

A Chronology of Issues of Criminal Court Division One Judge, Paula Skahan

During the proceedings of Petitioner Vern Braswell from 2009 through 2016, Judge Paula Skahan:

- Allowed delays that caused Post-Conviction proceedings to last approximately seven years.
- Knew many delays (between 2 to 4 years) were due to the State's non-compliance with sharing evidence including being evasive and at times, out right lying about the location or availability of evidence
- Very disrespectful to petitioner
- Made negative dismissive comments about seriousness of petitioner's right to obtain evidence
- Made very mean, nasty, and demeaning comments to petitioner
- Insulted petitioner
- Recklessly hurled false accusations at petitioner in the face of evidence to the contrary and never apologized even when it was evident she was wrong (Nov. 2015)
- Falsely accused petitioner of figuratively "attacking" his attorney when petitioner's supportive behavior was to the contrary and the judge refused or neglected to apologize when her error was pointed out
- Made determinations in favor of the state with no evidence to support her decisions
- Received evidence that a public official likely perjured herself yet did nothing
- Received information that there was no evidence that the medical examiner that performed the autopsy and testified in case, ever worked at the Shelby County Medical Examiner's office yet the judge did nothing after learning this troubling fact.
- Allowed delays of almost a year before she would listen to the Complainant concerns during his post-conviction proceedings about being able to obtain evidence needed to meet his burden of proof.
- After being obviously stunned by the state withholding evidence in a sealed envelope with initials and a note on it, she neglected to take action to protect the integrity of the withheld evidence with later inexplicably vanished.

- Exhibited neglectful behavior hinted or indicated she was reluctant to go down a path that would reveal malfeasance by the DAG and her behavior supported those indications
- Made snide and disrespectful comments to the petitioner as well as about the petitioner when he wasn't present to other attorneys

INTRO

When the Complainant to this action, Vern Braswell, received an anonymous letter of apology in July of 2020 that was accompanied by evidence that was mysteriously missing from the trial court record, one of the statements in the letter said “respect for (criminal court) division one was lost”.

After a deep dive into the transcripts that document Shelby County Criminal Court Judge Paula Skahan's multiple instances of insulting, making derogatory remarks, ostracizing, bullying, biases, and blatant disrespect of Vern Braswell while his case was in Criminal Court Division One for his post-conviction, another statement from the letter became abundantly clear; that statement from the letter said, “Not everyone was okay with **the games played on (Vern) in court**”.

While in Judge Paula Skahan's courtroom, Vern needed a 1968 Sanitation Strike “I AM A MAN” sign to remind Judge Skahan that Vern *was a man*, **not 3/5 of a man**. Judge Skahan talked to Vern on multiple instances in a way that you wouldn't even talk to a child, let alone a Black man!

This attitude towards a Black man is as clear a picture as you're going to get of the remains of poor attitudes towards a Black man in the Shelby County Criminal Justice system. Sadly, the way she treated Vern was **not an isolated incident**.

As Vern maintained respect and decorum, he was insulted and made fun of by Judge Skahan. As Vern begged for evidence, Judge Skahan was dismissive. As Vern exercised patience, Judge Skahan's inaction paved the way for evidence to vanish.

As Vern uncovered possible corruption by government officials, the judge berated him with the following exchange,

“...you are a little sensitive, okay. And I am used to dealing with attorneys and maybe I hurt their feeling, but I really don’t care, I am used to dealing with people as a Judge, okay. I am the only ego in here I care about. That is basically the way it is, okay ... So deal with it!”

During this exchange, Judge Skahan’s Mortal Kombat finishing move on Vern, consisted of, **“I’m not happy about you case being on my docket either!”**

It is unacceptable how this judge brazenly and unashamedly treated the Complainant, a Black man, in open court. At a minimum, a public and written apology from Judge Skahan would be desired.

The Complainant believes corrective actions by the Tennessee Board of Judicial Conduct would be appropriate to ensure that no Black man in her courtroom is ever subjected to this treatment again.

Citations are from transcripts of appearances / report dates

In 2009, Vern Braswell filed a petition for post-conviction relief in the Shelby County Criminal Court which was assigned to Judge Paula Skahan of Criminal Court Division One. Attorney Taylor Eskridge-Bachelor was appointed as Vern’s post-conviction attorney. Betsy Carnesale-Wiseman was the initial post-conviction prosecutor; Ms. Carnesale-Wiseman was later followed by prosecutor Bryan Davis.

On May 10th, 2010 a year after filing for post-conviction relief:

Vern reminds Judge Skahan that over the past year he had been trying to communicate with Judge Skahan about having trouble obtaining evidence and reminds the judge that he has literally been begging the judge for help obtaining evidence over stretches of time.

Vern is **very praising of his appointed attorney**, Ms. Taylor Eskridge-Bachelor. Vern asks the Court about hybrid representation to take some of the load off of Attorney Eskridge-Bachelor. Vern tells the Court the evidence is crucial for meeting the evidentiary standard of proof to establish a wrongful conviction, and Vern respectfully and clearly articulates his grievances.

