

**APPLICATION OF MICHAEL W. NOBLE
TO THE APPELLATE JUDICIAL COMMISSION FOR THE
JUDGE RICHTER VACANCY
COURT OF APPEALS MISSOURI, EASTERN DISTRICT**

***RESPONSES TO THESE QUESTIONS, INCLUDING ATTACHEMENTS THERETO,
WILL BE MADE PUBLIC IF THE APPLICANT IS NOMINATED FOR THIS VACANCY***

1. State your present principal occupation, place of work, and job title:

**CIRCUIT JUDGE
22ND JUDICIAL CIRCUIT**

2. Provide the following information concerning your eligibility for this position:

(a) Have you been a citizen of the United States for at least 15 years?

YES

(b) Have you been a qualified voter of the state for at least nine consecutive years immediately preceding your application?

YES

(c) Are you at least 30 years of age?

YES

(d) Are you a resident of the Eastern District?

YES

3. No question listed.

4. List each state, court, or agency in which you are licensed as an attorney, and, for each, the date you were admitted, your bar number, and whether your license is in good standing. If any license is not in good standing, explain.

**MISSOURI, APRIL 2005, 57093, YES
PATENT, FEBRUARY 2004 (AGENT); JUNE 2005 (ATTORNEY), 55501, YES**

5. (a) State the name and address of all colleges and universities attended, *other than* law school, together with the dates and degrees received.
**UNITED STATES MILITARY ACADEMY
WEST POINT, NY
1988 – BS – GENERAL ENGINEERING**
- (b) List/describe any college or university activities, scholastic achievements and other awards or honors you think are relevant to the commission’s decision.
**DEAN’S LIST, TWO SEMESTERS
ARMY FOOTBALL – CHERRY BOWL CHAMPIONS 1984**
- (c) If, as a student, you were suspended, placed on probation, or expelled by school authorities for any reason, describe the circumstances. Academic deficiency - permitted to return after successful re-exam.
6. (a) State the name and address of all law schools attended together with the dates and degrees received.
**SAINT LOUIS UNIVERSITY SCHOOL OF LAW
SAINT LOUIS, MO
2004 – JD**
- (b) List/describe any law school activities, scholastic achievements and other awards or honor you think are relevant to the commission’s decision.
ACADEMIC EXCELLENCE AWARD – TRIAL ADVOCACY
- (c) No question listed.
- (d) If, as a student, you were suspended, placed on probation, or expelled by school authorities for any reason, describe the circumstances. n/a.
7. State, in chronological order (starting with earliest employment), your *significant non-law-related employment*. To the extent reasonably available to you, include the name and address of each employer and dates of employment; the position held; whether the employment was full-time, part-time, or seasonal; and the reason the employment ceased.
- UNITED STATES ARMY 1988-1992
NUCLEAR WEAPONS OFFICER
FIELD ARTILLERY FIRST LIEUTENANT
HONORABLY DISHCHARGED.**
- DEKNATEL, INC 1992-1993
SURGICAL SALES REP
600 AIRPORT ROAD
FALL RIVER, MA 02720
COMPANY WAS BOUGHT BY JOHNSON & JOHNSON.**

INFINITY BROADCASTING, WJFK 1993-1995
RADIO SALES REP
10800 MAIN STREET
FAIRFAX, VA 22030
MOVED TO SAINT LOUIS, MISSOURI.

SAINT LOUIS CONVENTION AND VISITORS COMMISSION 1995-1997
SALES MANAGER
211 NORTH BROADWAY
SAINT LOUIS, MO 63102
BETTER JOB WITH BAYER PHARMACEUTICAL.

UNITED STATES ARMY RESERVE 1996-2003
COMPANY COMMANDER
FIELD ARTILLERY CAPTAIN
HONORABLE DISCHARGE.

BAYER PHARMACEUTICAL GROUP 1997-2001
PHARMACEUTICAL SALES REP
400 MORGAN LANE
WEST HAVEN, CT 06516
WENT TO WORK AT ARMSTRONG TEASDALE.

8. State, in chronological order (starting with earliest employment), *all law-related employment*. To the extent reasonably available to you, include the name and address of each employer, the dates of employment, and describe the positions held (e.g., associate, partner, law clerk, general counsel); and the reason the employment ceased.

ARMSTRONG TEASDALE, LLC 2001-2006
INTELLECTUAL PROPERTY ENGINEER/AGENT/ASSOCIATE
7700 FORSYTH BLVD, SUITE 1800
SAINT LOUIS, MO 63105
NO OPPORTUNITY FOR TRIAL EXPERIENCE.

MISSOURI STATE PUBLIC DEFENDER 2006-2007
ASSISTANT PUBLIC DEFENDER
1114 MARKET STREET, SUITE 602
SAINT LOUIS, MO 63101
SELECTED AS DRUG COURT COMMISSIONER.

22ND JUDICIAL CIRCUIT 2007-2013
DRUG COURT COMMISSIONER
1114 MARKET STREET, ROOM 526
SAINT LOUIS, MO 63101
APPOINTED AS ASSOCIATE CIRCUIT JUDGE.

22ND JUDICIAL CIRCUIT
ASSOCIATE CIRCUIT JUDGE
10 NORTH TUCKER, DIVISIONS 24, 25
SAINT LOUIS, MO 63101
APPOINTED AS CIRCUIT JUDGE.

