

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

1. **Name**: State full name (include any former names used).

Liles Clifton Burke

2. **Position**: State the position for which you have been nominated.

United States District Judge for the Northern District of Alabama

3. **Address**: List current office address. If city and state of residence differs from your place of employment, please list the city and state where you currently reside.

Alabama Court of Criminal Appeals
300 Dexter Avenue
Montgomery, Alabama 36104

Residence: Marshall County, Alabama

4. **Birthplace**: State year and place of birth.

1969; Cullman, Alabama

5. **Education**: List in reverse chronological order each college, law school, or any other institution of higher education attended and indicate for each the dates of attendance, whether a degree was received, and the date each degree was received.

July – October 2013, Judge Advocate General’s Legal Center and School, no degree issued (Basic Officer Leadership Course)

1991 – 1994, University of Alabama School of Law, J.D., 1994

1987 – 1991, University of Alabama, B.A., 1991

6. **Employment Record**: List in reverse chronological order all governmental agencies, business or professional corporations, companies, firms, or other enterprises, partnerships, institutions or organizations, non-profit or otherwise, with which you have been affiliated as an officer, director, partner, proprietor, or employee since graduation from college, whether or not you received payment for your services. Include the name and address of the employer and job title or description.

2011 – Present
Alabama Court of Criminal Appeals
300 Dexter Avenue
Montgomery, Alabama 36104
Associate Judge

2007 – 2011
State of Alabama Unified Judicial System
300 Dexter Avenue
Montgomery, Alabama 36104
Marshall County District Judge

2001 – 2007
City of Arab
740 North Main Street
Arab, Alabama 35106
Municipal Judge

1994 – 2001
City of Arab
740 North Main Street
Arab, Alabama 35016
Municipal Prosecutor and Municipal Attorney

Summer 1992; Summer 1993; 1994 – 2006
Burke and Beuoy, P.C., Attorneys-at-Law (now known as Burke, Beuoy and Maze, P.C.)
725 North Brindlee Mountain Parkway
Arab, Alabama 35106
Partner (1994 – 2006)
Intern (Summer 1992; Summer 1993)

1992 – 1994
University of Alabama School of Law
101 Paul W. Bryant Drive
Tuscaloosa, Alabama 35401
Graduate Assistant/Security Guard

Summer 1991
Sirote and Permutt, P.C.
305 Church Street
Huntsville, Alabama 35801
Intern

Other Affiliations (uncompensated unless otherwise indicated):

2016 – Present

Marshall County Healthcare Authority
8000 Alabama Highway 69
Guntersville, AL 35976
Board of Directors

2015 – Present

Alabama Appellate Judges' Association
300 Dexter Avenue
Montgomery, AL 36104
President

2009 – Present

Plunkett Family Limited Partnership
750 Cherokee Ridge Drive
Union Grove, AL 35175
Limited Partner (46% ownership share)

2009 – 2010

Alabama District Judges' Association
300 Dexter Avenue
Montgomery, AL 36104
Secretary (2010)
Treasurer (2009)

2009 – 2013

Marshall County Retired Senior Volunteer Persons
1805 Gunter Avenue
Guntersville, AL 35976
Board of Directors

2008 – 2011

Downtown Redevelopment Board of Arab, Alabama
740 North Main Street
Arab, AL 35016
Executive Director

2004 – 2011

Historical Preservation Committee of Arab, Alabama
740 North Main Street
Arab, AL 35016
Chair

2004 – 2011
Snead State Community College Foundation
102 Elder Street
Boaz, AL 35957
Board of Directors and Vice Chair

2009 – 2010
Alabama Juvenile Judges Association
300 Dexter Avenue
Montgomery, AL 36104
Vice President (2010)
Secretary (2009)

2005 – 2007
Marshall County Christian Services
407 Logan Street
Albertville, AL 35950
Board of Directors

2005 – 2007
Marshall County Foster and Adoptive Parents
60 Shadowbrook Circle
Boaz, AL 35976
Board of Directors

2005 – 2006
Marshall County Republican Executive Committee
978 Hampton Ridge Circle
Arab, AL 35016
Vice Chair (2006)
Treasurer (2005 – 2006)

1995 – 2004
United Way of Marshall County
705 Blount Avenue
Guntersville, AL 35976
Chairman (1996 – 1997)
Board of Directors (1995 – 2004)

1996 – 2003
Salvation Army of Marshall County
1336 Gunter Avenue
Guntersville, AL 35976
Board of Directors

2000 – 2002
Marshall County Economic Development Council
2208 Ringold Street
Guntersville, AL 36976
Board of Directors

1995 – 2001
Arab, Alabama Chamber of Commerce
1157 North Main Street
Arab, AL 35016
Chair (1998 – 1999)
Board of Directors (1995 – 2001)

1994 – 1996
The American Cancer Society of Marshall County
1100 Ireland Way
Birmingham, AL 35205
Board of Directors

1996 – 1997
Kiwanis Club of Arab, Alabama
(This club was dissolved approximately 15 years ago.)
President

1994 – 1996
Big Brothers/Big Sisters of Marshall County
2201 Clinton Avenue West
Suite A
Huntsville, AL 35805
Board of Directors

7. **Military Service and Draft Status:** Identify any service in the U.S. Military, including dates of service, branch of service, rank or rate, serial number (if different from social security number) and type of discharge received, and whether you have registered for selective service.

Since 2013, I have served in the Judge Advocate General's Corps in the Alabama Army National Guard, located in Selma, Alabama. I am currently a Captain (O-3) and trial counsel. My Department of Defense identification number is 1460396049. I timely registered for Selective Service.

8. **Honors and Awards:** List any scholarships, fellowships, honorary degrees, academic or professional honors, honorary society memberships, military awards, and any other special recognition for outstanding service or achievement.

Army Commendation Medal, Alabama Army National Guard (2014)

National Defense Service Medal, Alabama Army National Guard (2013)

Army Service Ribbon, Alabama Army National Guard (2013)

Helping Hand Award, Marshall County Coalition Against Domestic Violence (2007)

Leadership Alabama (2005)

Marshall County Leadership Challenge (1997)

Student Member of The University of Alabama System Board of Trustees (1991-1992)

The Libby Anderson Cater Award, The University of Alabama (1991)

The Anderson Society, The University of Alabama (1991)

The Jasons, The University of Alabama (1991)

Omicron Delta Kappa, The University of Alabama (1991)

9. **Bar Associations:** List all bar associations or legal or judicial-related committees, selection panels or conferences of which you are or have been a member, and give the titles and dates of any offices which you have held in such groups.

Alabama Appellate Judges' Association
President (2015 – Present)

Alabama District Judges' Association
Secretary (2010)
Treasurer (2009)

Alabama Juvenile Judges Association
Vice President (2010)
Secretary (2009)

Alabama State Bar Association

American Bar Association

Marshall County Bar Association
Vice Chair (1999)

10. **Bar and Court Admission:**

- a. List the date(s) you were admitted to the bar of any state and any lapses in

membership. Please explain the reason for any lapse in membership.

Alabama, 1994

There has been no lapse in membership.

- b. List all courts in which you have been admitted to practice, including dates of admission and any lapses in membership. Please explain the reason for any lapse in membership. Give the same information for administrative bodies that require special admission to practice.

The United States District Court for the Northern District of Alabama, 1995
The Supreme Court of the State of Alabama, 1994

I allowed my admission to the Northern District of Alabama to lapse in 2005, as I no longer practice before that court. There have been no other lapses in membership.

11. Memberships:

- a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 9 or 10 to which you belong, or to which you have belonged, since graduation from law school. Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.

Alabama Cattlemen's Association (1992 – 2016)

Alabama Republican Party State Executive Committee (2006 – 2010)

The American Cancer Society of Marshall County
Board of Directors (1994 – 1996)

Arab Airport Committee
Board of Directors (2006 – 2008)

Arab, Alabama Chamber of Commerce
Chair (1998 – 1999)
Board of Directors (1995 – 2001)

Big Brothers/Big Sisters of Marshall County
Board of Directors (1994 – 1996)

Cherokee Ridge Country Club
Member (1996 – Present)

Downtown Redevelopment Board of Arab, Alabama
Executive Director (2008 – 2011)

Historical Preservation Committee of Arab, Alabama
Chair (2004 – 2011)

Kiwanis Club of Arab, Alabama
Member (1995 – 2001)
President (1996 – 1997)

Marshall County Cattlemen's Association (1992 – 2006)

Marshall County Christian Services
Board of Directors (2005 – 2007)

Marshall County Economic Development Council
Board of Directors (2000 – 2002)

Marshall County Foster and Adoptive Parents
Board of Directors (2005 – 2007)

Marshall County Healthcare Authority
Board of Directors (2016 – Present)

Marshall County Republican Executive Committee
Vice Chair (2006)
Treasurer (2005 – 2006)
Member (2004 – Present)

Marshall County Retired Senior Volunteer Persons
Board of Directors (2009 – 2013)

Rotary Club of Arab, Alabama
Member (2003 – 2006, 2010– 2013 and 2016 – Present)

Rotary Club of Guntersville, Alabama
Member (2006 – 2011)

Rotary Club of Sunset, Montgomery
Member (2014 – 2016)

Salvation Army of Marshall County
Board of Directors (1996 – 2003)

Snead State Community College Foundation

Board of Directors and Vice Chair (2004 – 2011)

United Way of Marshall County
Co-Chair of Fund Drive (2005)
Chairman (1996 – 1997)
Board of Directors (1995 – 2004)

- b. The American Bar Association's Commentary to its Code of Judicial Conduct states that it is inappropriate for a judge to hold membership in any organization that invidiously discriminates on the basis of race, sex, or religion, or national origin. Indicate whether any of these organizations listed in response to 11a above currently discriminate or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

It is my understanding that Kiwanis and Rotary International previously restricted their membership to men. To the best of my knowledge, none of the other organizations listed above discriminates or formerly discriminated on the basis of race, sex, or religion, or national origin, either through formal membership requirements or the practical implementation of membership policies.

12. Published Writings and Public Statements:

- a. List the titles, publishers, and dates of books, articles, reports, letters to the editor, editorial pieces, or other published material you have written or edited, including material published only on the Internet. Supply four (4) copies of all published material to the Committee.

Alabama's Courts are Severely Threatened by Underfunding, AL.com, March 7, 2016. Copy supplied.

Duke Strong on Defense, The Crimson White, October 28, 1988. Copy supplied.

Bush, Quayle Not Addressing Issues, The Crimson White, October 14, 1988. Copy supplied.

Democrats Should Move Right, The Crimson White, October 7, 1988. Copy supplied.

Debate Provides Mild Entertainment, The Crimson White, September 30, 1988. Copy supplied.

Democrats Concerned for All, The Crimson White, September 23, 1988. Copy supplied.

... *but Concise, to the Point*, The Crimson White, September 9, 1988. Copy supplied.

Running Mates, a Democratic View, The Crimson White, September 2, 1988. Copy supplied.

During my campaign for the Alabama Court of Criminal Appeals, I maintained a campaign website at <http://www.lilesburke.com> (last visited, August 18, 2017). Copy supplied. I also maintain a personal Twitter feed: @JudgeLilesBurke.

- b. Supply four (4) copies of any reports, memoranda or policy statements you prepared or contributed in the preparation of on behalf of any bar association, committee, conference, or organization of which you were or are a member. If you do not have a copy of a report, memorandum or policy statement, give the name and address of the organization that issued it, the date of the document, and a summary of its subject matter.

As a District Judge in 2008, I signed a letter to the Chief Justice of the Alabama Supreme Court detailing the need for a new circuit judgeship in my home county. Copy supplied.

In 2015, as the head of the Appellate Judges' Association, I delivered remarks on the state of the judiciary to the Joint Senate and House Judiciary Committees for the State of Alabama. A copy of my remarks is supplied.

- c. Supply four (4) copies of any testimony, official statements or other communications relating, in whole or in part, to matters of public policy or legal interpretation, that you have issued or provided or that others presented on your behalf to public bodies or public officials.

From 2008 to 2011, I attended approximately 10 public meetings in my capacity as executive director for the Arab Redevelopment Board. I have no notes, transcripts or recordings, but typically the Board discussed improving downtown buildings and public areas.

During my campaign for the Alabama Court of Criminal Appeals in 2007 and 2008, I may have submitted a few questionnaires to organizations. I did not retain a copy of these submissions, and have been unable to locate any other copies.

During my tenure as Municipal Attorney for the City of Arab, I regularly spoke to and advised the City Council. I also spoke to the City Council as a Municipal Judge on at least one occasion. I have no notes, transcripts, or recordings, but press coverage that I was able to locate is supplied. I also spoke to the City Council as a board member for the Arab Airport Committee on at least one occasion. A copy of the meeting minutes that I was able to locate is supplied.

- d. Supply four (4) copies, transcripts or recordings of all speeches or talks delivered by you, including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the date and place where they were delivered, and readily available press reports about the speech or talk. If you do not have a copy of the speech or a transcript or recording of your remarks, give the name and address of the group before whom the speech was given, the date of the speech, and a summary of its subject matter. If you did not speak from a prepared text, furnish a copy of any outline or notes from which you spoke.

Throughout my career, I have given numerous speeches and presentations to various groups. I often speak extemporaneously without notes or an outline, although I often base my remarks on a Civic Club speech template. Copy supplied. I have searched my memory and my files and the Internet to assemble the following list, but there may be others that I am unable to remember or identify.

July 11, 2017: Panelist, Alabama District and Circuit Judges Conference, Administrative Office of the Courts, Point Clear, Alabama. I answered questions regarding the Court's policies on per curiam opinions and writs of mandamus. I have no notes, transcript or recording. The address for the Administrative Office of Courts is 300 Dexter Avenue, Montgomery, AL 36104.

April 28, 2017: Speaker, CLE Program, Marshall County Bar Association, Guntersville, Alabama. This presentation would have consisted of summaries of and comments on recent appellate criminal decisions, similar to the outline provided for the April 14, 2017 presentation. I have no notes, transcript, or recording. The address for the Marshall County Bar Association is c/o Bert Bray, P.O. Box 1669, Albertville, AL 35950.