Vern **absolutely refuses to make any accusations concerning appointed Attorney Eskridge-Bachelor in open court and refuses say anything to the Court that would be a negative reflection on Ms. Eskridge-Bachelor.**

Even though Judge Skahan promises that Vern will be brought down in two weeks to address the issue of obtaining evidence, it is over nine months before Judge Skahan addresses those evidentiary issues. **This inaction by Judge Skahan demonstrated:**

- Lack of respect for what she promised defendant
- Lack of concern for defendant respectfully asserting his rights
- Lack of concern for ensuring that defendant receives evidence he's entitled to receive
- Lack of ability to recall
- Lack of concern for rule of law or rules of evidence
- Lack of an ability or desire to handle important evidentiary issues of defendants

But one month later on **June 15th, 2010** (Announcements (21dates) transcript p. 13):

Judge Skahan makes a very negative and sarcastic snide comment about Vern not being present in court; **"I hate to disappoint you"** insinuating that he's a troublesome or bothersome presumably because of his repeated request for evidence Vern needs to meet the evidentiary standard of proof and to provide evidence of constitutional violations.

This highly inappropriate comment by Judge Paula Skahan demonstrated:

- How little Judge Paula Skahan thinks about Vern
- Lack of concern for defendant respectfully asserting his rights
- Lack of concern for ensuring that defendant receives evidence he's entitled to receive
- Appearance of impropriety by Judge Skahan
- Shows evidence bias by Judge Skahan

- Shows mean spiritedness
- Shows negative and poor attitude towards defendant
- Shows a lack of compassion
- Lack of professionalism
- Judge showed a lack of respect for the rights of the defendant
- Lack of respect for defendants
- Lack of decorum
- Lack of self-control
- Lack of professionalism
- Very insensitive

Another month later **on July 27th, 2010** (Announcements (21dates) transcript p. 13 - 14): **Judge Skahan makes a very negative dismissive comment** about Vern's perception of issues concerning evidence "well he make think (the issues) are (complicated) but if I deem them unimportant then they're not important and she does this without having a discussion about the importance of evidence in spite of her promises to bring Vern back with Attorney Eskridge-Bachelor to make those determinations. **This inappropriate and uninformed dismissive comment further shows how little the judge thought about Vern.**

- Lack of respect for what she promised defendant
- Lack of concern for defendant respectfully asserting his rights
- Lack of concern for ensuring that defendant receives evidence he's entitled to receive
- Lack of ability to recall
- Appearance of impropriety by Judge Skahan
- Shows evidence bias by Judge Skahan
- Shows mean spiritedness
- Shows negative and poor attitude towards defendant
- Shows a lack of compassion
- Lack of concern for rule of law or rules of evidence
- Lack of professionalism
- Lack of an ability or desire to handle important evidentiary issues of defendants

- Judge showed a lack of respect for the rights of the defendant
- Lack of respect for defendants
- Very insensitive

Nine months later, on **March 25th, 2011** (Announcements (21dates) transcript p. 17 - 20): **Over two years after filing the post-conviction petition and over nine months after originally begging Judge Skahan for evidence**, Vern is finally allowed to argue that there is likely favorable or exculpatory evidence that was withheld and why he feels he needs it to prove constitutional violations, or at the very least, the ability to inspect the DA's files to make an informed determination on whether exculpatory evidence was withheld.

Vern strenuously argues that he's entitled to evidence and afterwards Judge Skahan finally gives in to Vern's persistence. However, after Judge Skahan determines that Vern should have access to the evidence, appointed **Attorney Eskridge-Bachelor returns to Judge Skahan privately to remind the judge that prosecutors have refused her and other attorneys access to the "Braswell" files and that prosecutors have blatantly lied about the whereabouts of their "Braswell" files on the investigation of the murder case by telling her she couldn't see the "Braswell" files because the "files were in California"**

In response to this obviously unethical behavior clearly designed to hurt Vern, **Judge did nothing punitive or cautionary to the prosecutors. This inaction by Judge Skahan demonstrated:**

- Appearance of impropriety by Judge Skahan
- Shows evidence bias by Judge Skahan
- Lack of concern for rule of law or rules of evidence
- Lack of an ability or desire to handle important evidentiary issues of defendants
- Lack of disdain for unethical behavior from officers of the court, specifically prosecutors
- Lack of concern for fair ethical treatment of defendant

- Judge showed a lack of respect for the rights of the defendant
- The appearance of special protections for certain prosecutors if they appear to engage in misconduct

During the **private bench conference on the same March 25th, 2011 report date**, in the presence of and with the consultation of Judge Skahan, **prosecutor Doug Carriker promised that there would be thousands of pages available to Vern** (p. 22), that Carriker and Attorney Eskridge-Bachelor would meet (p. 22), that Carriker would do “open file” and Attorney Eskridge-Bachelor could copy whatever they thought was exculpatory (p. 25) and Attorney Eskridge-Bachelor could “look through anything we have” (p. 25).