2013-2015

22ND JUDICIAL CIRCUIT
CIRCUIT JUDGE
10 NORTH TUCKER, DIVISIONS 21, 15, 22
SAINT LOUIS, MO 63101

2015-PRESENT

9. Describe the nature of your experience in trial and appellate courts and explain how they demonstrate the quality of your legal work. (*You either may take as much space as you need here or attach your response on separate sheets. It is your responsibility to redact any confidential information.*) Include in your response:
- a) **Appellate Experience:** Please include a representative list of cases you have briefed and/or argued (if you are a judge, include representative cases from your practice prior to your judicial appointment) including, to the extent reasonably available to you, the style, date, and court and, if published, the citation; identify the client(s) you represented and opposing counsel; and give a one-paragraph description of the case and your role.
 - b) **Trial-Level Experience:** Please include a representative list of cases and/or administrative hearings you have handled (if you are a judge, include representative cases from your practice prior to your judicial appointment) including, to the extent reasonably available to you, the style, date, and court; identify who you represented and opposing counsel; state whether the case was disposed of following a jury trial, bench trial or at what other stage; and give a one-paragraph description of the case and your role.
 - c) **Judicial Experience:** If you are a judge, commissioner, or are serving or have served in other judicial capacity, please describe the nature and extent of your judicial responsibilities, including the dates you have served as a judge at each level, the types of dockets you have handled and any special expertise you have developed that you believe is relevant to your qualifications for the position for which you are applying.

Introduction:

I have been a member of the legal community since 2001 when I accepted full-time employment at Armstrong Teasdale as a Patent Engineer. My duties were similar to those of a Patent Agent, assisting in the drafting of patent applications and amendments. After passing the patent bar while in law school, I became a Patent Agent. After passing the Missouri bar, I became a Patent Attorney and my duties increased to include preparation and prosecution of patent applications, amendments, and responses to office actions from the U.S. Patent and Trademark Office.

During my final year of law school, I was fortunate to take Trial Advocacy with Criminal Defense Attorney Brad Kessler and Civil Attorney Thomas Stewart. I received the Academic Excellence Award in Trial Advocacy and earned a spot on the Trial Advocacy Team. The skills I gained as a result of this experience enabled me to enjoy great success as an Assistant Public Defender when I joined the Missouri State Public Defender's Office in 2006. I served more than 400 indigent citizens charged in criminal matters. I secured either not guilty verdicts or hung juries in eight out of twelve jury trials as first chair. I litigated all aspects of the cases through disposition at the trial court level and prepared the cases for appeal.

While working in the Public Defender's office, I saw the devastating effects that drugs and alcohol have on our society. I was appointed by the Court en Banc of the 22nd Judicial Circuit as Drug Court Commissioner on October 1, 2007 and reappointed on October 1, 2011. I presided over three Adult Drug Court dockets, the Family Drug Court, and two Juvenile Drug Court dockets. I made daily decisions about the acceptance, promotion, and retention of participants as well as managed a ten person drug court team. During Family Drug Court, I made evidentiary rulings and findings of fact, and prepared orders regarding the physical and legal custody of children exposed to drugs and alcohol.

I was appointed by Governor Nixon to serve as an Associate Circuit Judge on March 13, 2013. I presided over Divisions 24 and 25. Our circuit was short one associate judge so I ran Division 24 like a of general jurisdiction division handling landlord-tenant and unlawful detainer actions, Trial de Novo matters, and petitions for review. During my time in Division 24, I presided over 53 misdemeanor and felony criminal jury trials (121 trial days) and took 475 criminal pleas. In addition, I presided over a variety of civil cases, jury and bench, ranging from breach of contract, personal injury, and property damage cases totaling over 25 civil dispositions.

While presiding over Division 25, a felony preliminary hearing division, I was responsible for setting and modifying bonds and issuing search warrants. In addition, I sat in Division 14, a family/domestic division, and handled uncontested divorces and child support matters.

I was appointed by Governor Nixon to serve as a Circuit Judge on November 17, 2015. I have presided over Divisions 21, 15, 4 and 22. I am currently presiding over Division 22. In Divisions 21, 4, and 22, I presided over felony criminal and civil cases, resulting in 31 jury trials (101 trial days) and took 248 criminal pleas. In addition, I presided over a variety of civil trials, jury and bench, ranging from breach of contract, personal injury, and property damage totaling over 1414 civil dispositions. In Division 15, I handled all family law matters including divorce, custody, orders of protection, child support and motions to modify.

Throughout my tenure in the legal profession, I have worked to ensure public confidence in our justice system by making it accessible, providing a zealous defense, and honoring the rule of law. I am confident that my legal experience both in front of and on the bench has prepared me for the duties of a Court of Appeals Judge.

Appellate Experience:

In the cases below I was appointed Special Judge by the Eastern District of Court of Appeals:

Jacqueline Smith v. Delmar Gardens of Creve Coeur, Operating LLC and Division of Employment Security
ED98902 August 20, 2013
406 S.W.3d 95 (Mo. Ct. App. 2013)

The appellant appealed the decision by the Labor and Industrial Relations Commission which denied her unemployment compensation benefits after her termination by Delmar Gardens for alleged misconduct with her work. According to the facts found by the Commission, the Appellant refused to comply with the corrective instructions given by her employer; therefore we found that the Commission's decision to deny benefits was consistent with Missouri Employment Security Law. We affirmed the Labor and Industrial Relations Commission. Judge Gary Gaertner, Jr. was the Presiding Judge. Judge Angela Quigless and I concurred.

State of Missouri v. Darin M. McCall
ED98617 August 27, 2013
412 S.W.3d 370 (Mo. Ct. App. 2013)

The defendant appealed his conviction of attempt to manufacture a controlled substance, possession of a controlled substance, and endangering the welfare of a child in the first degree. The defendant argued that there was insufficient evidence to support the jury's verdict. We found there was sufficient evidence from which the jury could find the element of possession in each of the three counts against the defendant. We affirmed the trial court. Judge Gary Gaertner, Jr. was the Presiding Judge. Judge Angela Quigless and I concurred. Application for transfer to the Missouri Supreme Court denied.

Trial-Level Experience as an Attorney:

During my tenure as a trial attorney at the Public Defender's office, I represented the defendant in the following jury trials as FIRST chair:

1. *State of Missouri v. Chris A. Davis*
Cause No. 22059-06960 Twenty-Second Judicial Circuit
Jury tried before The Honorable Paula P. Bryant, July 10-11, 2006
Opposing counsel: Asst. Circuit Attorney Berlin Madison
1114 Market Street, Suite 401
Saint Louis, MO 63101

The defendant was charged with Possession of Marijuana. After a two day trial, the jury returned a not guilty verdict.