April 14, 2017: Speaker, Spring Law Conference, Alabama League of Municipalities and Alabama Municipal Judges Association, Birmingham, Alabama. A copy of the presentation is supplied.

April 12, 2017: Speaker, Marshall County Youth Leadership, Marshall County Leadership Challenge, Montgomery, Alabama. I spoke about the structure of Alabama's appellate courts. I have no notes, transcript or recording. The address for the Marshall County Leadership Challenge is P.O. Box 222, Guntersville, AL 35976.

April 11, 2017: Speaker, Albertville Rotary Club, Albertville, Alabama. I spoke about the structure of Alabama's appellate courts and the establishment of drug, veterans, and mental health courts around the nation. I have no notes, transcript or recording. The address for the Albertville Rotary Club is 860 Country Club Road, Albertville, Alabama 35951.

March 16, 2017: Speaker, Marshall County Leadership Challenge, Montgomery, Alabama. I spoke about the structure and duties of Alabama's appellate courts. I have no notes, transcript or recording. The address for the Marshall County Leadership Challenge is P.O. Box 222, Guntersville, AL 35976.

March 15, 2017: Speaker, Pike County Leadership Challenge, Leadership Pike, Montgomery, Alabama. I spoke about the structure and duties of Alabama's appellate courts. I have no notes, transcript or recording. The address for Leadership Pike is Pike County Chamber of Commerce, P.O. Box 249, Troy, AL 36081.

September 3, 2016: Speaker, Cullman County Republicans, Cullman, Alabama. I spoke about the upcoming 2016 election, the structure of Alabama's court system, and factors that lead to criminal behavior. I have no notes, transcript or recording from the event, but I also appeared in a video afterwards. Video supplied. The address for the Cullman County Republicans is 2201 Second Avenue NW, Cullman, AL 35055.

August 1, 2016: Speaker, Welcome Meeting, District and Circuit Judges Conference, Point Clear, Alabama. Remarks supplied.

May 6, 2016: Speaker, Cullman Law Day, Cullman County Courthouse, Cullman, Alabama. I spoke about the structure of the court system and what each person can do to make a difference in the life of a child who is at risk. I have no notes, transcript or recording from the event, but I also appeared in a video promoting Cullman Law Day. Video supplied. The address of the Cullman County Courthouse is 500 Second Avenue SW, Cullman, AL 35055.

April 28, 2016: Speaker, Ethical Considerations: A View from the Appellate Bench, The Federalist Society, Montgomery Lawyers Chapter, Montgomery, Alabama. A copy of the outline is supplied.

March 17, 2016: Speaker, Marshall County Leadership Challenge, Montgomery, Alabama. I spoke about the structure and duties of Alabama's appellate courts. I have no notes, transcript or recording. The address for Marshall County Leadership Challenge is P.O. Box 222, Guntersville, AL 35976.

March 16, 2016: Speaker, Pike County Leadership, Montgomery, Alabama. I spoke about the structure and duties of Alabama's appellate courts. I have no notes, transcript or recording. The address for Leadership Pike, Pike County Chamber of Commerce is P.O. Box 249, Troy, AL 36081.

March 10, 2016: Speaker, Lee County Leadership, Montgomery, Alabama. I spoke about the structure and duties of Alabama's appellate courts. I have no notes, transcript or recording. The address for Leadership Lee County is P.O. Box 1370, Auburn, AL 36831.

March 9, 2016: Speaker, Marshall County Youth Leadership, Montgomery, Alabama. I spoke about the structure and duties of Alabama's appellate courts. I have no notes, transcript or recording. The address for Marshall County Leadership Challenge is P.O. Box 222, Guntersville, AL 35976.

February 24, 2016: Speaker, Marshall County Board of Realtors, Montgomery, Alabama. I spoke about the structure and duties of Alabama's appellate courts. I have no notes, transcript or recording. The address for the Marshall County Board of Realtors is 105 East Main Street, Suite #7, Albertville, AL 35950.

November 14, 2015: Speaker, Morgan County Republicans, Hartselle, Alabama. I spoke about the structure and duties of Alabama's appellate courts. I have no notes, transcript or recording. The address for the Morgan County Republican Club is 124 14th Street SW, Suite A, Decatur, AL 35601.

October 6, 2015: Speaker, Maxwell Paralegals Tour, Montgomery, Alabama. I spoke about the structure and duties of Alabama's appellate courts. I have no notes, transcript or recording. The address for Maxwell Air Force Base is c/o Master Sergeant Alexius Reid, 150 Chennault Circle, Maxwell Air Force Base, Montgomery, AL 36112.

April 24, 2015: Speaker, Preserving the Record for Appeal, Marshall County Bar Association, Guntersville, Alabama. A copy of the presentation is supplied.

April 18, 2015: Speaker, CLE presentation, Municipal Judges Association–Judges Conference, Florence, Alabama. A copy of the presentation is supplied.

March 19, 2015: Speaker, Marshall County Youth Leadership, Montgomery, Alabama. I spoke about the structure and duties of Alabama's appellate courts. I have no notes, transcript or recording. The address for Marshall County Leadership Challenge is P.O. Box 222, Guntersville, AL 35976.

April 15, 2015: Speaker, Pike County Leadership, Montgomery, Alabama. I spoke about the structure and duties of Alabama's appellate courts. I have no notes, transcript or recording. The address for Leadership Pike, Pike County Chamber of Commerce is P.O. Box 249, Troy, AL 36081.

April 8, 2015: Speaker, Marshall County Youth Leadership, Montgomery, Alabama. I spoke about the structure and duties of Alabama's appellate courts. I have no notes, transcript or recording. The address for Marshall County Leadership Challenge is P.O. Box 222, Guntersville, AL 35976.

March 19, 2015: Speaker, Lee County Leadership, Montgomery, Alabama. I spoke about the structure and duties of Alabama's appellate courts. I have no notes, transcript or recording. The address for Leadership Lee County is P.O. Box 1370, Auburn, AL 36831.

March 10, 2015: Speaker, DeKalb County Leadership, Montgomery, Alabama. I spoke about the structure and duties of Alabama's appellate courts. I have no notes, transcript or recording. The address for Leadership DeKalb County is P.O. Box 680073, Fort Payne, AL 35968.

February 18, 2015: Speaker, Preserving the Record for Appeal, Walker County Bar Association, Jasper, Alabama. A copy of the presentation is supplied.

November 13, 2014: Speaker, Leadership Huntsville/Madison County, Montgomery, Alabama. I spoke about the structure and duties of Alabama's appellate courts. I have no notes, transcript or recording. The address for Leadership Huntsville/Madison County is P.O. Box 328, Huntsville, AL 35804.

November 5, 2014: Speaker, Boaz Rotary Club, Boaz, Alabama. I spoke about the structure and duties of Alabama's appellate courts. I also spoke about budgetary issues in Alabama's court system. I have no notes, transcript or recording. The address for the Boaz Rotary Club is 220 N. Walnut Street, Boaz, Alabama 35957.

October 23, 2014: Speaker, CLE presentation, Tuscaloosa County Bar Association, Tuscaloosa, Alabama. A copy of this presentation is supplied.

October 1, 2014: Speaker, Preserving the Record for Appeal, Huntsville-Madison County Bar Association, Huntsville, Alabama. A copy of the presentation is supplied.

September 26, 2014: Speaker, Practical Criminal Defense Law CLE, Preserving the Record on Appeal, University of Alabama School of Law, Tuscaloosa, Alabama. A copy of this presentation is supplied.

April 25, 2014: Speaker, Marshall County Bar Association CLE, Guntersville, Alabama. This presentation likely would have consisted of summaries of and comments on recent appellate criminal decisions, similar to the outline provided for the April 11, 2014 presentation. I have no notes, transcript, or recording. The address for the Marshall County Bar Association is c/o Bert Bray, P.O. Box 1669, Albertville, AL 35950.

April 22, 2014: Speaker, Montgomery Sunset Rotary Club, Montgomery, Alabama. I spoke about the structure and duties of Alabama's appellate courts. I have no notes, transcript or recording. The address for the Montgomery Sunset Rotary Club is 201 Monroe Street # 2100, Montgomery, AL 36104.

April 17, 2014: Speaker, Lee County Leadership, Montgomery, Alabama. I spoke about the structure and duties of Alabama's appellate courts. I have no notes, transcript or recording. The address for Leadership Lee County is P.O. Box 1370, Auburn, AL 36831.

April 11, 2014: Speaker, Judges Conference, Alabama League of Municipalities – Alabama Municipal Judges Association, Prattville, Alabama. A copy of my presentation is supplied.

April 10, 2014: Speaker, Outstanding Citizen Award presentation, Arab Chamber of Commerce, Arab, Alabama. A copy of my speech is supplied.

April 10, 2014: Speaker, Marshall County Youth Leadership, Montgomery, Alabama. I spoke about the structure and duties of Alabama's appellate courts. I have no notes, transcript or recording. The address for Marshall County Leadership Challenge is P.O. Box 222, Guntersville, AL 35976.

April 3, 2014: Speaker, Military Justice Class, Faulkner University/Thomas Goode Jones School of Law, Montgomery, Alabama. I spoke about the duties and responsibilities of an Army JAG officer. I have no notes, transcript or recording. The address for Faulkner Law is 5345 Atlanta Highway, Montgomery, AL 36109.

March 27, 2014: Speaker, Maxwell Air Force Base - Paralegals Tour, Montgomery, Alabama. I spoke about the structure and duties of Alabama's appellate courts. I have no notes, transcript or recording. The address for Maxwell Air Force Base is c/o Master Sergeant Alexius Reid, 150 Chennault Circle, Maxwell Air Force Base, Montgomery, AL 36112.

March 20, 2014: Speaker, Marshall County Leadership Challenge, Montgomery, Alabama. I spoke about the structure and duties of Alabama's appellate courts. I have no notes, transcript or recording. The address for Marshall County Leadership Challenge is P.O. Box 222, Guntersville, AL 35976.

March 19, 2014: Speaker, Alabama Association for Justice-Young Lawyers Division, Montgomery, Alabama. I gave brief welcoming remarks. I have no notes, transcript or recording. The address for the Young Lawyers at Alabama Association for Justice is 532 S. Perry Street, Montgomery, AL 36104.

January 9, 2014: Speaker, Leadership Huntsville/Madison County, Montgomery, Alabama. I spoke about the structure and duties of Alabama's appellate courts. I have no notes, transcript or recording. The address for Leadership Huntsville/Madison County is P.O. Box 328, Huntsville, AL 35804.

December 5, 2013: Speaker, Blount County Citizens Law Academy 2013, Lester Memorial United Methodist Church, Oneonta, Alabama. I spoke about the structure and duties of Alabama's appellate courts. I have no notes, transcript or recording. The address for the sponsor is 302 Second Street North, Oneonta, AL 35121.

October 31, 2013: Speaker, Impact Alabama Tour, Montgomery, Alabama. I helped give them a tour of the judicial building. I also spoke about the structure and duties of Alabama's appellate courts. I have no notes, transcript or recording. The address for Impact Alabama is 1901 6th Avenue N, Suite 2400, Birmingham, AL 35203.

April 26, 2013: Speaker, Criminal Law Update, Marshall, DeKalb and Etowah County Bar Associations, Guntersville, Alabama. A copy of the presentation is supplied.

April 18, 2013: Speaker, Lee County Leadership Challenge, Montgomery, Alabama. I spoke about the structure and duties of Alabama's appellate courts. I have no notes, transcript or recording. The address for Leadership Lee County is P.O. Box 1370, Auburn, AL 36831.

April 18, 2013: Speaker, Marshall County Leadership Challenge, Montgomery, Alabama. I spoke about the structure and duties of Alabama's appellate courts. I have no notes, transcript or recording. The address for Marshall County Leadership Challenge is P.O. Box 222, Guntersville, AL 35976.

March 7, 2013: Speaker, Leadership Huntsville/Madison County, Montgomery, Alabama. I spoke about the structure and duties of Alabama's appellate courts. I have no notes, transcript or recording. The address for Leadership Huntsville/Madison County is P.O. Box 328, Huntsville, AL 35804.

January 11, 2013: Speaker, Investiture for Jay Mastin, Albertville Courthouse, Albertville, Alabama. I made welcoming remarks and spoke briefly about Judge Mastin. I have no notes, transcript or recording. The address of the Albertville Courthouse is 200 W. Main Street, Albertville, AL 35950.

August 16, 2012: Speaker, Sumter County Republican Party, Livingston, Alabama. I introduced myself and spoke briefly about my candidacy for the Alabama Court of Criminal Appeals. I have no notes, transcript or recording. The address of the Sumter County Republican Party is P.O. Box 671, Livingston, AL 35470.

July 24, 2012: Panelist, Judges Panel at Alabama Circuit and District Judges Conference, Point Clear, Alabama. I was one member of a five-member panel that took questions from circuit and district judges regarding practices of the appellate courts. I have no notes, transcript or recording. The address for the Administrative Office of Courts is 300 Dexter Avenue, Montgomery, AL 36104.

June 6, 2012: Speaker, CLE presentation, Shelby County Bar Association, Columbiana, Alabama. This presentation likely would have consisted of summaries of and comments on recent appellate criminal decisions, similar to the outlines provided for the April 2014, 2015 and 2017 presentations. I have no notes,

transcript or recording. The address for the Shelby County Bar Association is c/o Theresa Terrebonne, 2171 Pelham Pkwy, Ste 205, Pelham, AL 35124.

May 10, 2012: Speaker, Grant Chamber of Commerce Breakfast, Grant, Alabama. I introduced myself and spoke briefly about my candidacy for the Alabama Court of Criminal Appeals. I have no notes, transcript or recording. The address for the Grant Chamber of Commerce is 5386 Main Street, Grant, AL 35747.

April 20, 2012: Speaker, CLE presentation, Marshall County Bar Association, Guntersville, Alabama. This presentation likely would have consisted of summaries of and comments on recent appellate criminal decisions, similar to the outlines provided for the April 2014, 2015 and 2017 presentations. I have no notes, transcript or recording. The address for the Marshall County Bar Association is c/o Bert Bray, P.O. Box 1669, Albertville, AL 35950.

