

COURT OF CRIMINAL APPEALS OF TENNESSEE

State of Tennessee v. Derek Denton

State of Tennessee v. Denton, No. 02C01-9409-CR-00186 (Tenn. Crim. App. Aug. 2, 1996) · No. 02C01-9409-CR-00186 · Decided August 2, 1996

SUMMARY

The Tennessee Court of Criminal Appeals reviewed Derek C. Denton's convictions for aggravated burglary, aggravated assault, and criminally negligent homicide. The court affirmed the aggravated burglary and criminally negligent homicide convictions, reduced the aggravated assault conviction to assault, and modified the sentences. The opinion addresses sufficiency of the evidence, circumstantial-evidence instructions, reasonable-doubt instructions, and sentencing.

CASE DETAILS

COURT	Court of Criminal Appeals of Tennessee
WRITING FOR THE COURT	Joseph M. Tipton; Jerry Scott, Special Judge; David H. Welles
JURISDICTION	Tennessee
DECIDED	August 2, 1996
DOCKET	02C01-9409-CR-00186
DISPOSITION	other
PROCEDURAL POSTURE	Defendant appealed as of right from jury convictions in the Shelby County Criminal Court for aggravated burglary, aggravated assault, and criminally negligent homicide, challenging evidentiary sufficiency, jury instructions, and sentencing.
STANDARD OF REVIEW	Sufficiency of the evidence is reviewed by asking whether, viewing the evidence in the light most favorable to the prosecution, any rational trier of fact could have found every essential element beyond a reasonable doubt. Sentencing is reviewed de novo on the record with a presumption that the trial court's determinations are correct when the statutory procedure and relevant sentencing principles were properly followed. The presumption falls when the trial court fails to make the required findings and consider relevant sentencing principles.
PRECEDENTIAL VALUE	published precedential opinion of the Tennessee Court of Criminal Appeals
PARTIES	Derek Denton v. State of Tennessee

TOPICS

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the evidence was sufficient to support the convictions for criminally negligent homicide, aggravated assault, and aggravated burglary.
2. Whether the trial court was required to give a requested or unrequested instruction concerning the weighing of wholly circumstantial evidence.
3. Whether the trial court's reasonable-doubt instruction was constitutionally and legally adequate without the phrase "moral certainty."
4. Whether the trial court improperly imposed and structured the defendant's sentences, including the sentence lengths, probation denial, and consecutive sentencing.

HOLDINGS

1. The evidence was sufficient to support the criminally negligent homicide conviction because the defendant's admission was direct evidence of guilt and the surrounding circumstantial evidence corroborated that his conduct caused the victim's death.
2. The evidence was insufficient to establish the serious-bodily-injury element of aggravated assault, so the conviction was properly reduced to assault.
3. The evidence was sufficient to support aggravated burglary because the jury could infer that Denton entered Woodson's habitation without consent with the intent to commit aggravated assault, notwithstanding the later reduction of the assault conviction.
4. The trial court did not err by failing to give a special instruction on weighing evidence in a wholly circumstantial case because the proof included direct evidence and the defendant did not submit a written request for the special instruction.
5. The trial court did not commit reversible error by omitting the phrase "moral certainty" from the reasonable-doubt instruction, but the court cautioned trial courts not to use the instruction given and stated that T.P.I.-Crim. 2.03 (4th ed.) should be used even when not requested.
6. The six-year aggravated-burglary sentence and two-year criminally negligent homicide sentence were affirmed, while the aggravated-assault sentence was replaced with an eleven-month-and-twenty-nine-day assault sentence with seventy-five percent release eligibility.
7. The denial of probation was affirmed, but the consecutive sentences were vacated and all three sentences were ordered to run concurrently.

KEY QUOTATIONS

“The trial court did not err by failing to give a complete instruction on weighing circumstantial evidence because the defendant did not request one.” (12)

“Because we are concerned that this instruction does not adequately convey the evidentiary certainty required under the reasonable doubt standard, as it has been historically used and understood in Tennessee, see, e.g., Owen v. State, 89 Tenn. (5 Pickle) 704, 705-06 (1891); Hardin, 355 S.W.2d at 108, we caution trial courts against using it, and we believe that T.P.I.-Crim. 2.03 (4th ed.) should be used even if it is not requested by a party.” (16)

“This finding alone will not justify consecutive sentencing.” (27)

FACTUAL BACKGROUND

Derek Denton went to his former girlfriend Joanne Woodson's apartment with Laquinton Underwood to retrieve personal belongings after Woodson had ended their relationship. When Woodson refused entry, Denton forced the door and chain lock, assaulted her until she was unconscious, and entered the bedroom while Adrian Williamson was present. Underwood testified that Denton told Williamson to leave through the window, after which Williamson fell to his death from the apartment; Denton later told Woodson that he had thrown Williamson out the window but did not mean to do so.

