

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE
AT JACKSON
September 6, 2023 Session

FILED
09/29/2023
Clerk of the
Appellate Courts

STATE OF TENNESSEE v. CORNELL POE

**Appeal from the Circuit Court for Madison County
No. 22-76 Kyle C. Atkins, Judge**

No. W2022-01585-CCA-R3-CD

A Madison County Grand Jury indicted the defendant, Cornell Poe, for driving on a revoked license, unlawful use of a license plate, improper registration, and violation of the financial responsibility law. The defendant filed a suppression motion, arguing the lack of signage on the one-way street deprived him of due process. The trial court granted the defendant's motion, and the State appealed, asserting the defendant's seizure was supported by probable cause. Upon our review of the record, arguments of the parties, and pertinent authorities, we agree with the State, reverse the judgment of the trial court and remand the case for further proceedings.

Tenn. R. App. P. 3 Appeal as of Right; Judgment of the Circuit Court Reversed and Remanded

J. ROSS DYER, J., delivered the opinion of the court, in which ROBERT L. HOLLOWAY, JR., and TOM GREENHOLTZ, JJ., joined.

Jessica F. Butler, Assistant Public Defender, Tennessee District Public Defenders Conference (on appeal) and Jeremy Epperson, District Public Defender, and John D. Hamilton, Assistant Public Defender (at the suppression hearing), for the appellee, Cornell Poe.

Jonathan Skrmetti, Attorney General and Reporter; Ronald L. Coleman, Assistant Attorney General; Jody S. Pickens, District Attorney General; and Benjamin C. Mayo, Assistant District Attorney General, for the appellant, State of Tennessee.

OPINION

Facts and Procedural History

On January 3, 2022, the Madison County Grand Jury returned an indictment charging the defendant with driving on a revoked license, unlawful use of a license plate, improper registration, and violation of the responsibility law. Thereafter, the defendant filed a motion to suppress the search of his motor vehicle, arguing the one-way street that he drove down did not have adequate signage, therefore, failing to provide “any notice that traveling down Scott Street Alley in a northern direction was illegal.”

At the suppression hearing, Officer Kelly Mason with the Jackson Police Department testified that at 8:45 p.m. on August 17, 2021, he was parked at a gas station on Airways Boulevard performing surveillance for vehicle infractions. During that time, he observed a small truck driving the wrong way down a one-way alley. Officer Mason testified that he knew the alley was a one-way street because there was a sign posted at the end of the alley near where he was parked. Additionally, Officer Mason was familiar with the alley from working in the area. Officer Mason testified that the alley had been a one-way street for at least twelve years and that he had written “multiple violations for that alley that go back dating from when [he] began employment.” Although “[t]here used to be a red and white do not enter sign at the other end of th[e] alley,” Officer Mason testified that “it [was] no longer there;” however, he did not know when it was removed.

After observing the defendant proceed the wrong way down the alley, Officer Mason initiated a traffic stop, approached the defendant, and asked him for his license, registration, and proof of insurance. The defendant did not have any documentation pertaining to insurance or registration, and Officer Mason discovered the defendant’s driver’s license was revoked. Although the vehicle had a temporary tag, the information on the tag did not match the defendant’s vehicle.

At the close of the proof, the trial court granted the defendant’s suppression motion and dismissed the case, finding:

I find Officer Mason was very credible. He testified that there was a sign there and it had been – it had been there in the past and it wasn’t there. But I just don’t know how we can make somebody follow a rule that they’re not given any notice of.

I mean, rules of the road are not like other rules in that you have to know what the speed limit is, you have to know whether you can or can’t turn right on red, you have to know whether the intersection bars a left-hand turn or if it’s a one-way street. And if there’s no sign warning you of that, then it’s hard – hard to follow those rules.

So, I’m going to grant the Motion to Suppress.

The State subsequently filed this timely notice of appeal.

Analysis

On appeal, the State argues the trial court erred in granting the defendant's motion to suppress. The State asserts it proved Officer Mason seized the defendant based upon probable cause because Officer Mason witnessed the defendant commit a traffic violation. The defendant submits the trial court "properly dismissed the State's case against the defendant after finding that he was not driving illegally when he was not given notice of a one-way street." Upon our review, we agree with the State.

Suppression issues on appeal are subject to a well-established standard of review. Appellate courts are bound by a trial court's findings of facts determined after a suppression hearing unless the evidence preponderates against them. *State v. Odom*, 928 S.W.2d 18, 23 (Tenn. 1996); *State v. McGee*, No. E2011-01756-CCA-R3-CD, 2012 WL 4017776, at *2 (Tenn. Crim. App. Sept. 13, 2012). "Questions of credibility of the witnesses, the weight and value of the evidence, and resolution of conflicts in the evidence are matters entrusted to the trial judge as the trier of fact." *Odom*, 928 S.W.2d at 23. Appellate courts should consider the entire record, affording the prevailing party "the strongest legitimate view of the evidence and all reasonable inferences drawn from that evidence." *McGee*, 2012 WL 4017776, at *2 (citing *State v. Hicks*, 55 S.W.3d 515, 521 (Tenn. 2001)); see also *State v. Sanders*, 452 S.W.3d 300, 306 (Tenn. 2014). However, applying the law to the factual findings of the trial court is a question of law, which is reviewed *de novo* on appeal. *State v. Yeargan*, 958 S.W.2d 626, 629 (Tenn. 1997).