April 19, 2012: Speaker, Marshall County Leadership Challenge, Montgomery, Alabama. I spoke about the structure and duties of Alabama's appellate courts. I have no notes, transcript or recording. The address for Marshall County Leadership Challenge is P.O. Box 222, Guntersville, AL 35976.

April 11, 2012: Speaker, Marshall County Youth Leadership Challenge, Montgomery, Alabama. I spoke about the structure and duties of Alabama's appellate courts. I have no notes, transcript or recording. The address for Marshall County Leadership Challenge is P.O. Box 222, Guntersville, AL 35976.

March 1, 2012: Speaker, Arab Rotary Club, Arab, Alabama. I spoke about the structure of Alabama's court system. I have no notes, transcript or recording. The address for the Arab Rotary Club is P.O. Box 87, Arab, AL 35016.

January 23, 2012: Speaker, Cullman Kiwanis Club, Cullman, Alabama. I spoke about the structure and duties of Alabama's appellate courts. I have no notes, transcript or recording. The address for the Cullman Kiwanis Club is P.O. Box 125, Cullman, AL 35056.

January 16, 2012: Speaker, Dale County Republican Club, Ozark, Alabama. I introduced myself and spoke briefly about my candidacy for the Alabama Court of Criminal Appeals. I have no notes, transcript or recording. The address for the Dale County Republican Party is P.O. Box 31, Ozark, AL 36361.

January 10, 2012: Speaker, Trussville Republican Women, Birmingham, Alabama. I introduced myself and spoke briefly about my candidacy for the Alabama Court of Criminal Appeals. I have no notes, transcript or recording. The address for the Trussville Republican Women is P.O. Box 972, Trussville, AL 35173.

January 4, 2012: Speaker, Boaz Rotary Club, Boaz, Alabama. I introduced myself and spoke about the structure of Alabama's court system and the offices up for

election in Alabama in 2012. I have no notes, transcript or recording. The address for the Boaz Rotary Club is 220 N. Walnut Street, Boaz, Alabama 35957.

December 16, 2011: Speaker, CLE presentation, University of North Alabama, Florence, Alabama. This presentation likely would have consisted of summaries of and comments on recent appellate criminal decisions, similar to the outlines provided for the April 2014, 2015 and 2017 presentations. I have no notes, transcript or recording. The Address of the University of North Alabama is 1 Harrison Plaza, Florence, AL 35632.

December 10, 2011: Speaker, DeKalb County Republican Breakfast Club, Fort Payne, Alabama. I introduced myself and spoke briefly about my candidacy for the Alabama Court of Criminal Appeals and the structure of Alabama's court system. I have no notes, transcript or recording. The address for the DeKalb County Republican Club is 102 3rd Street SE, Fort Payne, AL 35967.

November 30, 2011: Speaker, Progress PAC Board Members, Prattville, Alabama. I spoke briefly about my background and my judicial philosophy that judges should apply the law as written. I have no notes, transcript or recording. The address for Progress PAC is P.O. Box 2246, Montgomery, AL 36102.

November 29, 2011: Speaker, Ozark Rotary Club, Ozark, Alabama. I spoke about the structure of Alabama's court system and the offices up for election in 2012. I have no notes, transcript or recording. The address for the Ozark Rotary Club is P.O. Box 1401, Ozark, AL 36361.

November 28, 2011: Speaker, Dothan Rotary Club, Dothan, Alabama. I introduced myself and spoke briefly about the structure of Alabama's court system. I have no notes, transcript or recording. The address for the Dothan Rotary Club is P.O. Box 277, Dothan, AL 36302.

November 22, 2011: Speaker, Lions Club of Mobile, Mobile, Alabama. I spoke about the structure of Alabama's court system. I have no notes, transcript or recording. The address for the Lions Club of Mobile is P.O. Box 888, Mobile, Alabama 36601.

November 17, 2011: Speaker, Autauga County Republicans, Prattville, Alabama. I introduced myself and spoke briefly about my candidacy for the Alabama Court of Criminal Appeals and the structure of Alabama's court system. I have no notes, transcript or recording. The address for the Autauga County Republican Club is P.O. Box 681675, Prattville, AL 36068.

November 14, 2011: Speaker, Chilton County Republicans, Clanton, Alabama. I introduced myself and spoke briefly about my candidacy for the Alabama Court of Criminal Appeals and the structure of Alabama's court system. I have no notes,

transcript or recording. The address for the Chilton County Republican Party is P.O. Box 6, Clanton, AL 35046.

November 10, 2011: Speaker, St. Clair County Republicans, Moody, Alabama. I introduced myself and spoke about my candidacy for the Alabama Court of Criminal Appeals and the structure of Alabama's court system. I have no notes, transcript or recording. The address of the St. Clair County Republicans is 1905 1st Avenue South, Pell City, AL 35125.

November 4, 2011: Speaker, Montgomery Lions Club, Montgomery, Alabama. I introduced myself and spoke about my candidacy for the Alabama Court of Criminal Appeals and the structure of Alabama's court system. I have no notes, transcript or recording. The address for the Montgomery Lions Club is P.O. Box 94, Montgomery, AL 36101.

October 27, 2011: Speaker, Blount County Republicans, Oneonta, Alabama. I introduced myself and spoke about my candidacy for the Alabama Court of Criminal Appeals and the structure of Alabama's court system. I have no notes, transcript or recording. The address for the Blount County Republicans is 415 5th Avenue East, Oneonta, AL 35121.

October 23, 2011: Speaker, Alabama Association of Regional Councils ("AARC"), Point Clear, Alabama. I introduced myself and spoke about my candidacy for the Alabama Court of Criminal Appeals and the structure of Alabama's court system. I have no notes, transcript or recording. The address for the AARC is 5900 Carmichael Place, Montgomery, AL 36117.

October 14, 2011: Speaker, Alabama State Employee Association Meeting, Montgomery, Alabama. I introduced myself and spoke about my candidacy for the Alabama Court of Criminal Appeals and the structure of Alabama's court system. I have no notes, transcript or recording. The address for the Alabama State Employee Association is 110 North Jackson Street, Montgomery, AL 36104.

October 10, 2011: Speaker, Judicial Night, Coffee County Republican Club, Enterprise, Alabama. I introduced myself and spoke about my candidacy for the Alabama Court of Criminal Appeals and the structure of Alabama's court system. I have no notes, transcript or recording. The address for the Coffee County Republican Club is 202 N. Main Street, Enterprise, AL 36330.

October 3, 2011: Speaker, Mobile County Republicans Meeting, Mobile, Alabama. I introduced myself and spoke about my candidacy for the Alabama Court of Criminal Appeals and the structure of Alabama's court system. I have no notes, transcript or recording. The address for the Mobile County Republican Club is P.O. Box 16341, Mobile, AL 36616.

September 27, 2011: Speaker, South Baldwin Republican Women, Foley, Alabama. I introduced myself and spoke about my candidacy for the Alabama Court of Criminal Appeals and the structure of Alabama's court system. I have no notes, transcript or recording. The address of the South Baldwin Republican Women is 209 West Laurel Avenue, Foley, AL 36545.

September 27, 2011: Speaker, Lee County Republicans, Auburn, Alabama. I introduced myself and spoke about my candidacy for the Alabama Court of Criminal Appeals and the structure of Alabama's court system. I have no notes, transcript or recording. The address for the Lee County Republicans is Old Towne Station, 1345 Opelika Road, Suite 9, Auburn, AL 36830.

September 13, 2011: Speaker, Limestone County Republicans Meeting, Athens, Alabama. I introduced myself and spoke about my candidacy for the Alabama Court of Criminal Appeals and the structure of Alabama's court system. I have no notes, transcript or recording. The address for the Limestone County Republicans is P.O. Box 1492, Athens, AL 35612.

September 8, 2011: Speaker, Marshall County Republican Women, Guntersville, Alabama. I spoke about my candidacy for the Alabama Court of Criminal Appeals and the structure of Alabama's court system. I have no notes, transcript or recording. The address for the Marshall County Republican Club is 1322 Gunter Avenue, Guntersville, AL 35976.

August 23, 2011: Speaker, Jefferson County Republican Party, Homewood, Alabama. I introduced myself and spoke about my candidacy for the Alabama Court of Criminal Appeals and the structure of Alabama's court system. I have no notes, transcript or recording. The address for the Jefferson County Republican Party is P.O. Box 590101, Homewood, AL 35209.

August 8, 2011: Speaker, Andalusia Kiwanis Club, Andalusia, Alabama. I introduced myself and spoke about my candidacy for the Alabama Court of Criminal Appeals. I have no notes, transcript or recording. The address for the Andalusia Kiwanis Club is P.O. Box 523, Andalusia, AL 36420.

August 4, 2011: Speaker, South Shelby Chamber of Commerce, Columbiana, Alabama. I spoke briefly about my candidacy for the Court of Criminal Appeals. I have no notes, transcript or recording. The address for the South Shelby Chamber of Commerce is P.O. Box 396, Columbiana, AL 35051.

August 2, 2011: Speaker, Marshall County Republican Club, Guntersville, Alabama. I likely delivered remarks regarding my candidacy for the Court of Criminal Appeals. I also introduced Judge Mike Joiner and Justice Jim Main, who were also running for the appellate bench at the time. I have no notes, transcript or recording. The address for the Marshall County Republican Club is 1322 Gunter Avenue, Guntersville, AL 35976.

July 28, 2011: Speaker, Walker County Republican Club Meeting, Jasper, Alabama. I introduced myself and spoke about the office that I was running for at that time. I also spoke about my conservative judicial philosophy and the structure of Alabama's court system. I have no notes, transcript or recording. The address for the Walker County Republican Party is P.O. Box 1925, Jasper, AL 35502.

July 26, 2011: Speaker, Azalea City Republican Women, Mobile, Alabama. I introduced myself and spoke about my candidacy for the Court of Criminal Appeals. I have no notes, transcript or recording. The address for the Mobile County Republican Party, Azalea City Republican Women is P.O. Box 16341, Mobile, AL 36616.

July 24, 2011: Speaker, Alabama Probate Judges Association Conference, Orange Beach, Alabama. At events such as this, I typically introduced myself to the members and spoke about current issues in the court system. I have no notes, transcript or recording. The address of the Alabama Probate Judges Association is 300 Dexter Avenue, Montgomery, AL 36104.

July 9, 2011: Speaker, Mid-Alabama Republican Club, Vestavia Hills, Alabama. I probably spoke briefly about my candidacy for the Court of Criminal Appeals. I have no notes, transcript or recording. I do not have a separate address for Mid-Alabama Republican Club.

July 6, 2011: Speaker, Alabama District Attorney Association Conference, Orange Beach, Alabama. Although I have no specific remembrance of this event, at events such as this I typically introduced myself to the members and spoke about current issues in the court system. I have no notes, transcript or recording. The address for the Alabama District Attorney Association is 515 South Perry Street, Montgomery, AL 36104.

June 16, 2011: Speaker, North Jefferson Republican Club, Gardendale, Alabama. I introduced myself and told the attendees that I was running for election to the Alabama Court of Criminal Appeals. I have no notes, transcript or recording. The address for the North Jefferson Republican Club is 876 Meadowridge Drive, Gardendale, AL 35071.

May 21, 2011: Speaker, Tie a Yellow Ribbon Celebration, South Baldwin County Republican Women, Foley, Alabama. I introduced myself and told the attendees that I was running for election to the Alabama Court of Criminal Appeals. I have no notes, transcript or recording. The address for the South Baldwin County Republican Women is 209 West Laurel Avenue, Foley, AL 36545.

May 9, 2011: Speaker, Coffee County Republican Club, Enterprise, Alabama. I introduced myself and spoke about my candidacy for the Court of Criminal Appeals. I also spoke about my conservative judicial philosophy. I have no notes,

transcript or recording. The address for the Coffee County Republican Club is 202 West Main Street, Enterprise, AL 36330.

April 6, 2011: Speaker, Investiture, Montgomery, Alabama. Copy supplied.

October 18, 2010: Speaker, Court Appointed Juvenile Advocates, Marshall County Courthouse, Guntersville, Alabama. I welcomed new volunteers to the program and thanked them for serving. I have no notes, transcript or recording. The address for the Marshall County Courthouse is 424 Blount Avenue, Guntersville, AL 35976.

June 17, 2010: Speaker, Marshall County Leadership Challenge, Guntersville, Alabama. I spoke about the structure of the Alabama courts, including trials and the appellate process. I have no notes, transcript or recording. The address for the Marshall County Leadership Challenge is P.O. Box 222, Guntersville, AL 35976.

March 20, 2007; November 6, 2007; October 27, 2009; March 9, 2010; May 25, 2010: Panelist, "Panel Night" – Group Preparation and Selection of Prospective Foster and Adoptive Families, Marshall County Department of Human Resources, Guntersville, Alabama. These panel discussions related to issues concerning the legal process of child custody and adoption for new and prospective foster parents. I have no notes, transcripts or recordings. The address of the Marshall County Department of Human Resources is 1925 Gunter Avenue, Guntersville, AL 35976.

May 6, 2010: Speaker, Commencement Ceremony, Snead State Community College, Boaz, Alabama. Copy supplied.

April 7, 2010: Speaker, Marshall County Citizens Judicial Academy 2010, Guntersville, Alabama. While I have no specific recollection of this event, the purpose of the Citizen Judicial Academy was to educate members of the public on the Alabama Court system and structure, and I believe that my remarks would have been on that subject. I have no notes, transcript or recording. The address for RSVP is 1805 Gunter Avenue, Guntersville, AL 35976.

March 2, 2010: Reader, Evans Elementary. Evans Elementary, Albertville, Alabama. I read a children's book to the students. I have no notes, transcript or recording. The address for Evans Elementary is 901 W. McKinney Avenue, Albertville, AL 35950.

October 6, 2009: Speaker, Court Appointed Juvenile Advocates ("CAJA"), Marshall County Courthouse, Guntersville, Alabama. I welcomed new volunteers to the program and thanked them for serving. I have no notes, transcript or recording. The address for the Marshall County Courthouse is 424 Blount Avenue, Guntersville, AL 35976.