2. *State of Missouri v. Otha Kyles*
Cause No. 22069-02082 Twenty-Second Judicial Circuit
Jury tried before The Honorable Paula P. Bryant, July 31-August 1, 2006
Opposing counsel: Asst. Circuit Attorney Alison Vunkannon
1114 Market Street, Suite 401
Saint Louis, MO 63101

The defendant was charged with Domestic Assault 3rd Degree. The jury returned a not guilty verdict after a two day of trial.

3. *State of Missouri v. Marlon Graves*
Cause No. 22069-02504 Twenty-Second Judicial Circuit
Jury tried before The Honorable Paula P. Bryant, September 18-20, 2006
Opposing counsel: Asst. Circuit Attorney Berlin Madison
1114 Market Street, Suite 401
Saint Louis, MO 63101

The defendant was charged with Possession of Marijuana. The jury returned a guilty verdict after a three day trial and he was sentenced to 15 days at the Medium Security Institution. The sentence was suspended and the defendant placed on probation for one year.

4. *State of Missouri v. Sandra McGee*
Cause No. 22069-02740 Twenty-Second Judicial Circuit
Jury tried before The Honorable Paula P. Bryant, October 2-4, 2006
Opposing counsel: Asst. Circuit Attorney Scott Stork
1114 Market Street, Suite 401
Saint Louis, MO 63101

The defendant was charged with Property Damage 2nd Degree. After a three day trial, the jury returned a not guilty verdict.

5. *State of Missouri v. Angela Mapp*
Cause No. 22069-00023 Twenty-Second Judicial Circuit
Jury tried before The Honorable Paula P. Bryant, December 4-6, 2006
Opposing counsel: Asst. Circuit Attorney Dan Finney
1114 Market Street, Suite 401
Saint Louis, MO 63101

The defendant was charged with Animal Neglect. After a three trial, the jury returned a not guilty verdict.

6. *State of Missouri v. Keyona Martin*
Cause No. 0622-CR00035 Twenty-Second Judicial Circuit
Jury tried before The Honorable Michael Stelzer, January 10-11, 2007
Opposing counsel: Asst. Circuit Attorney Zachery Borawiak
1114 Market Street, Suite 401
Saint Louis, MO 63101

The defendant was charged with Assault 3rd Degree. The jury returned a not guilty verdict after a two day trial.

7. *State of Missouri v. Ike Buchanan*
Cause No. 22059-00887 Twenty-Second Judicial Circuit
Jury tried before The Honorable Michael Stelzer, January 30-31, 2007
Opposing counsel: Asst. Circuit Attorney Jason Steinmeyer
1114 Market Street, Suite 401
Saint Louis, MO 63101

The defendant was charged with Trespass 1st Degree and Resisting Arrest. The jury returned not guilty verdicts on both counts after a two day trial.

8. *State of Missouri v. Jahmel Carey*
Cause No. 22059-00964 Twenty-Second Judicial Circuit
Jury tried before The Honorable Michael Stelzer, January 22-24, 2007
Opposing counsel: Asst. Circuit Attorney Jason Steinmeyer
1114 Market Street, Suite 401
Saint Louis, MO 63101

The defendant was charged with Assault 3rd Degree. After a three day trial, the jury returned a guilty verdict. The defendant was sentenced to 90 days in the Medium Security Institution.

9. *State of Missouri v. Charles Miles*
Cause No. 22069-00662 Twenty-Second Judicial Circuit
Jury tried before The Honorable Michael Stelzer, March 20-21, 2007
Opposing counsel: Asst. Circuit Attorney Jeff Coleman
1114 Market Street, Suite 401
Saint Louis, MO 63101

The defendant was charged with Possession of Marijuana. The jury returned a not guilty verdict after a two day trial.

10. *State of Missouri v. Jahmel Carey*
Cause No. 22059-04962 Twenty-Second Judicial Circuit
Jury tried before The Honorable Michael Stelzer, May 2-3, 2007
Opposing counsel: Asst. Circuit Attorney Rachel Schwarzlose
1114 Market Street, Suite 401
Saint Louis, MO 63101

The defendant was charged with Domestic Assault 3rd Degree. The jury was hung. The case was dismissed.

In the cases below I represented the defendant in a jury trial as SECOND chair:

1. *State of Missouri v. Gus Grady*

Cause No. 22041-03766-01 Twenty-Second Judicial Circuit

Jury tried before The Honorable Mark Neill, September 5-8, 2006

Opposing counsel: Asst. Circuit Attorney Mary Pat Carl
1114 Market Street, Suite 401
Saint Louis, MO 63101

First chair: Asst. Public Defender Collette Lewis
1114 Market Street, Suite 602
Saint Louis, MO 63101

The defendant was charged with Forcible Sodomy, Kidnapping, two counts of Assault 1st Degree, and Armed Criminal Action. After a four day trial, the jury returned a verdict of guilty on all counts except Kidnapping. The defendant was sentenced to life in prison.

2. *State of Missouri v. Irving Hall*

Cause No. 22051-00215-01 Twenty-Second Judicial Circuit

Jury tried before The Honorable Edward Sweeney, August 28-29, 2007

Opposing counsel: Asst. Circuit Attorney Dwight Warren
1114 Market Street, Suite 401
Saint Louis, MO 63101

First Chair: Asst. Public Defender Lyn Ruess
1114 Market Street, Suite 602
Saint Louis, MO 63101

The defendant was charged with Murder 1st Degree, Armed Criminal Action, and Unlawful Use of a Weapon. After a two day trial, the jury returned a verdict of not guilty on Murder 1st Degree and Armed Criminal Action and the prosecution dismissed the Unlawful Use of a Weapon.

