
- Ms. April Lee, Judge Blackburn's Judicial Assistant, faithfully handled attendance and the securing of alternate jurors, as well as facilitating our checks and transportation.
- Ms. Lori Hooberry, Legal Secretary to the Grand Jury Division, was always very welcoming and did a fine job of preparing our case lists.

We offer our heartfelt thanks to each of these persons for making our experience on the Grand Jury such a positive one.

Concerns and Recommendations

We are concerned with the high number of domestic violence crimes and compliment the MNPd for establishing the LAPP program, Jean Crow Advocacy Center, and other efforts to prevent and address these serious issues.

We are also concerned about the high number of crimes involving guns and the apparent ease with which young men, in particular, acquire them.

We share the concern of MNPd about the proliferation of drugs and encourage all appropriate measures to address this major problem.

We recommend that money seized from drug dealers by MNPd be used to fund the documented needs of the Metro Police Department.

While we recognize that the Court does not have jurisdiction over financial matters, we want to express our support for the budgetary requests of Chief Anderson. Given the rapid growth of Davidson County and the desire of its citizens for transparency, we believe it is important to fund the staffing and projects he has outlined.


Having been presented with a large number of drug cases, we believe providers should be required to consult the Controlled Substance Monitoring Database before prescribing a controlled medication, and pharmacists before filling these prescriptions. While this would not prevent those who use different names, etc., from receiving controlled medications, prescribers and pharmacists should be held accountable for adhering to the requirement and fined heavily if they do not document that they have done so. In the same vein, we recommend a limit to the number of pills emergency room staff can prescribe.

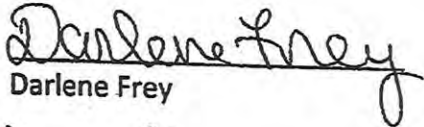
We heard multiple cases in which the defendant had more than one DUI offense, sometimes with prior charges still pending. Given the danger these offenders represent to themselves and others, we recommend a more rapid disposition of these cases and possibly stricter penalties.

Conclusion

Each of us is proud to have served on the Grand Jury. We now have a broader and deeper understanding of the criminal justice system, as well as a deeper appreciation for those individuals who serve our community, and for that we are grateful.

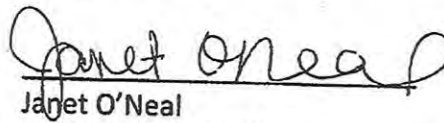
Respectfully submitted on March 30, 2017, by the Davidson County Grand Jury,
January – March 2017 term.

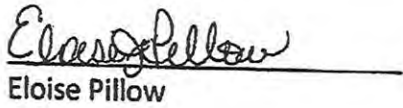

Stan Fossick, Jury Foreperson

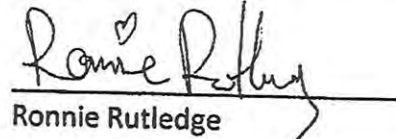

Darlene Frey

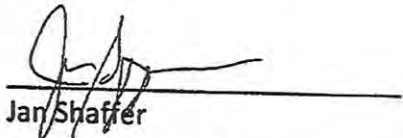

Janelle Garrett

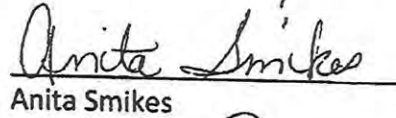
* → 
Solomon Holley

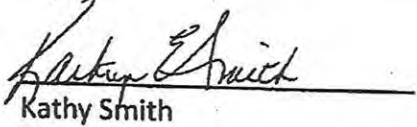

Janet O'Neal

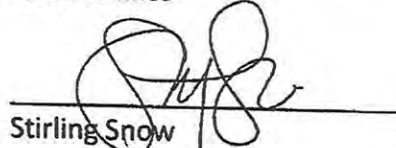

Eloise Pillow



Ronnie Rutledge

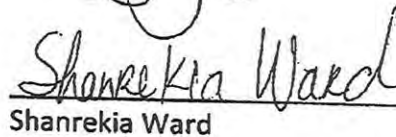

Jan Shaffer


Anita Smikes


Kathy Smith


Stirling Snow


Amanda Vaughn


Shanrekia Ward

SHOULD A DAVIDSON COUNTY SHERIFF SERGEANT WHO WAS PAID TO PARTICIPATE IN THE ARREST OF AUSTIN DAVIS ALSO BE ALLOWED TO SERVE ON A SECRET CONTAMINATED GRAND JURY THAT INDICTED AUSTIN DAVIS?