May 8, 2009: Speaker, Career Day, Evans Elementary, Albertville, Alabama. I spoke about my job as a judge and the court system, and took questions from students. I have no notes, transcript or recording. The address for Evans Elementary is 901 W. McKinney Avenue, Albertville, AL 35950.

June 19, 2008: Speaker, Marshall County Leadership Challenge–Local Government Day, Guntersville, Alabama. I spoke about the structure of Alabama courts, including trials and the appellate process. I have no notes, transcript or recording. The address for the Marshall County Leadership Challenge is P.O. Box 222, Guntersville, AL 35976.

April 8, 2008: Speaker, Marshall County Citizens Judicial Academy 2008, Retired and Senior Volunteer Program (“RSVP”), Guntersville, Alabama. While I have no specific recollection of this event, the purpose of the Citizen Judicial Academy was to educate members of the public on the Alabama Court system and structure, and I believe that my remarks would have been on that subject. I have no notes, transcript or recording. The address for RSVP is 1805 Gunter Avenue, Guntersville, AL 35976.

June 26, 2007: Speaker, Albertville Rotary Club, Albertville, Alabama. I spoke about the structure of the courts and current issues that were affecting the courts. I have no notes, transcript or recording. The address for the Albertville Rotary Club is 860 Country Club Road, Albertville, AL 35951.

May 16, 2007: Speaker, Marshall County Citizen Judicial Academy 2007, Retired and Senior Volunteer Program, Guntersville, Alabama. I spoke regarding the Alabama Court system and structure. I have no notes, transcript or recording. The address for the Retired and Senior Volunteer Program is 1805 Gunter Avenue, Guntersville, AL 35976.

October 28, 2001: Speaker, Introductory remarks at an organ concert, First Methodist Church, Arab, Alabama. Remarks supplied.

1998 – 1991: During this period, I served as the Chairman of the Arab Chamber of Commerce in Arab, Alabama. I delivered welcoming remarks at approximately 10 Chamber events, usually to introduce the sponsor or the speaker at the event. My remarks usually would have included noting the benefits of Chamber membership and programs offered by the Chamber. I also delivered remarks at the Chamber of Commerce banquet in 1999 that focused on the accomplishments of the Chamber of Commerce during that year. I have no notes, transcripts or recordings. The address of the Arab Chamber of Commerce is 1157 North Main Street, Arab, AL 35106.

July 8, 1998: Remarks, Joint Campaign Kickoff, United Way of Marshall County, Albertville, Alabama. I gave remarks about the services provided by The United Way and its benefits to the community. I have no notes, transcript or recording,

but press coverage is supplied. The address of the United Way of Marshall County is 705 Blount Avenue, Guntersville, AL 35976.

- e. List all interviews you have given to newspapers, magazines or other publications, or radio or television stations, providing the dates of these interviews and four (4) copies of the clips or transcripts of these interviews where they are available to you.

I have searched my memory, my files, and available Internet databases and assembled the list of responsive items below. Unless otherwise noted, a copy is supplied. Although this list is complete to the best of my knowledge, there may be articles that I am unaware of or was unable to recall or locate.

Marshall Medical installs new board members, Sand Mountain Reporter, June 22, 2016

Appeals Court Judge Appointed to Healthcare Authority, The Arab Tribune, June 11, 2016

New Hospital Board Members from Arab, Douglas, Marshall Medical Centers Press Release, June 8, 2016

Charles Whisenant, *Burke in State National Guard as JAG Officer*, The Arab Tribune January 26, 2013

David Moore, *Input Sought on Sweeping Downtown Plans*, The Arab Tribune, November 17, 2012

September 30, 2012, Television Interview, 31 Law Line on WAAY-TV Huntsville. Although I have no specific memory of this program, I do recall that it is a call-in program where lawyers and judges answer questions from the public. I have been unable to locate a recording or transcript from this interview.

Charles Whisenant, *Supreme Day for Burke*, The Arab Tribune, April 11, 2011

Burke Climbs to New Height, The Arab Tribune, April 9, 2011

Burke, I come to the Bench with a Mind Eager and Open, The Arab Tribune, April 9, 2011

Judge Burke Takes Oath in High Court Chamber, Advertiser Gleam, April 2011

Anthony Campbell, *Marshall judge named to state appeals court*, Advertiser Gleam, February 19, 2011

Charles Whisenant, *Burke Appointed by Governor to State Court*, The Arab Tribune, February 19, 2011

Cindy McGregor, *Robe passed from judge to judge*, Advertiser Gleam, 2011

Burke Unopposed for Six Year Term, Advertiser Gleam, 2011

Judges Praise Legislators for Venue and Fee Bills, Advertiser Gleam, 2011

Judge Burke to seek full state court term, Advertiser Gleam, 2011

Charles Whisenant, *Burke passes Jetton's robe on to Flanagan*, The Arab Tribune, 2011

Jonathan Stinson, *Liles Burke named to Alabama Appeals Court*, Sand Mountain Reporter, 2011

May 5, 2009, December 20, 2010, June 2, 2009, July 7, 2009, August 4, 2009, September 1, 2009, October 6, 2009, November 3, 2009, December 1, 2009, May 4, 2010, June 8, 2010, August 3, 2010, November 3, 2010, December 20, 2010: Radio Interviews, Beecher Show on WAVU Radio Station. Although I have no specific remembrances of these interviews, typically Beecher Hyde, the host of the show, would interview me about current issues within and affecting the courts. I have been unable to locate a recording or transcript from these interviews.

New Judgeship Passes Senate on Last Day, Advertiser Gleam, August 28, 2010

David Moore, *Steps Taken on Old AHS, \$50,000, Demolition*, The Arab Tribune, August 21, 2010

David Moore, *Judges Listen to What CAJAs Dig Up*, The Arab Tribune, August 11, 2010

Judge Liles Burke Elected Vice President of State Juvenile Judges Association, Sand Mountain Reporter, August 7, 2010

Charles Whisenant, *Burke Elected Vice President of State Juvenile Judges*, The Arab Tribune, August 7, 2010

David Moore, *Group Laying Foundation for Redevelopment*, The Arab Tribune, July 31, 2010

Help Someone Else, Judge Tells Snead Grads, Advertiser Gleam, May 12, 2010

Lionel Green, *Marshall County to Elect Third Judge*, Sand Mountain Reporter, April 27, 2010

David Moore, *Downtown Plans Could Come Soon*, The Arab Tribune, April 23, 2010

Charles Whisenant, *Domestic Cases Graduate to Separate Document*, The Arab Tribune, January 20, 2010

Jonathan Stinson, *County Targets Domestic Violence*, Sand Mountain Reporter, January 20, 2010

David Brewer, *Legislators to Introduce Bills Calling for a Third Circuit Judge in Marshall Co.*, The Huntsville Times, December 2, 2009

October 21, 2009, Radio Interview, Kerry Rich Show on WJIA Radio Station. Although I have no specific memory of this event, I typically spoke extemporaneously about issues facing the court system. I have been unable to locate a recording or transcript from this interview.

June 16, 2009, Radio Interview for Court Appointed Juvenile Advocates on WQSB Radio Station. I spoke about the importance of volunteers in the juvenile court system. I have been unable to locate a recording or transcript from this interview.

Charles Whisenant, *Burke Studies the Philippine Government*, The Arab Tribune, April 15, 2009

New Organ at DAR, Advertiser Gleam, 2009

Judge Donates Old Postcards to Museum, Advertiser Gleam, 2009

David Clemons, *Judge Burke Seeks Full Term*, Sand Mountain Reporter, March 5, 2008

David Brewer, *Burke to Seek Six Year Term*, Huntsville Times, March 5, 2008

Burke Seeking Full Term as Judge, The Arab Tribune, March 5, 2008

David Clemons, *Parties Disagree Over Masters Change*, Sand Mountain Reporter, February 28, 2008

Family Drug Court Aims at Reuniting Families, Advertiser Gleam, January 19, 2008

Marshall Judge to Work Part Time in Madison, Advertiser Gleam, January 16, 2008

Charles Whisenant, *Chief Justice Asks Burke to Help With Caseloads in Other Counties*, The Arab Tribune, January 16, 2008

David Moore, *Burkes Hit Deer on way to State Park*, The Arab Tribune, January 8, 2008

David Clemons, *Judge Will Hear Cases Outside Marshall*, Sand Mountain Reporter, January 2008

Anthony Campbell, *County in Top 3 for Caseload per Judge*, Advertiser Gleam, 2008

Burke to seek full term as district court judge, Advertiser Gleam, Estimated 2008

Lori Boatfield, *Family-Focused Judge Has Serious Missions in Mind*, Marshall County Event Magazine, Estimated date 2008

Newest judge gets robe of long-time judge, Advertiser Gleam, March 14, 2007

Charles Whisenant, *Burke Honored to Have Late Judges Robe*, The Arab Tribune, March 7, 2007

Burke Appointed to Bench, The Arab Tribune, November 25, 2006

Charles Whisenant, *Riley Taps Liles Burke as New Marshall Judge*, The Arab Tribune, November 22, 2006

Riley Appoints Arab Judge to District Bench, Huntsville Times, November 22, 2006

Arab Lawyer and City Judge to be New District Judge, Advertiser Gleam, November, 2006.

United Way to celebrate 2006 campaign end, Sand Mountain Reporter, January 17, 2006

Lynda Geddes, *United Way heads closer to goal*, Sand Mountain Reporter, November 8, 2005

Local News, The Huntsville Times, September 17, 2005

Jared Felkins, *Day of Caring hits Marshall County*, Sand Mountain Reporter, September 15, 2005

Thousands lose power as storm brushes Valley, The Huntsville Times, August 31, 2005

Charles Whisenant, *Plot to 'Hit' Hawk, Burke Revealed*, The Arab Tribune, August 27, 2005

Arab hires company to monitor offenders, Times Marshall County Bureau, May 21, 2003

Charles Whisenant, *Work Release Has Problems but Still Works, Judge Says*, The Arab Tribune, February 22, 2003.

Charles Whisenant, *Arab Joins Work Release*, The Arab Tribune, August 17, 2002

Charles Whisenant, *Georgian Mountain VFD Chief Facing Trial for Theft*, The Arab Tribune, September 1, 2001

Charles Whisenant, *Wade's Charges Dropped*, The Arab Tribune, September 27, 2000

Judge Oks carpet store near right of way, The Huntsville Times, August 24, 2000

Caboose owner drops suit against Arab, Times Marshall County Bureau, November 5, 1999

Laranda Nichols, *Marshall County United Way begins accepting 1999 funding applications*, The Huntsville Times, March 12, 1998

Charles Whisenant, *Shelby Political Ad Features Arab*, The Arab Tribune November, 1998

Sean Kelley, *President to Veto Senate Resolution*, The Crimson White, February 12, 1992

Sean Kelley, *Senate Approves Resolution of Legality of GLA Funding*, The Crimson White, February 7, 1992

Sean Kelley, *Resolution to Address Legality of GLA Funding*, The Crimson White, February 6, 1992

Phil Baker, *Arab Graduate Serves as UA Trustee*, The Arab Tribune, 1991

13. **Judicial Office:** State (chronologically) any judicial offices you have held, including positions as an administrative law judge, whether such position was elected or appointed, and a description of the jurisdiction of each such court.

From 2001 until 2007, I served three terms as Municipal Court Judge for the City of Arab,

Alabama. I was appointed by the Mayor and Council of the City of Arab. Municipal Court has original jurisdiction of misdemeanor offenses committed within the corporate limits or the police jurisdiction of the City.

From 2007 until 2011, I served as a District Court Judge in Marshall County, Alabama. I was appointed to this position by Governor Bob Riley, and then ran unopposed in the 2008 election. District courts have original jurisdiction over misdemeanor offenses and civil matters where the amount in controversy does not exceed \$3000.00. In Marshall County, the District judges also served as Marshall County Juvenile Court judges. Juvenile court has original jurisdiction over dependency and delinquency matters. From 2008 until 2011, I also served as Acting Circuit Judge for Marshall County where I handled a large portion of the civil and criminal jury docket. Circuit Court has original jurisdiction over civil matters in exceeding \$3000.00, felony criminal matters, and domestic matters. However, I did not hear Circuit Court domestic matters except sporadically if the other judges recused.

From 2011 until the present time I have served as an Associate Judge on the Alabama Court of Criminal Appeals. I was appointed to this position by Governor Robert Bentley and was unopposed for election to a six-year term in 2012. The Court of Criminal Appeals is a five-member court which has original jurisdiction of all criminal appeals from the Circuit Courts of Alabama.

- a. Approximately how many cases have you presided over that have gone to verdict or judgment?

I have presided over approximately 1500 cases that have gone to verdict or judgment.

- i. Of these, approximately what percent were:

jury trials:	1%
bench trials:	99%
civil proceedings:	30%
criminal proceedings:	70%

- b. Provide citations for all opinions you have written, including concurrences and dissents.