Judicial Responsibilities as Drug Court Commissioner:

-preside over three Adult Drug Court dockets at the Carnahan Courthouse on Market Street;

-preside over the Family Drug Court and two Juvenile Drug Court dockets at the Family Court – Juvenile Division Courthouse on North Vandeventer;

-preside over frequent status hearings during the initial phases of each participant's program to establish and reinforce the drug courts policies, ensure effective supervision of each drug court participant, give the participant a sense of how he or she is doing in relation to others, solicit information regarding participant's progress from every team member in attendance;

-preside over a significant number of drug court participants at a single session in order to educate both the offender at the bench and those waiting as to the benefits of program compliance and consequences for noncompliance;

-assume a leadership position, effectively lead the team and assume ultimate authority and responsibility for team decisions, while promoting a productive work environment where each team member can participate without fear, regularly review protocols and procedures to assure their continued applicability, effectiveness, and utilization;

-lead the team to educate other members of the criminal justice system and the community on program goals and standards, act as a mediator to develop and maintain resources and improve interagency linkages, act as a spokes-person for drug court at various community events;

-oversee the integrity of drug court program through quality assurance; disseminates information about drug court as frequently as possible;

-supervise payment of fees, fines, and/or restitution as a part of participant's treatment. The judge supervises such payments and takes into account the participant's financial ability to fulfill these obligations and ensure that no one is denied participation in drug court solely because of inability to pay fees, fines, or restitution;

-acquire a general knowledge of addiction, alcoholism, and pharmacology and apply that knowledge to respond to compliance issues in a therapeutically appropriate manner, and

-assist in collection of data regarding the drug courts impact on offender population, request and review process evaluation, ensure to reference original goals and objective when doing so, request and review outcome data, share positive information and address negative information resulting there from.

Judicial Trial Experience - Associate Circuit Judge:

1. *State of Missouri vs. Jason Love*, Cause No. 1222-CR04187

Jury Trial – August 21-23, 2013

Attorney Representing State:

Beth Orwick, ACA
1114 Market Street, Suite 401
Saint Louis, MO 63101

Defense Attorney:

Tal Newton
7515 Delmar Blvd.
Saint Louis, MO 63130

State charged Saint Louis Police Officer Jason Love with three counts of Misdemeanor Property Damage. After a three day jury trial, the defendant was found not guilty on all three counts.

2. *State of Missouri vs. Isla Ballard*, Cause No. 1222-CR00037
Jury Trial – November 6-7, 2013
Attorney Representing State: Lisa Yemm, ACA
1114 Market Street, Suite 401
Saint Louis, MO 63101

Pro Se (Sovereign Citizen) Isla Ballard
ERDCC, 272 Highway K
Bonne Terre, MO 63628

State charged defendant with one count each of Assault of Law Enforcement, Resisting Arrest, and Trespass 1st Degree. After a two day jury trial, the defendant was acquitted of count one, found guilty on counts two and three. Defendant received a suspended imposition of sentence and two years bench probation.

3. *State of Missouri vs. Mika Sadler*, No. 1222-CR04975
State of Missouri vs. Grover Mays, No. 1222-CR04976
Father and Daughter Joint Jury Trial – February 10-14, 2015
Attorney Representing State: Veronica Harwin, ACA
1114 Market Street, Suite 401
Saint Louis, MO 63101

Defense Attorney: Scott Rosenblum
120 S Central #130
Clayton, MO 63105

After a St. Louis Cardinal Baseball game at Busch Stadium, the State charged Defendant Sadler, the daughter, with Assault 3rd Degree of Law Enforcement Officer and Assault 3rd Degree and Defendant Mays, the father, with one count of Assault 3rd Degree of Law Enforcement Officer and four counts of Assault 3rd Degree. After a five day jury trial, Defendant Sadler was found not guilty on all counts and Defendant Mays was found guilty of one count of Assault 3rd degree. Defendant Sadler received a suspended imposition of sentence and thirty days bench probation.

4. *State of Missouri vs. Lauren Harris*, Cause No. 1222-CR05946-01
Bench Trial – September 10, 2013
Attorney Representing State: Anna Kratky, ACA
1114 Market Street, Suite 401
Saint Louis, MO 63101

Defense Attorneys: Justin Mehan & Abdul Muhamed
2734 Lafayette
Saint Louis, MO 63104

State charged Defendant with two counts of Felony Endangering the Welfare of a Child 1st Degree. The Court found the defendant not guilty of Felony Endangering the Welfare of a Child 1st Degree; guilty of two counts Misdemeanor Endangering

the Welfare of a Child 2nd Degree. Defendant was sentenced to one year at the Medium Security Institution, the execution of the sentence was suspended and the defendant was put on bench probation for one year.

5. *State of Missouri vs. Lawrence Baker*, Cause No. 1122-CR06513-01
Jury Trial – September 23-25, 2013

Attorney Representing State: Katie Reichenbach, ACA
1114 Market Street, Suite 401
Saint Louis, MO 63101

Defense Attorney: Robert Taaffe
1015 Locust #725
Saint Louis, MO 63101

State charged defendant with two counts of Distribution of a Controlled Substance. After a three day trial, the jury found the defendant not guilty on both counts.

6. *State of Missouri vs. Charlie Jackson*, Cause No. 1322-CR02540-01
Jury Trial - August 18-19, 2014

Attorney Representing State: Cynthia Copeland, ACA
1114 Market Street, Suite 401
Saint Louis, MO 63101

Defense Attorney: Christina Carr, APD
1114 Market Street, Suite 602
Saint Louis, MO 63101

State charged defendant with Domestic Assault 2nd Degree. Jury found the defendant not guilty after two days of trial.

7. *State of Missouri vs. Willetta Townsend*, Cause No. 1222-CR04170-01
Jury Trial - September 2-3, 2014

Affirmed
ED102201 December 15, 2015,
478 S.W.3d 529 (Mo. Ct. App. 2015)

Attorney Representing State: Mellissa Gilliam, ACA
1114 Market Street, Suite 401
Saint Louis, MO 63101

Defense Attorney: Robert Taaffe
1015 Locust #725
Saint Louis, MO 63101

State charged defendant with Robbery 1st Degree and Armed Criminal Action. After a two day trial, the jury found the defendant guilty on both counts. Defendant was sentenced to ten years at the Missouri Department of Corrections.

