APPENDIX A

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE
AT KNOXVILLE
November 15, 2022 Session

STATE OF TENNESSEE v. JOEL MICHAEL GUY, JR.

Appeal from the Criminal Court for Knox County
No. 110145 Steve Sword, Judge

No. E2021-00560-CCA-R3-CD

The defendant, Joel Michael Guy, Jr., appeals his Knox County Criminal Court jury convictions of two counts of first degree premeditated murder, two counts of felony murder, and two counts of abuse of a corpse, challenging the denial of various motions to suppress evidence, the admission of certain evidence, the constitutionality of the statute prohibiting abuse of a corpse, and the sufficiency of the evidence supporting his convictions of abuse of a corpse and arguing that the cumulative effect of the errors entitles him to a new trial. Because the defendant did not have standing to challenge the warrantless entry into the house where the murders occurred, we affirm the denial of the defendant's motion to suppress evidence seized from the crime scene on grounds different than those upon which the trial court relied. Even if the defendant had standing to challenge the entry into the house, the entry was supported by probable cause and exigent circumstances, and the evidence was in the officers' plain view. The trial court correctly concluded that the search of the backpack was an appropriately-conducted inventory search. The trial court did not err by refusing to suppress surveillance video obtained using the receipts discovered from the unlawful search of the defendant's Louisiana residence because the trial court correctly concluded that the police would have inevitably discovered the surveillance video during the course of the investigation. The trial court did not err by admitting evidence that the victims intended to stop providing financial support to the defendant. The proscriptive statute criminalizing the abuse of a corpse is not void for vagueness, and the evidence adduced at trial was sufficient to support the defendant's convictions of these offenses. Finally, because we conclude that the trial court did not commit any error, no error obtains to accumulate. We affirm the judgments of the trial court.

Tenn. R. App. P. 3; Judgments of the Criminal Court Affirmed

JAMES CURWOOD WITT, JR., P.J., delivered the opinion of the court, in which TIMOTHY L. EASTER, and JOHN W. CAMPBELL, SR., JJ., joined.

Eric Lutton, District Public Defender; Jonathan Harwell (on appeal and at trial), and John Halstead (at trial), Assistant District Public Defenders; and Mark Stephens (at trial), Knoxville, Tennessee, for the appellant, Joel Michael Guy, Jr.

Jonathan Skrmetti, Attorney General and Reporter; Garrett D. Ward, Assistant Attorney General; Charme P. Allen, District Attorney General; and Leslie Nassios and Hector Sanchez, Assistant District Attorneys General, for the appellee, State of Tennessee.

OPINION

The Knox County Grand Jury charged the defendant with two counts of premeditated first degree murder, two counts of felony murder, and two counts of abuse of a corpse related to the deaths and dismemberment of his parents, Joel and Lisa Guy, inside their Knoxville home on Goldenview Lane in November 2016.

According to the evidence presented at the defendant's September 2020 trial, the victims were planning to retire and sell their home in Knoxville, and they had purchased Mr. Guy's family home in Surgoinsville. Angela Crain, the daughter of Mr. Guy and the step-daughter of Mrs. Guy, testified that on November 17, 2016, Mr. Guy informed the family via text message that the victims sold their Knoxville home and had to be out of the home by December 13th. Jennifer Whited, Mrs. Guy's supervisor, stated that Mrs. Guy submitted her resignation notice on November 21st and that her last day of work was scheduled to be December 2nd.

Multiple witnesses testified that either Mr. Guy or Mrs. Guy expressed that due to their retirement, they would no longer be able to financially support the defendant. Ms. Crain testified that Mrs. Guy told her that "it was time for [the defendant] to stand on his own two feet." Michelle Dennison Tyler, the daughter of Mr. Guy and the step-daughter of Mrs. Guy, stated that in late October 2016, the victims informed her of their retirement plans and told her that the defendant would need to find employment because they would no longer be able to financially support him. Robin White, Mr. Guy's sister, said that Mrs. Guy informed her that upon retirement, she could no longer be able to financially support the defendant and that he "needed to be on his own." Renee Charles, Mr. Guy's sister, testified that one week before Thanksgiving 2016, Mr. Guy told her that he and Mrs. Guy planned to tell the defendant at Christmas that he would be responsible for paying his own bills. Ms. Whited testified that when she and Mrs. Guy discussed the victims' retirement plans, Mrs. Guy stated that she would no longer be able to financially support the defendant.

Ms. Tyler testified that she went to the victims' home for Thanksgiving with her three sons and that the family, including the defendant, were together from approximately 10:30 a.m. to 8:00 p.m. The defendant was staying at the victims' house. Ms. Tyler said that the defendant typically remained in the bedroom and did not spend time with the rest of the family, but that "Thanksgiving was completely different. The moment that I arrived, [the defendant] was talking to us." She said that Mrs. Guy had kept everything that the defendant had collected and had memorialized "his entire life in boxes upstairs." The defendant and Ms. Tyler's sons brought the boxes downstairs, and the defendant gave his toys and games to Ms. Tyler's sons, which she believed to be "odd."

Ms. Tyler brought her laundry to do at the victims' house because her dryer had broken. When she parked her car near the home so that she could easily take all of her clothes to the laundry room located upstairs, she saw "big totes" in the back of the defendant's vehicle. One tote was inside the other, and the lids were on them. She went upstairs at the victims' house to do laundry and to check on her children because she found it odd that they were interacting with the defendant. The defendant was staying in the bedroom near the top of the stairs, and Ms. Tyler said that every time she went upstairs, the defendant was "right behind" her, which she found to be strange.

While upstairs, Ms. Tyler entered the victims' bedroom and noticed nothing out of the ordinary, recalling that the bed was made and that the bathroom was clean. The upstairs area also included a bathroom attached to the victims' bedroom, another bathroom located down the hallway and to the right from the bedroom where the defendant was staying, and a laundry room located across from the second bathroom. She said that the victims had a dog that they "pampered" and would never lock inside a room. Ms. Tyler testified that Mr. Guy owned a large number of guns that he kept loaded, but she did not see any guns lying out over Thanksgiving. Mr. Guy also had security cameras inside the house, which were present over Thanksgiving but were missing when Ms. Tyler returned to the residence with police after the victims' deaths.

Ms. Charles testified that on Friday, November 25, 2016, which was the day after Thanksgiving, she spoke with Mr. Guy, who stated that the victims planned to go to Surgoinsville and to return to Knoxville at approximately 3:00 p.m. Ms. White spoke to Mr. Guy via telephone at approximately 1:00 p.m., and Mr. Guy stated that he and the defendant had brought Mr. Guy's boat to Surgoinsville and that they planned to leave soon. Ms. Charles called and sent text messages to Mr. Guy on Saturday and Sunday, but he did not respond. The victims also did not respond to Ms. Tyler's calls and text messages over the weekend. Chandise Fink, the daughter of Mr. Guy and the step-daughter of Mrs. Guy, testified that although she spoke to Mr. Guy almost every weekend, she did not hear from him on Saturday or Sunday, which surprised her because Sunday was her birthday.

Ms. Whited testified that Mrs. Guy was scheduled to begin work at 7:00 a.m. on Monday, November 28th but never arrived. At approximately 7:15 a.m., Ms. Whited began sending her text messages, but Mrs. Guy did not respond, which Ms. Whited believed was "highly unusual." Ms. Whited continued sending text messages to Mrs. Guy, as well as Mr. Guy, and she called but did not receive a response. Ms. Whited said that it was unusual for Mrs. Guy to miss work without notice, and, concerned for Mrs. Guy's wellbeing, Ms. Whited called the police and requested a "welfare check." After some time had passed and Ms. Whited was still unable to contact either of the victims, she contacted the police again and asked what officers found during the "welfare check." Ms. Whited was told that "everything seemed to be fine, that nothing looked out of place." She asked the police to return to the victims' home because she "knew that something was not right." She said that Mrs. Guy had plans for a retirement lunch with co-workers that day and that she would not have canceled or "just blown them off" without calling. Approximately 30 minutes later, a detective contacted Ms. Whited and asked additional questions about Mrs. Guy, but Ms. Whited was unaware of anything that occurred.

Ms. Whited said that Mrs. Guy's employment benefits included a $500,000 life insurance policy and that Mrs. Guy had elected to split the payout of the policy evenly between her designated beneficiaries, Mr. Guy and the defendant. Ms. Whited did not know whether the defendant was aware that Mrs. Guy had designated him as a beneficiary for her life insurance policy.

Ms. Tyler testified that on the Monday after Thanksgiving, she planned to go to the victims' house after work to check on them if she did not hear from them that day. That afternoon, Ms. Whited told her that "there's something wrong" and that she needed to contact the detectives. Ms. Tyler met with a detective and recounted the events of the Thanksgiving weekend and told him that the defendant had been present. Ms. Tyler said that she was appointed as the executor of Mr. Guy's estate after his death and that she became aware of large payments that had been made out of Mr. Guy's account after his death "for utility" and "for school" at Louisiana State University ("LSU"), as well as a $10,000 payment to the apartment complex where the defendant lived.

Knox County Sheriff's Office ("KCSO") Detective Stephen Ballard, a patrol officer at the time of the victims' deaths, testified that he responded to the victims' residence on Goldenview Lane for a welfare check on Mrs. Guy. He knocked on the front door and rang the doorbell, but no one responded. He walked around to the side of the house and saw a small fence surrounding the backyard with a locked gate. He saw a dog house in the backyard and "whistled" for the dog, but he did not receive a response. He returned to the front of the house and again knocked on the door and rang the doorbell to no response. The house had a "For Sale" sign in the front yard; vehicles were parked in

the driveway; and the light in the foyer was on inside the residence. He estimated that he was at the residence for five to 10 minutes.

KCSO Detective Jeremy McCord, the lead investigator in this case, testified that he was notified on November 28, 2016, that Mrs. Guy's employer was concerned because she did not come to work that morning even though she had a lunch or event with co-workers planned. He learned that Mrs. Guy's failure to show up for work or answer telephone calls was "uncharacteristic of her." He learned that Detective Ballard had conducted a welfare check earlier in the day but that the caller continued to insist that something was wrong. Detective McCord, Detective Ballard, Officer Jared Graves, and Officer Benjamin Gresham went to the Goldenview Lane residence to conduct a "welfare check."

Detective McCord testified that upon his arrival, he noticed vehicles parked in the driveway and a "For Sale" sign in the front yard. The back fence was closed; the front door was locked; and groceries were visible in the front foyer of the residence. He also noticed that despite the sale sign in the yard, there was no realtor box on the front door. Detective Ballard testified that he and other officers spoke with some of the victims' neighbors to determine when the victims had been seen last. Detective McCord testified that because the vehicles, which he determined belonged to the victims, were in the driveway, he believed the owners of the vehicles could be inside the residence and need assistance. He and Detective Ballard climbed over the fence into the backyard, and Detective McCord saw that the back door was missing a doorknob and that "the glass was warm from . . . the inside of the house." He also noticed "some kind of strange odor," which he described as "chemical in nature." He described "feeling very odd" about the circumstances and noted that "[t]here was something ominous about it." He called the realtor, who told him that a lockbox should have been on the front door and suggested another avenue of entry was possible. Detective McCord observed that the front doorknob did not match the deadbolt and stated that someone appeared to have removed the doorknob and lockbox from the front door and replaced the doorknob with the doorknob from the back door. An officer located a garage door opener in one of the vehicles and opened the garage door. Detective McCord said that "[a]s soon as the garage door was opened, you could feel heat." He decided to enter the residence "to conduct a welfare check."

The officers entered through the interior garage door, which was unlocked, and Detective McCord announced the presence of law enforcement as they entered. Detective McCord said that they were "immediately being hit with odor and heat, very extreme heat." Detective Ballard also observed containers of chemicals on the floor and stated that from the time that he entered the residence, he felt "a tingling" on his forehead due to the smell of chemicals. Immediately inside the door, Detective McCord saw bottles and various other items on the floor and a purse and two wallets on a table, which further

alarmed him because most people have their wallets when they leave their residence. In the kitchen, he saw a pot on the stove and noticed that the stove and oven were on. He saw what appeared to be feces on the living room floor. He noticed perishable items among the groceries on the foyer floor, and he saw a large number of long guns on the dining room table. Detective McCord stated that nothing that he was observing "ma[de] sense."

The officers moved up the staircase with Detective McCord leading, and the detective noted that the upstairs was hotter than the downstairs. He heard a dog barking and said that the dog would bark for a period, stop, and then whimper. He noticed a stain of what appeared to be blood on the wall of the stairwell. At the top of the stairs, he observed clothing, "sharp instruments," a bucket, and "reddish-brown staining on the floor, the wall. It's going all over the place." As he looked down the hall, he "saw hands not connected to a body."

Detective McCord entered the master bedroom where he saw a roll of plastic on the bed and items scattered on the floor. As he entered the en suite bathroom, he saw an array of tools and lights on the floor, knives, and "two tubs with what appeared to be body parts liquifying." He noted that the bathroom "was hotter . . . than most places" in the house. At that point, he instructed the officers to exit the residence the same way in which they entered. He reiterated that his purpose during the initial entry into the house was to "make sure that people are okay if they're inside." Once he saw the scene upstairs, he became concerned with "preserving the crime scene." He acknowledged that the officers did not fully clear the house during the initial entry, particularly the room where the dog was eventually found, explaining that "out of an abundance of caution, I made sure that we had enough personnel to safely clear that . . . room." Upon reentry with additional officers, he cleared the laundry room, finding only the dog.

At some point, Detective McCord returned to the kitchen, looked in the stockpot that was on the stove, and discovered a severed head. The Regional Forensic Center personnel removed the body parts from the scene, and the liquids in which the bodies were found were placed in a container by the Environmental Protection Agency for storing biochemical components.

Officers with the KCSO forensic services unit processed the crime scene at the Goldenview Lane residence. Officers collected three gasoline cans from the garage that were each filled with approximately 15 gallons of a liquid believed to be gasoline. Officers also located a small piece of paper towel with reddish brown staining and what appeared to be a bloody shoe print in the garage. Entering the residence through the garage and into the kitchen, officers observed two wallets, a set of keys, vise grips, a hammer, a magazine, a purse, and money on a table. One of the wallets contained the driver's license of Mrs. Guy, and the other wallet contained the driver's license of Mr. Guy. A bleach

spray bottle, a bag of trash, towels, rolls of trash bags, three containers of bleach, a bottle of muriatic acid, an unopened container of baking soda, and a lighter were on the kitchen floor. A red cellular telephone, a pair of blue disposable gloves, and an empty prescription bottle for "Joel M. Guy" were on the kitchen counter. A doorknob and a realtor's lockbox were in fluid in the kitchen sink. The stove was on, and a large stockpot with a lid was on the stovetop.

Guns and boxes of ammunition, a part of a doorknob, and a screwdriver were in the dining room. Forensic Officer Sandi Campbell testified that it was "very, very warm" inside the house and that the downstairs thermostat located in the foyer by the front door was set to 90 degrees. Groceries were on the floor of the foyer; the perishable items, including bacon, sausage, lunch meat, and ice cream were no longer cold; and the ice cream was "completely melted." Officer Campbell observed reddish-brown staining, which appeared to be blood, down the side of the wall leading up the staircase, on a child safety gate, on the banister, and on the wall at the top of the stairs. Clothing that "had been cut," two black Nike tennis shoes with staining, and a "cast iron" iron were in a pile on top of the stairs. An empty bottle of crystal drain opener that said, "Lye 100 percent," several empty six-pound, eight-ounce containers of "Number 2 Sewer Line cleaner," a stainless steel kitchen knife, and scissors were also at the top of the stairs.

Officer Campbell heard a loud noise from the master bedroom and found a heater turned on its highest setting and blowing in the room. A large amount of items were piled on the bedroom floor, including two black trash bags, an empty package of Clorox gloves, a Walmart bag containing gray workout pants, a gray long-sleeve T-shirt, and two pairs of gray socks, "a 3M dust mask," an unopened gallon container of Liquid Fire "drain line opener," Flexon hose packaging, an HDX extension cord, Sharpie markers, safety goggles, "a Defiant heavy-duty timer," a shower head, vise grips, a piece of plastic packaging, three unopened bottles of food-grade hydrogen peroxide, two glass dropper bottles, a large roll of clear plastic that appeared to have been cut, a mountable heater, "a Bayco work light," a glass blender pitcher and "Breville blender base," stuffed animal toys, a hammer, a flashlight, light bulbs, an empty sprayer bottle, and two Post-It notes with handwriting.

While heading into the en suite bathroom, Officer Campbell saw plastic sheeting on the floor that appeared to match the roll of plastic sheeting found in the bedroom and "two large Rubbermaid-type tubs." Both tubs contained body parts in liquid and "were kind of bulging on the sides." The showerhead had been removed inside the bathroom, and "a garden hose-type thing" had been attached in its place. "Dishwashing gloves" were on the bathroom counter, and a kitchen knife was in the sink. Officer Campbell found another heater inside the bathroom that was not on at that time, but she

noted that the master bedroom area of the house was the warmest part of the house and that the upstairs was warmer than the downstairs. The upstairs thermostat was set to 95 degrees.