Prosecutor Carriker interestingly and cryptically added, **“There shouldn’t be anything to hide at this point since he’s already been convicted”**. (p. 26)

It’s worth mentioning that:

After the March 25th court date, Vern filled out a subpoena request for the personnel records of the forensic pathologist working for Shelby County ME’s Office who performed the autopsy and whom also testified for the state at trial. Vern sent these to the court clerk’s office with the understanding that they would be sent to Judge Skahan for review and approval. Vern did this because **he had been begging for evidence for years without any success, in spite of many pleas to Judge Skahan** and because Vern had many suspicions concerning the pathologist and the autopsy results that landed him in prison for a quarter of a century.

During the scheduled April meeting between prosecutor Carriker and Attorney Eskridge-Bachelor, **a sealed envelope of evidence with the trial prosecutor’s initials on it and a note saying that the envelope should not be shown to the defense was discovered in the DAs file on Vern’s case. The trial prosecutor was the current DAG Amy Weirich.**

On **April 20, 2011 (Announcements (April 20, 2011) transcript** p. 5) appointed Attorney Eskridge-Bachelor tells Judge Skahan that Vern issued a subpoena. Ms. Eskridge-Bachelor also mistakenly accuses Vern of putting Ms. Eskridge-Bachelor's information on the subpoena (which Vern denied). Ms. Eskridge-Bachelor informs Judge Skahan that Shelby County said **we don't have any records that the Medical Examiner, (Dr. Joye Carter,) ever worked here.** Ms. Eskridge-Bachelor also informs Judge Skahan that Dr. Carter was the medical examiner on the case (that performed the autopsy), that Dr. Carter also testified, that this is suspicious, and **"everything is weird about this case"** (p. 5)

In the face of this obviously troubling information, **Judge Skahan did nothing** when she could have ordered an investigation or reported this to an investigative agency or law enforcement agency. **Judge Skahan's inaction showed:**

- **The appearance of impropriety because it reeks of a willingness to turn a "blind-eye" to suspicious of potentially illegal behavior involving prosecutors.**
- A lack of concern for a defendant's due process protections
- Shows evidence bias by Judge Skahan
- Lack of concern for rule of law or rules of evidence
- Lack of an ability or desire to handle important evidentiary issues of defendants
- Lack of disdain for potentially unethical from officials working on behalf of the prosecution. Lack of concern for fair ethical treatment of defendant
- Judge showed a lack of respect for the rights of the defendant
- The appearance of special protections for officials working on behalf of the prosecution.
- Judge Skahan showed a reluctance to take corrective actions even though Judge Skahan's reactions to improprieties were indicative of misconduct by a government official, namely, a Shelby County Medical Examiner.
- Judge Skahan showed a lack of concern for the integrity of evidence

Also **on April 20, 2011** Judge Skahan was informed that during the meeting where prosecutor Carriker promised full access to everything in the DA's file on Vern's case, **a**

sealed envelope of withheld evidence was discovered in Vern's file. Following this discovery, **prosecutor Carriker became terrified** of sharing all of the evidence despite Carriker's earlier promises. This shocked Judge Skahan so much that **the judge could only initially utter, "Oh my Gosh!"** (p. 6).

When **Attorney Eskridge-Bachelor voices a desire to know what's in the sealed envelope**, Carriker repeats his newfound **fears of sharing evidence** even though Carriker's supervisor was instructing him to reveal everything to Ms. Eskridge-Bachelor (p. 6). Notwithstanding, in lines 16 through 21 **Carriker and Judge Skahan appeared reluctant to go down a path that might expose misconduct by DAG Amy Weirich whose initials were on the sealed envelope and whom was the trial prosecutor.**

Judge Paula Skahan's exchange with Prosecutor Carriker gives the appearance of special protections for DAG Weirich by Judge Skahan.

Even though Attorney Eskridge-Bachelor is telling Judge Skahan that **all of Vern's requests make sense**, Carriker repeats his **brand new fears of sharing evidence** and in spite of his many prior promises **Again Judge Paula Skahan's inaction demonstrated how little the judge thought of Vern in her courtroom:**

- Lack of concern for ensuring that defendant receives evidence he's entitled to receive
- Appearance of impropriety by Judge Skahan
- Shows evidence bias by Judge Skahan
- Lack of concern for rule of law or rules of evidence
- In response to obviously unethical behavior clearly designed to hurt Vern, Judge Skahan did nothing punitive or cautionary to the prosecutors
- Lack of an ability or desire to handle important evidentiary issues of defendants
- Lack of disdain for unethical behavior from officers of the court, specifically prosecutors
- Lack of concern for fair ethical treatment of defendant
- Judge showed a lack of respect for the rights of the defendant

- The appearance of special protections for certain prosecutors if they appear to engage in misconduct
- Judge showed a refusal to protect the integrity of withheld evidence
- Judge Skahan showed a reluctance to take corrective actions even though Judge Skahan's reactions to improprieties were indicative of misconduct by a high ranking officer of the court
- Judge Skahan showed a lack of concern for the integrity of evidence

Also on April 20th, 2011, Judge Skahan accuses Vern of issuing a subpoena in attorney Eskridge-Bachelor's name. Vern explained why he filled out a subpoena but denied doing it in the attorney's name (p. 9 – 10). After Vern expresses being hurt for being improperly accused of forging the attorney's name, Judge Skahan derogatorily snaps at Vern in a mean-spirited and insensitive way with the following insult, "You take offense at anything!" (p. 11) Judge Skahan's insult is contrary to Vern's demeanor in court for the past two years which had been one of respect and proper etiquette. Judge Paula Skahan's inaccurate and inappropriate insult and characterization of Vern continued to show how little the judge thought about him.