False Arrest Video - Nov 15, 2015:

Witness: "So you have the legal right to arrest him?"

DCSO Sgt. Solomon Holley: "Yes."



BANNED

NOT LAW ENFORCEMENT?



SGT. SOLOMON HOLLEY
DAVIDSON COUNTY
SHERIFF'S DEPT.

BANNED



Covenant Presbyterian Church – Green Hills

GRAND JUROR'S OATH

"You as members of the grand jury do solemnly swear (or affirm) that you will diligently inquire, and true presentment make, of all offenses given you in charge, or otherwise brought to your knowledge, committed or triable within this county, that you will keep in secret the state's counsel, the other jurors' and your own; that you will present no person from hatred, malice, or ill will, nor leave any unpresented through fear, favor, or affection, or for any reward, or the promise or hope thereof, but that you will present the truth, the whole truth, and nothing but the truth, according to the best of your skill and understanding. So help you God.

RIGGED



Judge Cheryl Blackburn

Judge Cheryl Blackburn protected Judge Steve Dozier and her own hand-selected grand juror, Sgt. Solomon Holley, by denying a New Trial Motion requested by Austin Davis. Judge Cheryl Blackburn ruled that Davidson County Sheriff Officers are not part of "law enforcement." Question: Should Judge Blackburn disqualify a secret grand juror who was paid to participate in the arrest of Austin Davis who was wrongly indicted by the contaminated grand jury to protect an on-going Mann Act Federal crime cover-up?

WAS STEVE MCNAIR'S GRAND JURY RIGGED?



NEWS

SCORES

WATCH

SI TV 



MMQB

Fall of a Titan: The Steve McNair Story

An exclusive narrative podcast series re-examining the murder of Steve McNair

October 10, 2018



Ex 15

GRAND JURY FINAL REPORT

APRIL-JUNE TERM 2010

**Submitted to
Honorable Judge Mark Fishburn
Criminal Court Division VI**

Davidson County, Tennessee

**REPORT OF THE GRAND JURY
APRIL 2010 TERM**

GRAND JURY FINAL REPORT

WE, the Davidson County Grand Jurors for the April 2010 term, submit the following report in a summary of the last three months we have served. It has been an honor to serve under the auspices of the Honorable Mark Fishburn. We, as a Grand Jury, believe that through the process, we have gained insight into the structure of our judicial system, and have gained an increased respect for all those who work hard to make it flow smoothly.

In accordance with Tennessee Rules of Criminal Procedure, the Grand Jury deliberated upon 978 cases over the past three months. We presented the court with 885 True Bills, 3 No True Bills, 90 Sealed True Bills, and 0 Sealed No True Bills. We also had the opportunity to create panels that heard two closed cases concerning John J. Hooker and Steve McNair.

* **John J. Hooker:** Mr. John J. Hooker requested an opportunity to present his case concerning his belief in the criminal intent of the state Supreme Court judges. The committee discussed the issues raised and did not find enough evidence of criminal activity to present the case to the entire Grand Jury. The panel appreciated Mr. Hooker's concerns about the impact of actions on the Tennessee Constitution, but decided that that was not a matter for the Grand Jury to consider.

* **Steve McNair:** The Grand Jury was asked to hear information to reopen the Steve McNair case. Mr. Hill wanted to present this information, though he declined to ask for an indictment. He shared with the committee his views of the case but lacked evidence to support his views. Questions raised by Mr. Hill were cleared by evidence gathered by the Metro Police Department. The panel felt that this was a case that should not be heard by the other members of the Grand Jury.

Serving under the esteemed leadership of Grand Jury Foreman Mr. Richard Hillenbrand was a wonderful opportunity for us all. His detailed understanding of the law and the way he communicated or explained cases to the rest of the Jury was very helpful. We feel that his vast knowledge of the law and of law enforcement was very useful to us all. He did an excellent job of keeping us on task while still giving us ample time for questions and comments.

We, the Grand Jury, would like to thank the following individuals for taking the time out of their busy schedules to provide us with information that helped us better perform our judicial duties:

Metro Police Department Liaison Gene Donegan: Gene was wonderful at presenting cases to the Jury because he was clear and concise. The way he

clearly articulated cases and patiently answered questions was incredibly helpful to us as we handed down indictments.

Grand Jury Secretary Lori Hooberry: We would like to thank Lori for her help and support in setting up cases to be presented for indictment.

Ms. Young at the Sheriff's Department: We would like to think Ms. Young for setting up our tour of the Sheriff's Department and the subsequent jail tour.