In the second bedroom, which Ms. Tyler had identified as the bedroom where the defendant had been staying, Officer Campbell found reddish-brown staining on the floor, a suitcase, "tops to blue Rubbermaid containers that were similar, if not the same ones" as found in the en suite bathroom, textbooks, four prescription bottles, some of which "are for Joel M. Guy and one of them is for Lisa Guy," a box of Hornady Critical Defense Buckshot 12-gauge, 80-pellet ammunition, an open box of "medical-type" gloves, an unopened package of Clorox brand gloves, a container of food-grade hydrogen peroxide with reddish-brown staining, a backpack, reddish-brown staining on the bed, a laptop computer, a towel with staining, a Walmart bag containing "a Bayco work light," an opened container of food-grade hydrogen peroxide, and a single blue glove. Inside the suitcase, she found a Post-It note that had the handwritten address for "Dan Boudreaux's Ace Hardware" in Napoleon, Louisiana, and stated "Rooto 6.5 pound sewer line cleaner—$19.99." Also among the contents of the suitcase, she found gray Banana Republic underwear and a knife sheath "stamped with USMC."

In a third room that was located across the hall from the second bedroom and was being used for storage, Officer Campbell found reddish-brown staining on the door frame and "a Miracle Blade III knife." A towel and a pile of clothes that included two pair of gray Banana Republic underwear and a white T-shirt were on the floor of the upstairs hall bathroom. Several items were on top of the vanity, including a set of keys to a Kia car, a Samsung Galaxy S5 cellular telephone, a 16-ounce bottle of hydrogen peroxide, multiple blue disposable gloves, Charmin wet wipes, multiple pieces of medical tape, zinc ointment, a sock, cash and coins, first aid tape, a "knife marked USMC and six spacers," a receipt from the Walmart on Parkside Drive indicating a purchase at 3:35 p.m. on November 26, two 16-ounce bottles and one 32-ounce bottle of "91 percent Isopropyl alcohol, triple antibiotic ointment," Dermoplast pain relieving antibacterial spray, and a large amount of reddish-brown staining.

In the laundry room, Officer Campbell found a gray fleece blanket, a brown fleece blanket, two white wash cloths, one sock, and two pairs of gray Banana Republic underwear that were similar to those found in the hall bathroom. In the exercise room at the end of the hall, she saw "a pile of clothes with staining and a couple of knives," including a Victorinox kitchen knife and a stainless steel kitchen knife. Some of the clothing had been cut. She noted a large amount of reddish-brown staining inside the room, and she found a white hand towel with staining and "a set of what appeared to be male human hands that were severed from any other part."

Retired KCSO Officer Thomas Finch, an expert in fingerprint examination, identified six prints from the scene as belonging to the defendant, including prints found on a package of Clorox gloves, a package of Charmin wipes, "a tape package," a box of gloves from the dresser in the upstairs guest bedroom, and a palm print from the upstairs hall bathroom.

KCSO Officer Rachel Smith testified that on November 30, 2016, she photographed and inventoried evidence at the forensic laboratory. Inside the purse collected from the eat-in-kitchen table, she found a grocery list and a receipt from the Walmart on Parkside Drive from November 26, 2016, at 12:18 p.m. At the laboratory, she photographed and opened the maroon backpack collected from the upstairs guest bedroom where the defendant stayed. Inside the backpack, she found a calculator, an instruction manual for a residential gas water heater that had been printed on November 23, 2016, at 4:12 p.m., a black notebook, a book from a Co-Op book store in Baton Rouge, an umbrella, a computer mouse, and several books inscribed with the name "Joel Guy" on the inside covers. The black notebook contained a syllabus for a Fall 2016 class, pages of math problems, and handwritten notes, the legible portions of which said the following (bullet points, underlying, strikethroughs, and other markings in original):

- Get killing knives - quiet - multiple
- Get carving knives to make small pieces
- Get sledgehammer - crush bones
- Bring blender and food grinder - grind meat
- get bleach - denature proteins
- get plastic bin for denaturation process
- does not matter where they're killed - just get rid of bloody spots to prevent evidence of <u>time of death</u> (not the mattress or couches)
- get rid of bodies inside house - their and my DNA already there
- ~~open up doggie door to provide entryway~~

- flush chunks down toilet (not garbage disposal)

- get plastic sheeting for disposal process

- ~~get hollow point bullets just in case~~ - will be seen buying bullets; just use computer room gun → check to make sure there are bullets (last resort

- He's not alive to claim her half of the insurance money → all mine ($500,000)

- flood the house.

- turn heater up as high as it goes → speeds decomposition.

- bleach reacts with luminol just like blood → douse area with bleach

- big sprayer

- lye

- trash compactor?

Body gives time of death → alibi

- Don't have to get rid of body if there is no forensic evidence on the body.

- HIS FINGERPRINTS AND DNA

- Minimize things I touch throughout visit.

- Wear gloves and socks to prevent fingerprints and footprints

- Drop something down the garbage disposal to break it → get him on the ground fixing it → kill him with the knife

- Clean up mess from him before she gets home

- Kill her with knife. ~~Kill dog after.~~ Leave alive. Take dog with you

- Place her in shower. Turn on hot water and point at her to get rid of forensics. Remove her clothes and take them with me for disposal

- Place him in plastic bin and use it to get him into the upstairs bathroom.

- Cut off his arm and plant his flesh under her fingernails. Place her hand with his DNA so that his DNA is not washed away by shower.

- Use sodium hydroxide to destroy his soft tissue and soften bones for transport. Baste once every hour to accelerate.

- Flush sodium hydroxide down the toilet.

- Wash out bin with handheld showerhead and then direct handheld into toilet to flush everything out of the pipes and into the public waterway.

- Douse killing room(s) (Kitchen?) with bleach.

- Place hair curler with flammable paper and flammable containers of gasoline in four locations: his killing room, her killing room, his bathroom, her bathroom.

- Wipe down areas near killing rooms and bathrooms.

- turn heaters up to 90 [degrees] to melt fingerprints and dry everything.

- Set her phone to send me a text message late Sunday to prove that I was in BR and she was alive

- Leave through front door and wipe down door knobs.

- Timer for flammables set for Friday at 10 am → so they can't report it.

Another page of the notebook had the following handwritten notes:

Ultraviolet light shows fingerprints

Check mail before leaving.

To get rid of blood, use peroxide and bleach
↑ ↑
hemoglobin DNA

Another page of the notebook had handwritten notes with the heading "Destruction of Bodies" and listed the percentage of fat, protein, water, and "other compounds" in the human body. The last page of handwritten notes listed the victims' assets as follows:

Her assets

Her life insurance - $500,000 (possibly more with double indemnity)

With him missing/dead, I get the whole thing

All her other assets are joint

Go to him if missing. Unknown if he is dead.

His assets (includes all joint property if missing. When he gets all joint property, also gets joint debt)

Knoxville house - homeowner's insurance possibly, but probably worthless after fire - owe $100,000

Surgoinsville House - appraised at $400,000+ (worthless with Renee on property)

Her car, his SUV, his boat, his old truck.

His 401K - $80,000 (possibly left after taxes)

He could possibly have savings and/or investment accounts

Officer Sandlin said that much of the evidence recovered from the victims' residence corresponded to the notes in the black notebook. On December 1, 2016, Officer Sandlin searched Mrs. Guy's red Kia Sportage, finding two bags and receipts from Petsmart on Parkside Drive from November 26, 2016, at 11:23 and 11:26 a.m.

Special Agent Kim Lowe of the Tennessee Bureau of Investigation ("TBI"), an expert in serology and DNA analysis, determined that the scissors recovered from the top of the stairs had the blood of Mr. Guy and the defendant on the blade and the blood of Mrs. Guy on the handle. A knife recovered from the top of the stairs had Mr. Guy's blood on the blade and Mrs. Guy's blood on the handle. Pieces of medical tape and several gloves collected from the upstairs hall bathroom had the defendant's blood and DNA. Two gloves collected from the upstairs hall bathroom had Mrs. Guy's blood and at least one of the gloves also had the defendant's DNA. The DNA of both Mr. Guy and the defendant were on the fingernail clippings from Mr. Guy's right hand. The defendant's blood was also found by the child safety gate at the top of the stairs, on a knife collected from the primary bedroom, and on at least one other knife. A knife collected from the bathroom off of the master bedroom had the blood of the defendant and Mr. Guy. The blood on the wall of the exercise room belonged to Mr. Guy. The black notebook collected from the backpack contained the defendant's DNA.

KCSO Officer Edward Wassman, a digital forensic examiner, testified that he responded to the scene to collect a laptop, a Microsoft Surface Pro, that was found in an upstairs bedroom and an attached external hard drive. He said that the laptop was "in the middle of the bed," was unlocked, and was running "a Samsung application." When he "hovered the mouse over that application," the laptop displayed a Gmail address connected to the application. The laptop was also "running Bit Locker," which he described as "a Microsoft security tool that keeps anyone that doesn't know a password to the Bit Locker inscription from looking at the hard drive." When he began the data extraction, the computer restarted and required a password or facial recognition to access the hard drive. Because the laptop was "bit-locked," he was unable to view the data on the hard drive.

Officer Wassman collected a Dell Inspiron desktop computer from the downstairs of the victims' residence and was able to perform a data extraction on the computer. He discovered that on November 26, 2016, at 12:15 p.m., "seven USB devices were connected at the same time to this computer, which seemed to be a significant event." He found a Google search for "sodium percarbonate" on November 27, 2016, at 8:05 a.m. and a deposit transfer confirmation, a deposit transfer validation, an account summary, and a services log-in for a Capital One 360 bank account on November 27th at 10:49 a.m.

Officer Wassman performed a data extraction on two Samsung Galaxy cellular telephones. On the first one, enclosed in a pink case, he found text exchanges between the owner of the device and "Joel Michael." The last use of that device was on November 25, 2016, at 5:12 p.m. On the second cellular telephone, enclosed in a black case, he discovered a message from U.S. Bank on November 27, 2016, at 9:38 a.m., alerting that "Your card, 5773, was charged $1,025 at Bursar Operations." Another message from U.S. Bank two minutes later read, "Your card, 5773, was charged $2,051.03 at Bursar Operations." A third message from U.S. Bank at 9:41 a.m. that day read, "Your card, 5773, was charged $1,589.78 at Bursar Operations." Upon further investigation, Officer Wassman determined that "Bursar Operations" was associated with LSU. The State also offered an account statement from Mrs. Guy's Suntrust Bank account via affidavit, which statement showed a check card purchase at "Submeter One, LLC" in Louisiana for $3,090 on November 28, 2016.

Detective McCord testified that he learned from Ms. Tyler that the defendant had stayed at the victims' house for Thanksgiving. A Walmart receipt was located in the upstairs hall bathroom showing purchases made on November 26th at 3:35 p.m. of items recovered from inside the residence. Detective McCord obtained the Walmart security camera footage from the times marked on the Walmart receipt in an attempt to determine who made the purchase. The description that Ms. Tyler gave of the defendant's vehicle matched the vehicle seen on the Walmart video being driven by the person who made the

purchases, later identified as the defendant. In the video, the defendant, who had what appeared to be bandages covering injuries on his right and left hands, was seen purchasing items from the first-aid section that were consistent with the items found in the upstairs hall bathroom. Officers recovered a Walmart receipt from Mrs. Guy's purse dated November 26th at 12:18 p.m., listing items purchased that were consistent with the groceries in the foyer. Detective McCord obtained video footage from Walmart of Mrs. Guy's purchasing the groceries, and in the video, Mrs. Guy appeared to be wearing the clothing that was piled at the top of the stairs and carrying the purse and wallet that were found on the table in the eat-in-kitchen.

Detective McCord obtained an arrest warrant for the defendant and issued a "be-on-the-look-out" notice detailing descriptions of the defendant and his vehicle. Vigilant Solutions, a license plate recognition software, tracked the defendant's vehicle driving through Mississippi, capturing images of the vehicle on November 28th at 12:31 a.m. CST in Meridian, Mississippi; November 28th at 1:05 a.m. CST in Heidelberg, Mississippi; November 29th at 7:08 a.m. CST in Meridian, Mississippi; and November 29th at 7:37 a.m. CST on Interstate 59 near Pachuta, Mississippi. Detective McCord said that on November 29th, he was contacted by Academy Sports in response to "an attempted firearms purchase" at their store by the defendant. Detective McCord stated that he believed he received the alert shortly after the defendant attempted the purchase.

Lieutenant Scott Henning, a supervisor in the homicide division of the East Baton Rouge Parish Sheriff's Office, testified that he assisted in arresting the defendant on November 29, 2016. After the defendant was transported to the police office, a crime scene technician photographed him in Lieutenant Henning's presence. Lieutenant Henning noticed bruising and an abrasion or "burn-type injury" on the defendant's upper right arm, scratches on the back of his right elbow, scratches and bruising on his upper legs, bruising and "red marks" to his back, injuries to his right and left thumbs, a "slice" to the inside of his left thumb and on his right hand, and scratches to both hands, a wrist, and both palms.

Lieutenant Henning had the defendant's vehicle impounded and obtained a search warrant before processing it for evidence. In the floorboard of the passenger's seat, he found Ziploc bags containing "various loose pills, medication." In the trunk, he found a large red gasoline can, a meat grinder, a kitchen appliance, a large metal bowl, and "a mixer-type thing." A second gasoline can was found under the floor of the trunk with the spare tire. Also in the car, he found a McDonald's receipt from Trenton, Georgia, a receipt from a Knoxville Walmart dated November 24, 2016, and a "Capital One Bank ATM receipt" from a location in Baton Rouge dated November 29, 2016, at 11:48 a.m.

Federal Bureau of Investigation ("FBI") Agent Gerry Coleman, assigned to the New Orleans Violent Crimes Task Force, testified that he assisted the KCSO in their

investigation of the defendant. On December 1, 2016, he went to an Ace Hardware store in Napoleonville, Louisiana, approximately 25 to 35 miles outside of Baton Rouge, and obtained video surveillance footage from November 7, 2016. The video showed a man in a white T-shirt and gray shorts purchasing "a jug of something."

Retired FBI Special Agent Robert King testified that in November 2016, he worked in the violent crimes unit of the New Orleans/Baton Rouge office and assisted in arresting the defendant on November 29, 2016. He obtained security camera footage from a Lowe's in Gonzales, Louisiana, showing the defendant's making two purchases on November 11th. Special Agent King obtained security camera footage from a Home Depot in Baton Rouge and two receipts for transactions made on November 18th, one for the purchase of a 1.5-gallon sprayer and a 32-ounce bottle and the other for two 12-inch brown cords and two "digital HDT[s]." Special Agent King also obtained video footage of the defendant at an Academy Sports store on November 18th, 19th, and 29th. On November 18th, the defendant looked at firearms, ammunition, and electronics. According to the receipt, the defendant purchased "united cutlery USMC." On November 19th, the defendant returned to the store with a bag, walked down the same aisle and section where he had been on the previous day, picked up a different item, and made an exchange or return of "some type of knife or blade." Finally, Special Agent King obtained video footage from a Walmart in Baton Rouge that showed the defendant purchasing two blue tote containers on November 21st.

Michael McCrackin testified that he lived in Baton Rouge from 2006 through 2015, had known the defendant from high school and college, and was a roommate with him for a period of time. The defendant attended his first semester of college at George Washington University before attending LSU beginning in 2007. Mr. McCrackin said that on December 10, 2016, he received a telephone call from the defendant, who was in the Baton Rouge jail. A portion of the call was played to the jury during which the defendant told Mr. McCrackin that he believed that "we genuinely had a very, very realistic chance of being happy if I got around to doing that" and that "I pretty much f***ed everything up." The defendant stated, "Tell me I'm a f***ing idiot, tell me why did I do this." During another portion of the call, the defendant told Mr. McCrackin that his rent for his apartment was pre-paid "through August." When Mr. McCrackin asked how the defendant managed to pay the rent, the defendant replied that one of the last things that his mother did was to pay the rent.

During cross-examination, Mr. McCrackin said that he first met the defendant when they attended boarding school together at the Louisiana School for Math, Science, and the Arts. He and the defendant were roommates at the boarding school, and after the defendant enrolled at LSU, they became roommates again. He estimated that he and the defendant lived together for approximately five years of their 10-year friendship

and that he considered the defendant his best friend during that time. Mr. McCrackin said that he never met the defendant's father and met the defendant's mother only once despite their living only an hour away in Luling, Louisiana. He did not know that the defendant had sisters and was not aware of the defendant's receiving communication from any family members other than telephone calls from his mother. The defendant was socially awkward, and after high school, he became increasingly withdrawn and would stay in his room up to days at a time. The defendant had friends in high school and early in college but had no friends by the time that Mr. McCrackin left Baton Rouge in 2015. Mr. McCrackin said that the defendant would regularly go to his parents' house for Thanksgiving and some Christmases. He knew that the defendant was traveling to Knoxville for Thanksgiving in 2016.