- Judge Skahan showed an inability to recall facts
- Appearance of impropriety by Judge Skahan
- Shows evidence bias by Judge Skahan
- Shows mean spiritedness
- Shows negative and poor attitude towards defendant
- Shows a lack of compassion
- Lack of professionalism
- Lack of respect for defendants
- Lack of decorum
- Total lack of respect for Black men
- Lack of professionalism
- Very insensitive
- Inability to make evaluations based on reality

Judge Skahan also makes the determination that Vern believes Ms. Eskridge-Bachelor is “working against him” even though **Vern has done nothing but complimented Ms. Eskridge-Bachelor**. In vain Vern tries to remind the judge that he’s tried to keep her apprised of not getting evidence (p. 11). **Judge Paula Skahan’s inappropriate reaction to the facts demonstrates:**

- No respect for what she promised defendant
- Lack of concern for defendant respectfully asserting his rights
- Lack of ability to recall
- Judge Skahan showed an inability to recall facts
- Shows evidence bias by Judge Skahan
- Shows mean spiritedness
- Shows negative and poor attitude towards defendant
- Lack of concern for fair ethical treatment of defendant
- Unwilling to make statements based on the facts

When Vern tries to defend himself from accusations, Judge Skahan, in a very mean-spirited derogatory fashion, yells at Vern, “Just drop it!” (p. 12) and again **falsely accuses Vern of attacking Ms. Eskridge-Bachelor when the record clearly shows that it is an improper characterization and misrepresentation of Vern**. The record also demonstrates Vern had been patient, gracious, non-confrontational, and praising of Ms. Eskridge-Bachelor contrary to Judge Skahan’s claims (p. 12) and he respectfully tries to remind the judge of this (p. 12 -13). **Judge Paula Skahan’s inaccurate and inappropriate characterization of Vern showed how little Judge Skahan feels about Vern** this also shows a:

- Lack of ability to recall
- Judge Skahan showed an inability to recall facts
- Appearance of impropriety by Judge Skahan
- Shows evidence bias by Judge Skahan
- Shows mean spiritedness
- Shows negative and poor attitude towards defendant
- Shows a lack of compassion

- Lack of professionalism
- Judge showed a lack of respect for the rights of the defendant
- Lack of respect for defendants
- Unwilling to make statements based on the facts
- Lack of decorum
- Lack of self-control
- Lack of professionalism
- Very insensitive
- Making misrepresentations about defendants when the record clearly states the opposite
- Inability or reluctance to make evaluations based on reality
- No evidence of remorse when wrong

After Braswell tells the the judge he felt hurt and shocked that he was falsely accused of forging the attorneys name, Judge Skahan bullies Vern by not only demeaning and insulting him again (p. 14), but Judge Skahan goes on a very disrespectful tirade against Vern by addressing him in a fashion in which an adult wouldn't even speak to a child, let alone a grown man who was actually correct.

“...you are a little sensitive, okay. And I am used to dealing with attorneys and maybe I hurt their feeling, but I really don't care, I am used to dealing with people as a Judge, okay. I am the only ego in here I care about. That is basically the way it is, okay ... So deal with it!”

This tirade showed a:

- Lack of concern for defendant respectfully asserting his rights
- Lack of ability to recall
- Appearance of impropriety by Judge Skahan
- Shows evidence bias by Judge Skahan
- Shows mean spiritedness
- Shows negative and poor attitude towards defendant
- Shows a lack of compassion
- Lack of professionalism

- Judge showed a lack of respect for the rights of the defendant
- Lack of respect for defendants
- Unwilling to make statements based on the facts
- Lack of decorum
- Lack of self-control
- Total lack of respect for Black men
- Lack of professionalism
- Very insensitive
- Making misrepresentations about defendants when the record clearly states the opposite
- Inability to make evaluations based on reality
- No evidence of remorse when wrong

Vern again tries to remind Judge Skahan of **the years of empty promises and delays and Judge Skahan again disrespectfully snaps at him, “I’m not happy about your case being on my docket either...!”** This very inappropriate behavior by Judge Paula Skahan demonstrates:

- Lack of concern for defendant respectfully asserting his rights
- Lack of ability to recall
- Appearance of impropriety by Judge Skahan
- Shows evidence bias by Judge Skahan
- Shows mean spiritedness
- Shows negative and poor attitude towards defendant
- Shows a lack of compassion
- Lack of professionalism
- Lack of an ability or desire to handle important evidentiary issues of defendants
- Lack of concern for fair ethical treatment of defendant
- Lack of respect for defendants
- Lack of decorum
- Lack of self-control
- Total lack of respect for Black men

- Lack of professionalism
- Very insensitive
- No evidence of remorse when wrong

On **July 1st, 2011** (Announcements (21 dates) p. 26 – 27), **3 months after the discovery of sealed envelope**, not only have the contents not been revealed to Vern’s attorneys, **Judge Skahan has not taken any steps to protect the integrity of the envelope and its contents** (p. 27).

