

SUPREME COURT OF TENNESSEE

State of Tennessee v. DeWayne Collier aka Patrick Collier

411 S.W.3d 886 (Tenn. 2013) · No. W2010-01606-SC-R11-CD · Decided August 12, 2013

SUMMARY

The Tennessee Supreme Court affirmed DeWayne Collier’s conviction for aggravated statutory rape. The Court held that a victim of statutory rape does not qualify as an accomplice whose testimony requires corroboration, and concluded that the evidence was sufficient to sustain the conviction. The Court also addressed waiver of a challenge to the denial of a motion for judgment of acquittal made at the close of the State’s proof.

CASE DETAILS

COURT	Supreme Court of Tennessee
WRITING FOR THE COURT	Gary R. Wade, Chief Justice; Janice M. Holder; Cornelia A. Clark; William C. Koch, Jr.; Sharon G. Lee
JURISDICTION	Tennessee
DECIDED	August 12, 2013
DOCKET	W2010-01606-SC-R11-CD
DISPOSITION	affirmed
PROCEDURAL POSTURE	The defendant appealed by permission from the Tennessee Court of Criminal Appeals after his conviction for aggravated statutory rape was affirmed. The Tennessee Supreme Court reviewed whether the testimony of a minor victim of statutory rape must be corroborated because the victim is treated as an accomplice.
STANDARD OF REVIEW	Questions concerning accomplice status are reviewed de novo when the relevant facts are undisputed. The sufficiency of the evidence is reviewed by determining whether, viewing the evidence in the light most favorable to the prosecution and drawing all reasonable inferences in its favor, any rational trier of fact could have found the essential elements beyond a reasonable doubt.
PRECEDENTIAL VALUE	Published, precedential Tennessee Supreme Court opinion
PARTIES	DeWayne Collier aka Patrick Collier v. State of Tennessee

TOPICS

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the defendant waived appellate review of the denial of his motion for judgment of acquittal made at the close of the State's proof by presenting defense evidence after the motion was denied.
2. Whether a minor victim of statutory rape may be treated as an accomplice whose testimony requires corroboration.
3. Whether the evidence was sufficient to sustain the defendant's conviction for aggravated statutory rape.

HOLDINGS

1. A defendant who presents evidence after the trial court denies a motion for judgment of acquittal made at the close of the State's proof waives any claim of error concerning that motion.
2. A victim of statutory rape is not an accomplice, and the victim's testimony does not require corroboration to support a conviction.
3. The evidence was sufficient to sustain the conviction for aggravated statutory rape.

KEY QUOTATIONS

"Today, we join the vast majority of states that have addressed the issue by rejecting the application of the accomplice corroboration rule to victims of statutory rape."

"As a matter of law, a minor is indeed incapable of consenting to a statutory rape."

"Accordingly, we overrule all prior Tennessee decisions recognizing the exception that requires corroboration of the testimony of a minor victim of a sex offense despite the fact that the minor could not be charged with the offense."

FACTUAL BACKGROUND

A fourteen-year-old victim left school, met the forty-two-year-old defendant, and traveled with him to his Memphis residence. The victim testified that she and the defendant engaged in sexual intercourse multiple times over approximately two days. The State presented her testimony and evidence corroborating aspects of her account, including her accurate description of the defendant's residence; the defense presented employment and forensic evidence. The jury convicted the defendant of aggravated statutory rape.

PROCEDURAL HISTORY

A Shelby County jury convicted Collier of aggravated statutory rape, and the trial court imposed a four-year sentence. The Court of Criminal Appeals affirmed, concluding that the victim qualified as an accomplice but that