During redirect examination, Mr. McCrackin testified that he was surprised that the defendant had never told him that he had sisters. He said that he knew that the defendant's mother supported him financially and that he never knew the defendant to have a job other than an internship through "a summer research program." He believed the defendant's isolation to be of his own choosing.

Doctor Amy Hawes, a deputy state medical examiner, testified as an expert in forensic pathology. She said that recovering the victims' remains from the scene "was a very complex process" and that ultimately, the victims' remains were transported to the forensic center where she performed the autopsies. She determined that Mr. Guy had been dismembered in that his arms had been removed at the shoulders, his legs had been removed at the hips, and his head was "completely skeletonized." She found a defect of the bone of his forehead but could not determine what caused it due to the poor condition of the bone in that area. Other than the skin "from his lower neck down to around his buttocks," Mr. Guy's skin was dissolved by chemicals. Doctor Hawes said that because so much of Mr. Guy's tissue and some of the bone had begun to dissolve, she could not determine the exact number of wounds sustained, but she was able to identify 34 sharp-force injuries to Mr. Guy's back consisting of "either stabs or cuts," varying in length from one to seven inches and up to six inches deep. Mr. Guy also had five stab wounds on the left side of his abdomen. He sustained injuries to his liver, lungs, kidneys, and ribs. Doctor Hawes also found small abrasions and linear incised wounds on Mr. Guy's severed hands. She said these wounds were "classic defensive injuries" and were "consistent with someone putting their hands at either a defensive motion or potentially grabbing a sharp-edged weapon as a way to defend themselves." She determined Mr. Guy's cause of death to be multiple sharp-force injuries.

Doctor Hawes determined that Mrs. Guy was also dismembered in that her head was completely severed from her body, her arms were dismembered at the shoulders, and her legs were dismembered at the knees. The skin on Mrs. Guy's back was "relatively

well preserved" compared to her front, "where there was almost no skin left." Doctor Hawes said that Mrs. Guy's head was found in a large pot of liquid in the kitchen and that the liquid in the pot had a "slightly different character" than the liquid in the plastic tubs, noting that the liquid in the pot did not have a strong chemical odor. Mrs. Guy's scalp and hair were still intact. Doctor Hawes determined that Mrs. Guy sustained at least 25 sharp-force injuries to her back that were approximately six to seven inches deep and five "relatively superficial" stab wounds on her buttocks. Mrs. Guy sustained injuries to her heart, aorta, lungs, left kidney, liver, "third thoracic vertebrae," ribs, and right shoulder blade. Doctor Hawes determined Mrs. Guy's cause of death to be multiple sharp-force injuries.

Doctor Hawes testified that among the chemicals found inside the victims' residence was muriatic acid, a strong type of hydrochloric acid that could dissolve or "sluff" the skin, and "a very strong concentration of sodium hydroxide" that could cause burns to the skin. She noted that a warning on a bottle of food-grade hydrogen peroxide said that it could be "mildly corrosive" upon skin contact. Although she could not determine whether any of the knives found at the scene caused the specific injuries to the victims, she said that the knives were capable of inflicting the sharp-force injuries and could have been used to dismember the victims.

Doctor Murray Marks, an expert in forensic anthropology, examined the victims' remains for "skeletal trauma" after the autopsies at the request of Doctor Hawes. He testified that Mr. Guy was identified by fingerprints and that Mrs. Guy was identified by "an orthopedic appliance." He determined that Mr. Guy had some skeletal trauma that was perimortem, "occur[ing] around the time of death," and some that occurred postmortem. The perimortem trauma was primarily to the ribs with six right ribs and six left ribs having at least 16 cut marks or slices. Those marks ranged from "kind of a grazing line to a somewhat deep incision to a complete severing" and were inflicted primarily from the back. Mr. Guy also had perimortem trauma to the right scapula or shoulder blade caused by a "more blunt" object. The postmortem trauma included dismemberment of his arms from the torso at the joints, the hands from the forearms at the wrist joints, the legs from the torso at the hip joints, and the right foot from the ankle joint. He found "the broken-off tip of a non-sharp metal object" embedded in Mr. Guy's musculature, which he said indicated that more than one weapon was used to cause Mr. Guy's injuries. He found no evidence of sharp-force or blunt-force trauma to Mr. Guy's skull but noted that from the middle part of the forehead down to the left part of the upper jaw was missing due to damage from the chemical exposure. Doctor Marks said that all of Mr. Guy's sharp-force injuries and dismemberment could have been inflicted with a knife.

Doctor Marks testified that Mrs. Guy suffered sharp-force injuries to 21 ribs, nine on the left side and 12 on the right side, and skeletal trauma to her scapula, "both left

and right humerus," and "the radius and ulna of the lower arms." The injuries to her ribs ranged "from very fine incised lines to chips and wedges and complete . . . perforation." Her right scapula had nine wounds that were associated with dismemberment at the joint. He did not find any cut marks on Mrs. Guy's tibia and fibula due to the damage from chemical exposure. He said that Mrs. Guy's head was removed "between the second and third cervical vertebra," that her arms were removed at the shoulders, and that her right hand was removed at her wrist. The blood vessels between the first and second cervical vertebra were broken from blunt-force trauma in the area. The first cervical vertebra was also "chipped or damaged" due to "forceful movement back and forth of the vertebral column against the skull," which Doctor Marks speculated was caused during the dismemberment of the head. The second cervical vertebra showed evidence of "sharp-force trauma or slicing." He concluded that Mrs. Guy's injuries, including the dismemberment, could have been inflicted with a knife.

The State rested. After a *Momon* colloquy, the defendant elected not to testify. The parties stipulated that the defendant had no prior criminal record before this case. The defendant did not present any additional proof.

On this evidence, the jury convicted the defendant as charged, and the trial court imposed life sentences for the first degree murder convictions by operation of law and merged the appropriate convictions, resulting in two first degree murder convictions. After a sentencing hearing, the trial court imposed a sentence of two years' incarceration for each of the abuse of a corpse convictions and aligned all sentences consecutively for a total effective sentence of two life sentences plus four years.

After a timely but unsuccessful motion for new trial, the defendant filed a timely notice of appeal. In this appeal, the defendant argues that the trial court erred by denying his motions to suppress certain evidence, by admitting evidence of the victims' intent to end his financial support, and by denying his motion to dismiss the abuse of a corpse charges; that the evidence was insufficient to support his convictions for abuse of a corpse; and that the cumulative effect of the trial errors mandates a new trial.

I. Suppression

Prior to trial, the defendant moved to suppress much of the evidence seized in this case. As is relevant to this appeal, the defendant asked the trial court to suppress the evidence seized from the victims' Goldenview Lane residence, the evidence gleaned from the search of the defendant's backpack seized from the residence, surveillance videos obtained "as fruit of the unlawful search" of the defendant's Louisiana residence, and the evidence obtained during the execution of the search warrant for the defendant's vehicle. The defendant challenged the constitutionality of the police officers' initial and subsequent

entries into the Goldenview Lane residence and argued that the officers' seizure of the backpack from a bedroom and a Walmart receipt from a bathroom were not justified by the plain view doctrine, that the subsequent warrantless search of the backpack was unconstitutional, that the affidavits supporting the search warrant for the defendant's apartment and car failed to establish probable cause, and that any evidence obtained as a result of the executions of the search warrants constituted fruit of the poisonous tree, requiring suppression. The State filed responses, asserting that the defendant lacked standing to challenge the officers' entries into the Goldenview Lane residence, the seizure of the evidence from the residence, and the search of the backpack. The State also maintained that the affidavits supporting the search warrants for the defendant's apartment and car established probable cause.

At the December 2018 suppression hearing, the defendant testified that he grew up in Luling, Louisiana, where he lived with the victims until he entered a residential boarding school in high school. While in high school, the defendant returned to the victims' Louisiana home in the summer. After graduating high school in 2006, the defendant enrolled in George Washington University in Washington, D.C. and transferred to LSU after a single semester. The victims moved to Greeneville, South Carolina, in 2006 and to Knoxville in 2007. The defendant stated that Mrs. Guy gave him a key to the Goldenview Lane residence in 2007 and that he purchased a garage door opener for the house, which Mr. Guy programmed.

The defendant testified that he visited the victims' Knoxville residence "[a] few times a year," including for "Thanksgiving" and "a smattering of other holidays, like my birthday, my mother's birthday, Mother's Day, that sort of thing." During those visits, the defendant slept in "my bedroom," a room that contained some of his belongings, including books, clothing, a couple of figurines, and one or two pieces of furniture from the house in Luling. He stated that the victims did not place any restrictions on where he could go in the house and that he believed that he could go in any room in the house that he wished. He maintained that he believed that he had an expectation of privacy in the house.

The defendant testified that, prior to Thanksgiving 2016, he had last visited the victims' residence in March. When he visited at Thanksgiving, he brought his dog with him. He also brought his laptop, his suitcase, and his backpack. He identified a photograph of the backpack, which was on the floor and next to the bed in the bedroom where he was staying. He also identified a photograph of the contents of the backpack, including his books and his notebook. He said that his half-sister came to the residence for Thanksgiving dinner but did not spend the night. On the day after Thanksgiving, the defendant helped Mr. Guy move a boat from the Knoxville residence to a house that the victims had

purchased in Surgoinsville. After the boat was moved out of the garage, the defendant parked his car inside the garage at the Knoxville residence.

The defendant said that he left the house on the Sunday after Thanksgiving to return to Baton Rouge, explaining that he "had some rather severe cuts on my hands" and "was worried about losing my left thumb and so I needed medical treatment, or so I thought." He claimed that he chose to travel all the way back to Baton Rouge because he did not have health insurance and was dependent on the LSU student health center for his medical care. He left the majority of his belongings at the victims' house, including his laptop, suitcase, and backpack. He arrived in Baton Rouge early on Monday morning, obtained medical treatment for his hands, went to Walmart and Albertsons to purchase medication, and then returned to Knoxville. When he arrived at the victims' residence, he saw yellow crime scene tape in the yard and a police vehicle parked in the driveway, and he noticed that the victims' vehicles were no longer in the driveway. He immediately turned around and returned to Baton Rouge. The defendant testified that he lived in a gated apartment complex in Baton Rouge and that he generally parked in a specific parking spot next to his building. On the Tuesday after Thanksgiving, he left his apartment to check his mail and was arrested on the sidewalk just in front of his car.

During cross-examination, the defendant agreed that he was a Louisiana resident and had lived in Louisiana for most of his life, having attended high school, college, and graduate school in Louisiana. He stated that in November 2016, he was 28 years old and unemployed. He described himself as "a nonmatriculating graduate student" at the time of the offenses and explained, "That means that I wasn't actually involved in a degree program, that I was taking graduate-level courses." He said that he moved into his Baton Rouge apartment in 2007 and had lived there continuously since that time. He agreed that he renewed his lease in August 2016 and that on November 23, 2016, he paid just over $9,000 in advance on his monthly rent of $910. He agreed that he did not have an ownership interest in the Goldenview Lane residence, but when asked whether he lived there, he replied, "Debatable. I considered it my home." He conceded that he "spent the majority of the year in the Baton Rouge apartment" and that the last time he had spent every night in the victims' home was "[p]robably 2004." The defendant acknowledged that the victims were in the process of selling the Goldenview Lane residence at the time of the offenses and that they were also in the process of packing and moving their possessions into the Surgoinsville residence. The defendant identified a number of items inside a bedroom in the Goldenview Lane residence as belonging to him and identified other items as belonging to the victims. He agreed that his handwriting was in the notebook that was found in his backpack.

The defendant testified that he sustained several incised, or cutting, wounds to his hands that were serious enough to require medical attention but insisted that he drove

more than nine hours to seek medical assistance because "[s]tudents receive free health care from LSU." The parties stipulated "that those injures occurred during the course of an altercation with his parents." The defendant agreed that his mother paid all of his living expenses, including any expenses related to his medical care and treatment. He also admitted that he made the $9,200 payment on his rent while he was at the Goldenview Lane residence for the Thanksgiving holiday. Nevertheless, he maintained that he felt it necessary to drive from Knoxville to Baton Rouge because he could not otherwise afford medical treatment for the injuries to his hands. He admitted that he took his dog with him when he left the residence to go to Baton Rouge for medical treatment. He conceded that when he returned to Knoxville and saw the police presence at the victims' residence, he did not stop and make any inquiry about what might have happened at the residence and did not, at any point, assert a privacy interest in the residence or its contents. He said that he did not call either of his half-sisters because he did not know their telephone numbers.

Detective Jeremy McCord was called as a witness by the defense and testified that during the search of the Goldenview Lane residence, officers found a Walmart receipt dated November 26, 2016, inside a Walmart bag in "the upstairs bathroom." Detective McCord went to the Walmart location identified on the receipt and obtained surveillance video from November 26th. The video depicted the defendant driving his vehicle to the store and purchasing the items listed on the receipt, including two kinds of peroxide, isopropyl alcohol, bacitracin, and Dermaplast. By entering the license plate number of the vehicle that the defendant was seen driving on the video into a license plate recognition database, Detective McCord traced the vehicle on its route to Baton Rouge on Sunday and back to Knoxville on Monday.

Detective McCord testified that when he initially arrived at the Goldenview Lane residence, he "was operating off of" information from the victims' daughter, Michelle Dennison Tyler, that she had had no communication with either of the victims since seeing them on Thanksgiving. Based on this information, officers conducted a "welfare check" at the residence. He acknowledged that he learned later that a neighbor told Detective Ballard that he had seen Mr. Guy on the Friday after Thanksgiving.

Detective McCord testified that officers with the East Baton Rouge Parish Sheriff's Office executed a search warrant on the defendant's Baton Rouge apartment and that receipts from Academy Sports, Home Depot, Lowe's, and Ace Hardware were found during that search. Detective McCord and local officers collected surveillance video from the stores identified in the receipts. The videos showed the defendant purchasing items found in both his apartment and the Goldenview Lane residence. Detective McCord noted that "[w]e would have ended up at most of the stores anyway, if not all of them" even without the receipts "based off of Knoxville." He said that suggesting that the "immediate impetus" for collecting the surveillance videos was the receipts seized from the apartment

was "kind of painting a narrow picture" and ignoring the impact of evidence collected in Knoxville. He said that he would have obtained surveillance video from the stores even without the receipts seized from the apartment and that, at most, "what Baton Rouge provided us was that specific time frame. Instead of going back 30, 45 days" before the offense, he could narrow it down to a single day. Detective McCord testified specifically that officers would have responded to Academy Sports even without a receipt indicating that the defendant had been there because officers learned from the Bureau of Alcohol, Tobacco, and Firearms that the defendant had attempted to purchase a firearm at the store. He stated that a note regarding the Ace Hardware store was found in the Goldenview Lane residence and that officers could have used the UPC product codes on the items in the residence to determine where the items were purchased.

During cross-examination by the State, Detective McCord testified that he initially went to the victims' residence on Goldenview Lane on Monday, November 28, 2016, to conduct a welfare check. He explained that at approximately 9:42 a.m., Mrs. Guy's employer called 911 and reported that Mrs. Guy had not shown up for work and had not called to say she would be absent, which was out of character for her. Officers went to the residence, but when no one came to the door, they left. Sometime "within the next three hours," the records division received a call in an attempt to report Mrs. Guy missing. He recalled that the caller reported that Mrs. Guy failed to attend a pre-scheduled "get-together" and that her failure to attend was "very alarming" to the complainant. Detective McCord decided to go to the residence with other officers because the behavior and circumstances seemed "odd" to him.

Upon arriving at the residence, Detective McCord observed a "For Sale" sign out in front of the residence but did not see a lockbox from the realtor on the doorknob of the front door even though he was aware that lockboxes from the realtor are typically placed on the front door whenever a house is for sale. He noticed "some discoloration differences between the doorknob and the deadbolt." He looked through the transom window on the front door and saw "groceries laying right there at the threshold of the door." A photograph of the foyer showed cases of beer and Walmart bags containing groceries sitting on the floor by the front door.

Based on these observations and the earlier calls, Detective McCord walked to the back of the house and discovered that the doorknob to the back door was missing. He touched the back door, which was "extremely hot." He placed his nose to the hole where the doorknob would have been and smelled "a weird smell, a chemical, cooking." He added, "I've smelled plenty of bodies that are in various forms of decomposition. It's just like a really odd chemical smell in the air that happens when your body starts . . . when there starts being issues there. And, again, extreme heat." Alarmed, Detective McCord, "suspected there could be something going on." He called and spoke to the realtor, who

confirmed that the residence belonged to the victims and identified the make and model of each of their vehicles. Both vehicles were parked in the driveway and were unlocked. The realtor suggested using the garage door opener to open the attached garage and enter the house. Detective McCord found the garage door opener in one of the unlocked vehicles and used it to open the garage door. As soon as the garage door opened, Detective McCord felt "extreme heat [and] a smell that is never going to leave me." At that point, the officers knocked on the door from the garage into the house, identified themselves as KCSO officers, and shouted that they were "there to check on them, make sure they're okay." The officers then entered and proceeded "to clear the residence" and to attempt to determine whether someone inside the residence required aid.