However, **Judge Skahan DOES continue to engage in making derogatory and disrespectful jabs, snaps, and insults about Vern to other attorneys when Vern is not present** (p. 27). Judge Skahan seems to make these insults because for two and a half years Vern hasn’t stop begging for evidence that she claimed he was entitled to receive. This inappropriate behavior by Judge Paula Skahan demonstrates a continual:

- Lack of concern for defendant respectfully asserting his rights
- Lack of concern for ensuring that defendant receives evidence he’s entitled to receive
- Appearance of impropriety by Judge Skahan
- Shows evidence bias by Judge Skahan
- Shows mean spiritedness
- Shows negative and poor attitude towards defendant
- Shows a lack of compassion
- Shows lack of concern for rule of law or rules of evidence
- Lack of professionalism
- In response to obviously unethical behavior clearly designed to hurt Vern, Judge Skahan did nothing punitive or cautionary to the prosecutors
- Lack of an ability or desire to handle important evidentiary issues of defendants
- Lack of disdain for unethical behavior from officers of the court, specifically prosecutors
- Lack of concern for fair ethical treatment of defendant
- Judge showed a lack of respect for the rights of the defendant

- The appearance of special protections for certain prosecutors if they appear to engage in misconduct
- Judge showed a refusal to protect the integrity of withheld evidence
- Lack of respect for defendants
- Lack of decorum
- Lack of self-control
- Total lack of respect for Black men
- Lack of professionalism
- Very insensitive
- Judge Skahan showed a lack of concern for the integrity of evidence
- Inability to make evaluations based on reality
- No evidence of remorse when wrong

On **October 11, 2013** (Announcements (21 dates) p. 36 -), well **over two and a half years later Judge Skahan is made aware that not only have the contents of the sealed envelope of withheld evidence not been turned over to Vern's attorneys, now the sealed envelope has vanished** (p. 37) and **still Judge Skahan does nothing**. One of the exchanges during the bench conference seems to reaffirm the appearance that the judge was okay with protecting DAG Amy Weirich in the event that DAG Weirich engaged in misconduct (p. 38 – 39). The fact that Judge Skahan takes what amounts to an appearance of impropriety regarding protecting those that have likely engaged in malfeasance shows:

- Lack of concern for defendant respectfully asserting his rights
- Lack of concern for ensuring that defendant receives evidence he's entitled to receive
- Shows evidence bias by Judge Skahan
- Shows lack of concern for rule of law or rules of evidence
- In response to obviously unethical behavior clearly designed to hurt Vern, Judge Skahan did nothing punitive or cautionary to the prosecutors
- Lack of an ability or desire to handle important evidentiary issues of defendants
- Lack of disdain for unethical behavior from officers of the court, specifically prosecutors

- Lack of concern for fair ethical treatment of defendant
- Judge showed a lack of respect for the rights of the defendant
- The appearance of special protections for certain prosecutors if they appear to engage in misconduct
- Judge showed a refusal to protect the integrity of withheld evidence
- Judge Skahan showed a reluctance to take corrective actions even though Judge Skahan's reactions to improprieties were indicative of misconduct by a high ranking officer of the court
- Judge Skahan showed a lack of concern for the integrity of evidence

BUT Judge Skahan continues to bully Vern (p.44) by being mean and nasty to him, by demeaning him, and by blaming him for delays that he has nothing to do with.

The judge also says in open court that **Vern is "brown-nosing" when he is continuing to try to be respectful, courteous, and maintain decorum in the face of being bullied by the judge.** (p. 44 – 45). Again, Judge Skahan talked to Vern in a fashion that you wouldn't even speak to a child. This demonstrates how this judge truly felt about Vern

- Shows evidence bias by Judge Skahan
- Shows negative and poor attitude towards defendant
- Shows a lack of compassion
- Lack of professionalism
- Lack of concern for fair ethical treatment of defendant
- Lack of respect for defendants
- Lack of decorum
- Lack of self-control
- Total lack of respect for Black men
- Lack of professionalism
- Very insensitive

One of the worst displays of Judge Paula Skahan's erratic behavior was during a November 2015 court date when Vern's attorneys, Ms. Lauren Fuchs and William Massey received last minute relevant information related to Vern's case. **Vern knew**

absolutely nothing about it and had nothing to do with it, however Judge Skahan went on a very mean-spirited rant against Vern in which she made him her whipping boy, threatened to totally halt his proceedings, and threatened to stop him from presenting any evidence even though he had a right to present it. Upon being informed of the particulars of the new information wherein she learned Vern had nothing to do with the delay, Judge Skahan didn't even have the professionalism or clarity to apologize for again falsely accusing him of causing delays. This definitely shows how little this judge publicly respected this man

- Lack of concern for defendant respectfully asserting his rights
- Appearance of impropriety by Judge Skahan
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- Judge showed a lack of respect for the rights of the defendant
- Lack of respect for defendants
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- Lack of self-control
- Total lack of respect for Black men
- Lack of professionalism
- Very insensitive
- No evidence of remorse when wrong

To further illustrate **Judge Skahan's inability to function or make decisions based on law and reality**, I am providing examples of the judge's behavior and proclivities which were manifested when the judge denied Vern post-conviction relief.