The Fourth Amendment to the United States Constitution and Article I, section 7 of the Tennessee Constitution guarantee freedom from unreasonable searches and seizures. These guarantees exist to "safeguard the privacy and security of individuals against arbitrary invasions by governmental officials." *Camara v. Municipal Court*, 387 U.S. 523, 528 (1967); see *State v. Downey*, 945 S.W.2d 102, 106 (Tenn. 1997). "[A] warrantless search or seizure is presumed unreasonable, and evidence discovered as a result thereof is subject to suppression unless the State demonstrates that the search or seizure was conducted pursuant to one of the narrowly defined exceptions to the warrant requirement." *Yeargan*, 958 S.W.2d at 630.

An automobile stop constitutes a "seizure" within the meaning of both the Fourth Amendment to the United States Constitution and Article I, section 7 of the Tennessee Constitution. *Delaware v. Prouse*, 440 U.S. 648, 653 (1979); *State v. Pulley*, 863 S.W.2d 29, 30 (Tenn. 1993). Therefore, police must have probable cause or an "articulable and reasonable suspicion" to believe that a traffic violation has occurred when they initiate a

traffic stop. *Whren v. United States*, 517 U.S. 806, 810 (1996). “It is well established that a traffic violation – however minor – creates probable cause to stop the driver of a vehicle.” *State v. Davis*, 484 S.W.3d 138, 143 (Tenn. 2016) (quoting *United States v. Barry*, 98 F.3d 373, 376 (8th Cir. 1996)); see *State v. Berrios*, 235 S.W.3d 99, 105 (Tenn. 2007) (“As a general rule, if the police have probable cause to believe a traffic violation has occurred, the stop is constitutionally reasonable.”); *State v. Vineyard*, 958 S.W.2d 730, 736 (Tenn. 1997) (holding that an officer’s observations of the defendant’s violation of traffic laws created probable cause justifying the stop).

Officer Mason testified that he witnessed the defendant drive the wrong direction down a one-way alley. The trial court specifically accredited the officer’s testimony. Therefore, the defendant’s actions provided Officer Mason with probable cause to stop the vehicle. See *Davis*, 484 S.W.3d at 143 (“Probable cause exists when ‘at the time of the arrest, the facts and circumstances *within the knowledge of the officers*, and of which they had reasonably trustworthy information, are sufficient to warrant a prudent person in believing that the defendant had committed or was committing an offense.”) (citations omitted) (emphasis added); Tenn. Code Ann. § 55-8-122. Upon initiating a traffic stop, Officer Mason discovered that the defendant’s driver’s license was revoked, that he did not have insurance documentation or registration information for the vehicle he was driving, and that the information on the temporary tag did not match the defendant’s vehicle. Consequently, Officer Mason had probable cause to arrest the defendant. See *Maryland v. Pringle*, 540 U.S. 366, 371 (2003) (quoting *Ornelas v. United States*, 517 U.S. 690, 696 (1996)) (“To determine whether an officer had probable cause to arrest an individual, we examine the events leading up to the arrest, and then decide ‘whether these historical facts, *viewed from the standpoint of an objectively reasonable police officer*, amount to’ probable cause.”) (emphasis added). The trial court erred in ruling otherwise.

In granting the defendant’s motion, the trial court did not find that a crime did not exist, that the defendant had not committed a traffic violation or that the officer lacked probable cause. Rather, the trial court, after specifically accrediting Officer Mason’s testimony, granted the defendant’s motion stating, “I just don’t know how we can make somebody follow a rule that they’re not given notice of.” However, the accredited evidence produced during the hearing preponderates against the trial court’s finding. Officer Mason testified there was a sign at both ends of the street, including the end of the street where Officer Mason spotted the defendant. While there was testimony that one of the signs was no longer up at the time of the hearing, no proof was presented that either sign was not up and visible at the time of the incident. As “[p]robable cause exists when ‘at the time of the arrest, the facts and circumstances *within the knowledge of the officers*, and of which they had reasonably trustworthy information, are sufficient to warrant a prudent person in believing that the defendant had committed or was committing an offense,’” *Davis*, 484 S.W.3d at 143 (emphasis added), the evidence contained in the record preponderates

against the findings of the trial court, and the State has satisfied its burden establishing that there was probable cause to initiate a traffic stop. Therefore, we reverse the trial court's grant of the defendant's motion to suppress, reinstate the indictments against the defendant, and remand the matter to the trial court for further proceedings.

Conclusion

Based upon the foregoing authorities and reasoning, we reverse the trial court's grant of the defendant's motion to suppress, reinstate the indictments against the defendant, and remand for further proceedings.

J. ROSS DYER, JUDGE