Published Opinions

City of Florence v. Yarborough, (CR-15-1346, March 17, 2017) --- So. 3d --- (Ala. Crim. App. 2017), 2017 WL 1034466 (opinion withdrawn June 30, 2017 *ex mero motu* and substituted with an unpublished memorandum)
Keith v. State, (CR-15-1319, March 17, 2017) --- So. 3d --- (Ala. Crim. App. 2017), 2017 WL 1032529

Sanders v. State, (CR-15-1046, December 16, 2016) --- So. 3d --- (Ala. Crim. App. 2016), 2016 WL 7322344
T.D.M. v. State, (CR-15-1019, October 21, 2016) --- So. 3d --- (Ala. Crim. App. 2016), 2016 WL 6135458
Osgood v. State, (CR-13-1416, October 21, 2016) --- So. 3d --- (Ala. Crim. App. 2016), 2016 WL 6135446
Case v. State, (CR-15-0252, September 09, 2016) --- So. 3d --- (Ala. Crim. App. 2016), 2016 WL 4733483
Caver v. State, (CR-15-0300, September 09, 2016) --- So. 3d --- (Ala. Crim. App. 2016), 2016 WL 4734802
Acosta v. State, (CR-13-1763, July 08, 2016) 208 So. 3d 666 (Ala. Crim. App. 2016)
Canyon v. State, (cr-15-0607, July 08, 2016) --- So. 3d --- (Ala. Crim. App. 2016), 2016 WL 3655306
Harris v. State, (CR-14-1461, June 17, 2016) --- So. 3d --- (Ala. Crim. App. 2016), 2016 WL 3364685
Bell v. State, (CR-15-0618, April 29, 2016) --- So. 3d --- (Ala. Crim. App. 2016), 2016 WL 1728787
Lane v. State, (CR-10-1343, April 29, 2016) --- So. 3d --- (Ala. Crim. App. 2016), 2016 WL 1728753
Calhoun v. State, (CR-14-0779, April 29, 2016) --- So. 3d --- (Ala. Crim. App. 2016), 2016 WL 1728762
Gilbert v. State, (CR-13-0839, March 18, 2016) --- So. 3d --- (Ala. Crim. App. 2016), 2016 WL 1084731
Lynch v. State, 209 So. 3d 1131 (Ala. Crim. App. 2016)
Graham v. State, 199 So. 3d 829 (Ala. Crim. App. 2016)
Diggs v. State, 203 So. 3d 120 (Ala. Crim. App. 2016)
Crews v. State, 202 So. 3d 759 (Ala. Crim. App. 2015)
Harrison v. State, 203 So. 3d 126 (Ala. Crim. App. 2015)
Fuller v. State, (CR-14-0368, December 18, 2015) --- So. 3d --- (Ala. Crim. App. 2015), 2015 WL 9261777
Bohannon v. State, (CR-13-0498, October 23, 2015) --- So. 3d ---- (Ala. Crim. App. 2015), 2015 WL 6443170
Bradshaw v. Town of Argo, 200 So. 3d 680 2015 (Ala. Crim. App. 2015)
Porter v. State, 196 So. 3d 365 (Ala. Crim. App. 2015)
Collins v. State, 206 So. 3d 682 (Ala. Crim. App. 2015)
Crow v. State, 195 So. 3d 346 (Ala. Crim. App. 2015)
Goldsmith v. State, 200 So. 3d 45 (Ala. Crim. App. 2015)
Hall v. State, 203 So. 3d 1277 (Ala. Crim. App. 2015)
D.L.R. v. State, 188 So. 3d 720 (Ala. Crim. App. 2015)
Sims v. State, (CR-14-0390, July 10, 2015) --- So. 3d ---- (Ala. Crim. App. 2015) 2015 WL 4162889
Acosta v. State, 208 So. 3d 645 (Ala. Crim. App. 2015)
Q.S. v. State, 188 So. 3d 710 (Ala. Crim. App. 2015)
Belote v. State, 185 So. 3d 1154 (Ala. Crim. App. 2015)
Pickering v. State, 194 So. 3d 980 (Ala. Crim. App. 2015)

Jones v. State, (CR-13-1533, April 17, 2015) --- So. 3d ---- (Ala. Crim. App. 2015)
2015 WL 1780084
State v. R.C., 195 So. 3d 317 (Ala. Crim. App. 2015)
Wagner v. State, 197 So. 3d 511 (Ala. Crim. App. 2015)
Pickett v. State, 169 So. 3d 119 (Ala. Crim. App. 2014)
Batts v. State, 186 So. 3d 981 (Ala. Crim. App. 2014)
State v. Baker, 167 So. 3d 386 (Ala. Crim. App. 2014)
Oliver v. State, 196 So. 3d 1233 (Ala. Crim. App. 2014)
Oliver v. State, 196 So. 3d 1235 (Ala. Crim. App. 2014)
McClellion v. State, 167 So. 3d 381 (Ala. Crim. App. 2014)
Culp v. State, 178 So. 3d 378 (Ala. Crim. App. 2014)
Carroll v. Alabama Dept. of Corrections, 167 So. 3d 376 (Ala. Crim. App. 2014)
State v. Rutledge, 184 So. 3d 462 (Ala. Crim. App. 2014)
State v. Loggins, 184 So. 3d 1062 (Ala. Crim. App. 2014)
A.E. v. State, 159 So. 3d 786 (Ala. Crim. App. 2014)
State v. Stargell, 183 So. 3d 237 (Ala. Crim. App. 2014)
Abercrombie v. State, (CR-13-0125, June 13, 2014) --- So.3d ---- (Ala. Crim. App. 2014), 2014 WL 2678413
Jones v. State, 158 So. 3d 500 (Ala. Crim. App. 2014)
Smith v. State, 157 So. 3d 1007 (Ala. Crim. App. 2014)
Johnson v. State (CR-10-1606, May 20, 2014) --- So. 3d ---- (Ala. Crim. App. 2014), 2014 WL 2061147
State v. Ziegler, 159 So. 3d 96 (Ala. Crim. App. 2014)
Wiggins v. State, 193 So. 3d 765 (Ala. Crim. App. 2014)
Davis v. State, 184 So. 3d 415 (Ala. Crim. App. 2014)
Carruth v. State, 165 So. 3d 627 (Ala. Crim. App. 2014)
Smith v. State, 157 So. 3d 994 (Ala. Crim. App. 2014)
Burnett v. State, 155 So. 3d 304 (Ala. Crim. App. 2013)
Folds v. State, 143 So. 3d 845 (Ala. Crim. App. 2013)
Woolen v. State, 154 So. 3d 264 (Ala. Crim. App. 2013)
Vann v. State, 143 So. 3d 850 (Ala. Crim. App. 2013)
Lane v. State, 169 So. 3d 1076 (Ala. Crim. App. 2013)
Barnett v. State, 154 So. 3d 254 (Ala. Crim. App. 2013)
Thomas v. State, 142 So. 3d 1264 (Ala. Crim. App. 2013)
Jackson v. State, 158 So. 3d 484 (Ala. Crim. App. 2013)
Lockhart v. State, 163 So. 3d 1088 (Ala. Crim. App. 2013)
Parker v. State, 136 So. 3d 1097 (Ala. Crim. App. 2013)
Walker v. State, 137 So. 3d 943 (Ala. Crim. App. 2013)
Thomas v. State, 155 So. 3d 270 (Ala. Crim. App. 2013)
Nix v. State, 136 So. 3d 1101 (Ala. Crim. App. 2013)
T.L.S. v. State, 153 So. 3d 829 (Ala. Crim. App. 2013)
Bennison v. State, 55 So. 3d 1031 (Ala. Crim. App. 2013)
Boyle v. State, 154 So. 3d 171 (Ala. Crim. App. 2013)
Sanders v. State, 125 So. 3d 728 (Ala. Crim. App. 2013)
Petric v. State, 157 So. 3d 176 (Ala. Crim. App. 2013)
Floyd v. State, 190 So. 3d 987 (Ala. Crim. App. 2012)

Frost v. State, 141 So.3d 1103(Ala. Crim. App. 2012)
Grantham v. City of Tuscaloosa, 111 So. 3d 174 (Ala. Crim. App. 2012)
Money v. State, 138 So. 3d 332 (Ala. Crim. App. 2012)
Gillis v. State, 104 So. 3d 281(Ala. Crim. App. 2012)
Baggett v. State, 122 So. 3d 852 (Ala. Crim. App. 2012)
Johnson v. State, 100 So. 3d 627 (Ala. Crim. App. 2012)
Ogburn v. State, 104 So. 3d 267 (Ala. Crim. App. 2012)
Cochran v. State, 111 So. 3d 148 (Ala. Crim. App. 2012)
State v. Thomas, 37 So. 3d 933 (Ala. Crim. App. 2012)
Tennyson v. State, 101 So. 3d 1256 (Ala. Crim. App. 2012)
Smith v. State, 112 So. 3d 1108 (Ala. Crim. App. 2012)
Goodson v. State, 101 So. 3d 804 (Ala. Crim. App. 2012)
Kidd v. State, 105 So. 3d 1261 (Ala. Crim. App. 2012)
Knight v. State, 92 So. 3d 723 (Ala. Crim. App. 2012)
S.A.R. v. State, 99 So.3d 1260 (Ala. Crim. App. 2012)
Clancy v. State, 107 So. 3d 1118 (Ala. Crim. App. 2012)
Campbell v. State, 90 So. 3d 789 (Ala. Crim. App. 2012)
Reese v. State, 97 So. 3d 184 (Ala. Crim. App. 2012)
Jackson v. State, 98 So. 3d 35 (Ala. Crim. App. 2012)
Billups v. State, 86 So. 3d 1087 (Ala. Crim. App. 2011)
Wells v. State, 93 So. 3d 155 (Ala. Crim. App. 2011)
State v. Turner, 2011 96 So. 3d 876 (Ala. Crim. App. 2011)
Thompson v. State, 97 So. 3d 800 (Ala. Crim. App. 2011)
State v. Harwell, 85 So. 3d 481 (Ala. Crim. App. 2011)
Deramus v. Alabama Bd. of Pardons and Paroles, 84 So. 3d 163 (Ala. Crim. App. 2011)
Killingsworth v. State, 82 So. 3d 765 (Ala. Crim. App. 2011)
Evans v. State, 82 So. 3d 766 (Ala. Crim. App. 2011)
Craft v. State, 90 So. 3d 197 (Ala. Crim. App. 2011)
McConico v. State, 84 So. 3d 159 (Ala. Crim. App. 2011)
Hudson v. State, 85 So. 3d 468 (Ala. Crim. App. 2011)
Ankrom v. State, 152 So. 3d 373 (Ala. Crim. App. 2011)
J.D.I. v. State, 77 So. 3d 610 (Ala. Crim. App. 2011)
Bole v. State, 86 So. 3d 1088(Ala. Crim. App. 2011)
Black v. State, 74 So. 3d 1054 (Ala. Crim. App. 2011)
H.A.M. v. State, 83 So. 3d 577 (Ala. Crim. App. 2011)
McQuieter v. State, 88 So. 3d (Ala. Crim. App. 925 2010)
Jackson v. State, 169 So. 3d 1 (Ala. Crim. App. 2010)
Whatley v. State, 46 So. 3d 437 (Ala. Crim. App. 2010)
Jackson v. State, 133 So. 3d 420 (Ala. Crim. App. 2009)

Per Curiam Opinions

The following is a list of published per curiam opinions in which I concurred:

Billingsly v. State, 115 So. 3d 192 (Ala. Crim. App. 2012), concurred in the result.

Coleman v. State, 93 So. 3d 145 (Ala. Crim. App. 2011)
Ex parte Brown (In re State v. Brown), 164 So. 3d 625 (Ala. Crim. App. 2014)
Ex parte Wyre (In re State v. Wyre), 74 So. 3d 479 (Ala. Crim. App. 2011)
Levins v. State, (CR-15-0612, April 29, 2016) --- So. 3d --- (Ala. Crim. App. 2016),
2016 WL 1728781
Searcy v. State, 77 So. 3d 174 (Ala. Crim. App. 2011)
Ex parte Kandola (In re State v. Kandola), 77 So. 3d 1209 (Ala. Crim. App. 2011)
Ex parte Hammond (In re State v. Hammond), 93 So. 3d 172 (Ala. Crim. App.
2012)
State v. Walker, 192 So. 3d 426 (Ala. Crim. App. 2015)
Ex parte State (In re State v. Arrington), 74 So. 3d 482 (Ala. Crim. App. 2011)
Luong v. State, 199 So. 3d 173 (Ala. Crim. App. 2015)
Ex parte State (In re State v. Utley), 94 So. 3d 414 (Ala. Crim. App. 2012)
Crawford v. State, 100 So. 3d 610 (Ala. Crim. App. 2011)
Marks v. State, 94 So. 3d 409 (Ala. Crim. App. 2012)
Williams v. State, 184 So. 3d 1064 (Ala. Crim. App. 2015)
Clark v. State, 166 So. 3d 147 (Ala. Crim. App. 2014)
Wimbley v. State, (CR-11-0076, December 16, 2016) --- So. 3d --- (Ala. Crim. App.
2016), 2016 WL 7322334
Arthur v. State, (CR-16-0820, May 23, 2017) --- So. 3d --- (Ala. Crim. App.
2017), 2017 WL 2242819

Concurrences

Seay v. State, (CR-12-1443, May 2, 2014), 155 So. 3d 330 (Ala. Crim. App. 2012)
(table)
Watts v. State, (CR-09-1944, July 29, 2011) 77 So. 3d 1218 (Ala. Crim. App. 2011)
(table)
Higdon v. State, 197 So. 3d 1014, 1017 (Ala. Crim. App. 2014)
Morrisette v. State, (CR-11-0251, August 24, 2012), 147 So. 3d 978 (Ala. Crim.
App. 2012) (table)
Stroud v. State, 73 So. 3d 1, 3-5 (Ala. Crim. App. 2011)
Bailey v. City of Ragland, 136 So. 3d 498, 503-05 (Ala. Crim. App. 2013)
C.D.B. v. State, 81 So. 3d 399, 409-10 (Ala. Crim. App. 2011)
Ex parte State (In re State v. Billups, et. al.), --- So. 3d --- (Ala. Crim. App. 2016)
2016 WL 3364689 *14-16

Dissents

State v. Gissendanner, --- So. 3d --- (Ala. Crim. App. 2015) 2015 WL 6443194
*39-41
State v. Gissendanner, --- So. 3d --- (Ala. Crim. App. 2017) 2017 WL 543128 *13
Moore v. State, 185 So. 3d 1148, 1153-54 (Ala. Crim. App. 2015)
Moore v. State, 183 So. 3d 1000, 1004-05 (Ala. Crim. App. 2014)
C.L.H. v. State, 121 So. 3d 403, 407-08 (Ala. Crim. App. 2012)
English v. State, 164 So. 3d 627, 632-36 (Ala. Crim. App. 2014)

W.B.S. v. State, 192 So. 3d 417, 425-26 (Ala. Crim. App. 2015)
Spencer v. State, --- So. 3d --- (Ala. Crim. App. 2015) 2015 WL 10150796 *2-3
Naquin v. State, 156 So. 3d 984, 995-96 (Ala. Crim. App. 2012)
Bagley v. State, 186 So. 3d 488, 491-93 (Ala. Crim. App. 2015)
Tillman v. State, 89 So. 3d 832, 839-43 (Ala. Crim. App. 2011)
Tulley v. City of Jacksonville, 199 So. 3d 779, 806-11 (Ala. Crim. App. 2014)

- c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (3) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).