The Tennessee Court of Criminal Appeals, in addressing **Judge Skahan's poor decision making and lack of recollecting in Vern's case, pointed out multiple instances of Judge Skahan's inability to properly recall facts** such as:

1. While Judge Skahan stated that it recalled the discussion of the item, Judge Skahan could not recall whether an order was ever entered requiring the State to turn the item over to the Petitioner and suggested that the parties review the filings. *11
2. While Judge Skahan found that the testimony of Ms. Lane and Mr. Small would have demonstrated that the Petitioner and the victim had a history of deviant sexual activity, supporting the Petitioner's defense of consensual erotic asphyxiation, Judge Skahan found that trial counsel, however, was unable to locate Mr. Small once his place of business closed. Finally, Judge Skahan found that trial counsel's failure to interview and present Ms. Lane as a witness at trial did not result in prejudice because evidence of the Braswells' practice of engaging in erotic asphyxiation was presented through the Petitioner's testimony. The judge's recollection was inaccurate because **contrary to the post-conviction court's findings, it was a former officer who owned a "swinger's club" and not Mr. Small with whom trial counsel lost contact once the business closed.** *48
3. With regard to trial counsel's retention of Dr. Schwartz shortly before trial, we note that **Judge Skahan did not make any findings as to when the Petitioner informed trial counsel that he and the victim engaged in erotic asphyxiation the night of the victim's death.***50 (a very crucial element to the determinations that had to be made).
4. **In its findings of fact, Judge Skahan stated:**
Petitioner alleges that the [S]tate should have disclosed the contents of a folder located by [General Carriker] in October 2013. At the hearing for post-conviction relief, General Carriker testified that on top of the folder, he saw a sticky note dated August 22, 2005, and initialed by General Weirich. The folder [General] Carriker located had a tab inscribed "items not turned over." There was a sticky note on the front of the folder dated August 22, 2005, with

General Weirich's initials, stating 'I am NOT giving these items in discovery.'" The sticky note also contains an inscription which appears to be in different handwriting dated December 6, 2005, indicating that *Jencks* statements of witnesses were turned over to the defense at the appropriate time; General Weirich testified that she wrote the December 6 inscription.

•58 General Carriker believed that the contents of the folder have previously been in a sealed manila envelope, and that the original envelope had been lost. General Weirich testified at the hearing for post-conviction relief that she did not know anything about the envelope or folder prior to a conversation with General Carriker in 2011 during the pendency of these proceedings. She testified that it was possible that the manila envelope contained items provided by the victim's family which were added to the case file while the case was still in General Sessions Court.

(Internal citations omitted.) **Judge Skahan summarized General Weirich's testimony that although she did not provide the statements of witnesses in discovery, she provided supplemental police reports to defense counsel that provided a summary of the witnesses' testimony. Judge Skahan found:**

[General] Weirich testified that it was her routine practice to keep a separate copy of items she had not yet turned over to the defense, particular [ly) *Jencks* statements, so she would remember to turn the materials over at the appropriate time General [Wiseman), who was the division leader in charge of this case in 2011, confirmed that it was standard procedure to keep copies of *Jencks* statements in a separate folder with a sticker indicating that the statements should not be turned over to the defense during discovery [General Wiseman] testified that the purpose of this organizational system is to ensure that *Jencks* statements are disclosed after the direct testimony of each respective witness.

(Internal citations omitted.)

However, Judge Skahan's factual findings do not accurately reflect General Carriker's testimony at the post-conviction hearing. General Carriker did not testify that he believed that the contents of the folder had been in a sealed manila envelope and that the original envelope had been lost. Rather, he testified that he located a sealed manila envelope that was approximately one-half of an inch thick and appeared to contain between one and one hundred pages. He stated that the outside of the manila envelope had a four- inch by four-inch "yellow sticky pad note" with language similar to "not turned over or do not turn over to defense" and General Weirich's initials at the bottom with a date of "2005 or so"

General Carriker testified that after he learned that the envelope could not be located during the pendency of the post-conviction proceedings, he went to General Young's office to search the State's file and located a folder that was later entered into evidence as Exhibit 6. He stated that the manila envelope was a darker color than the file folder and that the manila envelope was standard-sized for letter-sized paper, while the folder was a legal-sized file. General Carriker also described the seal on the envelope. He stated that the pages in the folder were "close to the thickness" of the envelope and that the language on the note that was on the folder was similar to the language on the note that was on the envelope. He acknowledged that he was uncertain whether the note on the folder was the same note that was on the envelope.