8. *State of Missouri vs. Rahsaan Mitchell*, Cause No. 1322-CR03604-01
Jury Trial – October 22-23, 2014

Attorney Representing State: Brenna Kantrovitz, ACA
1114 Market Street, Suite 401
Saint Louis, MO 63101

Defense Attorney: Robert Taaffe
1015 Locust #725
Saint Louis, MO 63101

State charged Defendant with Robbery 2nd Degree. After a two day trial, the jury found the defendant guilty. Defendant was sentenced to five years at the Missouri Department of Corrections, the execution of the sentence was suspended and the defendant was put on supervised probation for five years.

9. *State of Missouri vs. Michael Robinson*, Cause No. 1322-CR05415-03
Jury Trial – October 29-30, 2014

Attorney Representing State: Michael Mueth, ACA
1114 Market Street, Suite 401
Saint Louis, MO 63101

Defense Attorney: David Bryant, APD
1114 Market Street, Suite 602
Saint Louis, MO 63101

State charged defendant with Burglary 2nd Degree and Felony Stealing. After a two day trial, the jury found the defendant not guilty of Burglary 2nd Degree and Felony Stealing; guilty of the lesser included charges of Trespass 1st Degree and Misdemeanor Stealing. Defendant was sentenced to one year at the Medium Security Institution.

10. *State of Missouri vs. Elliot Dole*, Cause No. 1222-CR04808
Bench Trial – September 6, 2013

Attorney Representing City: Rory O’Sullivan, City Counselor
City Counselor’s Office
1200 Market Street
Saint Louis, MO 63103

Defense Attorneys: Bevis Shock and Hugh Eastwood
1015 Locust #725
Saint Louis, MO 63101

Defendant was charged with violating Ordinance 17.07 of the Revised Code of the City of St. Louis, 1994 (Red Light Camera Ordinance) that occurred on May 24, 2012. On September 6, 2013, this Court originally found the Defendant guilty of the Ordinance violation and imposed a \$100 fine over the Defendant’s motion for acquittal. Defendant filed a renewed motion for acquittal in light of the recent Court of Appeals Eastern District decision in *Unverferth v. City of Florissant*, No. ED

98511 (September 10, 2013). The court granted a motion hearing on October 24, 2013. In light of *Unverferth*, this Court granted the Defendant's motion for acquittal.

Felony Trials as Circuit Judge:

1. *State of Missouri vs. Anthony Perkins*, Cause No. 1522-CR00563
Jury Trial – March 1-2, 2016

Attorney Representing State: Jon Bruntrager, ACA
1114 Market Street, Suite 401
Saint Louis, MO 63101

Defense Attorney: Robert Taaffe
1015 Locust #725
Saint Louis, MO 63101

State charged defendant with one count of Felony Resisting Arrest by Fleeing. After a two day jury trial, the defendant was found guilty. Defendant was sentenced to four years at the Missouri Department of Corrections, the execution of the sentence was suspended.

2. *State of Missouri vs. Martell Gregory*, Cause No. 1522-CR00512-01
Jury Trial – April 11-13, 2016
Affirmed
ED104474 – June 13, 2017
520 S.W.3d 521 (Mo. Ct. App. 2017)

Attorney Representing State: Madeline Connolly, ACA
1114 Market Street, Suite 401
Saint Louis, MO 63101

Defense Attorney Eric Barnhart
7751 Carondelet Ave, Suite 202
Saint Louis, Mo 63105

State charged defendant with one count each of Assault 1st Degree and Armed Criminal Action (ACA). After a three day jury trial, the defendant was found guilty of Assault 2nd and ACA. Defendant received a three year sentence at the Missouri Department of Corrections.

3. *State of Missouri vs. Shawn Akery*, No. 1222-CR01742
Jury Trial – April 18-20, 2016
Bench Trial – April 20, 2016
Affirmed
ED104427 – October 10, 2017
536 S.W.3d 303 (Mo. Ct. App. 2017)
Transfer to MO Supreme Court denied

Attorney Representing State: Kristn Skelly, ACA
1114 Market Street, Suite 401
Saint Louis, MO 63101

Defense Attorney: Megan Beesley, APD
1114 Market Street, Suite 602
Saint Louis, MO 63101

The State charged the defendant with Attempted Rape 1st Degree, Violating a Condition of Lifetime Supervision, and Tampering with Electronic Monitoring Equipment. Count 1 was tried by Jury and Counts 2 and 3 were tried by the Court, per Defendants request. After a three day jury trial, Defendant was found guilty on Count 1 and after a bench trial was found guilty on Counts 2 and 3. Defendant was sentenced to Missouri Department of Corrections for Life, without Parole, on Count 1 and 15 years each on Counts 2 and 3.

4. *State of Missouri vs. Harold Henderson*, Cause No. 1622-CR00443
Jury Trial – June 13-15, 2016
Affirmed
ED104867 – August 22, 2017
525 S.W.3d 218 (Mo. Ct. App. 2017)

Attorney Representing State: Kelly Moyich, ACA
1114 Market Street, Suite 401
Saint Louis, MO 63101

Defense Attorney: Sarah Boyce, APD
1114 Market Street, Suite 602
Saint Louis, MO 63101

State charged Defendant with 8 counts, Robbery 1st Degree, ACA, Assault 1st Degree with Serious Physical Injury, ACA, Attempted Robbery 1st, ACA, Attempted Robbery 1st, and ACA. After a three day jury trial, the jury found the defendant guilty of Robbery 1st Degree, ACA, Assault 1st Degree with Serious Physical Injury, ACA, and not guilty of Attempted Robbery 1st, ACA, Attempted Robbery 1st, and ACA. Defendant was sentenced to 20 years at the Missouri Department of Corrections.

