

SUPREME COURT OF TENNESSEE

State of Tennessee v. Jerry Lewis Tuttle

515 S.W.3d 282 (Tenn. 2017) · No. M2014-00566-SC-R11-CD · Decided April 5, 2017

SUMMARY

The Tennessee Supreme Court overruled *State v. Jacumin* and adopted a totality-of-the-circumstances analysis for determining probable cause under article I, section 7 of the Tennessee Constitution. Applying that standard, the Court upheld the search warrant, reinstated the defendant's conspiracy convictions, and affirmed the forfeiture of cash seized during the search on separate grounds.

CASE DETAILS

COURT	Supreme Court of Tennessee
WRITING FOR THE COURT	Cornelia A. Clark, J.; Jeffrey S. Bivins, C.J.; Sharon G. Lee, J.; Holly Kirby, J.
JURISDICTION	Tennessee
DECIDED	April 5, 2017
DOCKET	M2014-00566-SC-R11-CD
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The State appealed by permission from the Tennessee Court of Criminal Appeals. The intermediate appellate court had invalidated the search warrant, vacated the defendant's conspiracy convictions for insufficient evidence, and affirmed the forfeiture of seized cash.
STANDARD OF REVIEW	Suppression findings of fact are upheld unless the evidence preponderates otherwise; credibility and evidentiary-weight determinations are left to the trial court, while application of law to facts is reviewed de novo. Probable-cause review is confined to the search-warrant affidavit and asks whether the affidavit supplied a substantial basis for concluding that a search would uncover evidence of wrongdoing. Sufficiency of the evidence is reviewed under whether any rational trier of fact could find the essential elements beyond a reasonable doubt, viewing the evidence in the light most favorable to the prosecution. Forfeiture factual findings are reviewed de novo with a presumption of correctness under Tennessee Rule of Appellate Procedure 13(d), and legal conclusions are reviewed de novo.

PRECEDENTIAL VALUE	published binding precedent
PARTIES	State of Tennessee v. Jerry Lewis Tuttle

TOPICS

probable cause warrant requirement search and seizure suppression of evidence criminal procedure

PRACTICE AREAS

criminal procedure constitutional law search and seizure evidence appellate procedure

QUESTIONS PRESENTED

1. Whether the search-warrant affidavit established probable cause under article I, section 7 of the Tennessee Constitution.
2. Whether Tennessee should continue to apply the Aguilar/Spinelli test, rather than the Gates totality-of-the-circumstances test, to probable-cause determinations for search warrants.
3. Whether allegedly inaccurate statements in the affidavit required exclusion of information or invalidation of the warrant.
4. Whether the trial evidence was sufficient to support convictions for conspiracy to possess more than 300 pounds of marijuana with intent to sell or deliver and conspiracy to commit money laundering.
5. Whether the cash seized during execution of the search warrant was subject to judicial forfeiture and whether the State's notice complied with the forfeiture statute.

HOLDINGS

1. The court overruled State v. Jacumin insofar as it retained the rigid Aguilar/Spinelli test and adopted the Illinois v. Gates totality-of-the-circumstances analysis for determining whether a search-warrant affidavit establishes probable cause under article I, section 7 of the Tennessee Constitution.
2. The affidavit provided a substantial basis for finding probable cause to search the 4571 Dugger Road property.
3. The affidavit did not contain false statements that required invalidation of the warrant.
4. The evidence was sufficient to support Tuttle's conviction for conspiracy to possess more than 300 pounds of marijuana with intent to sell.
5. The evidence was sufficient to support Tuttle's conviction for conspiracy to commit money laundering.
6. The cash seized from the 4571 Dugger Road property was subject to judicial forfeiture, and the notice of seizure sent by certified mail satisfied statutory requirements.

KEY QUOTATIONS

“For the reasons explained herein, we overrule Jacumin and adopt the totality-of-the-circumstances analysis for determining whether an affidavit establishes probable cause for issuance of a warrant under article I,

section 7 of the Tennessee Constitution.” (at 282)

“Having now reconsidered both tests, we conclude that the time has come to abandon the rigid Aguilar/Spinelli test and adopt the Gates totality-of-the-circumstances analysis.” (at 311)

“When the totality of the circumstances detailed in the affidavit are viewed in a commonsense and practical manner, we have no hesitation in concluding that the affidavit provided the magistrate with a substantial basis for determining that a search of the 4571 Dugger Road property would uncover evidence of wrongdoing.” (at 317)

FACTUAL BACKGROUND

Law-enforcement officers investigated a marijuana-trafficking organization allegedly supplying Jerry Tuttle's son, Christopher Tuttle, at or near property where Jerry Tuttle lived in Maury County. A search warrant executed on April 24, 2012, yielded marijuana, cocaine, firearms, drug-processing equipment, and approximately \$1,098,050 in cash, including cash found in an ammunition can in a vehicle outside the residence. Trial evidence included surveillance, intercepted communications, GPS information, testimony from a drug supplier identifying a marijuana delivery to the property, and evidence linking Jerry Tuttle to marijuana, drug proceeds, and equipment used to process and sell drugs.

PROCEDURAL HISTORY

A Maury County grand jury indicted Jerry Lewis Tuttle for multiple drug, conspiracy, money-laundering, and firearm offenses. The trial court denied suppression and forfeiture challenges, and a jury convicted Tuttle on six offenses; the trial court later ordered forfeiture of cash and other property. The Court of Criminal Appeals reversed the suppression ruling and conspiracy convictions but affirmed the cash forfeiture. The Tennessee Supreme Court granted the State's application for permission to appeal, reversed the intermediate appellate court in part, and reinstated the trial court's judgment.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The Court of Criminal Appeals' decision invalidating the search warrant and reversing the conspiracy convictions was reversed. The trial court's judgment denying suppression, approving the jury's verdict, and ordering forfeiture of the cash was reinstated. The Court of Criminal Appeals' judgment was affirmed in part and reversed in part.

CASES CITED

- State v. Jacumin, 778 S.W.2d 430 (Tenn. 1989)
- Illinois v. Gates, 462 U.S. 213 (1983)
- Aguilar v. Texas, 378 U.S. 108 (1964)
- Spinelli v. United States, 393 U.S. 410 (1969)

- State v. Henning, 975 S.W.2d 290 (Tenn. 1998)
- State v. Smith, 868 S.W.2d 561 (Tenn. 1993)
- State v. Saine, 297 S.W.3d 199 (Tenn. 2009)
- State v. Little, 560 S.W.2d 403 (Tenn. 1977)
- Franks v. Delaware, 438 U.S. 154 (1978)
- Jackson v. Virginia, 443 U.S. 307 (1979)
- State v. Wagner, 382 S.W.3d 289 (Tenn. 2012)
- State v. Sprunger, 458 S.W.3d 482 (Tenn. 2015)
- Zurcher v. The Stanford Daily, 436 U.S. 547 (1978)

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