

SUPREME COURT OF TENNESSEE

Robert D. Walsh v. State of Tennessee

Walsh v. State, 166 S.W.3d 641 (Tenn. 2005) · Decided June 24, 2005

SUMMARY

The Tennessee Supreme Court held that Tennessee Rule of Evidence 606(b) prohibits juror testimony concerning the effect of an improper court-officer communication on a juror's deliberative processes. The communication itself established a presumption of prejudice, and the State failed to rebut that presumption with admissible evidence. The court reversed the Court of Criminal Appeals and remanded for a new trial.

CASE DETAILS

COURT	Supreme Court of Tennessee
WRITING FOR THE COURT	William M. Barker, J.; Frank F. Drowota, III, C.J.; E. Riley Anderson, J.; Adolpho A. Birch, Jr., J.; Janice M. Holder, J.
JURISDICTION	Tennessee
DECIDED	June 24, 2005
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Appeal from the denial of post-conviction relief in a criminal case involving an allegedly improper communication by a court officer to the jury during deliberations.
STANDARD OF REVIEW	The court reviewed the legal interpretation and application of Tennessee Rule of Evidence 606(b) de novo and reviewed the post-conviction proceedings as an appeal from the denial of relief.
PRECEDENTIAL VALUE	Published Tennessee Supreme Court opinion; binding statewide precedent.
PARTIES	Robert D. Walsh v. State of Tennessee

TOPICS

- evidence
- post-conviction relief
- criminal procedure
- preservation of error
- appellate procedure

PRACTICE AREAS

- criminal procedure
- evidence
- post-conviction relief
- appellate procedure

QUESTIONS PRESENTED

1. Whether the State waived its argument that Walsh waived the improper-influence claim by failing to raise it in his direct appeal.
2. Whether Tennessee Rule of Evidence 606(b) permits a juror to testify about the effect of extraneous information or an improper outside influence on the juror's deliberative process.
3. Whether the improper communication created a presumption of prejudice that the State sufficiently rebutted with admissible evidence.

HOLDINGS

1. The State waived its own waiver argument by failing to raise the defense in the post-conviction court, thereby depriving Walsh of an opportunity to rebut the statutory presumption of waiver.
2. Tennessee Rule of Evidence 606(b) permits juror testimony to establish the fact that extraneous information or improper outside influence occurred, but it prohibits juror testimony concerning the effect of that information or influence on the juror's deliberative processes, thoughts, motivations, or emotions.
3. The State failed to rebut the presumption of prejudice because the only evidence offered to show harmlessness was inadmissible testimony from the juror concerning the effect of the court officer's statement on her decision-making.

KEY QUOTATIONS

“We hold that Tennessee Rule of Evidence 606(b) prohibits introduction of juror testimony concerning the effect on the juror of an improper communication by a court officer during jury deliberations.” (641)

“We conclude that Tennessee Rule of Evidence 606(b) permits juror testimony to establish the fact of extraneous information or improper influence on the juror; however, juror testimony concerning the effect of such information or influence on the juror's deliberative processes is inadmissible.” (649)

“The court officer's improper statement to the jury created a presumption of prejudice which the State failed to overcome.” (650)

FACTUAL BACKGROUND

During deliberations, a court officer entered the jury room after jurors reported difficulty reaching a decision and stated, in substance, that the jury had to reach a verdict. Afterward, the jury returned a unanimous guilty verdict on aggravated sexual battery, although one juror had previously voted not guilty. At the post-conviction hearing, that juror testified both about the officer's statement and about how the statement affected her deliberative process. The trial court found that the communication did not influence the verdict, relying in part on the juror's testimony concerning her decision-making.

PROCEDURAL HISTORY

Walsh was convicted in Shelby County Criminal Court of aggravated sexual battery and acquitted of rape of a child. The Court of Criminal Appeals affirmed the conviction and modified the sentence, and permission to appeal the conviction was denied. After Walsh filed a post-conviction petition, the trial court denied relief, and

the Court of Criminal Appeals affirmed. The Tennessee Supreme Court granted permission to appeal and reversed, remanding for a new trial.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The case was remanded for a new trial.

CASES CITED

- State v. Robert D. Walsh, W1999-01473-CCA-R3-CD, 2001 WL 91949 (Tenn. Crim. App. Jan. 30, 2001)
- Rickman v. State, 972 S.W.2d 687, 691 (Tenn. Crim. App. 1997)
- State v. White, 635 S.W.2d 396, 397-98 (Tenn. 1982)
- State v. Blackwell, 664 S.W.2d 686, 688-89 (Tenn. 1984)
- State v. Parchman, 973 S.W.2d 607, 612-14 (Tenn. Crim. App. 1997)
- Tanner v. United States, 483 U.S. 107, 108, 119-21 (1987)
- Caldararo v. Vanderbilt Univ., 794 S.W.2d 738, 741-42 (Tenn. Ct. App. 1990)
- Cavalier Metal Corp. v. Johnson Metal Controls, 124 S.W.3d 122, 127, 130 (Tenn. Ct. App. 2003)
- Carruthers v. State, 145 S.W.3d 85, 93, 95-96 (Tenn. Crim. App. 2003)
- Montgomery v. State, 556 S.W.2d 559, 561 (Tenn. Crim. App. 1977)
- Mattox v. United States, 146 U.S. 140, 149 (1892)
- Blakely v. Washington, 542 U.S. 296, 124 S. Ct. 2531, 2538-39, 159 L. Ed. 2d 403 (2004)
- Larson v. State, 79 P.3d 650, 654 (Alaska Ct. App. 2003)
- United States v. Gonzales, 227 F.3d 520, 525 (6th Cir. 2000)
- Haugh v. Jones & Laughlin Steel Corp., 949 F.2d 914, 917-18 (7th Cir. 1991)
- Cont'l Cas. Co. v. Smith, 720 S.W.2d 48, 49 (Tenn. 1986)