Sgt. Jason Reinbold: We appreciated Sgt. Reinbold's work in setting up our tour of the Police Academy and other training facilities on the grounds.

Det. Jason Cregan of the Gang Unit: Detective Cregan was immensely informative when it came to explaining Nashville gangs and the problems that arise from having such violent activity in our metropolitan area. We appreciated his explanation of how gang violence is monitored.

Michelle Donegan, Domestic Violence Division: Michelle provided us with a glimpse of her complicated and emotional profession. She explained that a lot of the cases they see are dismissed due to the victim's refusal to press charges.

Lieutenant Gordon Howey and Sergeant Buddy Rhett, Special Investigations Division and Drug Unit: Lt. Howey and Sgt. Rhett enlightened us with their presentation by bringing a variety of illegal drugs and their appropriate paraphernalia for use. For many of us it was our first time seeing street narcotics such as: cocaine, crack, "Meth" and marijuana.

Rose Loring in acting Chief Anderson's office: Rose helped to set up ride alongs – an opportunity to ride with a police officer during his shift, and our field trip to COMPSTAT, the police department head meeting. Ride alongs were very beneficial to those of us who took them. We now have a greater understanding of Metro police officers' regular duties and an appreciation for all they do above and beyond the basic responsibilities.

Acting Police Chief Steve Anderson: Chief Anderson spent several hours with us discussing the work of the police department and the efforts to combat crime in our community. He shared a lot of data with us and presented a chart about how the Police Department is organized. Both helped us better understand the proceedings when we went to COMPSTAT the next week.

District Attorney General Victor "Torry" Johnson, III: DA Johnson gave us an excellent overview of the history of the Grand Jury, our duties and responsibilities, and our role in the judicial process.

FIELD TRIPS

We, as a Grand Jury, felt that having the chance to participate in ride alongs and take field trips was very beneficial. They allowed us to gain a better understanding of the law enforcement field. At the training academy, we were impressed with the simulations, training, and equipment available to the trainees. We did, however, feel as though our time at the Police Academy was too limited. We would have liked to have had additional time to learn more specifics about how our city officers are trained. The field trip to the jail was enlightening. Not only were we able to tour the facilities, we were shown the procedures used in booking, feeding, and housing the inmates. We were disappointed that the aftermath of the flood eliminated our field trips to the juvenile justice facility and drug court. At COMPSTAT we heard updates about the activities that had been going on across our city since the Nashville Flood of 2010. We also learned that the city is considering adding extra precincts. Many of us on the Grand Jury thought that was an excellent method of keeping the police more involved in the communities they serve.

SUGGESTIONS FOR GRAND JURY

1. There are many terms used in the legal system that the public is not aware of. We feel as though it would be helpful to future Grand Juries if they were supplied with a list of terms and definitions of the "legal lingo" used when cases were presented.
2. Allowing the Grand Jury to sit in on a quick case, such as a Jail Docket, would be helpful with understanding the legal process.
3. A Monday, Tuesday, Thursday schedule would perhaps allow for better and more convenient attendance, especially in the summer months.

LEGAL SUGGESTIONS

1. We felt as though in some cases, the punishment did not always fit the crime. This was a concept that bothered most of us sitting on Grand Jury. Stiffer punishments should be handed out for second and third offenders.
2. Higher DUI penalties should be imposed, especially for vehicular homicide where the defendant is traveling at excessive rates of speed.
3. Drug offenses when a child is present, whether being in a car or home, should carry stiffer penalties.
4. DUI offenders, anything more than a second offense, should be treated as "Habitual Offenders" and should receive harsher penalties.
5. Children should be better protected. We are concerned for children who are returned to or left in situations in which they or others have been harmed.

CONCLUSION

Just as Judge Fishburn stated on the day of Grand Jury selection, "this will be an educational experience you will never forget," we as a Grand Jury felt he is right. We have all bonded throughout this whole process and are planning to keep in touch after this experience. We have also learned a great deal about a slice of society that was unfamiliar to many of us. We have developed sympathies for the victims, those enforcing the law, and even at times the defendants. Thank you again for the opportunity to serve on this term and we would encourage anyone to serve on the Grand Jury. It was truly an educational and life-changing experience.

Respectfully submitted,

Richard Hillenbrand, Grand Jury Foreman

Cynthia Barnes

Beverly Curfman

Sherry Donaghey

Donna Grimm

Bonnie Moore

Terri Rawls

Lauren Roberts

Adam Seay

Jean Whitaker

Judith McClung

Greg Allison

Katie Warlick

EX15



"I can't speak about this. But I am a retired police officer, so I know the system." Richard Hillenbrand – The Tennessean – On or about June 10, 2010

I know the "rigged" system?