On an entry table, Detective McCord observed the victims' wallets containing their identifications, the keys to the vehicles in the driveway, cash, and Mrs. Guy's purse. He also saw grocery bags, containing "perishable goods, chicken, bacon, some ice cream. Things normally people would immediately put up when they get home." Detective McCord found the presence of the groceries "alarming." He noted scratches on the interior portion of the doorknob on the front door and stated that it appeared as if "recent work" had been performed on the doorknob. Further inside the residence, Detective McCord saw chemicals, bleach, a bleach sprayer, a tarp, and towels on the floor. The kitchen sink was filled with water and "fizzles and the bubbles." The realtor box that should have been on the front door was in the sink, "fizzing and bubbling." A large pot was boiling on the stove, and the officers could feel the heat from it. Detective McCord stated that the officers initially did not look inside the pot because they were searching for people inside the home. When officers later looked inside the pot, they found Mrs. Guy's decapitated head. The thermostat inside the home was set to 93 degrees, but the ambient temperature exceeded this.

After clearing the first floor, officers proceeded up the stairs, where Detective McCord observed "the most horrific thing I've ever experienced as a police officer." Blood was on the wall and the floor. Female clothing in a large pool of blood, two large containers of sewer line cleaner, and a pair of scissors were on the floor at the top of the stairs. The clothing appeared to have been cut. At the end of the upstairs hallway, Detective McCord saw two severed hands. Inside the largest bedroom, he saw bags, "tarp-like, material," food-grade hydrogen peroxide, Liquid Fire, "working lights," and tools on the floor, and plastic sheeting lay on the bed. A hose was connected to the showerhead in the connected bathroom, which was also covered in plastic sheeting, and two large, blue Sterilite containers contained human body parts. A knife lay next to one of the bathroom sinks.

A lid to one of the containers was located in the bedroom that the defendant later claimed was his. In that same room, officers saw an open suitcase of clothing on the floor and a laptop on the bed. Detective McCord observed a handwritten note stating the

address for Dan Boudreaux's Ace Hardware and information regarding sewer line cleaner. He saw what appeared to be blood on the door leading to the bedroom, a box of gloves, and a bottle that was "consistent" with the bottles in the master bedroom and that appeared to have blood on it. The closet contained no clothing but contained a crock pot, a box of Clorox brand gloves, and a Walmart bag that itself contained trash and food. Blood also was on the bed.

In the bathroom just past the bedroom, Detective McCord saw a large amount of blood as well as gray shorts, underwear, and white T-shirt on the floor. A large knife and a Walmart bag containing a receipt lay on the sink; a bottle of peroxide and a pair of blood-soaked gloves lay inside the sink; and multiple pairs of bloody gloves lay discarded nearby. Photographs of the vanity showed a large knife next to a partially opened Walmart bag, and a portion of the receipt can be seen lying on top of other items inside the bag. Officers obtained surveillance video from Walmart for the time stamped on the receipt, and Detective McCord stated that the clothing on the bathroom floor was consistent with the clothing the defendant wore in the surveillance video. In that video, the defendant's hands were wrapped and bandaged. The Walmart receipt indicated that the defendant had purchased two bottles of hydrogen peroxide and two bottles of isopropyl alcohol, and Detective McCord was aware that these products could be used to erase DNA and fingerprint evidence.

The severed hands lay in the doorway of the bedroom at the end of the hall. Inside that room, Detective McCord observed "a copious amount of blood right here in the corner" and "various cutting instruments." He saw the clothing that belonged to Mr. Guy on the floor. Detective McCord agreed that he observed all of the evidence as he was clearing the residence during the "welfare check."

Detective McCord testified that the backpack and Mrs. Guy's purse were collected and inventoried at a later time by forensic services officers. He stated that the typical procedure employed by the forensics unit was to inventory items collected at a crime scene.

Detective McCord said that authorities were working on the assumption that the bodies in the containers were those of the victims, but neither victim had yet been identified. He said that authorities also knew that the defendant had left the residence. The Walmart receipt for the groceries found lying in the entry of the house indicated that they were purchased approximately three hours before the defendant returned to the same Walmart to purchase the hydrogen peroxide and isopropyl alcohol. Detective McCord contacted the victims' daughter, Ms. Tyler, who told him that she had been unable to reach Mrs. Guy since the family had dinner together on Thanksgiving despite having telephoned her at least twice. Ms. Tyler told Detective McCord that the defendant had been at dinner

and that he was staying at the house. Ms. Tyler described the defendant's vehicle to the detective and stated that she specifically remembered having seen a large, blue plastic tote in the defendant's vehicle, saying that she remarked on the tote at Thanksgiving dinner.

Detective McCord obtained a warrant for the defendant's arrest. FBI agents arrested the defendant outside of his Baton Rouge apartment on Tuesday, November 29th. On that same day, officers learned that the defendant had attempted to purchase a firearm at an Academy Sports store in Louisiana. Detective McCord said that based on a note found in the open suitcase in the Goldenview Lane residence that contained the address of an Ace Hardware store in Louisiana, he would have followed up with that Ace Hardware store regarding the cleaning solvents and other items found in the Goldenview Lane residence. Because the defendant had purchased cleaning solvents at a Knoxville Walmart and other items found in the house appeared to have been purchased at Lowe's and Home Depot, the detective said that he also would have investigated whether the defendant purchased items at a Walmart, Lowes, and Home Depot near his Baton Rouge residence.

During redirect-examination, Detective McCord confirmed that the first call reporting that Mrs. Guy had not reported for work came in just before 9:50 a.m. and that Detective Ballard responded to the call. The second 911 call was made around noon reporting concern for Mrs. Guy's welfare. After the second call, Detective McCord contacted Detective Ballard and told him that he was going to the Goldenview Lane residence, and Detective Ballard, Officer Gresham, and Officer Graves met him there. When he arrived at the residence, no one answered the knocks at the door, but a dog could be heard barking off and on from inside the residence. Detective McCord acknowledged that he did not hear any sounds of a struggle or calls for help coming from the house. He said that he climbed the fence to reach the backyard and saw that the back door, located behind a clear glass storm door, had a hole where a doorknob would have been. He said that he lowered his head toward the door, smelled "a very unique smell," and felt heat coming from the back door, but he did not share that information with the other officers on the scene.

Detective McCord testified that officers found a garage door opener in one of the unlocked vehicles in the driveway, which he used to open the garage. Upon opening the garage, he could feel heat and smell chemicals and said that "everything changed the second that garage door opened." He reiterated that officers went to the residence to conduct a welfare check and that, during a welfare check, "efforts are made to make entry into those houses with as minimal damage as possible. It's a routine law enforcement call." He knew that no calls for an ambulance had come from the house and that both vehicles were still in the driveway. From this, he surmised that it was likely the victims were still inside the residence.

After clearing the house other than the room from which the dog was barking, officers "held the downstairs" until a sufficient number of units arrived to go upstairs and see if anyone was in the room with the dog. After the dog was secured, Detective McCord and other officers re-entered the house and "cleared the residence" to determine whether anyone was alive inside the residence. Along with other evidence, officers collected the backpack, which was taken to "the City County Building" and inventoried by a forensic technician.

During recross-examination, Detective McCord identified a photograph of the backpack and agreed that the backpack was in plain view inside the residence. He testified that a notebook found inside the backpack included notes on using high heat to "speed[] decomposition" and flooding the house to "cover[] up forensic evidence." He acknowledged, however, that he did not know the contents of the notebook before applying for an arrest warrant.

The State called East Baton Rouge Parish Sheriff's Office Lieutenant Scott Henning, who testified that on November 29, 2016, he learned that an arrest warrant had been issued for the defendant who was believed to be in Baton Rouge. FBI agents were conducting surveillance at the defendant's apartment and confirmed that the defendant's vehicle was there. Lieutenant Henning verified the defendant's Baton Rouge address and obtained search warrants for the defendant's residence and vehicle. He said that prior to the search warrants being issued, the defendant was taken into custody by FBI agents when the defendant exited his apartment.

The search warrant for the defendant's car and the affidavit supporting the issuance of the search warrant were entered as exhibits during the hearing. According to the application for the search warrant, probable cause existed for the issuance of a search warrant for the defendant's vehicle as a place where evidence of first degree murder was believed to be concealed. This evidence included firearms, ammunition, and like component parts; knives, swords, or other cutting instruments; items containing blood or other evidence of bodily fluids; items containing hair or fiber evidence; cellular telephones or other electronic devices used to communicate with others; computers, hard drives, or other electronic devices with internet capabilities; and "[a]ny other evidence indicative to the crimes of First Degree Murder." The application included the following information to establish probable cause for issuance of the search warrant:

> On the afternoon of Tuesday November 29th, 2016[,] EBRSO Homicide Detectives began assisting members of the Knox County (TN) Sheriff's Office with an ongoing homicide investigation that occurred in their jurisdiction.

> On Monday[,] November 28th, 2016[,] at approximately 1225 hours, Deputies with the Knox County (TN) Sheriff's Office responded to a residence in their jurisdiction concerning a welfare check on the residents. The welfare check was requested after a female resident failed to show up for work that date. Upon their arrival, Knox County Deputies located the lifeless bodies of a male and female inside the residence with obvious injuries. During the course of their investigation, Knox County (TN) Detectives obtained an Arrest Warrant charging Joel Michael Guy Jr., W/M 03-13-1888 [sic] (ACCUSED) with First Degree Murder. Video surveillance footage confirmed that the Accused utilized a 2006 Hyundai Sonata, 4-doors, blue in color, bearing Louisiana license plate EZIJ752, VIN: 5NPEU46F06H013209, while traveling in Knox County, TN at the time of the homicide.
>
> On Tuesday[,] November 29th, 2016[,] at approximately 1600 hours, the Accused was taken into custody outside of his residence, which is located at 5075 Nicholson Drive, Apt A-202[,] Baton Rouge, LA 70820, without incident. The previously described vehicle was also located parked near the Accused apartment.
>
> The previously described vehicle will be towed from its current location to the East Baton Rouge Parish Sheriff's Office Crime Scene Garage … in order for the Search Warrant to be executed and any evidence collected from within.

After obtaining the search warrants, Lieutenant Henning had a SWAT team clear the defendant's apartment to ensure no one else was inside the apartment and to "maintain[] security on the apartment." When Lieutenant Henning arrived, he conducted a search of the apartment, which he described as "very dirty" and "very unkept." He noted that the sofa was actually situated near the door such that it appeared that the door had been barricaded at one point. In the kitchen, he saw large bottles of peroxide on the counter, a bottle of Liquid Fire in the trash can, and packaging for a large knife. Officers found a 12-gauge shotgun on top of the bed in the primary bedroom. Officers also found ammunition for the shotgun and ammunition for a handgun. In a dresser, Lieutenant Henning found letters addressed to Mrs. Guy inside of Ziploc bags and "numerous electronics and different things like that." A computer monitor in the bedroom showed a recent search for " a helium hood," which can be used to commit suicide by asphyxiation. Officers also found receipts

from Lowe's and Dan Boudreax's Ace Hardware in Louisiana. The receipt for Ace Hardware showed purchases of muriatic acid, clear drain liquid fire, and four containers of sewer line cleaner.

Pursuant to a search warrant for the defendant's vehicle, the vehicle was towed to the crime scene garage for processing. In the trunk of the vehicle, officers found five-gallon gasoline cans, a mixing bowl, other kitchen appliances, and a meat grinder. The evidence collected from both the apartment and the vehicle were turned over to KCSO.

During cross-examination, Lieutenant Henning testified that Detective McCord arrived in Baton Rouge prior to the execution of the search warrant and met the lieutenant at his office. Lieutenant Henning discussed the application for the search warrant with Detective McCord over the telephone before presenting it to the magistrate. He said that he did not include details of the homicides in his affidavit for the search warrants because an arrest warrant for the defendant had already been issued in Knox County, "[s]o we didn't feel it was our place in Louisiana to discuss the facts of a homicide that occurred in another state."

KCSO Detective Steven Ballard testified that on the Monday morning after Thanksgiving of 2016, he responded to the Goldenview Lane residence to conduct a welfare check on Mrs. Guy. He rang the doorbell at the front door, and after no one responded, he walked to the side of the residence where he saw a fence around the backyard with a locked gate. He did not enter the backyard because "[b]eing alone, it would have been an officer safety issue." He saw two vehicles parked in the driveway and an interior light on in the foyer. He was at the residence for five to 10 minutes and did not speak to any neighbors at that time. He verbally reported the results of the welfare check to dispatch.

Later that day, Detective McCord told Detective Ballard that he had additional information and was going to the victims' residence, and Detective Ballard agreed to accompany him. Detective Ballard wore a body camera and activated the camera during his first and second visit to the residence. His second visit to the residence was approximately one to two hours after his first visit, and Officer Gerrit Graves and Officer Benji Gresham were also present. During the second visit, Detective McCord went to a neighbor's house to ask the neighbor when she had last seen the victims. The neighbor told him that the victims and their son were there on Thanksgiving and that she had seen them moving a boat and a trailer on Friday. Another neighbor told him that she had seen the foyer light on inside the residence at approximately 6:30 a.m. that morning.

Detective McCord and Detective Ballard climbed over the fence and entered the backyard, and Detective McCord looked through a hole in the back door where the doorknob was missing. Detective Ballard did not recall Detective McCord's saying that

he felt or smelled anything while looking through the hole. Detective McCord then looked through one of the windows. Detective Ballard checked the doggie door and found that the inner door would not open. Detective Ballard can be heard on the recording saying, "I'm going to back off for a minute," at which point he turned off his body camera.

At some point, Detective Ballard reactivated his body camera, and the garage door can be seen opening in the video recording. He said that he was not aware of any plan to enter the house until after the garage door was opened. He said that once the garage door opened, he felt heat "coming out of the garage." Detective McCord knocked on the door leading from the garage to the house and then "just pushed open" the door. Detective Ballard said, "I don't know how you explain it," but "the odor was so strong my forehead was burning when we entered the residence." He said that the heat became more intense as he continued further into the house. After seeing the scene in the upstairs of the house, the officers exited the house to discuss the next steps. Detective McCord re-entered the house to secure weapons that the officers observed while inside the house. Detective Ballard remained at the side of the house to help secure the perimeter and did not re-enter the house.

During cross-examination, Detective Ballard said that during his first visit to the residence, he did not look inside through a window. He said that when he and Detective McCord later entered the house through the garage, he believed an emergency situation was at hand. During redirect examination, Detective Ballard said that after initially going upstairs and seeing the scene, the officers "left without completely clearing the upstairs."

KCSO Officer Gerrit Graves testified that he responded to the Goldenview Lane residence on November 28, 2016, to assist with a welfare check. He said that officers spoke with neighbors and looked around the outside of the residence before making the decision to enter the house. He entered the house with other officers and, after exiting, helped set up a perimeter around the property. He acknowledged that after the four officers exited the house, there was a period of time during which no law enforcement officers were inside. He said that the officers heard noises upstairs and were unsure whether someone was still in the house. Officer Graves re-entered the house with Detective McCord to secure the firearms that were on the dining room table. Officer Graves said that at that time, the noise from upstairs sounded like a dog. Officer Graves pointed out to Detective McCord the heat emanating from the oven as they walked through the kitchen. Officer Graves stated that the officers did not do anything in the house other than retrieve the weapons from the table.

During cross-examination, Officer Graves said that he responded only to the second welfare visit to the residence. He said that he peered through the window at the front door and saw groceries scattered on the floor inside the door, which he considered

troubling. He said that when he entered the house, he noted that it was "extremely hot" and that he "said out loud, I've entered the gates of hell." He said that officers confirmed with neighbors before entering the house that the vehicles in the driveway belonged to the victims, leading the officers to believe that the victims were inside the house.

The recordings from the body cameras of both Detective Ballard and Officer Graves were entered as exhibits during the suppression hearing. The recording of Detective Ballard's initial visit to the Goldenview Lane residence showed him approaching the residence, which had a "For Sale" sign in the front yard and vehicles parked in the driveway. Detective Ballard walked up to the front door, which was a glass door with a wooden door behind it. A decorative window was in the middle of the wooden front door. Detective Ballard knocked, but no one responded. He walked to the fence on the side of the yard, saw the dog house in the backyard, and whistled. When he did not receive a response, he returned to the front door before leaving the area.

The next recording showed Detective Ballard returning to the Goldenview Lane residence with other officers. He and the officers approached a neighbor who lived beside the victims and asked her about the victims. She could not recall whether she saw the victims the previous day but said she saw them on Thanksgiving with their son. She confirmed that the vehicles in the driveway belonged to the victims and that they did not own any other vehicles. She stated that the victims were in the process of moving, that they had to be out of their house by December 13th, and that they had a large dog that was loud. She suggested that the officers speak to the neighbors who lived across the street from the victims. Detective Ballard and other officers walked across the street and spoke to a neighbor who reported seeing a light on upstairs inside the victims' residence at 6:30 a.m. that morning.

