

SUPREME COURT OF TENNESSEE

State of Tennessee v. Kevin L. Lawrence

154 S.W.3d 71 (Tenn. 2005) · Decided January 28, 2005

SUMMARY

The Supreme Court of Tennessee affirmed the defendant's murder conviction and the denial of his motion to suppress. The court held that officers had probable cause to arrest Kevin Lawrence based on the circumstances surrounding the shooting and his flight, including the discovery of a firearm, mask, and duct tape. Although Lawrence was detained for more than 48 hours without a judicial probable-cause determination, the evidence at issue was obtained during the initial hours of detention and was not tainted by exploitation of the later constitutional violation.

CASE DETAILS

COURT	Supreme Court of Tennessee
WRITING FOR THE COURT	Adolpho A. Birch, Jr., J.; Frank F. Drowota, III, C.J.; E. Riley Anderson, J.; Janice M. Holder, J.; William M. Barker, J.
JURISDICTION	Tennessee
DECIDED	January 28, 2005
DISPOSITION	affirmed
PROCEDURAL POSTURE	The defendant appealed under Tennessee Rule of Appellate Procedure 11 from the denial of his motion to suppress evidence. The Tennessee Supreme Court granted permission to appeal and reviewed whether the arrest was supported by probable cause and whether evidence obtained during an allegedly excessive detention was subject to suppression.
STANDARD OF REVIEW	Factual findings at a suppression hearing are presumptively correct unless the evidence preponderates otherwise; credibility determinations, evidentiary weight, and conflict resolution are entrusted to the trial court. Application of law to the facts is reviewed de novo.
PRECEDENTIAL VALUE	Published Tennessee Supreme Court opinion; binding precedent in Tennessee.
PARTIES	Kevin L. Lawrence v. State of Tennessee

TOPICS

suppression of evidence

probable cause

fourth amendment

exclusionary rule

criminal procedure

PRACTICE AREAS

criminal procedure

constitutional law

evidence

appellate procedure

QUESTIONS PRESENTED

1. Whether the officers had probable cause to arrest Lawrence without a warrant.
2. Whether the absence of a judicial determination of probable cause within forty-eight hours violated the Fourth Amendment.
3. Whether the duct tape and gunshot-residue evidence obtained during the initial hours of detention was subject to exclusion as fruit of the poisonous tree.

HOLDINGS

1. The officers had probable cause to arrest Lawrence because the totality of the facts known to them, including his flight immediately after gunshots, his evasive conduct, discarded jacket, duct tape on his fingers, and the discovery of a handgun and mask along his route, provided reasonable cause to believe he committed the offense.
2. Lawrence's detention violated the Fourth Amendment because he was held from December 28, 1998, until January 1, 1999, without a judicial determination of probable cause, and the State failed to show a bona fide emergency or extraordinary circumstance justifying the delay.
3. The duct tape and gunshot-residue evidence was not subject to suppression because it was obtained during the first few hours after a probable-cause arrest and was not obtained by exploitation of, or as a consequence of, the later constitutional violation caused by the excessive detention.

KEY QUOTATIONS

“When a judicial determination of probable cause is not made within the first forty-eight hours of arrest, “the burden shifts to the government to demonstrate the existence of a bona fide emergency or other extraordinary circumstance.”” (154 S.W.3d at 77)

“We conclude here that the evidence at issue was obtained neither by exploitation of nor as a consequence of the violation of the Fourth Amendment.” (154 S.W.3d at 78)

FACTUAL BACKGROUND

Police responded to a 911 hangup call at a Memphis condominium complex and heard gunshots shortly after arriving. Officer Jensen saw Lawrence running from the area, and Officer Howell pursued him; Lawrence discarded a dark jacket, had gray duct tape on his fingers, and attempted to hide the tape in the patrol car. Officers then discovered a handgun and a sleeve-like mask along his flight path, while witnesses reported that two men had committed a robbery and shot Rodney Foster. Lawrence was held from December 28, 1998, until January 1, 1999, without a judicial determination of probable cause, but the duct tape and gunshot-residue evidence were obtained during the first few hours of his detention.

PROCEDURAL HISTORY

The trial court denied the motion to suppress, finding probable cause for the arrest and concluding that the detention period was irrelevant because the evidence was obtained within the first forty-eight hours. The defendant was convicted of first degree felony murder and second degree murder, with the offenses merged and a life sentence imposed for felony murder. The Court of Criminal Appeals affirmed, and the Tennessee Supreme Court affirmed that judgment.

DISPOSITION

affirmed

CASES CITED

- State v. Davis, 141 S.W.3d 600, 625-26 (Tenn. 2004)
- State v. Odom, 928 S.W.2d 18, 23 (Tenn. 1996)
- State v. Lewis, 36 S.W.3d 88, 98 (Tenn. Crim. App. 2000)
- State v. Bridges, 963 S.W.2d 487, 491 (Tenn. 1997)
- Beck v. Ohio, 379 U.S. 89, 91 (1964)
- State v. Melson, 638 S.W.2d 342, 350 (Tenn. 1982)
- State v. Yeargan, 958 S.W.2d 626, 636-38 (Tenn. 1997)
- State v. Troxell, 78 S.W.3d 866, 870 (Tenn. 2002)
- Gerstein v. Pugh, 420 U.S. 103, 114 (1975)
- County of Riverside v. McLaughlin, 500 U.S. 44, 56-57 (1991)
- State v. Huddleston, 924 S.W.2d 666, 673-74 (Tenn. 1996)
- Wong Sun v. United States, 371 U.S. 471, 486, 488 (1963)
- United States v. Crews, 445 U.S. 463, 471 (1980)
- State v. Dean, 76 S.W.3d 352, 359, 364 (Tenn. Crim. App. 2001)
- State v. Webster, 81 S.W.3d 244, 246-47, 251 (Tenn. Crim. App. 2002)
- United States v. Fullerton, 187 F.3d 587, 591 (6th Cir. 1999)
- Black v. State, 871 P.2d 35, 39 (Okla. Crim. App. 1994)
- State v. Koch, 175 Wis. 2d 684, 499 N.W.2d 152, 160 (1993)
- State v. Ross, 49 S.W.3d 833, 842 (Tenn. 2001)