Grand jury team v

» MCNAIR FROM 1A

us with any information about the Steve McNair homicide."

Still, the grand jury foreman and two members will review the complaint and decide whether the entire group should take it up. Typically, the 13-member grand jury decides whether to issue indictments based on evidence presented by police and prosecutors. Their deliberations and documents filed with them are shielded from public view.

Foreman Richard Hillenbrand said the fact McNair was a famous athlete won't change the way he handles the complaint.

"I can't speak about this," Hillenbrand said. "But I'm a retired police officer, so I know the system."

A spokesperson for McNair's estate — Lou Taylor of Tri Star Sports and Entertainment Group — did not return calls seeking comment Wednesday.

It's unlikely, given the fact Hill has no connection to the crime, the grand jury will take up his case, said Glenn Funk, a former Davidson County prosecutor.

"A person can't go in front of a grand jury and ask for an indictment or investigation if they don't have knowledge of a crime," he said. "The grand jury needs to hear from witnesses, specifics of when a crime occurred. That is their function. The grand jury in a state court system is not an investigatory agency."

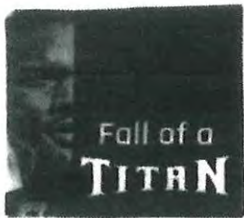
Metro police found that McNair's girlfriend, Sahel Kazemi, shot him as he slept

RIGGED?



"It's unlikely, given the fact Hill has no connection to the crime, the grand jury will take up his case, said Glenn Funk, a former Davidson County prosecutor." The Tennessean – On or about June 10, 2010

Ex 15



SHOULD RICHARD HILLENBRAND BE ALLOWED TO SERVE ON ANY GRAND JURY?



Police Chief Steve Anderson

EX 15

Police sex claims renewed in cocaine firing

JERRY McCASKILL

Staff Writer

A female police officer fired yesterday for cocaine use has told department investigators that three high-ranking officers made sexual advances toward her while she was a recruit at the Metro Police Training Academy.

The officers, who are the target of a four-month internal affairs investigation, have been identified by ex-South Patrol Officer [redacted].

Capt. [redacted] a 19-year veteran who supervises academics and physical training of the academy. He has been at the academy since 1978 and is a member of the department's SWAT unit.

Lt. [redacted] a 17-year veteran who supervises firearms training. He joined the academy in 1971 and is also a member of the SWAT unit.



Testified against superiors



Sgt. Richard A. Hillenbrand, a 14-year veteran who oversees defensive tactics training. He joined the academy in 1983 and is a SWAT unit member.

None of the three men could be



reached for comment last night. The internal affairs probe began several months ago after Stojanowski, 23, was questioned about her use of drugs following graduation from the academy in 1986.



HILLENBRAND

A written statement she gave investigators at that time is expected to lead to department charges against the three instructors within several days.

[redacted] one of three officers

fired for drug use yesterday, renewed charges that she had sex with the three instructors during a brief meeting yesterday morning before a police disciplinary board which later found her guilty of using cocaine on at least two off-duty occasions.

Others fired yesterday for drug use were Officers [redacted] and [redacted]. Detective [redacted] was suspended for 30 days without pay for observing drug use but not reporting it to authorities.

The allegations against all three men involve charges of marijuana use during hunting trips between 1979-84.

Following the decisions, Chief Joe

Turn to PAGE 6A, Column 1

ON 14A: Police scandals now a job for the district attorney.

"The interest and appearance of justice, however, demand that every reasonable effort be made to insure that grand jurors are reasonably free from prejudice. For example, active or career police officers tend to have inherent prejudice that should preclude their service." Rippy vs. State (Tenn. 1977)



Hi, Willie

■ FOR SUBSCRIBERS WILLIAMSON

Brentwood Academy alumni are speaking out about racial insensitivity. It's not the first time.

Brinley Hineman Nashville Tennessean

Published 6:02 a.m. CT Feb. 26, 2021 | Updated 7:42 a.m. CT Feb. 26, 2021



Show image info ▾

Hundreds of Brentwood Academy alumni are publicly criticizing the school for what they say is a history of racial insensitivity by school administration. They've been speaking out, publicly and directly to staff members, for years now.

Former students told The Tennessean previous



EXIS



Hi, Willie

Former students told The Tennessean previous reports of inappropriate comments by teachers went unaddressed by school leaders. A teacher published a thesis about ways the school could better serve its students of color in 2017.

