

SUPREME COURT OF TENNESSEE

State of Tennessee v. Rudolph Munn

56 S.W.3d 486 (Tenn. 2001) · Decided August 31, 2001

SUMMARY

The Tennessee Supreme Court considered whether secretly videotaping and recording a defendant's conversations with his parents in a police interview room violated the Fourth Amendment, the Tennessee Constitution, and wiretapping statutes. The court held that the defendant had a reasonable expectation of privacy in those conversations, but that he was not in custody for Miranda purposes and that his later confessions were not subject to suppression under the derivative evidence rule. The court affirmed in part, reversed in part, and remanded for a new sentencing hearing because the trial court improperly refused to give a no-adverse-inference instruction.

CASE DETAILS

COURT	Supreme Court of Tennessee
WRITING FOR THE COURT	Chief Justice Anderson; Anderson, C.J.; Drowota, J.; Birch, J.; Holder, J.; Barker, J.
JURISDICTION	Tennessee
DECIDED	August 31, 2001
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The defendant appealed his first-degree murder conviction and sentence of life without parole after the Court of Criminal Appeals affirmed in a divided decision. The Tennessee Supreme Court granted review of the suppression, Miranda, derivative-evidence, and sentencing-instruction issues.
STANDARD OF REVIEW	A suppression court's factual findings are upheld unless the evidence preponderates otherwise, with deference to credibility determinations. When findings are based solely on evidence not involving credibility, appellate review is de novo without a presumption of correctness.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Rudolph Munn v. State of Tennessee

TOPICS

- suppression of evidence
- search and seizure
- fourth amendment
- miranda rights
- sentencing

PRACTICE AREAS

criminal procedure

constitutional criminal procedure

criminal sentencing

evidence

QUESTIONS PRESENTED

1. Whether secretly recording Munn's conversations with his parents in a police interview room violated the Fourth Amendment, article I, section 7 of the Tennessee Constitution, and federal and Tennessee wiretapping statutes.
2. Whether Munn was in custody for Miranda purposes when questioned by police.
3. Whether later confessions were suppressible under the derivative evidence or cat-out-of-the-bag rule.
4. Whether Munn was constitutionally entitled, upon request, to a no-adverse-inference instruction during the sentencing phase.

HOLDINGS

1. Munn had a reasonable expectation of privacy in conversations with his parents while alone in the police interview room, and the secret recording violated the Fourth Amendment and article I, section 7 of the Tennessee Constitution.
2. The secretly recorded conversations were protected oral communications, and their intentional interception without consent violated the federal and Tennessee wiretapping statutes.
3. The erroneous admission of the secretly recorded statements was harmless beyond a reasonable doubt as to the guilt phase but was not harmless beyond a reasonable doubt as to sentencing.
4. Munn was not in custody during the police interview, so Miranda warnings were not required.
5. The later statements Munn made in the presence of police were not suppressible under the derivative evidence or cat-out-of-the-bag rule.
6. A Tennessee criminal defendant has a constitutional right, when properly requested, to a no-adverse-inference instruction during both the guilt and penalty phases of trial.

KEY QUOTATIONS

“The police officers' collective actions in turning off the audio tape recorder at the defendant's request; asking if he wanted to talk alone with his mother; excusing themselves from the room; and closing the door both deceived and assured the defendant and his mother that they would be free to talk in private without anyone hearing their conversation.” (at 495)

“Accordingly, we hold that in Tennessee a criminal defendant has a constitutional right to a no-adverse-inference instruction, when properly requested, at both the guilt and the penalty phase of the criminal trial.” (at 502)

FACTUAL BACKGROUND

Police investigating the killing of MTSU student Andrew Poklemba asked Rudolph Munn to come to the police station, where he was questioned for approximately three and one-half to four hours before being arrested. The

interview room contained hidden video and audio recording equipment, and officers secretly monitored conversations between Munn and his parents after turning off the visible recorder, leaving the room, and closing the door. Munn confessed privately to his parents and later made additional statements in the presence of officers. The secretly recorded statements included detailed and inflammatory remarks relevant to sentencing.

PROCEDURAL HISTORY

The trial court denied Munn's motion to suppress secretly videotaped statements, finding no custodial interrogation and no reasonable expectation of privacy. Munn was convicted of first-degree murder and sentenced to life without parole. The Court of Criminal Appeals affirmed, but the Tennessee Supreme Court affirmed in part, reversed in part, and remanded for a new sentencing hearing.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remand to the trial court for a new sentencing hearing in accordance with the opinion.

CASES CITED

- State v. Odom, 928 S.W.2d 18, 23 (Tenn. 1996)
- State v. Binette, 33 S.W.3d 215, 217 (Tenn. 2000)
- State v. Bridges, 963 S.W.2d 487, 490 (Tenn. 1997)
- Camara v. Municipal Court, 387 U.S. 523, 528 (1967)
- State v. Downey, 945 S.W.2d 102, 106 (Tenn. 1997)
- Katz v. United States, 389 U.S. 347, 353 (1967)
- Smith v. Maryland, 442 U.S. 735, 740 (1979)
- State v. Ross, 49 S.W.3d 833, 840 (Tenn. 2001)
- United States v. Hearst, 563 F.2d 1331, 1344-46 (9th Cir. 1977)
- State v. Scheineman, 47 S.W.3d 754, 757 (Tex. App. 2001)
- State v. Hauss, 142 Ariz. 159, 688 P.2d 1051 (Ct. App. 1984)
- State v. Wilkins, 125 Idaho 215, 868 P.2d 1231 (1994)
- Chapman v. California, 386 U.S. 18, 24 (1967)
- Momon v. State, 18 S.W.3d 152, 166 (Tenn. 1999)
- Miranda v. Arizona, 384 U.S. 436, 444 (1966)
- State v. Anderson, 937 S.W.2d 851, 855 (Tenn. 1996)
- United States v. Bayer, 331 U.S. 532, 540 (1947)
- State v. Smith, 834 S.W.2d 915, 919 (Tenn. 1992)
- State v. Porterfield, 746 S.W.2d 441 (Tenn. 1988)
- Rowan v. State, 212 Tenn. 224, 369 S.W.2d 543 (1962)

- Carter v. Kentucky, 450 U.S. 288, 300 (1981)
- Finney v. Rothgerber, 751 F.2d 858, 863-65 (6th Cir. 1984)
- Estelle v. Smith, 451 U.S. 454, 462-63 (1981)

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