Judge Skahan analyzed whether the State violated *Brady* by failing to provide the defense with the documents in Exhibit 6 without expressly finding that the missing envelope was actually the file folder that was entered as Exhibit 6, Judge Skahan found that the

•59 Petitioner has failed to show by clear and convincing evidence that the information contained in Exhibit 6 was improperly withheld, that it was favorable to Petitioner, or that it was relevant and material to the

preparation of Petitioner's defense. **This Court (Judge Skahan) finds that Petitioner's theory of intentional non-disclosure is less plausible than the [S]tate's reasonable explanation that the documents contained in Exhibit 6 were either witness statements turned over to the defense at trial under *Jencks* or products of the [S]tate's investigation not subject to discovery.**

Judge Skahan also found that "[a]lthough the folder that is now Exhibit 6 may have been misplaced during the lengthy course of these post-conviction proceedings, the unavailability of these documents did not likely prejudice [the] Petitioner's ability to present a defense because he either received the documents at the appropriate time or was never entitled to disclosure of the documents."

Regardless of **the shortcomings of Judge Skahan's court's findings, no proof was presented at the post-conviction hearing that could lead to the conclusion that the documents later found in an open file folder which became Exhibit 6 were the contents of the missing envelope. Only two witnesses, Ms. Eskridge and General Carriker, acknowledged that they saw the sealed manila envelope, and they both testified that they never viewed the contents of the now missing sealed manila envelope.**

While the State appears to suggest in its brief that the missing sealed envelope never existed, the testimony of Ms. Eskridge and General Carriker, their discussions with the post-conviction court during hearings prior to the evidentiary hearing, and Judge Skahan's findings belie the State's claim.

- Judge Paula Skahan's protective omissions paved the way for the prosecution to boldly claim that the sealed envelope of withheld evidence simply "never existed".
- Judge Skahan showed an inability to recall facts
- Appearance of impropriety by Judge Skahan

- Shows evidence bias by Judge Skahan
- In response to obviously unethical behavior clearly designed to hurt Vern, Judge Skahan did nothing punitive or cautionary to the prosecutors
- Lack of an ability or desire to handle important evidentiary issues of defendants
- Lack of disdain for unethical behavior from officers of the court, specifically prosecutors
- Lack of concern for fair ethical treatment of defendant
- Judge showed a lack of respect for the rights of the defendant
- The appearance of special protections for certain prosecutors if they appear to engage in misconduct
- Judge showed a refusal to protect the integrity of withheld evidence
- Judge Skahan showed a reluctance to take corrective actions even though Judge Skahan's reactions to improprieties were indicative of misconduct by a high ranking officer of the court
- Judge Skahan showed a lack of concern for the integrity of evidence
- Inability to make evaluations based on reality

The Court of Criminal Appeals also opined that:

Some of the most disturbing circumstantial evidence from the post-conviction hearing is Ms. Eskridge's testimony that the State failed for more than one year to schedule an opportunity for her to review the State's file as discovery in the post-conviction case. She was told that no one knew where the file was located; she was given different reasons why she could not have access to the file; and she was even told by General Davis that the file was in *California*. It was not until General Carriker was assigned the post-conviction case that Ms. Eskridge was granted access to the State's file. The olfactory perception of the missing sealed manila envelope is not pleasant.*59

- Again, **Judge Paula Skahan's lack of assertiveness, lack of concern for defendant in the face of him begging for evidence for years, the judge seemed not interested based on her instances of insulting Vern and sarcastically ridiculing his**

persistence to secure evidence of a wrongful conviction and constitutional violations.

- Lack of concern for ensuring that defendant receives evidence he's entitled to receive
- Appearance of impropriety by Judge Skahan
- Shows evidence bias by Judge Skahan
- Shows lack of concern for rule of law or rules of evidence
- In response to obviously unethical behavior clearly designed to hurt Vern, Judge Skahan did nothing punitive or cautionary to the prosecutors
- Lack of an ability or desire to handle important evidentiary issues of defendants
- Lack of disdain for unethical behavior from officers of the court, specifically prosecutors
- Lack of concern for fair ethical treatment of defendant
- Judge showed a lack of respect for the rights of the defendant
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- Judge Skahan showed a lack of concern for the integrity of evidence

Lastly the Court of Criminal Appeals opined:

We are left with evidence that a sealed manila envelope, which was approximately one-half- inch thick and had a yellow note with language that it should not be turned over to the defense, was discovered in the State's file and that the sealed envelope went missing from the State's file while in the State's possession without the State ever revealing the contents of the envelope to the Petitioner or Judge Skahan. However, the Petitioner bears the burden of proof in this post-conviction case. Through absolutely no fault of the Petitioner or his post-conviction counsel, there is no evidence that any

Brady material was inside the now missing sealed envelope. Accordingly, we must conclude that the Petitioner is not entitled to relief. *60

This is the sum of Judge Paula Skahan's omissions. While she chose to engage in bullying, insulting, making fun of, ostracizing, and being disgustingly disrespectful to a man who probably needed a sign saying "I AM A MAN" but would have been further insulted and demeaned for doing so, an irrevocable injustice was occurring that left it looking the judge was protecting those unknown actors who were hell bent on continuing to act in bad faith to suppress evidence that will forever be unknown as a result of the judge's inaction to protect this man begging for her protection.