The recording from Detective Ballard's body camera showed the officers approaching the front door of the victims' residence. One of the officers looked inside the residence through the decorative window on the front door. The neighbor who lived next to the victims approached the officers and reported seeing a light on inside the victims' residence at 6:00 a.m. that morning. She stated that she assumed Mrs. Guy was preparing to go to work. The recording showed Detective McCord and Detective Ballard climbing over the fence into the backyard while discussing information that they learned from the victims' neighbors and the realtor. Detective McCord walked onto a deck, approached the back door, and looked through a hole in the door where the doorknob was missing. He tried looking through a window near the back door, and Detective Ballard determined that a nearby pet door was locked. The officers returned to the front of the residence where an officer opened one of the vehicles, retrieved a garage door opener, and used it to open the garage door.

Detective McCord knocked on the door in the garage leading inside the house and announced the officers' presence. A dog could be heard barking from inside the house. The officers entered the residence and walked through the downstairs area while Detective McCord continued to announce their presence. As they started walking upstairs, Detective McCord saw blood on the wall and instructed the officers to put on gloves. The officers began clearing the rooms upstairs, and Detective Ballard cleared the bedroom where the defendant acknowledged he had stayed. Detective McCord instructed the officers to back out of the house, and the officers exited through the garage.

In addition to the recording from Detective Ballard's body camera, the recordings from Officer Graves's body camera showed him speaking to the neighbors who lived across the street from the victims. One of the neighbors stated that it was unusual that both of the victims' vehicles were parked in the driveway because Mrs. Guy was generally at work during this time of the day. The officers obtained the telephone number of one of the victims from the neighbor, and an officer announced that he had been calling the victims but that his calls went to voicemail. An officer looked inside the victims' residence through the decorative window in the front door and reported his observations. When Officer Graves entered the victims' home with the other officers, he made a comment about how hot it was inside the home. After the officers' initial entry, Officer Graves and another officer reentered the home and retrieved the guns found in the dining area downstairs.

In its written order entered on November 5, 2019, denying the defendant's motions to suppress evidence found within the Goldenview Lane residence, the trial court found that the defendant had standing to challenge the evidence found in the bedroom in which the defendant had stayed but lacked standing to challenge evidence found throughout the rest of the house. The court also found that exigent circumstances justified the warrantless search of the house, including the search of the bedroom designated for the defendant's use. The trial court noted that the nature of the crime scene and the fact that the victims' "body parts were in multiple locations throughout the house" in caustic solutions imposed on the officers "not only the right but the duty to identify, secure and save any and all evidence as soon as possible." The trial court also denied the defendant's other motions to suppress and granted permission for the defendant to pursue an interlocutory appeal.

After this court denied the defendant's interlocutory appeal, the trial court entered supplemental orders addressing the defendant's suppression motions.[1] In its supplemental orders, the trial court amended its prior conclusion regarding standing and

[1] During the pendency of the interlocutory appeal, the original trial judge retired, and the Honorable Steven W. Sword took over the case as successor judge.

concluded that the defendant had standing to challenge the search of the entire house due to his status as an overnight guest. The court determined, however, that the officers' initial entry into the house was justified by exigent circumstances and the community caretaking exception and that the subsequent entries constituted a continuation of the original lawful entry. The trial court found that the officers "clearly had a legitimate concern that someone in the house could have been injured and likely deceased" and that "[t]he totality of the circumstances pointed to a strong possibility that a person or persons were in need of immediate aid. To wait for a search warrant could have jeopardized lives and would have been unreasonable."

The trial court concluded that the backpack was in plain view during the initial search of the residence and was properly "seized as evidence that the defendant had been in the home around the time that the crimes occurred." Having concluded that the backpack was properly seized, the trial court concluded that the backpack and its contents were properly searched pursuant to "a valid inventory search." The trial court stated that although evidence of the KCSO's specific policy regarding inventory searches was not presented at the suppression hearing, the examination of the contents of the notebook did not exceed the scope of the inventory search. The trial court found that it was reasonable for the officers to look at the books inside the backpack to help determine the ownership of the property and whether valuable property was inside the books and notebooks.

The trial court concluded that the affidavit in support of the search warrant for the defendant's vehicle established probable cause and the necessary nexus between the offenses and the defendant's vehicle. However, the trial court concluded that the affidavit supporting the search warrant for the defendant's apartment failed to establish probable cause in that the affidavit failed to establish a nexus between the offenses that occurred in Knox County and the defendant's apartment in Baton Rouge. The trial court found that "[i]nevitable discovery does not save the evidence from suppression," that because the defendant was arrested outside of his apartment, it was unnecessary for the officers to enter the apartment, and that "[i]t was not inevitable that law enforcement would have ever entered the residence for any lawful purpose without a warrant."

On August 3, 2020, the defendant filed a motion seeking clarification from the trial court regarding the admissibility of the surveillance videos from retailers obtained as a result of the officers' seizure of receipts from the defendant's apartment. The defendant also filed a motion to reconsider, challenging the trial court's findings upholding the constitutionality of the officers' entry into the Goldenview Lane residence and the seizure and search of the backpack. The defendant also argued that the seizure of the Walmart receipt and the knife found in the upstairs bathroom located off the hallway did not fall within the plain view doctrine. The trial court subsequently entered an order denying the defendant's motion to reconsider. The trial court also entered an order finding

that the videos from retailers showing the defendant purchasing items found in the Goldenview Lane residence or his vehicle were not fruits of the poisonous tree deriving from the unconstitutional search of the defendant's apartment. The trial court determined that discovery of the surveillance videos was inevitable.

At trial, the defendant challenged the trial court's finding that the store surveillance videos obtained after officers discovered the receipts while searching the defendant's apartment were admissible because they would have been inevitably discovered. During a hearing outside the jury's presence, Special Agent King testified that following the defendant's arrest, he went to stores in the area of Baton Rouge and Gonzales, Louisiana, and obtained video recordings of the defendant's purchasing items inside the stores. Special Agent King stated that he had extensive experience in tracking products and obtaining videos from retailers of purchases. He explained,

> [T]here's so many ways to locate and identify specific videos or specific items. It's not that difficult anymore, especially with the systems that all these retailers have, because they track inventory and where it's placed in the stores. With a little legwork, you can get to pretty much whatever you want.

Special Agent King testified that he had experience in tracking products using barcodes. He stated that he always began by visiting the larger stores and asking whether the product was sold in their stores. He said that most of the stores have employees who can use a product's barcode to determine whether the product was sold in their store and the number of the particular product that was sold during a specific time frame. Once they obtain that information, they can review the surveillance videos recorded during that time frame and in the area where the product was displayed. Special Agent King stated that "with a little work, going from store to store, you can get what you want with a barcode." He acknowledged that the presence of a bag at the scene identifying the name of a store would make the task "a lot easier" because he would begin his search at that store.

During cross-examination, Special Agent King testified that although he performed some searches based on barcodes in the defendant's case, the receipts obtained listed the store locations and the items purchased. He stated that had he only had the product's barcodes, he would have begun his search by visiting the large chain retailers closest to the defendant's apartment. He said that four Walmart stores, two or three Lowe's stores, and two Home Depot stores were located in the area.

Special Agent Coleman testified that on December 1, 2016, he went to Ace Hardware in Napoleonville, Louisiana, and spoke to the owner, Dan Boudreaux, who

provided him with surveillance video of the defendant's purchasing items. During cross-examination, Special Agent Coleman testified that before going to Ace Hardware, he obtained information from a supervisor regarding the category of products or chemicals purchased, but he did not recall whether the supervisor informed him of the date and time of the purchase. One of the employees researched the information on a computer and was able to find a surveillance video of the purchase.

At the conclusion of the hearing, the trial court denied the defendant's request to suppress the surveillance videos, finding that the officers would have inevitably discovered the videos. The trial court noted that in addition to the receipts found in the defendant's apartment, the officers had the products themselves, which were discovered in the Goldenview residence, a note found in the suitcase at the residence that included the address for the Ace Hardware, and information that the defendant attempted to purchase a firearm at an Academy Sports. The trial court noted that the officers did not visit the stores in Louisiana until officers had developed the defendant as a suspect and determined where he lived. The trial court noted testimony that the officers would have started their search at the large retail stores near the area in which the defendant lived and found that the defendant purchased most of the products in these stores. The trial court found that although the receipts saved the officers "a lot of time" and assisted them in locating the recordings quicker, the officers would have located the surveillance videos regardless.

A trial court's factual findings on a motion to suppress are conclusive on appeal unless the evidence preponderates against them. *State v. Binette*, 33 S.W.3d 215, 217 (Tenn. 2000); *State v. Odom*, 928 S.W.2d 18, 23 (Tenn. 1996). Thus, questions of credibility, the weight and value of the evidence, and the resolution of conflicting evidence are matters entrusted to the trial judge, and this court must uphold a trial court's findings of fact unless the evidence in the record preponderates against them. *Odom*, 928 S.W.2d at 23; *see also* Tenn. R. App. P. 13(d). The application of the law to the facts, however, is reviewed de novo on appeal. *State v. Keith*, 978 S.W.2d 861, 864 (Tenn. 1998).

Both the state and federal constitutions offer protection from unreasonable searches and seizures; the general rule is that a warrantless search or seizure is presumed unreasonable and any evidence discovered is subject to suppression. *See* U.S. Const. amend. IV ("The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated . . . ."); Tenn. Const. art. I, § 7 ("That the people shall be secure in their persons, houses, papers and possessions, from unreasonable searches and seizures . . . ."). "[T]he most basic constitutional rule in this area is that 'searches conducted outside the judicial process, without prior approval by judge or magistrate, are per se unreasonable under the Fourth Amendment-subject only to a few specifically established and well delineated exceptions.'" *Coolidge v. New Hampshire*, 403 U.S. 443, 454-55 (1971) (alteration in

original) (quoting *Katz v. United States*, 389 U.S. 347, 357 (1967)); *see also State v. Bridges*, 963 S.W.2d 487, 490 (Tenn. 1997). "The exceptions are 'jealously and carefully drawn,' and there must be 'a showing by those who seek exemption . . . that the exigencies of the situation made that course imperative.'" *Coolidge*, 403 U.S. at 455 (quoting *Jones v. United States*, 357 U.S. 493, 499 (1958), and *McDonald v. United States*, 335 U.S. 451, 456 (1948)). "We are not dealing with formalities. The presence of a search warrant serves a high function." *McDonald*, 335 U.S. at 455. Thus, a trial court necessarily indulges the presumption that a warrantless search or seizure is unreasonable, and the burden is on the State to demonstrate that one of the exceptions to the warrant requirement applied at the time of the search or seizure. *See, e.g.*, *Missouri v. McNeely*, 569 U.S. 141, 148 (2013) ("Our cases have held that a warrantless search of the person is reasonable only if it falls within a recognized exception."). The generally recognized exceptions to the Fourth Amendment warrant requirement include "search incident to arrest, plain view, stop and frisk, hot pursuit, search under exigent circumstances, and . . . consent to search." *State v. Cox*, 171 S.W.3d 174, 179 (Tenn. 2005) (citations omitted).

A. Search of the Goldenview Lane Residence

The defendant argues that the warrantless search of the Goldenview Lane residence was not supported by exigent circumstances or any other exception to the warrant requirement. The defendant argues that even if the officers' entry into the house was supported by exigent circumstances, they nonetheless lacked probable cause to search the house. Finally, the defendant argues that even if the officers' entry into the house was constitutional, their subsequent seizure of the backpack from an upstairs bedroom and the knife and Walmart receipt from an upstairs bathroom did not fall within the plain view doctrine and was, therefore, unconstitutional. The State argues that the defendant lacked standing[2] to contest the search of the house and, alternatively, that exigent circumstances justified the entry into and search of the house. The State also argues that the backpack, the knife, and the Walmart receipt were properly seized under the plain view doctrine. Relying upon the factors set forth in *State v. Talley*, 307 S.W.3d 723, 731 (Tenn. 2010), the defendant asserts that he had standing due to "his long-term connections" to the Goldenview Lane residence. He also asserts that he had standing as an overnight guest.

1. Standing

[2] Although the United States Supreme Court has held that the inquiry into an individual's reasonable expectation of privacy "is more properly subsumed under substantive Fourth Amendment doctrine … rather than on any theoretically separate, but invariably intertwined concept of standing," *Rakas v. Illinois*, 439 U.S. 128, 139 (1978), Tennessee courts continue to refer to this issue as one of standing. *See, e.g., State v. Willis*, 496 S.W.3d 653, 720 (Tenn. 2016); *State v. Transou*, 928 S.W.2d 949, 958 (Tenn. Crim. App. 1996).

The "rights assured by the Fourth Amendment are personal rights, and . . . they may be enforced by the exclusion of evidence only at the instance of one whose own protection was infringed by the search and seizure." *Talley*, 307 S.W.3d at 730 (quoting *Simmons v. United States*, 390 U.S. 377, 389 (1968)) (alteration in *Talley*). Therefore, "[i]n order to challenge the reasonableness of a search or seizure, the defendant must have a legitimate expectation of privacy in the place or thing to be searched." *State v. Cothran*, 115 S.W.3d 513, 520-21 (Tenn. Crim. App. 2003); *see Katz*, 389 U.S. at 357; *see also State v. Prier*, 725 S.W.2d 667, 671 (Tenn. 1987) (stating that Tennessee affords no greater protection than *Katz's* principle of what a person knowingly exposes to the public). To properly evaluate the issue under both our state and federal constitutions, we must determine "(1) whether the individual had an actual, subjective expectation of privacy and [if so] (2) whether society is willing to view the individual's subjective expectation of privacy as reasonable and justifiable under the circumstances." *State v. Munn*, 56 S.W.3d 486, 494 (Tenn. 2001) (citing *Smith v. Maryland*, 442 U.S. 735, 740 (1979); *State v. Ross*, 49 S.W.3d 833, 839 (Tenn. 2001)). The second part of this inquiry focuses on "whether, in the words of the *Katz* majority, the individual's expectation, viewed objectively, is 'justifiable' under the circumstances." *Smith*, 442 U.S. at 740 (quoting *Katz*, 389 U.S. at 357).

Our supreme court has identified factors courts should consider when determining whether a personal privacy interest exists, including:

> (1) [whether the defendant owns the property seized]; (2) whether the defendant has a possessory interest in the thing seized; (3) whether the defendant has a possessory interest in the place searched; (4) whether he has the right to exclude others from that place; (5) whether he has exhibited a subjective expectation that the place would remain free from governmental invasion; (6) whether he took normal precautions to maintain his privacy; and (7) whether he was legitimately on the premises.

Talley, 307 S.W.3d at 731 (quoting *State v. Ross*, 49 S.W.3d 833, 841 (Tenn. 2001)) (alteration in *Ross*). Our supreme court has recognized that this "totality of the circumstances test is best-suited for determining the reasonableness of an expectation of privacy." *Id.* at 734. "A defendant has the initial burden of establishing a legitimate expectation of privacy, and the failure to do so is dispositive in favor of the state." *Id.* at 730 (citing *State v. Oody*, 823 S.W.2d 554, 560 (Tenn. Crim. App. 1991)).

The evidence established that at the time of the offenses, the defendant was a 28-year-old college student who resided in Louisiana, more than 600 miles away from

the Goldenview Lane residence. He did not own or reside in the Goldenview Lane residence, and he had never resided in the home. Although the victims who owned the home were the defendant's parents, this relationship is not, "in itself, enough to make that home a Fourth Amendment sanctuary for an adult child not living there." *State v. Francisco*, 26 P.3d 1008, 1011 (Wash. App. 2001); *see State v. Rodriguez*, 59 N.E.2d 619, 624 (Ohio App. 2016) ("There is no assumed expectation of privacy simply because of the familial relationship."). The defendant failed to establish that he had "long-term connections" to the Goldenview Lane residence in support of his contention of a reasonable expectation of privacy in the home. The victims did not move into the Goldenview Lane residence until 2007 after the defendant graduated high school and began attending college. Prior to moving to Knoxville, the victims moved out of their home in Louisiana where the defendant had previously resided with them and moved to South Carolina, where they lived for approximately one year. The defendant only visited the victims at the Goldenview Lane residence sporadically through the years on holidays and birthdays. Prior to Thanksgiving of 2016, the defendant had not been in the home since March 2016. He identified only a few items that he claimed belonged to him and were regularly stored in the home, including old college books and tokens from his childhood. He was not present when the officers entered the home, had not stayed overnight in the home on the night prior to the officers' entry, and had, instead, chosen to return to his apartment in Louisiana. Although the defendant testified that he possessed a key and a garage door opener to the Goldenview Lane residence, "possessing a key, in and of itself, does not establish a reasonable expectation of privacy." *Rodriguez*, 59 N.E.2d at 624. Because he rarely visited the victims, he rarely used the key, and he did not establish that he had the right to exclude others from the home. Although the defendant claims that he had an expectation of privacy in the home independent of any claims as an overnight guest, we conclude that the defendant failed to establish that his claimed expectation, when viewed objectively, is reasonable or justifiable under the totality of the circumstances.