5. *Brian Koon et al. vs. Henry D. Walden MD et al.*, Cause No. 1422-CC01258
Jury Trial – June 20-28, 2016
Affirmed
ED104987 – October 24, 2017
539 S.W.3d 752 (Mo. Ct. App. 2017)
Transfer to MO Supreme Court denied

Plaintiff's Attorney: John D. Simon, The Simon Law Firm
800 Market Street, Suite 17001
Saint Louis, MO 63101

Defendant's Attorney:

Paul N. Venker
Williams Venker & Sanders
100 North Broadway, 21st Floor
Saint Louis, MO 63102

Medical Malpractice case where plaintiffs, Brian and Michelle Koon claimed Dr. Henry Walden, an employee of St. Louis University Hospital, was negligent in prescribing opioid treatment to Brian Koon. Plaintiffs sought only compensatory non-economic damages, past and future, for personal injury and punitive damages. After a 9 day trial, the jury assessed the defendants with 67% fault for the Brian Koon's damages, determined that the Michelle Koon did sustain damage as a direct result of injury to her husband, and found that the defendants were liable for punitive damages. Jury awarded, before fault percentages computed, \$1.4 million to Brian Koon, \$1.2 million to Michelle Koon, and \$15 million in punitive damages.

6. *State of Missouri vs. Dwayne Johnson*, Cause No. 1522-CR02540-01
Jury Trial – July 18-21, 2016
Affirmed
ED104942 – January 23, 2018
545 S.W.3d 856 (Mo. Ct. App. 2018)
Transfer to MO Supreme Court denied

Attorney Representing State:

Molly Wayne, ACA
1114 Market Street, Suite 401
Saint Louis, MO 63101

Defense Attorney:

Scott Swiney
4515 Parkdale Drive
Saint Louis, MO 63121

State charged defendant with Statutory Rape 1st Degree, 4 counts of Statutory Sodomy 1st Degree, two counts of Child Molestation 1st Degree, and four counts of Statutory Sodomy 2nd Degree. Jury found the defendant guilty of two counts of Child Molestation 1st Degree, and four counts of Statutory Sodomy 2nd Degree after four days of trial. Defendant was sentenced to Life plus 15 years at the Missouri Department of Corrections.

7. *State of Missouri vs. Terrell Perkins*, Cause No. 1422-CR03445
Jury Trial - September 12-16, 2016
Affirmed
ED105021 – December 12, 2017
541 S.W.3d 615 (Mo. Ct. App. 2017)
Transfer to MO Supreme Court denied

Attorney Representing State:

Kristen Skelly, ACA
1114 Market Street, Suite 401
Saint Louis, MO 63101

Defense Attorney: Megan Beesley, APD
1114 Market Street, Suite 602
Saint Louis, MO 63101

State jointly charged co-defendants Terrell Perkins and his brother Deon'andre Ford (1422-CR03447) with Murder 1st Degree, two counts of Assault 1st Degree, two counts of Shooting a Firearm at a Motor Vehicle, one count of Endangering the Welfare of a Child, and six counts of Armed Criminal Action. The case involved a street fight during which three women were shot, one of whom died. Defendant Ford's case was severed (see below). After a five day trial, the jury found the defendant guilty on all counts. Defendant was sentenced to Life without Parole at the Missouri Department of Corrections.

8. *State of Missouri vs. Deon'andre Ford*, Cause No. 1422-CR03447
Jury Trial - November 28-December 1, 2016
Affirmed
ED105310 – March 27, 2018
543 S.W.3d 109 (Mo. Ct. App. 2018)

Attorney Representing State: Kristen Skelly, ACA
1114 Market Street, Suite 401
Saint Louis, MO 63101

Defense Attorney: Steven Lewis, APD
1114 Market Street, Suite 602
Saint Louis, MO 63101

State jointly charged co-defendants Deon'andre Ford and his brother Terrell Perkins (1422-CR03445) with Murder 1st Degree, two counts of Assault 1st Degree, two counts of Shooting a Firearm at a Motor Vehicle, one count of Endangering the Welfare of a Child, and six counts of Armed Criminal Action. The case involved a street fight during which three women were shot, one of whom died. Defendant Perkins's case was severed (see above). After a five day trial, the jury found the defendant guilty of Involuntary Manslaughter 1st Degree and the remaining nine counts. Defendant was sentenced to Life at DOC.

9. *State of Missouri vs. Latoy Williams*, Cause No. 1622-CR01261-01
Bench Trial – February 13, 2018
Affirmed
ED106640 – July 16, 2019

Attorney Representing State: Jerome McDonald, ACA
1114 Market Street, Suite 401
Saint Louis, MO 63101

Defense Attorney: Nick Zotos
4235 Lindell Blvd, Suite 401
Saint Louis, MO 63108

State charged defendant with Sodomy 1st Degree and Sexual Abuse 1st Degree. The case involved a female Certified Nurse Assistant (CAN) and an elderly woman. After a one day bench trial, the Court found the defendant guilty of Sodomy 1st Degree and Sexual Abuse 1st Degree. Defendant was sentenced to 10 years on Count 1 and 7 years on Count 2, said sentences to be served concurrently with each other.

10. *State of Missouri vs. Sequoi Edwards*, Cause No. 1722-CR02097-01
Jury Trial – February 20-22, 2018
Affirmed
ED106656 – May 7, 2019
Transfer to MO Supreme Court denied

Attorney Representing State: Joanna Byrne, ACA
1114 Market Street, Suite 401
Saint Louis, MO 63101

Defense Attorney: Britton St. Onge, Special PD
100 South 4th Street, Suite 1000
Saint Louis, MO 63102

State charged defendant with Kidnapping 1st Degree, 3 counts of Domestic Assault 2nd Degree, Domestic Assault 3rd Degree, Domestic Assault 4th Degree, and Unlawful Use of a Weapon- Exhibiting. The case involved a couple in a romantic relationship that turned abusive. After a three day jury trial, the Jury found the defendant guilty of Kidnapping 3rd Degree, Domestic Assault 3rd Degree, 2 counts of Domestic Assault 4th Degree, and Unlawful Use of a Weapon- Exhibiting. Defendant was sentenced for a total of 11 years.