PROCEDURAL HISTORY

A Shelby County Criminal Court jury convicted Denton of aggravated burglary, aggravated assault, and criminally negligent homicide. The trial court imposed consecutive sentences totaling fourteen years. The Court of Criminal Appeals affirmed the aggravated burglary and criminally negligent homicide convictions and sentences, reduced the aggravated assault conviction to assault, imposed an eleven-month-and-twenty-nine-day sentence with seventy-five percent release eligibility for that offense, and ordered all sentences to run concurrently.

DISPOSITION

other

REMAND INSTRUCTIONS

The aggravated-assault conviction is modified to assault, with an eleven-month-and-twenty-nine-day sentence and seventy-five percent release eligibility. The aggravated burglary and criminally negligent homicide convictions and sentences are affirmed. All three sentences shall be served concurrently.

CASES CITED

- Jackson v. Virginia, 443 U.S. 307, 319, 99 S. Ct. 2781, 2789 (1979)
- State v. Sheffield, 676 S.W.2d 542, 547 (Tenn. 1984)
- State v. Cabbage, 571 S.W.2d 832, 835 (Tenn. 1978)
- State v. Crawford, 225 Tenn. 478, 484, 470 S.W.2d 610, 613 (Tenn. 1971)
- Patterson v. State, 4 Tenn. Crim. App. 657, 661, 475 S.W.2d 201, 203 (Tenn. Crim. App. 1971)

- State v. Thompson, 519 S.W.2d 789, 792 (Tenn. 1975)
- Monts v. State, 214 Tenn. 171, 379 S.W.2d 34, 40 (1964)
- State v. Sims, 909 S.W.2d 46, 48-49 (Tenn. Crim. App. 1995)
- State v. Bill Nelson Narrimore, No. 03C01-9308-CR-00276, McMinn Co. (Tenn. Crim. App. Jan. 11, 1995)
- State v. Williams, 690 S.W.2d 517, 529 (Tenn. 1985)
- State v. Mackey, 638 S.W.2d 830, 836 (Tenn. Crim. App. 1982)
- Cage v. Louisiana, 498 U.S. 39, 111 S. Ct. 328 (1990)
- Victor v. Nebraska and Sandoval v. California, 511 U.S. 1, 114 S. Ct. 1239 (1994)
- Nichols v. State, 877 S.W.2d 722, 734 (Tenn. 1994), cert. denied, 115 S. Ct. 909 (1995)
- State v. Sexton, 917 S.W.2d 263, 266 (Tenn. Crim. App. 1995)
- Pettyjohn v. State, 885 S.W.2d 364, 366 (Tenn. Crim. App. 1994)
- State v. Hallock, 875 S.W.2d 285, 293-94 (Tenn. Crim. App. 1993)
- State v. West, 844 S.W.2d 144, 151 (Tenn. 1992)
- State v. Fletcher, 805 S.W.2d 785, 787-89 (Tenn. Crim. App. 1991)
- State v. Ashby, 823 S.W.2d 166, 168-69 (Tenn. 1991)
- State v. Jones, 883 S.W.2d 597, 599, 601-03 (Tenn. 1994)
- State v. Moss, 727 S.W.2d 229, 237 (Tenn. Crim. App. 1986)
- State v. Lambert, 741 S.W.2d 127, 134 (Tenn. Crim. App. 1987)
- State v. Bingham, 910 S.W.2d 448, 452-53 (Tenn. Crim. App. 1995)
- State v. Raines, 882 S.W.2d 376, 384 (Tenn. Crim. App. 1994)
- State v. Smith, 891 S.W.2d 922, 930 (Tenn. Crim. App. 1994)
- State v. Avery, 818 S.W.2d 365, 369 (Tenn. Crim. App. 1991)
- State v. Creasy, 885 S.W.2d 829, 832 (Tenn. Crim. App. 1994)
- State v. Thoma Shawn Noles and Michael Stanley, Nos. 01C01-9301-CC-00003 and 01C01-9301-CC-00005 (Tenn. Crim. App. Nov. 18, 1993)
- State v. Wilkerson, 905 S.W.2d 933, 939 (Tenn. 1995)
- Gray v. State, 538 S.W.2d 391, 393 (Tenn. 1976)
- Rickman v. Dutton, 864 F. Supp. 686 (M.D. Tenn. 1994)

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