The defendant also asserts that he was an overnight guest and, therefore, had a reasonable expectation of privacy in the Goldenview Lane residence. To be sure, "[t]he fact that a person is an overnight guest in a residence . . . standing alone, is sufficient to clothe the guest with a legitimate expectation of privacy in the premises sufficient to challenge the search and any resulting seizure." *State v. Transou*, 928 S.W.2d 949, 958 (Tenn. Crim. App. 1996) (citing *Minnesota v. Olson*, 495 U.S. 91 (1990)). In reaching this conclusion, the United States Supreme Court reasoned:

> To hold that an overnight guest has a legitimate expectation of privacy in his host's home merely recognizes the everyday expectations of privacy that we all share. Staying overnight in another's home is a longstanding social custom that serves functions recognized as valuable by society….We

> will all be hosts and we will all be guests many times in our lives. From either perspective, we think that society recognizes that a houseguest has a legitimate expectation of privacy in his host's home.
>
> From the overnight guest's perspective, he seeks shelter in another's home precisely because it provides him with privacy, a place where he and his possessions will not be disturbed by anyone but his host and those his host allows inside. We are at our most vulnerable when we are asleep because we cannot monitor our own safety or the security of our belongings. It is for this reason that, although we may spend all day in public places, when we cannot sleep in our own home we seek out another private place to sleep, whether it be a hotel room, or the home of a friend. Society expects at least as much privacy in these places as in a telephone booth—"a temporarily private place whose momentary occupants' expectations of freedom from intrusion are recognized as reasonable[.]"
>
> That the guest has a host who has ultimate control of the house is not inconsistent with the guest having a legitimate expectation of privacy. The houseguest is there with the permission of his host, who is willing to share his house and his privacy with his guest. It is unlikely that the guest will be confined to a restricted area of the house; and when the host is away or asleep, the guest will have a measure of control over the premises….[H]osts will more likely than not respect the privacy interest of their guests, who are entitled to a legitimate expectation of privacy despite the fact that they have no legal interest in the premises and do not have the legal authority to determine who may or may not enter the household.

Olson, 495 U.S. at 98-99 (internal citation omitted).

A defendant's status as an overnight guest "must exist at the time of the search." 2 Wayne R. LaFave, Search and Seizure, § 11.3(b) fn. 102 (6th ed. 2020); *see, e.g. State v. Cody*, 539 N.W.2d 18, 27 (Neb. 1995) (recognizing that "in order to have a protected Fourth Amendment interest as an overnight guest at searched premises, one must have been such a guest at the time of the search"); *State v. Corbin*, 957 N.E.2d 849, 855 (Ohio App. 2011) (discussing cases and rejecting the defendant's claim of reasonable

expectation of privacy in a home because his status as an overnight guest was terminated sometime prior to the search). "Any other conclusions would result in an overnight guest's having a permanently protected fourth amendment interest in a place in which he or she once stayed, no mater how remote in time." *State v. Cortis*, 465 N.W.2d 132, 139 (Neb. 1991); *see Cody*, 539 N.W.2d at 27. Because the defendant had the burden of proving a reasonable expectation of privacy in the home, he, likewise, had the burden of proving his status as an overnight guest at the time of the officers' entry into the home. *See Transou*, 928 S.W.2d at 958 (recognizing that an overnight guest has a legitimate expectation of privacy in a residence and concluding that the defendant "made no effort to establish a reasonable expectation in the apartment" subject to the search); 2 Wayne R. LaFave, at §11.3(b) fn. 102 (stating that the "defendant has the burden of proof as to the existence of this [overnight-guest] status").

The evidence presented at the suppression hearing established that the defendant was an overnight guest in the days prior to the victims' murders. The State asserts that the defendant's status as an overnight guest terminated prior to the officers' entry into the Goldenview Lane residence. Specifically, the State maintains that the defendant's status as an overnight guest terminated once he attacked and killed the victims and after the defendant's prolonged absence from the home.

The defendant asserts that the State failed to allege in the trial court that his status as an overnight guest terminated as a result of his killing the victims and that, therefore, the State waived the issue. This court previously has held that the State waived its argument that the defendant did not establish a legitimate expectation of privacy by failing to raise the issue in the trial court. *See State v. White*, 635 S.W.2d 396, 399-400 (Tenn. Crim. App. 1982). This court stated that "the State has a duty to notify the defendant that it opposes his motion on standing grounds, a result which reflects the traditional polices of notice and fair play." *Id.* at 399. When the State fails to raise the issue of standing and, instead, challenges the suppression motion on its merits, "the defendant is entitled to infer that the State concedes his standing and need not offer any evidence relevant to his expectation of privacy." *Id.* at 399-400.

In the instant case, however, the State filed a response to the suppression motion arguing that the defendant lack standing to challenge the officers' entry and seizure of evidence from the Goldenview Lane residence. Thus, the defendant had notice that he would be required to present evidence at the suppression hearing establishing a legitimate expectation of privacy. We note that despite this notice, the defendant filed a reply declining to specify the basis upon which he was alleging a legitimate expectation of privacy, which prevented the State from offering anything other than a blanket challenge to standing prior to the suppression hearing. Defense counsel declined to offer argument at the conclusion of the suppression hearing and, instead, alleged that the defendant was an

overnight guest in a post-hearing pleading filed almost two months following the hearing. Furthermore, once the defendant alleged a legitimate expectation of privacy as an overnight guest, he had the burden of proving his status as an overnight guest at the time of the officers' entry into the residence and seizure of evidence. *See Transou*, 923 S.W.2d at 958; 2 Wayne R. LaFave, at §11.3(b) fn. 102. To establish that he was an overnight guest, the defendant was required to present evidence that he was at the home "with the permission of his host." *Olson*, 495 U.S. at 99; *see State v. Crocco*, 327 P.3d 1068, 1074 (N.M. 2014) ("In order for a court to conclude that Defendant had a constitutional basis for objecting to the search of another person's house, there must be evidence that Defendant was a guest with permission to be there."). Unlike *White* where the State failed to make any challenge to the defendant's standing, the State in the instant case raised the issue of standing prior to the suppression hearing; therefore, the defendant was on notice that he would be required to establish standing at the suppression hearing, and the State's argument on appeal is that the defendant failed to meet that burden. *See White*, 635 S.W.2d at 399-400. Accordingly, we will consider whether the defendant met his burden of establishing that he was an overnight guest who was present with the victims' consent.

To establish a legitimate expectation of privacy in a residence as an overnight guest, a defendant must demonstrate that he had permission to be there. *See, e.g. United States v. Battle*, 637 F.3d 44, 49 (5th Cir. 2011); *Crocco*, 327 P.3d at 1074; *Granados v. State*, 85 S.W.3d 217, 223-24 (Tex. Crim. App. 2002); *State v. Dorsey*, 762 S.E.2d 584, 593 (W. Va. 2014). Once that permission or consent has been revoked, a defendant is no longer a "guest" who has a legitimate expectation of privacy in the residence. *See, e.g. Battle*, 637 F.3d at 49; *Granados*, 85 S.W.3d at 225-26; *Dorsey*, 762 S.E.2d at 594; 2 Wayne LaFave, at § 11.3(b).

Courts have rejected a defendant's claim of a legitimate expectation of privacy in a residence as an overnight guest when the defendant procured or maintained access to the residence through coercion or violent acts or threats. For example, in *Allen v. State*, the Court of Appeals of Indiana rejected a defendant's claim of a legitimate expectation of privacy in a residence when he obtained control and possession of the residence by killing the rightful owners. *Allen v. State*, 893 N.E.2d 1092, 1100 (Ind. Ct. App. 2008). In *State v. Dorsey*, the Supreme Court of West Virginia held that a defendant, who was initially an invited guest in the home, did not have a legitimate expectation of privacy in the home at the time of the search when the defendant threatened to kill the owner and used the owner's dependency on drugs that the defendant was supplying to her to control the home and carry out his drug operation. *Dorsey*, 762 S.E.2d at 594. The court concluded that a defendant "who is unwelcome in the dwelling of another, or who has procured or maintained access to the dwelling through coercion, threats of violence or exploitation, does not have an expectation of privacy that society is willing to recognize as reasonable." *Id.* Finally, in *Commonwealth v. Mallory*, the Appeals Court of

Massachusetts held that although the defendant initially was an overnight guest, he no longer had a legitimate expectation of privacy in the bedroom that he had occupied after he raped the host's daughter and fled the residence. *Commonwealth v. Mallory*, 775 N.E.2d 764, 768 (Mass. App. Ct. 2002). The court stated that the "'very limited expectation of privacy'" that the defendant had in the bedroom was "dependent upon the relationship between the defendant and his host" and that, as a result of the defendant's actions, the relationship "disintegrated." *Id.*

We likewise conclude that although the defendant initially was an invited overnight guest in the victims' home, his relationship with the victims "disintegrated" once he attacked and killed them, and the defendant no longer had their permission to be in the Goldenview Lane residence and was no longer a "guest" at the time of the officers' entry. We do not hold that the defendant lost his legitimate expectation of privacy simply by engaging in illegal conduct. Rather, the focus is on the effect of the defendant's illegal activity on the relationship between the defendant and the host and the defendant's status as a welcomed guest. We hold that by attacking and killing the victims upon whose permission he relied in claiming that he was an overnight guest, the defendant no longer had a legitimate expectation of privacy in the Goldenview Lane residence that society is willing to recognize as reasonable at the time of the officers' entry into the residence.

Regardless of the effect of the defendant's violent actions against the victims on his status as an overnight guest, we further conclude that the defendant was no longer an overnight guest at the time of the officers' entry due to his prolonged absence from the Goldenview Lane residence. Some courts have recognized that although proof was presented that the defendant occasionally stayed the night at the residence that was searched, the defendant did not have a legitimate expectation of privacy in the residence when the defendant failed to establish that he was an overnight guest at the time of the search. *See, e.g. Rankin v. State*, 942 S.W.2d 867, 871 (Ark. App. 1997) (holding that the defendant who frequently stayed overnight at his girlfriend's apartment and left prescriptions there did not have a legitimate expectation of privacy in the apartment when he was not an overnight guest when the search occurred); *Alston v. State*, 858 A.2d 1100, 1107-09 (Md. App. 2004) (concluding that although the defendant was an occasional overnight guest, he did not have an objectively reasonable expectation of privacy in the apartment when he "did not have the present status of an overnight guest" and entered the apartment while fleeing the police), *rev'd on other grounds*, 71 A.3d 13 (Md. App. 2013); *Cortis*, 465 N.W.2d at 139 (concluding that the defendant did not have a legitimate expectation of privacy when he stayed at the home overnight on prior occasions but was not an overnight guest at the time of the search); *Gouldsby v. State*, 202 S.W.3d 329, 335 (Tex. App. 2006) (holding that the defendant failed to establish "standing" to contest the search of a residence when the owner testified that the defendant frequently stayed at the

residence but did not testify that the defendant was an overnight guest on the night of the search).

In the present case, the defendant acknowledged that he did not stay overnight at the Goldenview Lane residence on the night prior to the officers' entry, and he was not present at the residence when the officers entered. Rather, the defendant left on Sunday and drove more than 600 miles to his apartment in Louisiana. Given the defendant's prolonged absence from the home, he was no longer an overnight guest and did not have a legitimate expectation of privacy in the home that society is willing to view as reasonable and justifiable under the circumstances. Accordingly, we affirm the trial court's denial of the defendant's motion to suppress evidence seized from the Goldenview Lane residence, albeit on different grounds than those upon which the trial court relied.

2. Exigent Circumstances

Even if the defendant had standing to challenge the search of the Goldenview Lane residence, we agree with the State that the officers' entrance into the residence was supported by exigent circumstances. "Given the importance of the warrant requirement in safeguarding against unreasonable searches and seizures, a circumstance will be sufficiently exigent only where the State has shown that the search is imperative." *State v. Meeks*, 262 S.W.3d 710, 723 (Tenn. 2008) (citing *Coolidge*, 403 U.S. at 454-44; *State v. Hayes*, 188 S.W.3d 505, 514 (Tenn. 2006); *State v. Yeargan*, 958 S.W.2d 626, 641 (Tenn. 1997) (Reid, J., concurring)). Our supreme court has provided the following non-exclusive list of "frequently-arising situations that have been found to be sufficiently exigent" to justify the warrantless search of a residence: "(1) hot-pursuit, (2) the thwart escape, (3) the prevent the imminent destruction of evidence, (4) in response to an immediate risk of serious harm to the police officers or others, and (5) to render emergency aid to an injured person or to protect a person from imminent injury." *Meeks*, 262 S.W.3d at 723 (citing *Brigham City, Utah v. Stuart*, 547 U.S. 398, 403 (2006); *Olson*, 495 U.S. at 100; *United States v. Huffman*, 461 F.3d 777, 782 (6th Cir. 2006); *State v. Adams*, 238 S.W.3d 313, 321 (Tenn. Crim. App. 2005)). Said differently, "[e]xigent circumstances are those in which the urgent need for immediate action becomes too compelling to impose upon governmental actors the attendant delay that accompanies obtaining a warrant." *Meeks*, 262 S.W.3d at 723.

"To determine whether a law enforcement officer faced an emergency that justified acting without a warrant, this Court looks to the totality of the circumstances." *McNeely*, 569 U.S. at 149 (citing *Brigham City, Utah*, 547 U.S. at 406; *Illinois v. McArthur*, 531 U.S. 326, 331 (2001); *Richards v. Wisconsin*, 520 U.S. 385, 391-96 (1997); *Cupp v. Murphy*, 412 U.S. 291, 296 (1973)). The Supreme Court explained:

> We apply this "finely tuned approach" to Fourth Amendment reasonableness in this context because the police action at issue lacks "the traditional justification that…a warrant…provides." *Atwatere v. Lago Vista*, 532 U.S. 318, 347 n.16 (2001). Absent that established justification, "the fact-specific nature of the reasonableness inquiry," *Ohio v. Robinette*, 519 U.S. 33, 39 (1996), demands that we evaluate each case of alleged exigency based "on its own facts and circumstances." *Go-Bart Importing Co. v. United States*, 282 U.S. 344, 357 (1931).

McNeely, 569 U.S. at 150. This analysis focuses on the information known to the officer at the time of the search and any reasonable inferences that may be drawn therefrom. *Meeks*, 262 S.W.3d at 723-24.

The trial court concluded that the initial entry was "justified under both exigent circumstances and community caretaking doctrines," that "[t]he officers clearly had a legitimate concern that someone in the home could have been injured and likely deceased," and that "[t]he totality of the circumstances pointed to a strong possibility that a person or persons were in need of immediate aid." Following the issuance of the trial court's order, the United States Supreme Court issued its opinion in *Caniglia v. Strom*, holding that the fact that police are acting solely based on community caretaking purposes is not sufficient, alone, to excuse the requirement for a warrant for entry into a home. *Caniglia v. Strom*, 141 S.Ct. 1596, 1599-1600 (2021). However, the Court's majority opinion and the concurring opinions made clear that the holding did not undermine settled law that "officers may enter private property without a warrant when certain exigent circumstances exist, including the need to 'render emergency assistance to an injured occupant or to protect an occupant from imminent injury.'" *Id.* at 1599 (quoting *Kentucky v. King*, 563 U.S. 452, 460 (2011); *see id.* at 1600 (Roberts, C.J., with whom Breyer, J., joins, concurring); *id.* at 1603-04 (Kavanaugh, J., concurring).

The defendant argues that the State failed to present sufficient evidence establishing exigent circumstances justifying the officers' warrantless entry into the Goldenview Lane residence. The defendant asserts that the officers' looking through the window in the front door and entering the backyard were unconstitutional searches or intrusions and that the officers' observations as a result of these searches or intrusions cannot be considered in determining whether the officers' entry into the residence was supported by exigent circumstances. The defendant also asserts that the trial court, as a successor judge, improperly credited Detective McCord's testimony regarding his observations at the back door of the residence when the successor judge was not present for the suppression hearing and was not in a position to evaluate Detective McCord's credibility. The State responds that the officers' peering into the residence through the

window on the front door was not an unconstitutional search and that consideration of the officers' observations from the window in determining the existence of exigent circumstances was proper. The State also responds that the trial court's consideration of the officers' observations from the back porch was based upon then prevailing law allowing officers to intrude onto curtilage under the community caretaking doctrine, and the State appears to concede that the officers' observations from the back door should not be considered in determining whether exigent circumstances existed. The State argues that, regardless of the officers' observations from the back door, the evidence established exigent circumstances justifying the officers' warrantless entry into the residence. We need not determine the constitutionality of the officers' entry into the backyard of the residence because we conclude that the State established exigent circumstances justifying the officers' entry into the residence notwithstanding the officers' observations from the back door.

The defendant contends that the officers' looking inside the Goldenview Lane residence through the decorative window in the front door was an unconstitutional search. The United States Supreme Court has recognized that not every entry upon a curtilage is a search, stating that "'the knocker on the front door is treated as an invitation or license to attempt an entry, justifying ingress to the home by solicitors, hawkers and peddlers of all kinds.'" *Florida v. Jardines*, 569 U.S. 1, 8 (2013) (quoting *Breard v. Alexandria*, 341 U.S. 622, 624 (1951)). The Court explained,

> This implicit license typically permits the visitor to approach the home by the front path, knock promptly, wait briefly to be received, and then (absent invitation to linger longer) leave….Thus, a police officer not armed with a warrant may approach a home and knock, precisely that is "no more than any private citizen might do."