1. *McWhorter v. State*, 142 So. 3d 1195 (Ala. Crim. App. 2011)
(Marshall County Circuit Court, CC93-200077)

The defendant was convicted of capital murder in 1994 and sentenced to death. After his direct appeals were exhausted, he filed a petition for postconviction relief. The circuit judge who presided over his trial retired before the petition was filed and I was appointed as a special circuit court judge to hear the case. In his petition, the defendant raised claims of juror misconduct during jury selection and deliberation; ineffective assistance of penalty-phase counsel in failing to object to the sentencing order and in failing to further investigate and present additional mitigating evidence; improper exclusion of evidence at the postconviction hearing on the grounds that it was hearsay or was not set forth in the amended Rule 32 petition for postconviction relief; a *Brady* violation for the State's alleged failure to disclose mitigation evidence; and ineffective assistance of trial counsel. After conducting a lengthy evidentiary hearing at which the defendant was allowed to present evidence to prove his claims, I denied relief. Order supplied. It was my determination that the defendant failed to meet his burden of proof. The Alabama Court of Criminal Appeals affirmed my decision in *McWhorter v. State*, 142 So. 3d 1195 (Ala. Crim. App. 2011). I was a member of the Court of Criminal Appeals when that case was decided. As I note in Section 14 below, I recused myself from the case.

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2. *Foster v. State*, (CR-08-0258, August 28, 2009) 50 So. 3d 1128 (Ala. Crim.
App. 2009) (table)
(Marshall County Circuit Court, CC-07-398)

In this case the defendant was charged with second-degree rape. I presided over the case as a specially appointed circuit judge and allowed the State to present expert testimony from two witnesses regarding the victim's statements about the alleged crime. The jury returned a guilty verdict and I sentenced the defendant to ten years' imprisonment. I also denied a motion for new trial. Order supplied. The defendant appealed and the Alabama Court of Criminal Appeals held that I did not exceed my discretion in allowing the expert witnesses to testify. Accordingly, the defendant's conviction was affirmed.

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3. *Scott v. Scott*, 38 So. 3d 79 (Ala. Civ. App. 2009), overruled in part by *Henderson v. Mogren*, 149 So. 3d 629 (Ala. Civ. App. 2014) (Jefferson County Circuit Court, DR-01-1601.01)

A former husband petitioned the circuit court to modify his divorce judgment by terminating his obligation to make alimony payments. He alleged that his former wife was cohabitating with a member of the opposite sex and that her financial situation had improved while his had deteriorated. The former husband unilaterally ceased making alimony payments to the former wife and instead, based on his interpretation of recent caselaw, began making the payments into an escrow account held by his law firm. Sitting as a specially appointed circuit judge, I found that the husband failed to prove that the former wife was cohabitating, as the former husband alleged. However, I did find that there were changes in the parties' respective financial situations and modified the amount of alimony owed by the husband. Additionally, I held the former husband in contempt for ceasing to make alimony payments directly to his former wife as required by the original divorce decree. Order supplied. The Alabama Court of Civil Appeals affirmed my decision insofar as it related to the modification of alimony payments. However, it reversed my decision to hold the former husband in contempt based on its determination that the husband properly relied on existing caselaw and did not act in bad faith by deciding to pay alimony payments into an escrow account. The case that the former husband relied on in deciding to pay alimony into an escrow account was overruled in a subsequent decision of the Court of Civil Appeals.

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4. *R.T. v. B.N.H.*, 66 So. 3d 807 (Ala. Civ. App. 2011)
(Marshall County Circuit Court, CS-08-900001.02)

The original parties in this case were a mother and father who had a child out of wedlock. The mother filed an emergency petition with the juvenile court alleging that the father was abusing the child and sought to have his visitation rights terminated. I ultimately granted that petition and ordered that the father have no visitation rights with the child. The child's paternal grandmother, R.T., then filed a petition seeking visitation rights with the child. I ultimately denied that petition. The grandmother appealed but the Alabama Court of Civil Appeals dismissed her appeal after finding that the juvenile court did not have jurisdiction to modify the custody arrangement except as it related to terminating the father's visitation rights due to alleged abuse. Copies of my orders in the case are supplied.

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5. *Youngblood v. State*, 39 So. 3d 1186 (Ala. Crim. App. 2009), aff'd on return to remand by *Youngblood v. State*, (CR-08-0846, December 4, 2009) 39 So. 3d 1186 (Ala. Crim. App. 2009) (table)
(Marshall County Circuit Court, CC-05-142)

This case involved a defendant who was charged with first-degree sodomy, child abuse, and first-degree sexual abuse. Before the trial began, the defendant accepted the State's offer that he plead guilty to the sexual-abuse charges in exchange for the remaining charges being dismissed. The defendant later sought to withdraw those guilty pleas and proceed to trial on all counts. The defendant claimed that his guilty pleas were not entered knowingly and voluntarily. I conducted an evidentiary

hearing at which the defendant was represented by new counsel. The defendant testified that he was not guilty of the crimes and that he only pleaded guilty because he was afraid that he would be arrested for failing to pay child support. I did not find his testimony to be credible and determined that he fully understood the rights he was giving up by pleading guilty. Therefore, after holding a hearing, I denied his motion to withdraw his guilty pleas and sentenced him to consecutive terms of ten years' imprisonment. The Alabama Court of Criminal appeals ultimately affirmed the defendant's conviction on return to remand in an unpublished memorandum.

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6. *Marks v. State*, (CR-09-0832, September 24, 2010) 84 So. 3d 1020 (Ala. Crim. App. 2010) (table)
(Marshall County Circuit Court, CC-08-44)

The defendant in this case was charged with and convicted of the attempted-murder of his common-law wife. I sentenced him under Alabama's Habitual Felony Offender Act to life imprisonment. Prior to his trial, the defendant filed several motions to dismiss, which I denied. Order supplied. The crux of his argument in those motions was that he was unlawfully arrested prior to being indicted. The

Alabama Court of Criminal Appeals affirmed those decisions on appeal in an unpublished memorandum.

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7. *Prince v. State*, (CR-08-1218, September 25, 2009) 57 So. 3d 211(Ala. Crim. App. 2009) (table)
(Marshall County Circuit Court, CC-93-170.62)

The defendant in this case pleaded guilty to first-degree assault in 1994 and was sentenced as a habitual felony offender to 20 years' imprisonment. In 2008, he filed a *pro se* petition for postconviction relief. In that petition, he argued that the circuit court did not have jurisdiction to render judgment or to impose sentence because, he claimed, he was never indicted and did not recall ever being arraigned. Although he couched his arguments in jurisdictional terms, they did not actually implicate the subject-matter jurisdiction of the trial court. Accordingly, after holding a hearing, I denied his petition for relief because it was not filed within the applicable time period set out in the Alabama Rules of Criminal Procedure regarding such petitions. My ruling was affirmed by the Alabama Court of Criminal Appeals.

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8. *Blackburn v. State*, (CR-09-0760, September 24, 2010) 84 So. 3d 1020 (Ala. Crim. App. 2010) (table)
(Marshall County Circuit Court, CC-90-289.60)

The defendant in this case was convicted of capital murder in 1993 and was sentenced to life imprisonment without the possibility of parole. In 2009, she filed a petition for postconviction relief in which she argued that the jury who convicted her was unconstitutionally selected because the venire was drawn from the county at-large as opposed to the district in which the crime was committed. I conducted an evidentiary hearing in which the petitioner was represented by counsel. After considering the arguments of counsel and the State's response, I ultimately determined that these were issues that could have been, but were not, raised at trial or on direct appeal. Because such claims are precluded, I denied relief. Order supplied. The Alabama Court of Criminal Appeals affirmed my decision in an unpublished memorandum.

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9. *T.K. v. M.G.*, 82 So. 3d 1 (Ala. Civ. App. 2011)
(Marshall Juvenile Court, JU-09-300249)

The father of a minor child filed a dependency petition alleging that the mother, who was the custodial parent, was unable to care for the child because, he said, the mother was addicted to methamphetamine and had been convicted of a DUI. After an evidentiary hearing, I found that the Petitioners proved that the mother had a long history of drug abuse, had attempted suicide, and was married to a man who was under indictment for manufacturing illegal drugs. Accordingly, I awarded primary physical custody to the father. The mother argued in a postjudgment motion that the juvenile court did not have subject-matter jurisdiction over the case because, she said, the case involved a custody dispute and was not truly a dependency action. I denied the motion and the mother appealed. The Alabama Court of Civil Appeals affirmed my decision. A copy of my judgment is supplied.

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10. *Gaddis v. Veal*
(Marshall County Circuit Court, CV-07-900047)

Gaddis filed suit alleging personal injury and physical damages arising out of a motor-vehicle accident. The plaintiff, Gaddis, alleged that Veal had operated his motor vehicle in a negligent fashion causing it to collide with Gaddis's vehicle. After a jury trial, the jury found in favor of the defendant on all counts. To my knowledge, the matter was not appealed. There was no written judgment or opinion in this matter, only the jury verdict.

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- d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.

1. *Tulley v. City of Jacksonville*, 199 So. 3d 779, 806-11 (Ala. Crim. App. 2014), Burke, J., dissenting

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2. *Ankrom v. State*, 152 So. 3d 373 (Ala. Crim. App. 2011)

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3. *Bohannon v. State*, (CR-13-0498, December 18, 2015) --- So. 3d --- (Ala. Crim. App. 2015), 2015 WL 6443170

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4. *Harrison v. State*, 203 So. 3d 126 (Ala. Crim. App. 2015)

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5. *State v. Gissendanner*, --- So. 3d --- (Ala. Crim. App. 2015) 2015 WL 6443194
*39-41, Burke, J., dissenting

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6. *Fuller v. State*, (CR-14-0368, December 18, 2015) --- So. 3d --- (Ala. Crim. App. 2015), 2015 WL 9261777

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7. *Johnson v. State* (CR-10-1606, May 20, 2014) --- So. 3d ---- (Ala. Crim. App. 2014), 2014 WL 2061147

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8. *Ogburn v. State*, 104 So. 3d 267 (Ala. Crim. App. 2012)

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9. *Keith v. State*, (CR-15-1319, March 17, 2017) --- So. 3d --- (Ala. Crim. App. 2017), 2017 WL 1032529

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10. *State v. Ziegler*, 159 So. 3d 96 (Ala. Crim. App. 2014)

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e. Provide a list of all cases in which certiorari was requested or granted.

The United States Supreme Court has granted certiorari in eight of my cases, which are the following:

Floyd v. State, 190 So. 3d 987 (Ala. Crim. App. 2012), cert. granted and judgment vacated by *Floyd v. Alabama* 136 S. Ct. 2484 (2016) (mem). Remanded for further consideration in light of *Foster v. Chatman*, 578 U.S. ___, 136 S. Ct. 1737 (2016).

Johnson v. State, ___ So. 3d ___ (Ala. Crim. App. 2014), cert. granted and judgment vacated by *Johnson v. Alabama*, 136 S. Ct. 1837 (2016) (mem). Remanded for further consideration in light of *Hurst v. Florida*, 577 U.S. ___, 136 S. Ct. 1837 (2016) (mem).

Lane v. State, 169 So. 3d 1076 (Ala. Crim. App. 2013), cert. granted and judgment vacated by *Lane v. Alabama*, 136 S. Ct. 91 (2015) (mem). Remanded for further consideration in light of *Hall v. Florida*, 572 U.S. ___, 134 S. Ct. 1986 (2014) (mem).

Iiams v. State, (CR-12-2038, June 6, 2014) 184 So. 3d 467 (Ala. Crim. App. 2014)(table), cert. granted and judgment vacated by *Iiams v. Alabama*, 136 S. Ct. 1370 (2016). Remanded for further consideration in light of *Montgomery v. Louisiana*, 577 U.S. ___, 136 S. Ct. 718, 193 L.Ed.2d 599 (2016).

Bonds v. State, (CR-12-1729, June 6, 2014) 184 So. 3d 465 (Ala. Crim. App. 2014)(table), cert. granted and judgment vacated by *Bonds v. Alabama*, 136 S. Ct. 2444 (2016). Remanded for further consideration in light of *Montgomery v. Louisiana*, 577 U.S. ___, 136 S. Ct. 718, 193 L.Ed.2d 599 (2016).

Gardner v. State, (CR-12-2110, June 6, 2014) 184 So. 3d 467 (Ala. Crim. App. 2014)(table), cert. granted and judgment vacated by *Gardner v. Alabama*, 136 S. Ct. 1369 (2016). Remanded for further consideration in light of *Montgomery v. Louisiana*, 577 U.S. ___, 136 S. Ct. 718, 193 L.Ed.2d 599 (2016).

Black v. State, (CR-13-0041, June 6, 2014) 184 So. 3d 467 (Ala. Crim. App. 2014)(table), cert. granted and judgment vacated by *Black v. Alabama*, 136 S. Ct. 1367 (2016). Remanded for further consideration in light of *Montgomery v. Louisiana*, 577 U.S. ___, 136 S. Ct. 718, 193 L.Ed.2d 599 (2016).

Slaton v. State, 195 So. 3d 1081 (Ala. Crim. App. 2014)(table), cert granted and judgment vacated by *Slaton v. Alabama*, 136 S. Ct. 2445 (2016). Remanded for further consideration in light of *Montgomery v. Louisiana*, 577 U.S. ___, 136 S. Ct. 718, 193 L.Ed.2d 599 (2016).

The United States Supreme Court denied certiorari in the following cases:

Wiggins v. State, 193 So. 3d 765 (Ala. Crim. App. 2014), cert. denied by *Wiggins v. Alabama*, 136 S.Ct. 2379 (2016).

Lockhart v. State, 163 So. 3d 1088 (Ala. Crim. App. 2014), cert. denied by *Lockhart v. Alabama*, 135 S. Ct. 1844 (2015).

Cineas v. State, (CR-13-0359, July 11, 2014) 190 So. 3d 581 (Ala. Crim. App. 2014), cert. denied by *Cineas v. Alabama*, 205 So.3d 713 (2014).