Advertisement



A petition demanding change circulated in 2019 when an alumna said leadership overlooked issues related to race. The school held listening sessions following the death of George Floyd in the summer of 2020.

In January, more than 900 people, including alumni, parents, students and former faculty, signed a letter declaring they had no confidence in the leadership of Headmaster Curt Masters, who has been at the helm for nearly 20 years. They say they're frustrated by the lack of change at a school they're proud to have attended.



EX 15

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE
AT NASHVILLE

FILED

02/01/2021

Clerk of the
Appellate Courts

STATE OF TENNESSEE v. WILLIE AUSTIN DAVIS

Criminal Court for Davidson County
No. 2017-A-62

No. M2019-01852-CCA-R3-CD

ORDER

On January 21, 2021, the Court directed the Clerk to place this appeal on the next available docket for a decision on the record and the parties' briefs, without oral argument. The appeal is now set on the Court's February 2021 Docket. Although the Appellant requested oral argument, Tenn. R. App. P. 35(a), the Court acted within its discretion based upon the supreme court's recent directives suspending most in-person court proceedings and in order to expedite a final decision in this matter. *In re: COVID-19 PANDEMIC*, No. ADM2020-00428 (Tenn. Jan. 15, 2021) (Order); Tenn. R. App. P. 2. The Appellant now moves the Court to reconsider its decision. That motion is hereby denied. "Oral argument on appeal is not an essential ingredient of due process." *Price v. Johnson*, 334 U.S. 266, 285 (1948), overruled on other grounds by *McCleskey v. Zant*, 499 U.S. 467 (1991). Moreover, Rule 2 specifically authorizes this Court to suspend the provisions of certain Rules of Appellate Procedure, including Rule 35, in "the interest of expediting decision upon any matter." Tenn. R. App. P. 2. Thus, this appeal shall remain on the February 2021 Docket for consideration on the briefs of the parties, without oral argument.

Presiding Judge John Everett Williams

Ex 16

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE
AT NASHVILLE

FILED

02/09/2021

Clerk of the
Appellate Courts

STATE OF TENNESSEE v. WILLIE AUSTIN DAVIS

Criminal Court for Davidson County
No. 2017-A-62

No. M2019-01852-CCA-R3-CD

ORDER

This appeal has been placed on the Court's February 2021 Docket for consideration on the briefs of the parties, without oral argument. The Court previously denied the Appellant's request for oral argument. The Appellant has again renewed that request. For the reasons previously stated, the renewed request is hereby denied.

Presiding Judge John Everett Williams

Ex16

**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

DECLARATION OF CATHERINE FLEMING DAVIS

1. I, Catherine Fleming 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 59 years of age, and the wife of Mr. Willie Austin Davis.
3. On September 19, 2014, I hand-delivered a letter for Tennessee Attorney General Herbert Slatery to Ms. Laura Hunt in Governor Bill Haslam's Office at the Tennessee State Capitol Building. A copy of the September 19, 2014 letter, a Jan 31, 2014 email to Mr. Herbert Slatery, a Feb 8, 2014 email to Mr. Herbert Slatery, and a February 10, 2014 email to Governor Bill Haslam, are included in my husband's March 3, 2021, court of review motion as Exhibit 3.
4. To date, Gov. Bill Haslam and Attorney General Slatery have not responded to me.
5. My husband, Willie Austin Davis, was acquainted with former Tennessee Titans Quarterback Steve McNair via mutual friends at The Ensworth School, and via the WNSL. My husband was born in Natchez, Mississippi near Alcorn State where Steve McNair played college football. My husband's great-grandfather was a farmer in Prentiss, Mississippi, where my husband spent time as a child on summer visits. Steve McNair is buried in Prentiss, Mississippi. My husband prayed for Steve McNair during the final year of Steve McNair's life after writing his name on a piece of paper and placing it on our refrigerator in our family kitchen as a daily reminder.

I declare under penalty of perjury that the foregoing is true and correct. Executed by me this 3rd day of March, 2021.

Catherine Fleming Davis
Catherine Fleming Davis

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

Personally appeared before me, Marqueta Flournoy, notary public in and for said County and State, the above-signed, Catherine Fleming Davis, and did make oath that the information contained in the foregoing document was true and correct to the best of her information, knowledge, and belief.

Sworn to and subscribed before me this 3 day of March, 2021.

Marqueta Flournoy
Notary Public

My commission expires: September 25, 2021