11. *Amy L. Atkinson v. City Museum*, Cause No. 1622-CC10188
Jury Trial – February 5-7, 2018
Affirmed
ED106797 – June 18, 2019

Plaintiff's Attorney: Elizabeth Washam
The Simon Law Firm
800 Market Street, Suite 17001
Saint Louis, MO 63101

Defendant's Attorney: James Godfrey Jr.
Evans & Dixon
211 N. Broadway, Suite 2500
Saint Louis, MO 63102

Personal injury case where plaintiff Amy L. Atkinson claimed defendant City Museum was both negligent for designing and failing to remove a “wave” within the fourth floor slide and subject to premise liability where they knew the

“wave” was not reasonably safe and failed to remove it. After a three day trial, Jury found total compensatory damages for personal injuries of \$325,000.

10. Describe any additional legal experience that you believe may be relevant to the decision of the commission (e.g. work as a law professor, in government, as corporate or legal counsel).

**WEBSTER UNIVERSITY, SCHOOL OF BUSINESS & TECHNOLOGY
WEBSTER GROVES, MO
OCT 2016 –PRESENT**

Adjunct Professor – Responsible for teaching expert witness skills to accounting students seeking their Master’s degree.

**EMORY UNIVERSITY SCHOOL OF LAW
ATLANTA, GA
MAY 2015 –PRESENT**

Adjunct Professor – Responsible for teaching Trial Advocacy to 2L law students.

**NATIONAL JUDICIAL COLLEGE
RENO, NV**

JULY 2014 –PRESENT

Faculty – Responsible for teaching Advanced and General “Co-Occurring Mental and Substance Abuse Disorders” courses and “Conducting the Trial” to judges in person at the College and via Webcast.

11. List all bar associations and other professional societies of which you are a member, with any offices held and dates.

THE MISSOURI BAR

UNITED STATES PATENT & TRADEMARK OFFICE (PATENT BAR)

MISSOURI ASSOCIATION OF DRUG COURT PROFESSIONALS

BOARD MEMBER, 2008 – 2014

PRESIDENT-ELECT, 2009

PRESIDENT, 2010 – 2012

SAINT LOUIS BAR FOUNDATION

BOARD MEMBER, 2019-PRESENT

BAR ASSOCIATION OF METRO SAINT LOUIS

MOUND CITY BAR ASSOCIATION

CO-PARLIAMENTARIAN, 2019

THE LAWYER’S ASSOCIATION

THE FEDERALIST SOCIETY

12. Describe your efforts (e.g., work on bar committees, pro bono efforts, CLEs presented, etc.) to contribute to the improvement of the law, the legal system and the administration of justice.

For the last five years, I have been actively involved with mentoring activities associated with being a Master in The Theodore McMillian Inns of Court for Saint Louis in conjunction with the Saint Louis University School of Law. The mission of the Inns of Court is to foster excellence in professionalism, ethics, civility, and legal skills.

For a complete list see Answer 14 below.

13. List your community activities, including any organizations not listed elsewhere with which you are affiliated.

THE CHURCH OF ST. MICHAEL & ST. GEORGE

SIGMA PI PHI FRATERNITY, ETA BOULE

OPTIMIST CLUB - KIRKWOOD

**SKINKER DEBALIVER COMMUNITY COUNCIL
VICE-PRESIDENT, 2010-2012**

14. Describe your activities (e.g., speeches, presentations, educational activities, etc.) undertaken to further public understanding of and respect for courts and the judicial system and to promote access to justice for all.

Judicial related activities:

**Graduate (with distinction), The National Judicial College, "Handling Capital Cases"
Denver, Colorado 2019**

**Trial Techniques Faculty, Kessler-Edison Program for Trial Techniques, Emory
University School of Law, Atlanta, Georgia, 2019**

**CLE Panelist, National Business Institute (NBI), "What Judges Think: Real-World
Scenarios in Civil Court – An Interactive Workshop", Saint Louis, Missouri 2018**

**Trial Techniques Faculty, Kessler-Edison Program for Trial Techniques, Emory
University School of Law, Atlanta, Georgia, 2018**

**Awardee, Up & Coming – Mentor Award, Missouri Lawyers Media, Saint Louis, Missouri,
2018**

**Judge, ACTL Mock Trial, "Trial Wars - Return of the Jury" Saint Louis University School
of Law, Saint Louis, Missouri, 2017**

**Trial Techniques Faculty, Kessler-Edison Program for Trial Techniques, Emory
University School of Law, Atlanta, Georgia, 2017**

Faculty, The National Judicial College, "Conducting the Trial" Seattle, Washington - 2017

**Trial Techniques Faculty, Kessler-Edison Program for Trial Techniques, Emory
University School of Law, Atlanta, Georgia, 2016**

**CLE Panelist, Bar Association of Metro Saint Louis (BAMSL), "Diversity and the Non-
Partisan Court Plan", Saint Louis, Missouri, 2016**

Participant, Computer Forensics for Judges Course at the National Computer Forensics Institute (NCFI), Hoover, Alabama, 2016.

Participant, National Courts and Science Institute (NCSI), Working Conversation to Chart the State of the Sciences, *Developmental Neurobiology and Risk Measures Applied to Racism in the Work of the Courts*, An Assessment and Planning Event in the Resource Judge Neuroforensics Concentration, SLU Law, St. Louis, Missouri, 2016

CLE Presenter/Faculty, BAMSL, “A diverse perspective from the bench - best practices for ethics and professionalism”, Clayton, Missouri 2016

Faculty, The National Judicial College, “Co-Occurring Mental and Substance Abuse Disorders”, Reno, Nevada, 2016

Faculty, The National Judicial College, “Co-Occurring Mental and Substance Abuse Disorders”, Reno, Nevada, 2015

Judicial Forum, Missouri Association of Trial Attorneys (MATA), 57th Annual Convention, Lake of the Ozarks, Missouri, 2015

Trial Techniques Faculty, Kessler-Edison Program for Trial Techniques, Emory University School of Law, Atlanta, Georgia, 2015

Panelist, Mound City Bar – Ronda F. Williams CLE Conference and Retreat, “Jury Selection”, Innsbrook, Missouri, 2015

Faculty, The National Judicial College, “Fortifying Your Mental Health Court in an Ever-Changing Environment”, WEBCAST, 2015.