her testimony was sufficiently corroborated. The Tennessee Supreme Court granted permission to appeal, held that corroboration was not required, and affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Collier, No. W2010-01606-CCA-R3-CD, 2012 WL 2849495 (Tenn. Crim. App. July 11, 2012)
- State v. Pitts, No. 01C01-9701-CC-00003, 1999 WL 144744 (Tenn. Crim. App. Mar. 18, 1999)
- State v. Green, 915 S.W.2d 827 (Tenn. Crim. App. 1995)
- State v. Lawson, 794 S.W.2d 363 (Tenn. Crim. App. 1990)
- State v. Hall, 656 S.W.2d 60 (Tenn. Crim. App. 1983)
- State v. Blanton, 926 S.W.2d 953 (Tenn. Crim. App. 1996)
- State v. Adams, 916 S.W.2d 471 (Tenn. Crim. App. 1995)
- State v. James, 315 S.W.3d 440 (Tenn. 2010)
- Overturf v. State, 571 S.W.2d 837 (Tenn. 1978)
- Finch v. State, 226 S.W.3d 307 (Tenn. 2007)
- Mathis v. State, 590 S.W.2d 449 (Tenn. 1979)
- State v. Little, No. E2009-01796-SC-R11-CD, 2013 WL 1165376 (Tenn. Mar. 22, 2013)
- State v. Ball, 973 S.W.2d 288 (Tenn. Crim. App. 1998)
- State v. Anderson, 880 S.W.2d 720 (Tenn. Crim. App. 1994)
- State v. Davis, 354 S.W.3d 718 (Tenn. 2011)
- Sherrill v. State, 321 S.W.2d 811 (Tenn. 1959)
- Prince v. State, 529 S.W.2d 729 (Tenn. Crim. App. 1975)
- State v. Bough, 152 S.W.3d 453 (Tenn. 2004)
- Clapp v. State, 30 S.W. 214 (Tenn. 1895)
- State v. Robinson, 146 S.W.3d 469 (Tenn. 2004)
- Blair v. Brownson, 197 S.W.3d 681 (Tenn. 2006)
- State v. McKnight, 900 S.W.2d 36 (Tenn. Crim. App. 1994)
- State v. Williams, 977 S.W.2d 101 (Tenn. 1998)
- Shelley v. State, 31 S.W. 492 (Tenn. 1895)
- Scott v. State, 338 S.W.2d 581 (Tenn. 1960)
- Boulton v. State, 377 S.W.2d 936 (Tenn. 1964)
- State v. Schimpf, 782 S.W.2d 186 (Tenn. Crim. App. 1989)
- State v. Garner, No. 03C01-9205-CR-00178, 1993 WL 3474 (Tenn. Crim. App. Jan. 11, 1993)
- State v. Anderson, No. M2008-01377-CCA-R3-CD, 2009 WL 3103790 (Tenn. Crim. App. Sept. 28, 2009)
- State v. Smith, No. M2004-01457-CCA-R3-CD, 2005 WL 1541874 (Tenn. Crim. App. June 29, 2005)

- State v. Rainey, No. M2001-01870-CCA-R3-CD, 2003 WL 21302993 (Tenn. Crim. App. June 6, 2003)
- State v. Ballinger, 93 S.W.3d 881 (Tenn. Crim. App. 2001)
- State v. Reeves, No. 01C01-9711-CR-00515, 1999 WL 155926 (Tenn. Crim. App. Mar. 23, 1999)
- Montgomery v. State, 556 S.W.2d 559 (Tenn. Crim. App. 1977)
- In re Estate of McFarland, 167 S.W.3d 299 (Tenn. 2005)
- Edingborough v. Sears, Roebuck & Co., 337 S.W.2d 13 (Tenn. 1960)
- House v. Estate of Edmondson, 245 S.W.3d 372 (Tenn. 2008)
- Freeman Industries, LLC v. Eastman Chemical Co., 172 S.W.3d 512 (Tenn. 2005)
- United States v. Craft, 535 U.S. 274 (2002)
- Broadcast Music, Inc. v. Roger Miller Music, Inc., 396 F.3d 762 (6th Cir. 2005)
- Tyrone v. State, 854 S.W.2d 153 (Tex. App. 1993)
- Durham v. State, 250 So. 2d 693 (Ala. Crim. App. 1969)
- State v. Pollock, 114 P.2d 249 (Ariz. 1941)
- People v. Kemp, 34 P.2d 502 (Cal. Dist. Ct. App. 1934)
- Phillipson v. State, 943 So. 2d 670 (Miss. 2006)
- State v. Byers, 627 P.2d 788 (Idaho 1981)
- People v. Rincon-Pineda, 538 P.2d 247 (Cal. 1975)
- Gary v. United States, 499 A.2d 815 (D.C. 1985)
- United States v. Sheppard, 569 F.2d 114 (D.C. Cir. 1977)
- Agan v. State, 737 S.E.2d 347 (Ga. Ct. App. 2013)
- Anderson v. State, 62 So. 3d 927 (Miss. 2011)
- People v. Novack, 622 N.Y.S.2d 783 (N.Y. App. Div. 1995)
- People v. Lamphier, 754 N.Y.S.2d 482 (N.Y. App. Div. 2003)