Id. (quoting *Kentucky v. King*, 563 U.S. 452, 469 (2011)). The so-called "knock-and-talk" where an officer approaches the front door of a residence in order to investigate a complaint or to conduct other official business is not a "search" within the context of the Fourth Amendment, "at least if the intrusion is conducted within the scope of the implicit license recognized by the Supreme Court in *Jardines*." *State v. Christensen*, 517 S.W.3d 60, 70 (Tenn. 2017); *see Cothran*, 115 S.W.3d at 522. "Rather, only if an officer's conduct in approaching a front door, 'objectively reveals a purpose to conduct a search,' such as bringing a drug-sniffing dog onto the front porch, will his approach offend the Fourth Amendment." *Christensen*, 517 S.W.3d at 70 (quoting *Jardines*, 569 U.S. at 8).

When an officer is in an area permitted by the implicit license, such as the front door, "it is not a Fourth Amendment search for the police to see or hear or smell from

that vantage point that is happening inside the dwelling." LaFave, at § 2.3(c) (footnotes omitted). Courts have held that an officer's peering through an unobstructed window on or by the front door of a residence is not a search within the meaning of the Fourth Amendment. *See, e.g. United States v. Taylor*, 90 F.3d 903, 908-09 (4th Cir. 1996) (rejecting the defendant's claim that the officer's viewing the dining room through a window from the street, the walkway to the house, and the front porch constituted a search within the meaning of the Fourth Amendment); *Taylor v. State*, 120 N.E.3d 661, 666-67 (Ind. Ct. App. 2019) (concluding that the officer's "reposition[ing] his body" to look through a window located on the front door did not violate the Fourth Amendment); *State v. Brisban*, 809 So.2d 923, 928-29 (La. 2002) (concluding that exigent circumstances justified the officer's warrantless entry into the home when the officer was lawfully on the front porch for a legitimate purpose, looked through the screen door, and saw the defendant's companion cutting crack cocaine); *State v. Poling*, 531 S.E.2d 678, 681-82 (W. Va. 2000) (holding that the officer's observing marijuana plants through an unobstructed front door window while at the front door to serve a subpoena was not a search within the meaning of the Fourth Amendment).

We, likewise, conclude that the officers' peering into the Goldenview Lane residence through the unobstructed front door window was not a search within the meaning of the federal and state constitutions. The officers were lawfully at the front door of the Goldenview Lane residence to conduct a "welfare check" following two calls expressing concern for Mrs. Guy. The officers, like any member of the general public who approached the door in the same manner, briefly observed items inside the residence that were clearly visible from the front door window. Because the officers' observations were not the result of a "search" for constitutional purposes, we may consider the observations in determining whether exigent circumstances warranted the officers' entry into the residence.

The defendant argues for the first time in his reply brief that the officers' "actions in loitering in the front yard…exceeded any implicit license to approach and knock." The defendant asserts that the "implicit license does not cover" the situation where the "officers were not expecting the [victims] to answer the door and merely waiting a short period of time for them do to so; but, instead, were investigating to find out why the [victims] were not there." The defendant, however, did not raise this issue in the trial court as part of his efforts to seek to suppress evidence seized from the Goldenview Lane residence. Accordingly, this issue is waived. *See* Tenn. R. App. 3(e), 36(a).

The United States Supreme Court has held that exigent circumstances justifying the warrantless entry into a home include "'the need to assist persons who are seriously injured or threatened with such injury.'" *Michigan v. Fisher*, 558 U.S. 45, 47 (2009) (quoting *Brigham City, Utah*, 547 U.S. at 403). Officers "'may enter a home without a warrant to render emergency assistance to an injured occupant or to protect an

occupant from imminent injury.'" *Id.* (quoting *Brigham City, Utah*, 547 U.S. at 403). This "'emergency aid exception'" is not dependent upon "the officers' subjective intent or the seriousness of any crime that they are investigating when the emergency arises." *Id.* (quoting *Brigham City, Utah*, 547 U.S. at 404-05). Furthermore, invoking the emergency aid exception does not require "ironclad proof of 'a likely serious, life-threatening' injury'" but only requires "'an objectively reasonable basis for believing'…that 'a person within [the house] is in need of immediate aid.'" *Id.* at 48-49 (quoting *Brigham City, Utah*, 547 U.S. at 406; *Mincey v. Arizona*, 437 U.S. 385, 392 (1978)).

In arguing that the evidence failed to establish exigent circumstances, the defendant relies upon *State v. Justin Gibson*, in which a panel of this court concluded that the State failed to establish exigent circumstances under the emergency aid exception to justify a warrantless entry into a home when an officer arrived at an accident scene where he located a vehicle in a ditch but did not locate the driver, went to the address listed on the vehicle's registration located approximately one-half mile away from the accident scene, saw that the front door of the house was open, did not observe any signs of forced entry, learned from a neighbor, who had been watching the house and the owners' pets while the owners were out of town, that the front door was not open when the neighbor had been inside the house earlier that day, entered the house to check if someone involved in the accident was injured inside the house or if a break-in had occurred, and found the defendant, who was the owners' son, passed out in bed. *State v. Justin Gibson*, No. M2012-02363-CCA-R3-CD, 2013 WL 5701650, at *1-2 (Tenn. Crim. App., Nashville, Oct. 18, 2013). In concluding that the State failed to establish exigent circumstances under the emergency aid exception, this court relied on *United States v. Brandwein*, an unreported federal district court opinion, which recognized that the cases in which courts had concluded that exigent circumstances existed "'appear to share two common factors.'" *Id.* at *9 (quoting *United States v. Brandwein*, No. 11-4015-01/02-CR-C-NKL, 2012 WL 7827660, at *7 (W.D. Mo. May 24, 2012)). "'First, in all of the cases in which courts found exigency, officers observed events obviously occurring within the residence or building.'" *Id.* (quoting *Brandwein*, 2012 WL 7827660, at *7). "'Second, courts have found exigent circumstances exist when officers observed events or evidence leading directly to a structure.'" *Id.* (quoting *Brandwein*, 2012 WL 7827660, at *7). In concluding that the evidence failed to establish exigent circumstances pursuant to the emergency aid exception, this court reasoned, in part, that "[t]here were no signs or sounds of distress coming from inside the home nor evidence leading directly to the structure." *Id.*

To the extent that *Justin Gibson* stands for the proposition that these are the only two instances establishing exigent circumstances pursuant to the emergency aid exception, we, respectfully, disagree. "Officers do not need ironclad proof of 'a serious, life-threatening' injury to invoke the emergency aid exception." *Fisher*, 558 U.S. at 49. Rather, officers need "'an objectively reasonable basis for believing' that medical

assistance was needed, or persons were in danger." *Id.* (quoting *Brigham City, Utah*, 547 U.S. at 406; *Mincey*, 437 U.S. at 392). We disagree that this determination is limited to the officer's observations of the place to be searched. *See Justin Gibson*, 2013 WL 5701650, at*10 (providing that "cases which approve the warrantless entry into a home to render emergency aid and assistance are, without exception, based upon the officers' observations of the place to be searched"). Rather, "[t]he exigency of the circumstances is evaluated based upon the totality of the circumstances known to the governmental actor at the time of entry." *Meeks*, 262 S.W.3d at 723 (footnotes omitted).

As Justice Kavanaugh recently observed in his concurring opinion in *Caniglia v. Strom*, "the Court's exigency precedents, as I read them, permit warrantless entries when police officers have an objectively reasonable basis to believe that there is a current, ongoing crisis for which it is reasonable to act now." *Caniglia*, 141 S.Ct. at 1604 (Kavanaugh, J., concurring) (citations omitted). He explained,

> The officers do not need to show that the harm has already occurred or is mere moments away, because knowing that will often be difficult if not impossible in cases involving, for example, a person who is currently suicidal or an elderly person who has been out of contact and may have fallen. If someone is at risk of serious harm and it is reasonable for officers to intervene now, that is enough for the officers to enter.

Id. Justice Kavanaugh provided the following example:

> Suppose that an elderly man is uncharacteristically absent from Sunday church services and repeatedly fails to answer his phone throughout the day and night. A concerned relative calls the police and asks the officers to perform a wellness check. Two officers drive to the man's home. They knock but receive no response. May the officers enter the home? Of course.

Id. Justice Kavanaugh concluded that the officers have an "'objectively reasonable basis' for believing that an occupant is 'seriously injured or threatened with such injury'" and that "[t]he Fourth Amendment does not prevent the officers from entering the home and checking on the man's well-being." *Id.* (quoting *Brigham City, Utah*, 547 U.S. at 400).

We conclude that based on the totality of the circumstances, the officers in the present case had "an objectively reasonable basis" for believing that the victims needed medical assistance or were otherwise in danger. *Fisher*, 558 U.S. at 49. Mrs. Guy, without

explanation, failed to attend a pre-planned function that morning, and her absence from work without calling was unusual. Multiple attempts to contact the victims were unsuccessful. Although the victims' vehicles were parked in the driveway and despite the fact that neighbors reported seeing an interior light on upstairs that morning, no one came to the front door when the officers knocked. A neighbor reported that the presence of both of the victims' vehicles in the driveway was unusual because Mrs. Guy generally was at work during that time of day. The absence of the realtor's lockbox from the front door and the differences in discoloration between the doorknob and the deadbolt were evidence that the locking mechanism had been altered, and bags of groceries were lying on the floor and were seemingly abandoned by the victims. The defendant addresses each circumstance individually and attempts to offer an innocent explanation for each circumstance. Although each circumstance, when viewed in isolation, may not justify the warrantless entry into the residence, we conclude that these circumstances, when viewed in their totality, established exigent circumstances justifying the officers' warrantless entry into the Goldenview Lane residence.

The defendant also asserts that the officers lacked probable cause justifying the warrantless entry into the Goldenview Lane residence. The Tennessee Supreme Court has held that "probable cause is not a necessary element" for the application of the emergency aid exception under the Fourth Amendment. *Meeks*, 262 S.W.3d at 726 n.31. Accordingly, the defendant is not entitled to relief regarding this issue.

3. Seizure of the Backpack, a Knife, and a Walmart Receipt

The defendant asserts that even if the officers' initial warrantless entry into the Goldenview Lane residence was constitutional, the subsequent seizure of his backpack from an upstairs bedroom and a knife and Walmart receipt from the upstairs bathroom was unconstitutional. The defendant asserts that the items were not within the plain view of the officers at the time of the initial entry. The State responds that the evidence was within the officers' plain view at the time of the initial entry and that the subsequent entry of officers and technicians who seized the evidence was a continuation of the officers' original entry. The State also responds that regardless of whether the evidence was within the plain view of the responding officers during the initial entry, the evidence was properly seized as within the plain view of the officers and technicians who subsequently entered the residence. We conclude that even if the defendant had standing to challenge the seizure of the evidence, the items were properly seized as evidence within the plain view of the officers who initially entered the residence.

Under certain circumstances, officers may seize evidence in plain view without a warrant. *See Coolidge*, 403 U.S. at 465 (1971); *State v. Coulter*, 67 S.W.3d 3,

43 (Tenn. Crim. App. 2001), *abrogated on other grounds by State v. Jackson*, 173 S.W.3d 401, 407 n.3 (Tenn. 2005). The plain view doctrine applies when:

> (1) the officer did not violate constitutional mandates in arriving at the location from which the evidence could plainly be seen; (2) the officer had a lawful right of access to the evidence; and (3) the incriminating character of the evidence was "immediately apparent," i.e., the officer possessed probable cause to believe that the item in plain view was evidence of a crime or contraband."

Coulter, 67 S.W.3d at 43 (citing *Minnesota v. Dickerson*, 508 U.S. 366, 375 (1993); *Soldal v. Cook County, Ill.*, 506 U.S. 56, 65-66 (1992); *Horton v. California*, 496 U.S. 128, 136-37 (1990); *Arizona v. Hicks*, 480 U.S. 321, 326-27 (1987)). An officer, who enters a home based upon exigent circumstances, "may generally seize any apparently incriminating items located on the premises in plain view" and may "'record by photography scenes presented to [his] plain view.'" *Id.* (quoting *Bills v. Aseltine*, 958 F.2d 697, 707 (6th Cir. 1992)).

The Tennessee Supreme Court has recognized that an officer, who lawfully enters a home under exigent circumstances and "encounter[s] evidence in plain view," need not "obtain a search warrant in order to examine that same evidence." *State v. Hutchison*, 482 S.W.3d 893, 919-20 (Tenn. 2016). The court held that the subsequent reentry by an officer or technician to process the evidence constituted a "mere continuation" of the initial lawful entry into the home under exigent circumstances and that "[t]herefore, evidence in plain view in the home could be examined, photographed, seized and processed by them without a search warrant." *Id.* at 920. In reaching this conclusion, our supreme court cited with approval the reasoning of appellate courts in New Jersey and Connecticut that:

> "[W]hen a law enforcement officer enters private premises in response to a call for help, and during the course of responding to the emergency observes but does not take into custody evidence in plain view, a subsequent entry shortly thereafter, by detectives whose duty it is to process evidence, constitutes a mere continuation of the original entry….This conclusion…furthers the goal of effective law enforcement, and promotes the rationale and purpose of the plain view doctrine."

Id. at 919 (quoting *State v. O'Donnell*, 974 A.2d 420, 426 (N.J. App. Div. 2009), *aff'd*, 1 A.3d 604 (2010); *State v. Magnano*, 528 A.2d 760, 764 (Conn. 1987)).

In challenging the seizure of the backpack, the defendant argues that the proof does not establish that the backpack was seen by the officers during the initial entry or that the incriminating character of the backpack was "immediately apparent" by the officers who made the initial entry. In denying the defendant's motion to suppress, the trial court found that the backpack was in plain view, that the officers "had reason to believe that it belonged to the defendant/missing house guest," that the backpack was "properly seized as evidence that the defendant had been in the home around the time that the crimes occurred," and that the backpack "directly pointed to the defendant as the perpetrator of the crime." The backpack was recovered by the foot of the bed in the guest bedroom; the backpack was visible on the body camera recording of the officers' initial entry into the residence; and Detective McCord testified that the backpack was in plain view. Thus, the proof established that the backpack was within the officers' plain view at the time of the initial entry. Furthermore, prior to entering the residence, the officers learned from a neighbor that the defendant had been staying with the victims over the weekend. Inside the guest bedroom where the backpack was located was evidence indicating that the bedroom had been recently occupied, including an open suitcase on the floor that contained clothing and a laptop that was open, running, and on the bed. Also inside the guest bedroom was evidence related to the murder, including the tops to the containers that held the body parts and various items with reddish-brown staining. In light of the information obtained from the neighbor and the other items in the bedroom, the officers had probable cause to believe that the backpack was evidence relevant to the identity of either the perpetrator or the victims. The evidence does not preponderate against the trial court's finding that the backpack was properly seized pursuant to the plain view doctrine.

With respect to the knife and the Walmart receipt, the trial court made a general finding that all items seized were within the officers' plain view. The knife and the Walmart bag containing the receipt were on the counter in an upstairs bathroom. Photographs show that the Walmart bag was partially open, and the receipt can be seen through the opening. During the suppression hearing, Detective McCord testified regarding all of the items seized from the residence, including the knife and the Walmart receipt. He then confirmed that he observed the items during his initial sweep of the residence and that the items were in the same condition by the time that the forensic investigators entered the residence to photograph the scene. Thus, the State established that officers observed the items in plain view at the time of the initial entry. Given the blood and body parts observed by the officers, the incriminating character of the knife was "immediately apparent." The Walmart bag containing the receipt was next to the knife, a large blood stain, a disposable glove, and a bottle of hydrogen peroxide. The officers had probable cause to believe that the receipt had evidentiary value in that the receipt could provide a time and date on which some of the items observed by the officers inside the residence were purchased and could assist the officers in determining a timeline of the

events. The incriminating character of the Walmart receipt, therefore, was "immediately apparent." Accordingly, we conclude that the seizure of the knife and the Walmart receipt was proper.

B. Search of the Backpack

The defendant challenges the trial court's finding that the searches of his backpack and the notebook found within it were proper inventory searches. The defendant does not argue that once the backpack was seized, it was not subject to an inventory search as a matter of law. Rather, he asserts that the State failed to present sufficient evidence establishing that a policy to subject seized evidence to an inventory search existed and that the inventory search was conducted in accordance with any such policy. In response, the State does not argue that the defendant lacks standing to challenge the inventory search but maintains that the trial court properly determined that the searches of the backpack and the notebook were within the scope of the law enforcement agency's procedures for conducting an inventory search.