Faculty, The National Judicial College, “Advanced Issues Involving Co-Occurring Disorders”, Reno, Nevada, 2014

Participant, George Mason University School of Law, Law & Economics Center, “Economics Institute for Judges”, Arlington, Virginia, 2014

Graduate (with distinction), The National Judicial College, “General Jurisdiction” Reno, Nevada, 2013

Panelist, Women’s Lawyer Association, “The Path to the Bench”, Clayton, 2013

Presenter, Missouri Association of Drug Court Professionals (MADCP) Annual Training Conference, “RANT Pilots,” Lake of the Ozarks, 2012

Presenter, Perinatal Substance Abuse Prevention Committee Symposium, “Building a Better System of Care to Prevent Substance Exposed Infants,” Richmond Heights, 2011

Presenter, MADCP Best Practices Training, “Eligibility Criteria,” Frontenac, 2010

Panelist, MADCP Annual Training Conference, “Best Practice for Drug Courts,” Lake of the Ozarks, 2010

Presenter, MADCP Annual Training Conference, “Due Process Concerns in Drug Court Practices,” Lake of the Ozarks, 2010

Panelist, MADCP Annual Training Conference, “Ethics in Drug Court Practices,” Lake of the Ozarks, 2010

Panelist, Urban League/STMPD, “Vashon Youth/Gang Summit,” St. Louis, 2010

Panelist, National Organization of Black Law Enforcement Executives (NOBLE), “Youth Town Hall,” Clayton, 2009

Presenter, 22nd Circuit Family court – Juvenile Division, “Multidisciplinary Training for Child Abuse/Neglect Cases,” St. Louis, 2008

Participant, National Drug Court Institute, “Comprehensive Drug Court Judicial Training,” Annapolis, 2007

15. List any professional articles or books authored by you that have been published.

Saint Louis Brief, “Living the Jesuit Mission in St. Louis’ Circuit Courts,” by Francesca Jendusa-Cucuru, 2011. An article was published in the SLU LAW alumni publication detailing the contributions to the community of Comm. Anne-Marie Clarke (’73), Hon. Jimmie Edwards (’78), and myself (’04).

16. List any special recognition or award of a professional nature you have received.

In 2011, the Saint Louis City Drug Court was awarded the *first ever* National Association of Drug Court Professionals “Cultural Proficiency Courage Award” for our commitment to diversity. I accepted the award on behalf of the court at the NADCP National Convention in Boston.

17. Do you now hold or have you ever held an elective or an appointive public office or position? If yes, provide details. YES

CIRCUIT JUDGE, NOVEMBER 2015

I was appointed by Governor Jay Nixon on November 17, 2015 and retained by the citizens in the November 2018 General Election.

ASSOCIATE CIRCUIT JUDGE, MARCH 2013

I was appointed by Governor Jay Nixon on March 13, 2013 and retained by the citizens in the November 2014 General Election.

DRUG COURT COMMISSIONER, OCTOBER 2007, OCTOBER 2011

I was appointed by the 22nd Judicial Circuit Court en Banc October 1, 2007 and reappointed October 1, 2011.

**SUPREME COURT ALTERNATIVE TREATMENT COURTS COMMITTEE
APRIL 2008 - PRESENT**

I was appointed April 2008 by Chief Justice Laura Denvir Stith. I work in conjunction with the Office of State Courts Administration, judges, and commissioners across the state to discuss issues/concerns regarding the effective use of alternative treatment courts.

**SUPREME COURT TASK FORCE ON CRIMINAL JUSTICE
APRIL 2017 – PRESENT
CO-CHAIR**

I was appointed April 2017 by Chief Justice Patricia Breckenridge. The task force is charged with review of all pretrial practices in order to ensure that the determination of conditions of pretrial release are based on risks of failing to appear and dangerousness to crime victims and communities and not on race, gender, ethnicity, or economic

24. Have you ever been sued by a client or been a party to any other litigation, other than as guardian ad litem, plaintiff ad litem, or defendant ad litem? **YES**

If yes, state the style of the case, where it was filed, and explain in detail. If you are a judge and you have been sued in your judicial capacity, list only those cases where you are or were other than a nominal party.

NOBLE v. NOBLE

983-01013

DISSOLUTION OF MARRIAGE

22ND CIRCUIT COURT

PETITION FOR DIVORCE FILED: MARCH 1998

DIVORCE GRANTED: OCTOBER 1998

25. Have you ever pleaded guilty to, been convicted of or received a suspended imposition of sentence for a felony or misdemeanor in any state, federal or military court? (*Note that this question does not require that minor traffic offenses or other infractions be listed.*) **NO**
26. Have you ever been delinquent in the payment of any federal, state, county or city taxes? If yes, provide details. **NO**
27. You must attach to this application at least one, but not more than three, writing samples that comply with the requirements set out in the instructions for applicants.

See attached.

28. List/describe any additional honors or awards you have received, activities you have performed, or any other information not set out above demonstrating the quality of your work as an attorney or otherwise relevant to the commission's decision.

2019 Judicial Excellence Award - Circuit from the Missouri Supreme Court Presiding Judge

2017 Up & Coming Mentor Award from Lawyers Media

I was selected to attend the Computer Forensics for Judges Course at the National Computer Forensics Institute (NCFI) in Hoover, Alabama. The NCFI is a partnership between the United States Secret Service (USSS), Department of Homeland Security, Alabama District Attorney's Association, and The National Judicial College to train state and local law enforcement, judges and prosecutors in computer forensics and digital evidence.

I was chosen to be a part of the Class of 2017 of the Missouri Court Management Institute.

Please list the names of *five* persons whom you will ask to provide letters of reference for you with respect to your judicial qualifications. Do **not** list as a reference a judge of the court involved. As to each of the five references, **please provide name, title, mailing address, telephone and e-mail address.**

KYMBERLY SMITH JACKSON, ESQ

MANAGING PARTNER

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COLONEL DANIEL K. KIRK III

UNITED STATES ARMY

DIVISION CHIEF, JOD GFM

JOINT STAFF J-3/5

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