Marable v. State, (CR-12-1598, December 13, 2013) 173 So. 3d 11 (Ala. Crim. App. 2013)(table) cert. denied by *Marable v. Alabama*, 134 S. Ct. 2134 (2014).

Joyce v. State, (CR-14-0227, December 12, 2014) 195 So. 3d 1087 (Ala. Crim. App. 2014) cert. denied by *Joyce v. Alabama*, 136 S. Ct. 115 (2015).

- f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.

Acosta v. State, 208 So. 3d 645 (Ala. Crim. App. 2015), rev'd by *Ex parte State (In re Acosta v. State)*, 208 So. 3d 651 (Ala. 2016). In the trial of this case, the defendant sought to introduce hearsay testimony through a police officer to establish that he was not present when the crime was committed. I held that the trial court deprived the defendant of a fair trial by mechanistically applying the rule against hearsay to exclude that evidence. The Alabama Supreme Court held that the testimony in question was not "critical evidence" and would have been cumulative to other testimony indicating that the defendant was not involved in the crime. Therefore, the Court held, the exclusion of that evidence did not deprive the defendant of a fair trial.

Harris v. State, --- So. 3d --- (Ala. Crim. App. 2016) 2016 WL 3364685, rev'd by *Ex parte State (In re Harris v. State)*, --- So. 3d --- (Ala. 2016) 2016 WL 7321573. This case involved the trial court's acquiescence to a jury's request, after deliberations had begun, to view the defendant in order to compare his appearance to a photograph of the alleged burglar. Following established precedent, I held that it was error to allow the jury to view the defendant after the case had been submitted. The Alabama Supreme Court found that the factual situation in this case was distinguishable from the situations in the preexisting cases on which I based my decision.

Wagner v. State, 197 So. 3d 511 (Ala. Crim. App. 2015), rev'd by *Ex parte State (In re Wagner v. State)*, 197 So. 3d 517 (Ala. 2015). The issue in this case was whether the trial court followed the Alabama Rules of Criminal Procedure when it accepted a defendant's admission that he violated the conditions of his probation. I held that the trial court failed to properly ascertain whether the defendant's admission was voluntary and whether the defendant understood that his admission could be used against him in a subsequent criminal proceeding. The Alabama Supreme Court held that the revocation hearing was adequate and that any omissions by the trial court constituted harmless error.

Parker v. State, (CR-10-0833, December 16, 2011) 130 So. 3d 583 (Ala. Crim. App. 2012) (table), rev'd by *Ex parte Parker (In re Parker v. State)*, 136 So. 3d 1092 (Ala. 2013). In this case, I held that the State presented sufficient evidence to sustain the defendant's conviction for conspiracy to commit a controlled-substance crime and, therefore, affirmed the conviction. The Alabama Supreme Court believed that the State's evidence was too speculative and, therefore, was insufficient to sustain the conviction. A copy of the memorandum opinion is supplied.

In the following cases, the United States Supreme Court, without opinion, vacated the judgment of the Court of Criminal Appeals and remanded the cases for further consideration in light of recent Supreme Court decisions:

Floyd v. State, 190 So. 3d 987 (Ala. Crim. App. 2012), cert. granted and judgment vacated by *Floyd v. Alabama* 136 S. Ct. 2484 (2016) (mem). Remanded to the Alabama Supreme Court for further consideration in light of *Foster v. Chatman*, 578 U.S. ___, 136 S. Ct. 1737 (2016). This was a death penalty case in which the defendant confessed to robbing and murdering a store owner. On appeal, the appellant (a white male) challenged the State's use of peremptory strikes to remove African-American and female jurors. After remand, the trial court found that the State had race- and gender-neutral reasons for its peremptory strikes. Applying a well-settled standard of review, the Court of Criminal Appeals held that the trial court's findings were not "clearly erroneous" and affirmed its decision. The Alabama Supreme Court subsequently affirmed that decision.

Johnson v. State, ___ So. 3d ___ (Ala. Crim. App. 2014), cert. granted and judgment vacated by *Johnson v. Alabama*, 136 S. Ct. 1837 (2016) (mem). Remanded for further consideration in light of *Hurst v. Florida*, 577 U.S. ___, 136 S. Ct. 1837 (2016) (mem). This was a death penalty case in which the appellant was filmed on a police cruiser dash camera shooting a police officer in the head as the police officer handed him a traffic citation. The appellant argued, among other things, that the State's capital sentencing scheme was unconstitutional. Applying Alabama Supreme Court precedent, the Court of Criminal Appeals held that the State's capital sentencing scheme was constitutional.

Lane v. State, 169 So. 3d 1076 (Ala. Crim. App. 2013), cert. granted and judgment vacated by *Lane v. Alabama*, 136 S. Ct. 91 (2015) (mem). Remanded for further consideration in light of *Hall v. Florida*, 572 U.S. ___, 134 S. Ct. 1986 (2014) (mem). This was a death penalty case in which the Defendant was convicted of shooting and robbing the victim, and then burning the victim's vehicle. The Defendant gave a full confession on video to shooting the victim multiple times but maintained at trial that the robbery was a mere afterthought. The case involved, among other things, the Defendant's alleged intellectual disability. However, the trial court conducted a hearing and considered expert testimony from both parties. The trial court then found that the Defendant was not mentally retarded under the current legal standard and, accordingly, could be sentenced to death. The Court of Criminal Appeals agreed and affirmed Lane's conviction and sentence.

Scott v. Scott, 38 So. 3d 79 (Ala. Civ. App. 2009), overruled in part by *Henderson v. Mogren*, 149 So. 3d 629 (Ala. Civ. App. 2014) (Jefferson County Circuit Court, DR-01-1601.01). A former husband petitioned the circuit court to modify his divorce judgment by terminating his obligation to make alimony payments. He alleged that his former wife was cohabitating with a member of the opposite sex and that her financial situation had improved while his had deteriorated. The former husband unilaterally ceased making alimony payments to the former wife and instead, based on his interpretation of recent caselaw, began making the payments into an escrow account held by his law firm. Sitting as a specially appointed circuit judge, I found that the husband failed to prove that the former wife was cohabitating, as the former husband alleged. However, I did find that there were changes in the parties' respective financial situations and modified the amount of alimony owed by the husband. Additionally, I held the former husband in contempt for ceasing to make alimony payments directly to his former wife as required by the original divorce decree. The Alabama Court of Civil Appeals affirmed my decision insofar as it related to the modification of alimony payments. However, it reversed my decision to hold the former husband in contempt based on its determination that the husband properly relied on existing caselaw and did not act in bad faith by deciding to pay alimony payments into an escrow account. The case that the former husband relied on in deciding to pay alimony into an escrow account was overruled in a subsequent decision of the Court of Civil Appeals. A copy of the decision was previously supplied in response to Question 13c.

- g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.

Court records indicate that, from February 18, 2011, when I assumed my current position, to April 4, 2017, I have issued unpublished memorandum opinions in 1,107 cases. Thus, approximately 90% of my cases were issued as unpublished memorandums. That percentage is roughly the same as the Court of Criminal Appeals as a whole for the same time period. Unpublished memorandum opinions are sent to the parties in the case and are kept on file in the office of the Clerk of the Court of Criminal Appeals.

- h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.

Keith v. State, (CR-15-1319, March 17, 2017) --- So. 3d --- (Ala. Crim. App. 2017), 2017 WL 1032529

Bohannon v. State, (CR-13-0498, December 18, 2015) --- So. 3d --- (Ala. Crim. App. 2015), 2015 WL 6443170

Johnson v. State (CR-10-1606, May 20, 2014) --- So. 3d ---- (Ala. Crim. App. 2014), 2014 WL 2061147

State v. Ziegler, 159 So. 3d 96 (Ala. Crim. App. 2014)

Ogburn v. State, 104 So. 3d 267 (Ala. Crim. App. 2012)

- i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.

I have never sat by designation on a federal court of appeals.

14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an “automatic” recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:

- a. whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you recused yourself sua sponte;
- b. a brief description of the asserted conflict of interest or other ground for recusal;
- c. the procedure you followed in determining whether or not to recuse yourself;
- d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

I base recusal decision in all cases on the principles set forth in the Alabama Canons of Judicial Ethics. The Court of Criminal Appeals does not have an automatic system for recusal. As a judge on the Court of Criminal Appeals, I am not aware of any instance in which a party has requested that I recuse. However, I recused myself sua sponte in the following cases:

McWhorter v. State, (CR-09-1129): I was the trial judge who presided over the case in the circuit court.

L.L.A. v. State, (CR-10-0091): I was the trial judge who presided over the case in the circuit court.

Kennamer v. State, (CR-12-0084): I was involved with this case at the trial level.

Phillips v. State, (CR-12-0197): This case was based on facts that occurred in my home county while I served as a District Judge. I was a privy to a great deal of pretrial information.

E.S.M. v. State, (CR-12-0259): This case was based on facts that occurred in my home county while I served as a District Judge. I was a privy to a great deal of pretrial information.

Pate v. State, (CR-12-0643): I was involved with this case at the trial level.

Scarver v. State, (CR-12-2115): The appellant's attorney was my commander in the Alabama National Guard.

Gericke v. State, (CR-13-0433): I was aware of many of the facts of this case based on my service in the Alabama National Guard.

Morrow v. State, (CR-13-0988): This case was based on facts that occurred in my home county while I served as a District Judge. I was a privy to a great deal of pretrial information.

Deramus v. State, (CR-13-1112): The appellant's attorney is married to a member of my staff.

McKleroy v. State, (CR-15-1271): I conducted the sentencing hearing and signed the sentencing order as a trial judge in the case.

Towles v. State, (CR-09-0396): This case was based on facts that occurred in my home county while I served as a District Judge. I was a privy to a great deal of pretrial information.

Jones v. State, (CR-16-0113): I was involved with this case at the trial level.

As a specially appointed circuit judge, I was asked to recuse by the defendant in *State v. Marks*, CC-08-44, because, Marks claimed, I ordered that he be incarcerated without a warrant. The record refuted his contention and I did not find it necessary to recuse. The Alabama Court of Criminal Appeals subsequently affirmed that decision in *Marks v. State*, (CR-09-0832, September 24, 2010) 84 So. 3d 1020 (Ala. Crim. App. 2010) (table).

15. Public Office, Political Activities and Affiliations:

- a. List chronologically any public offices you have held, other than judicial offices, including the terms of service and whether such positions were elected or appointed. If appointed, please include the name of the individual who appointed you. Also, state chronologically any unsuccessful candidacies you have had for elective office or unsuccessful nominations for appointed office.

None.

- b. List all memberships and offices held in and services rendered, whether compensated or not, to any political party or election committee. If you have ever held a position or played a role in a political campaign, identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.

Alabama Republican Party State Executive Committee (2006 – 2010)

Marshall County Republican Executive Committee

Vice Chair (2006)

Treasurer (2005 – 2006)

Member (2004 – Present)

During the Spring and Summer of 1996, I was a volunteer staff member on the campaign of my stepfather, Sid McDonald. He was a candidate in the Republican United States Senate primary, which was won by now-Attorney General Jeff Sessions. My duties included helping to organize several counties for the campaign.

During the Summer of 1990, I was a paid staff member on the campaign of Congressman Ronnie Flippo. Congressman Flippo was a candidate in the Alabama Democratic gubernatorial primary that was won by Paul Hubbert. My duties included scheduling appearances and advance work for Congressman Flippo.

In 1988, I was the Chair of the College Democrats at The University of Alabama.

16. **Legal Career:** Answer each part separately.

- a. Describe chronologically your law practice and legal experience after graduation from law school including:

- i. whether you served as clerk to a judge, and if so, the name of the judge, the court and the dates of the period you were a clerk;

I have not served as a clerk to a judge.

- ii. whether you practiced alone, and if so, the addresses and dates;

I have not practiced alone.

- iii. the dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been affiliated, and the nature

of your affiliation with each.

1994 – 2007

Burke & Beuoy, P.C., Attorneys at Law
(Now known as Burke, Beuoy & Maze, P.C.)
725 North Brindlee Mountain Parkway
Arab, Alabama 35106
Partner

1994 – 2001

City of Arab
740 North Main Street
Arab, Alabama 35016
Municipal Prosecutor and Municipal Attorney

- iv. whether you served as a mediator or arbitrator in alternative dispute resolution proceedings and, if so, a description of the 10 most significant matters with which you were involved in that capacity.

I have not served as a mediator or arbitrator.

b. Describe:

- i. the general character of your law practice and indicate by date when its character has changed over the years.

I was in private practice with the firm now known as Burke, Beuoy & Maze, P.C. from 1994 until 2007. I represented both plaintiffs and defendants in a wide variety of criminal and civil matters. The character of my law practice was about 40% real estate, 50% litigation, and 10% business and probate.

- ii. your typical clients and the areas at each period of your legal career, if any, in which you have specialized.

I have represented a wide variety of clients, including individuals, businesses, banks, corporations, municipalities and real estate developers. My practice was split between real estate law, litigation, and business and probate work. During my years of private practice, I specialized in real estate law, family law, probate law, and municipal law.

- c. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe such variance, providing dates.

Approximately 50% of my practice was devoted to litigation. I appeared in court

frequently, often several times each week. As an attorney in a small rural town, I appeared often in municipal, probate, district, and circuit courts. The following estimates are an attempt to provide an average of my experience over my years in private practice.

i. Indicate the percentage of your practice in:

- | | |
|-----------------------------|-----|
| 1. federal courts: | 1% |
| 2. state courts of record: | 38% |
| 3. other courts: | 60% |
| 4. administrative agencies: | 1% |

ii. Indicate the percentage of your practice in:

- | | |
|--------------------------|-----|
| 1. civil proceedings: | 90% |
| 2. criminal proceedings: | 10% |

d. State the number of cases in courts of record, including cases before administrative law judges, you tried to verdict, judgment or final decision (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

I appeared in court more than 1000 times over the course of my private law practice, handling motions, pleas, settlements, and other matters. I have tried more than 500 cases, acting as sole or chief counsel and associate counsel in approximately 10 cases.

i. What percentage of these trials were:

- | | |
|--------------|-----|
| 1. jury: | 1% |
| 2. non-jury: | 99% |

e. Describe your practice, if any, before the Supreme Court of the United States. Supply four (4) copies of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice.