- No respect for what she promised defendant
- Lack of concern for defendant respectfully asserting his rights
- Appearance of impropriety by Judge Skahan
- Shows evidence bias by Judge Skahan
- Shows lack of concern for rule of law or rules of evidence
- In response to obviously unethical behavior clearly designed to hurt Vern, Judge Skahan did nothing punitive or cautionary to the prosecutors
- Lack of an ability or desire to handle important evidentiary issues of defendants
- Lack of disdain for unethical behavior from officers of the court, specifically prosecutors
- Lack of concern for fair ethical treatment of defendant
- Judge showed a lack of respect for the rights of the defendant
- The appearance of special protections for certain prosecutors if they appear to engage in misconduct
- Judge showed a refusal to protect the integrity of withheld evidence
- Judge Skahan showed a reluctance to take corrective actions even though Judge Skahan's reactions to improprieties were indicative of misconduct by a high ranking officer of the court
- Judge Skahan showed a lack of concern for the integrity of evidence

During the post-conviction hearings Judge Skahan learned that the same expert forensic pathologist for whom there was no record that she ever worked for the Shelby County Medical Examiner's Office, (Dr. Joy Carter,) had perjured herself during pretrial testimony, when **the doctor lied to cover up the fact that she had been disciplined in the past for allowing an unlicensed person to perform illegal autopsies. Yet Judge Paula Skahan found the doctor credible and Judge Skahan did nothing** (Post-Conviction Proceedings Transcripts, July 11, 2014, pgs 211-212)

Judge Skahan also learned that Dr. Carter had 2 successful **whistle-blower lawsuits against her for allegations of asking doctors to falsify autopsy reports, yet Judge Paula Skahan found the doctor credible and did nothing.**

OTHER CASES

Recently, about ten additional cases have been overturned etc because of Judge Paula Skahan's poor decision making and rulings. One case in particular typifies how Judge Skahan treats defendants in her courtroom which results in the denial of justice is the case of Darin Woods (Woods v. State, W2019-005140CCA-R3-PC, Shelby County case number 14-09680). This is yet **another case where Judge Skahan's meanness and shortcomings interfered with the proper administration of justice;** so much so that the Tennessee Court of Criminal Appeals had to intervene by remanding the case to Judge Skahan with instructions after Judge Skahan refused to give Mr. Woods proper time and opportunities to prepare his case (2020 WL 864160). **Judge Skahan obviously did not care about the rights of Mr. Woods as she improperly forced him to forfeit them by not even caring if Mr. Woods had a proper chance to prepare for court.**

- *Darin Woods v. State* (Shelby County Case No. 14-09680) 2020 WL 864160

Other recent cases where the Tennessee Court of Criminal Appeals had to intervene and cases that also exemplify why Judge Paula Skahan's judgment and decision making demonstrate that she is in need of an intervention or is unfit to remain as a Judge include:

- *State v. Marterious O’Neal* (Shelby County Case No. 15-05135) 2021 WL 1832148
Judge Skahan sentenced O’Neal to more time than she could legally give him because she could not properly compute his prior felonies.
- *State v. Dylan Brewer* (Shelby County Case No. 16-06473) 2019 WL 1109917 –
Judge Skahan Failed to read written instructions to the jury.
- *Darrell Malone v. State* (Shelby County Case No. 16-00646) 2018 WL 6528697 –
Judge Skahan dismissed this man’s case because she could not properly compute how long Mr. Malone had to file his case.
- *State v. Deandrey Peterson* (Shelby County Case No. 14-04005) 2018 WL 1976295 –
Judge Skahan erroneously admitted evidence during Mr. Peterson’s case
- *State v. Deandrey Peterson* (Shelby County Case No. 14-04003) 2018 WL 1363501 –
Judge Skahan erroneously admitted evidence during Mr. Peterson’s second case
- *Carlos Smith v. State* (Shelby County Case No. 10-02597) 2017 WL 2730398 – Judge
Skahan failed to make findings in her rulings on Mr. Smith’s case.
- *Reginald McWilliams v. State* (Shelby County Case No. 16-05484) 2020 WL
3410239 – Judge Skahan forfeited Mr. McWilliams’ rights without proof *as* she
claimed that Mr. Williams abused the judicial process (also without proof)
- *State v. Edward Dean* (Shelby County Case No. 15-04695) 2020 WL 1899612 –
Judge Skahan did not know which offenses met definition of “crime of violence”
- *State v. Martiness Henderson* (Shelby County Case No. 15-00211) 2018 WL
1100972 – Judge Skahan interfered when she “flagrantly, unreasonably, and
unnecessarily” refused to let Henderson continue to pick his own jury by stopping the
proceeding when *she* was happy with the jury members that had been selected.
- *State v. Henri Brooks* (Shelby County Case No. I1500012) 2017 WL 758519 – In this
case of a woman who was a champion for Blacks and poor citizens, Judge Skahan
used *a television news broadcast* to make a judicial ruling to the defendant’s
detriment.
- *Marcus Ward v. State* 315 S.W.3d 461 (2010) – Judge Skahan failed to recognize that
a judge was required to advise defendants of the mandatory sentence of lifetime

community supervision because it is a punitive and direct consequence of the guilty plea.

Based on these cases, Judge Paula Skahan may even have an issue with respecting and protecting the rights of citizens of African-American descent that appear in her courtroom.