I have not practiced before the Supreme Court of The United States.

17. **Litigation:** Describe the ten (10) most significant litigated matters which you personally handled, whether or not you were the attorney of record. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:

- the date of representation;
- the name of the court and the name of the judge or judges before whom the case

was litigated; and

- c. the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

1. *Sutton v. Elrod*, 724 So. 2d 551 (Ala. Civ. App. 1998), Marshall County Circuit Court, DR-90-271.01, Judge William D. Jetton

In 1998 a divorced father petitioned the circuit court to establish visitation rights with his eight-year-old child whom he had not seen for seven years. I represented the mother who cross-petitioned to terminate the father's parental rights. Evidence at the hearing indicated that the father had lived and worked in another state for the past seven years and had made minimal efforts to have contact with his child. Additionally, the father had never paid child support. The mother testified that her son was well-adjusted and doing well in school and that establishing a relationship with his estranged father would be detrimental at that point. The circuit court agreed and entered an order terminating the father's parental rights. The Alabama Court of Civil Appeals affirmed that judgment.

Counsel for the Father:

Dan Warnes
Warnes & Logan
2312 Taylor Street
Guntersville, AL 35976
256-582-6914

2. *Chappel v. Esty*, 655 So. 2d 1011 (Ala. Civ. App. 1995), Marshall County Circuit Court, DR-1992-000312.02, Judge William C. Gullahorn

In 1992, my firm's client and her former husband entered into a divorce settlement agreement wherein the former husband was required, among other things, to pay her a lump sum. When he failed to make that payment, the wife petitioned the court to hold him in contempt. The circuit court refused to hold the husband in contempt because, it reasoned, the judgment of divorce did not "order" the parties to abide by the settlement agreement. Although the case was handled by my law partner at trial, I had primary responsibility for the appellate brief. On appeal, I pointed out that the settlement agreement was incorporated into the judgment of divorce and, therefore, became part of the judgment and was enforceable. The Alabama Court of Civil Appeals agreed and reversed the judgment of the circuit court.

Counsel for the Defendant:

Clyde D. Baker
Mr. Baker has been deceased for several years.

Co-counsel for Plaintiff:

Dave Beuoy
Burke & Beuoy
740 North Main Street
Arab, AL 35016
(256)-586-3540

3. *Hathcock v. Hathcock*, 685 So. 2d 736 (Ala. Civ. App. 1996), Marshall County Circuit Court, DR-94-386, Judge William D. Jetton

In 1994, my firm represented a father in a post-divorce modification case. The mother had primary custody and the father had visitation rights on certain weekends. At some point after the divorce, the father moved to a different town. According to the mother, this increased her transportation costs in facilitating visitation and she sought to have the father pay half of that expense. Part of the circuit court's order required the father to pay a monetary penalty to the mother in the event he missed a scheduled visitation. This case was handled at trial by my law partner, however I had primary responsibility for preparing the appellate brief. On appeal, I argued that the mother did not ask for such a penalty in her complaint and that the issue was not tried by express or implied consent before the court. Additionally, I argued that the penalty violated Alabama law. The Court of Civil Appeals agreed and reversed that part of the circuit court's judgment.

Co-counsel for the Father:

Dave Beuoy
Burke & Beuoy
740 North Main Street
Arab, AL 35016
(256)-586-3540

Counsel for the Mother:

Will Beard
P.O. Box 88
Guntersville, AL 35976
(256) 582-6787

4. *City of Arab v. The Zoning Board of Adjustment of the City of Arab*, Marshall County Circuit Court, CV-2000-000033.00, Judge Tim Jolley

From January 26, 2000 to August 22, 2000, I represented the City of Arab against the Zoning Board of Adjustment. The Zoning Board granted a variance to a business allowing them to construct a building several feet past the front set-back line established by the City zoning ordinance. The Circuit Court held for the Defendant,

finding that the City was partly responsible in that its' own building inspector granted a building permit. The case was not appealed.

Counsel for the Zoning Board:

George Melvin Barnett
P.O. Box 93
Guntersville, AL 35976
(256) 582-0133

5. *A.R. and A.R. v. S.W. and S.W.*, Marshall County Juvenile Court, JU-2002-000194 and JU-2002-000195, Judge Howard Hawk

From January 28, 2004 to March 5, 2004, I represented A.R. and A.R. seeking custody of two children who were not related to them. The facts at trial indicated that the children of A.R. and A.R. went to daycare with the minor children E.W. and C.W. Following daycare one after noon, the mother of E.W. and C.W. offered A.R. and A.R. custody of her two children despite the fact that she did not know them. A.R. and A.R. took custody because they suspected that something was wrong. It quickly became apparent that E.W. and C.W. had been physically and sexually abused. A.R. and A.R. sought custody of both children and sought the termination of parental rights of the children's parents. After a bench trial, including a recommendation by the guardian ad litem in favor of A.R. and A.R., the juvenile court terminated the parental rights of the parents and awarded custody to A.R. and A.R.

Attorney for the Children:

Jamie Parris Logan
2312 Taylor Street
Guntersville, AL 35976
(256) 582-0906

6. *State v. Warden*, Marshall County Circuit Court, CC-2001-000146, Judge Tim Jolley

From 2001 to 2003, I represented Robert Warden, who was the Chief of the Georgia Mountain Volunteer Fire Department. Warden was employed full-time by the City of Guntersville, Alabama as a fireman. Warden took some old light bars (the flashing lights on top of emergency vehicles) from the City of Guntersville shop for use on vehicles with his volunteer fire department. Warden was charged with theft. Warden's position was that the light bars were scrap and had been discarded by the City of Guntersville. The case was dismissed after a hearing, but then the State re-indicted him. The trial court again dismissed the matter with prejudice.

Counsel for the State:

Hon. Steven Marshall, Attorney General (General Marshall was the Marshall County District Attorney at the time this case was prosecuted)
State of Alabama, Office of the Attorney General
501 Washington Avenue
Montgomery, AL 36104
(334) 242-7300

7. *Jarmon v. Jarmon*, CV-1998-000158, Judge William C. Gullahorn

In this matter, I represented Mrs. Ophie Jarmon. Mrs. Jarmon was at the time in her seventies. Many years earlier she had conveyed her home and real property to her son and grandson in return for a promise that they would care for her in her old age. At some point following the conveyance, they ceased to care for her. She asked that they convey her home and real property back to her and they refused. After a bench trial, the Circuit Court ruled in favor of my client and awarded her title to her home and real property.

Counsel for Defendants:

Daniel T. Warnes
Warnes & Associates
P.O. Box 906
Guntersville, AL 35976
(256) 582-6914

8. *Morris v. Snead State Community College, et. al.*, Marshall County Circuit Court, CV 2003-200154, Judge Tim Jolley

From 2003 to 2005, I represented James Morris, the former men's basketball coach at Snead State Community College. Morris was terminated from his position. The College's position was that Morris was not a tenured employee under his contract. Morris disagreed and filed suit for damages and reinstatement. After extensive pre-trial discovery and motion practice, the matter was settled.

Counsel for the Plaintiff:

James R. Berry
P.O. Box 1815
Albertville, AL 35950
(256) 878-8500

9. *B.D. and C.D. v. W.S.*, Marshall County Juvenile Court, JU-2001-001101, Judge Howard Hawk

From 2001 to 2002, I represented B.D. and C.D. in an action seeking custody of a minor child, S.S. S.S. was the niece of B.D. and C.D. Additionally, B.D. and C.D.

sought to terminate the parental rights of S.S.'s father. The evidence at trial indicated that S.S. had been physically and sexually abused by her father and that S.S.'s mother was deceased. After a bench trial, the juvenile court terminated the parental rights of the father and awarded sole custody of S.S. to the petitioners. To the best of my recollection, the matter was appealed to the Alabama Court of Civil appeals and was affirmed with no opinion.

Counsel for the father:

Shane Hollaway
830 Blount Ave.
Guntersville, AL 35976
(256) 571-0151

10. *Miller v. Sloan*, Marshall County Circuit Court, DR 1995-000022.02, Judge David J. Evans, Jr.

From 2004 to 2005, I represented the father in an action to seek custody of his two minor children from the mother who had previously been awarded custody. The evidence at trial indicated that the mother was involved in the use and sale of illegal drugs while exercising custody of the children. After a bench trial, the circuit court awarded full custody to my client. The case was not appealed.

Counsel for the Plaintiff:

Will Beard
P.O. Box 88
Guntersville, AL 35976
(256) 582-6787

18. **Legal Activities:** Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities. List any client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organizations(s). (Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

Upon taking office Marshall County District Judge in 2007, I helped create and implement two specialty courts that directly addressed the issues of domestic violence and drug addiction.

The first of these, the Marshall County Domestic Violence Court, was created in partnership with Judge Tim Riley and local stakeholders. Our goal was to create a court that was "safe" for victims and also provided thorough treatment and monitoring of those who were found guilty of domestic violence. The program provided victims with a

counselor and a place apart from the alleged perpetrator to await proceedings. Those participating in the program appeared before me regularly to discuss their progress in the program. While jail remained a well-used option for perpetrators of domestic violence, the program also offered extensive options for treatment and rehabilitation. The results of this new court greatly increased the number of victims who felt safe to testify against a perpetrator, and it helped change the behavior of perpetrators in the future.

The second program, the Marshall County Family Drug Court, was created with local stakeholders to help drug addicted parents regain custody of their children by providing free or reduced drug testing and treatment for those parents. Previously, children would be removed from the custody of their drug addicted parents and placed in Foster Care. Parents would be given so many months in order to become drug free, or they risked losing custody of their children forever. Family Drug Court affirmatively provided parents with drug treatment, testing, and counseling. I required all the participants to appear before me on a regular basis to discuss and monitor their progress in the program. As a result, many more parents were able to stay drug free and regain custody of their children.

In the Spring of 2015, I was elected President of the Alabama Appellate Judges Association. On many occasions over the past two years, I met with and discussed issues facing appellate courts with members of the legislature, mostly regarding budgets. Several other judges from Alabama's trial and appellate courts were involved in these discussions.

I have not performed any lobbying activities.

19. **Teaching:** What courses have you taught? For each course, state the title, the institution at which you taught the course, the years in which you taught the course, and describe briefly the subject matter of the course and the major topics taught. If you have a syllabus of each course, provide four (4) copies to the committee.

I have not taught any courses.

20. **Deferred Income/ Future Benefits:** List the sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients or customers. Describe the arrangements you have made to be compensated in the future for any financial or business interest.

None.

21. **Outside Commitments During Court Service:** Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service with the court? If so, explain.

If confirmed, I have no plans or commitments of this sort.

22. **Sources of Income:** List sources and amounts of all income received during the calendar year preceding your nomination and for the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, licensing fees, honoraria, and other items exceeding \$500 or more (if you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be substituted here).

See attached Financial Disclosure Report.

23. **Statement of Net Worth:** Please complete the attached financial net worth statement in detail (add schedules as called for).

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

- a. Identify the family members or other persons, parties, categories of litigation, and financial arrangements that are likely to present potential conflicts-of-interest when you first assume the position to which you have been nominated. Explain how you would address any such conflict if it were to arise.

I do not have any family members or other persons, parties, categories of litigation, and financial arrangements that are likely to present potential conflicts-of-interest. If confirmed, I would carefully follow 28 U.S.C. 455 and Canon 3 of the Code of Conduct for United States Judges. I would also promptly review the parties, their affiliates, and the issues in all matters assigned to me so I could make a prompt and informed decision about the need for recusal.

- b. Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern.

If confirmed, I would carefully follow 28 U.S.C. 455 and Canon 3 of the Code of Conduct for United States Judges. I would also promptly review the parties, their affiliates, and the issues in all matters assigned to me so I could make a prompt and informed decision about the need for recusal.

25. **Pro Bono Work:** An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional workload, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each.

I was a member of the Volunteer Lawyers Program of the Alabama State Bar Association from 1996 to 2007. During that time, I handled approximately ten pro bono cases for litigants who could not afford an attorney.

During my years as a practicing attorney, I was very involved in the United Way of

Marshall County, serving for nine years on the Board of Directors, including one term as Chair of the Board. Additionally, after leaving the Board, I served as the Campaign Chairman for the 2005 Annual Fund Drive.

On two occasions I have traveled to Ecuador as a volunteer with United Methodists from across North Alabama on ten-day medical mission trips. During both of those trips, our group brought medical doctors, dentists, nurses, and optometrists to offer free care for those who could not afford it.

I was very involved in the Salvation Army of Marshall County, serving on the Board of Directors from 1996 to 2003.

From 2005 to 2007 I served on the Board of Marshall County Christian Services. One of the major missions of this organization was to provide job training for mothers who had been in the criminal justice system.

26. Selection Process:

- a. Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and the interviews in which you participated). Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts? If so, please include that process in your description, as well as whether the commission recommended your nomination. List the dates of all interviews or communications you had with the White House staff or the Justice Department regarding this nomination. Do not include any contacts with Federal Bureau of Investigation personnel concerning your nomination.

I am not aware of a selection commission in Alabama. In December of 2016, I wrote letters to U.S. Senators Richard Shelby and Jeff Sessions expressing my interest in one of the U.S. District Judges vacancies in the Northern District of Alabama. I also spoke with then Attorney General Luther Strange by telephone regarding the vacancies. During January of 2017, I had a conversation with Senator Shelby's staff regarding my interest in the position. On February 7, 2017, Senator Shelby telephoned to inform me that my name would be submitted to the Office of White House Counsel for consideration. During the middle part of March of 2017, I interviewed with officials from the White House Counsel's Office and the Office of Legal Policy at the Department of Justice in Washington, D.C. Since that time, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On July 19, 2017, the President submitted my nomination to the Senate.

- b. Has anyone involved in the process of selecting you as a judicial nominee discussed with you any currently pending or specific case, legal issue or question in a manner that could reasonably be interpreted as seeking any express or implied assurances concerning your position on such case, issue, or question? If

so, explain fully.

No.