Another exception to the warrant requirement is a lawful inventory search. *State v. Watkins*, 827 S.W.2d 293, 295 (Tenn. 1992). "Under this exception, it is constitutionally permissible for police officers to inventory the contents of . . . lawfully [seized property] without a search warrant as long as it is in accordance with routine administrative procedures." *Id.* (citing *South Dakota v. Opperman,* 428 U.S. 364, 372 (1976)). The purposes of an inventory search must be "(1) to protect the property of the owner, and (2) to protect officers from claims of negligence or violation of civil rights in the event property disappears or is damaged." *State v. Cabage*, 649 S.W.2d 589, 592 (Tenn. 1983). In light of the purposes for which an inventory search is conducted, "officers may properly open unlocked containers…when necessary to make a realistic and meaningful inventory." *State v. Glenn*, 649 S.W.2d 584, 589 (Tenn. 1983). Inventory searches have been upheld "'where it is clear that the procedure used is a valid inventory and is not merely a pretext for a search, whether or not there is some suspicion that contraband or other evidence may be found.'" *Id.* at 588 (quoting *United States v. Ducker*, 491 F.2d 1190, 1192 (5th Cir. 1974).

The defendant relies upon *Florida v. Wells*, 495 U.S. 1 (1990), and *United States v. Alexander*, 954 F.3d 910 (6th Cir. 2020), in arguing that the evidence failed to establish that the forensic division had a policy of conducting an inventory search of seized items or that the searches of the backpack and the notebook were conducted in accordance with such a policy. In *Wells*, the United States Supreme Court held that the search of a suitcase found in a vehicle was not a proper inventory search due to the law enforcement agency's lack of a policy regarding the opening of closed containers encountered during an inventory search. *Wells*, 495 U.S. at 4-5. The Court held that the opening of containers

found during inventory searches must be regulated by "standardized criteria" or "established routine," reasoning that "an inventory search must not be a ruse for a general rummaging in order to discover incriminating evidence." *Id.* at 4. The Court noted that "[t]he policy or practice governing inventory searches should be designed to produce an inventory" and that a police officer "must not be allowed so much latitude that inventory searches are turned into 'a purposeful and general means of discovering evidence of crime.'" *Id*. (quoting *Colorado v. Bertine*, 479 U.S. 367, 376 (1987) (Blackmun, J., concurring)). The Court stated that permissible policies include policies permitting the opening of all containers, policies prohibiting the opening of any containers, and policies granting officers latitude "to determine whether a particular container should or should not be opened in light of the nature of the search and characteristics of the container itself." *Id.*

In *Alexander*, the United States Court of Appeals for the Sixth Circuit applied the reasoning in *Wells* and concluded that the officer did not conduct a valid inventory search of a vehicle when no proof was presented of a "department-issued inventory search regulation," the officer "testified only to his own practice for conducting inventory searches," and he did not testify regarding standard procedures for how inventory searches are performed. *Alexander*, 954 F.3d at 916. The court noted that "[e]ven though there existed regulations governing *when* inventory searches were permissible, there were no established procedures that governed *how* the inventory searches were to be conducted." *Id.* (footnote omitted) (emphasis in original). The court concluded that absent "evidence of 'standardized criteria' or 'established routine' governing the scope of the inventory searches," the searches were conducted by the officer with "'uncanalized discretion.'" *Id.* (quoting *Wells*, 495 U.S. at 4).

The trial court found that once the officers seized the backpack, they were justified in conducting an inventory search of the items within the backpack. Although the trial court noted that "the specific policy of the Knox County Sheriff's Office regarding inventory searches has not been presented to the court," the trial court found that the examination of the notebook did not exceed the scope of the inventory search and that "[i]t is reasonable for the officers to look at the books inside the backpack to help them determine the ownership of the property and if there was valuable property inside the books and notebooks."

Unlike the prosecution in *Wells*, which failed to present any evidence in the trial court that "the inventory search was done in accordance with *any* standardized inventory procedure," *see Wells*, 495 U.S. at 5 (Brennan, J., concurring) (emphasis in original), and the officer in *Alexander*, who testified only to his own practice for conducting inventory searches, *see Alexander*, 954 F.3d at 916, Detective McCord testified that it was "typical procedure" for the forensics division to inventory seized evidence after the evidence was taken to the "City County Building." Furthermore, at trial, Officer Sandlin

testified regarding her inventory search conducted at the property unit of the Knox County Detention Facility of items seized from the residence, including Mrs. Guy's purse, the bags of groceries from the foyer, the Walmart bag from the upstairs bathroom, and the backpack and the notebook inside the backpack. *See State v. Williamson*, 368 S.W.3d 468, 473 (Tenn. 2012) (recognizing that when evaluating the correctness of a trial court's ruling on a motion to suppress, appellate courts "may consider the entire record, including not only the proof offered at the hearing, but also the evidence adduced at trial"). Officer Sandlin's testimony demonstrates that she employed consistent procedures in conducting each search. Although an inventory log is not included in the appellate record, Officer Sandlin memorialized the steps taken in searching each container and the items through photographs.

The defendant asserts that the State failed to present any evidence that: "(a) the Sheriff's Department had any policy authorizing the examination of books to determine ownership and/or the presence of valuables; or (b) that a forensic technician discovered the incriminating pages of the notebook while actually determining ownership and/or the presence of valuables." Although the State did not present a written policy relating to inventory searches, a written policy is not required, and testimony may establish the policy for inventory searches. *See Alexander*, 954 F.3d at 915; *United States v. Betterton*, 417 F.3d 826, 830 (5th Cir. 2005). Furthermore, a law enforcement agency's inventory policy need not "address specifically the steps that an officer should take upon encountering a closed container," and law enforcement agencies are not required to "promulgate policies which specifically mention notebooks." *United States v. Andrews*, 22 F.3d 1328, 1336 (5th Cir. 1994). Rather, "no manual can reasonably be expected to spell out in detail the correct action in light of the almost infinite array of objects an agent may encounter." *United States v. Judge*, 864 F.2d 1144, 1145 (5th Cir. 1989).

Likewise, courts have rejected claims that an officer's looking through a notebook exceeded the scope of an inventory search. *See, e.g. Andrews*, 22 F.3d at 1335; *United States v. Khoury*, 901 F2d 948, 959 (11th Cir. 1990), *modified on other grounds*, 910 F.2d 713 (11th Cir. 1990); *United States v. Arango-Correa*, 851 F.2d 54, 59 (2d Cir. 1988). In *United States v. Andrews*, the United States Court of Appeals for the Fifth Circuit upheld a "page-by-page" search of the defendant's notebook, concluding that "[o]pening a notebook, to determine whether valuables might be found between its pages, is consistent with the [police department's] policy requiring an inventory to protect the city from claims of lost property." *Andrews*, 22 F.3d at 1335. The court reasoned that "[c]ash, credit cards, negotiable instruments, and any number of other items could be hidden between the pages of a notebook, and could give rise to a claim against the city if lost." *Id.*

Based upon Detective McCord's testimony during the suppression hearing, Officer Sandlin's trial testimony, and the photographs of Officer Sandlin's inventory

searches entered as exhibits at trial, we conclude that the inventory searches of the defendant's backpack and notebook were consistent with the purposes of an inventory search to protect the owner's property and to protect officers from claims of negligence or civil rights violations in the event the property disappears or is damaged. *See Cabage*, 649 S.W.2d at 592. We note that the photographs taken during the inventory searches were not limited to those items of evidentiary value to the case. Officer Sandlin took care to document through photographs all items located in the containers regardless of their evidentiary value. Her actions were consistent with Detective McCord's testimony at the suppression hearing that the "typical procedure" or established routine of the officers of the forensic unit was to conduct an inventory search of any evidence seized. The evidence established that the procedure employed by Officer Sandlin was a valid inventory of the items in the containers and was not simply a pretext for a search. The trial court properly denied the defendant's motion to suppress the items found in the backpack and the notebook.

C. Surveillance Videos and Receipts

The defendant asserts that the trial court erred in failing to exclude the surveillance videos and receipts from his purchases at various stores in Louisiana as the fruit of the unlawful search of his apartment. He contends that law enforcement officers found the receipts during the unlawful search of his apartment and used the receipts to obtain the recordings of his purchases. He maintains that the trial judge erred in concluding that the evidence would have been inevitably discovered and in crediting Detective McCord's testimony when the trial judge was the successor judge who did not observe Detective McCord's testimony at the suppression hearing. The State responds that the trial court properly credited Detective McCord's testimony and determined that the video recordings and receipts would have been inevitably discovered. The State further responds that any error in the admission of the evidence was harmless beyond a reasonable doubt.

"As a remedial measure, the 'exclusionary rule' generally provides that any evidence that was obtained unlawfully should be suppressed and excluded for the purposes of criminal prosecution." *State v. Scott*, 619 S.W.3d 196, 204 (Tenn. 2021) (citing *Hudson v. Michigan*, 547 U.S. 586, 590 (2006)). The purpose of the exclusionary rule is "'to deter police from violations of constitutional and statutory protections' and to ensure that 'the prosecution is not to be put in a better position than it would have been if no illegality had transpired.'" *Id.* (quoting *Nix v. Williams*, 467 U.S 431, 442-43 (1984)).

An exception to the exclusionary rule is the doctrine of "inevitable discovery" whereby illegally obtained evidence will be admissible at trial if the State establishes by a preponderance of the evidence that the evidence would have been inevitably discovered by lawful means. *Id.* (citing *Nix*, 467 U.S. at 441, 448); *see State v.*

Hill, 333 S.W.3d 106, 123 (Tenn. Crim. App. 2010). The State must demonstrate "'first, that certain proper and predictable investigatory procedures would have been utilized in the case at bar, and second, that those procedures would have inevitably resulted in the discovery of the evidence in question.'" *Hill*, 333 S.W.3d at 123 (quoting *State v. Coury*, 657 S.W.2d 777, 780 (Tenn. Crim App. 1983); *Stokes v. State*, 423 A.2d 552, 556 (Md. 1980)). The "ultimate test" for the application of the inevitable discovery doctrine "is whether the evidence would have been discovered through an independent, proper avenue that comports with the Fourth Amendment." *Scott*, 619 S.W.3d at 204. The inevitable discovery doctrine requires "more than a mere showing that evidence *could have* been obtained through independent and lawful means." *Id.* at 205 (emphasis in original). The State must present proof establishing "with a level of certainty, that the evidence *would have* been obtained based on 'no[n-]speculative elements…focuse[d] on demonstrated historical facts capable of ready verification or impeachment.'" *Id.* (quoting *Hill*, 333 S.W.3d at 123; *Nix*, 467 U.S. at 444 n.5) (emphasis in original). For example, the Tennessee Supreme Court has recognized that "[w]hether law enforcement could have obtained a search warrant is not the same inquiry as whether law enforcement ultimately would have obtained that search warrant or whether law enforcement inevitably would have discovered the evidence through lawful means." *Id.* at 204.

On appeal, the defendant does not challenge the trial court's admission of the receipts and recordings from his purchases at Ace Hardware and Academy Sports in Louisiana pursuant to the inevitable discovery doctrine. In addition to the receipts from the defendant's apartment, officers had other evidence that would have led the officers to the two stores and to ultimately obtain the receipts and surveillance videos of the defendant's purchases from the two stores. Specifically, officers located a handwritten note, listing the name and address of Ace Hardware and the price of items purchased from the store, in an open suitcase in the Goldenview Lane residence. Officers also received an alert that the defendant had attempted to purchase a gun from Academy Sports.

The defendant, however, challenges the admission of the surveillance videos and receipts from his purchases of Sterilite tubs at Walmart; a pipe wrench and Clorox wipes at Lowe's; and a 1.5-gallon sprayer, a brown cord, and a digital HDT cord from Home Depot. We need not determine whether the trial court, as a successor judge, erred in crediting Detective McCord's testimony because we conclude that Special Agent King's testimony during a hearing outside the jury's presence, which the trial court observed and credited, established that the receipts and recordings would have been inevitably discovered. Special Agent King testified to the steps that would have been taken to locate the recordings and receipts of the defendant's purchases had the officers not located the receipts in the defendant's apartment. He offered detailed testimony regarding the advanced inventory technology employed by retailers, which allowed officers to locate when and where a specific item was purchased based on the item's barcode. He stated that

absent the receipts from the defendant's apartment, he would have begun his search by visiting the large retailers in the area where the defendant lived, and the trial court found that the large retailers where the defendant purchased the items were located within the area of his apartment. We conclude that the State established absent the discovery of the receipts in the defendant's apartment, the officers would have employed an investigatory procedure that would have inevitably resulted in the discovery of the receipts and surveillance videos of the defendant's purchases. Accordingly, the trial court properly admitted the evidence pursuant to the doctrine of inevitable discovery. We further conclude that any error in the admission of the evidence challenged by the defendant on appeal was harmless beyond a reasonable doubt in light of the overwhelming evidence of the defendant's guilt, which included the evidence seized from the Goldenview Lane residence and the receipts and surveillance videos of his purchases at Ace Hardware, Academy Sports, and the Knoxville Walmart. *See Hutchison*, 482 S.W.3d at 921 (providing that the erroneous admission of the fruits of an unlawful search is a non-structural constitutional error that is not reversible if the State establishes that the error is harmless beyond a reasonable doubt).

D. Search of the Defendant's Vehicle

The defendant challenges the admission of a meat grinder and a gas can seized during the search of his vehicle pursuant to a search warrant. He maintains that the affidavit supporting the issuance of the search warrant failed to establish probable cause in that the affidavit did not include any information, other than a conclusory statement, linking him to any crime. The State responds that the information in the affidavit, when viewed in its totality, was sufficient to establish probable cause supporting the issuance of the search warrant. The State further responds that any error in the admission of the evidence was harmless beyond a reasonable doubt.

To be valid, a "search warrant must comply with provisions of the United States Constitution, the Tennessee Constitution, and Tennessee statutory requirements." *State v. Davidson*, 509 S.W.3d 156, 182 (Tenn. 2016). To pass constitutional muster, a search warrant must be issued by a neutral and detached magistrate "upon probable cause," which, in the case of the federal constitution, must be "supported by Oath or affirmation," and must "particularly describe[e] the place to be searched[ ] and the persons or things to be seized." U.S. Const. amend. IV; *see also Davidson*, 509 S.W.3d at 182. In addition to the constitutional requirements, Code section 40-6-103 provides that "[a] search warrant can only be issued on probable cause, supported by affidavit, naming or describing the property, and the place to be searched." T.C.A. § 40-6-103. Additionally, Tennessee Rule of Criminal Procedure 41 provides that "[a] warrant shall issue only on an affidavit or affidavits that are sworn before the magistrate and establish the grounds for issuing the

warrant" and that the warrant must "identify the property or place to be searched" and "name or describe the property or person to be seized." Tenn. R. Crim. P. 41(c)(1); (3)(A).

"Probable cause for the issuance of a search warrant exists when, 'given all the circumstances set forth in the affidavit … there is a fair probability that contraband or evidence of a crime will be found in a particular place.'" *State v. Aguilar*, 437 S.W.3d 889, 899 (Tenn. Crim. App. 2013) (quoting *Illinois v. Gates*, 462 U.S. 213, 238 (1983)). "The nexus between the place to be searched and the items to be seized may be established by the type of crime, the nature of the items, and the normal inferences where a criminal would hide the evidence." *State v. Smith*, 868 S.W.2d 561, 572 (Tenn. 1993). Because the probabilities involved in making the probable cause determination "are not technical" but are, instead, "the factual and practical considerations of everyday life on which reasonable and prudent men, not legal technicians, act," *State v. Tuttle*, 515 S.W.3d 282, 300 (Tenn. 2017) (quoting *Brinegar v. United States*, 338 U.S. 160, 175 (1949)), the determinations "are extremely fact-dependent," *Tuttle*, 515 S.W.3d at 300 (quoting *State v. Bell*, 429 S.W.3d 524, 534 (Tenn. 2014)). Given the fact-driven nature of the probable cause determination, a reviewing court must "afford 'great deference' to a magistrate's determination that probable cause exists." *Id.* (citations omitted). Additionally, the reviewing court "may consider only the affidavit and may not consider other evidence provided to or known by the issuing magistrate or possessed by the affiant." *Id.* at 299 (citation omitted).

The affidavit stated that during a welfare check at the Goldenview Lane residence, two dead bodies with "obvious injuries" were discovered inside the residence. According to the affidavit, the defendant was driving the vehicle subject to the search warrant around Knox County at the time of the homicides, and the defendant and the vehicle were in Baton Rouge on the day after the discovery of the bodies. The affidavit provided that as a result of an investigation, the defendant was arrested and charged with first degree murder, that the defendant was arrested outside of his apartment, and that his vehicle was parked near the apartment. Based upon this information, we hold that the affidavit contained sufficient information to conclude that "'there is a fair probability that contraband or evidence of a crime will be found in a particular place,'" which in this instance was the defendant's vehicle. *Aguilar*, 437 S.W.3d at 899 (quoting *Gates*, 462 U.S. at 238). Accordingly, the trial court did not err in denying the defendant's motion to suppress the evidence obtained via the search warrant. We also conclude that any error in the admission of the gas can and the meat grinder seized during the search of the defendant's vehicle was harmless beyond a reasonable doubt because the evidence of the defendant's guilt was overwhelming, irrespective of the admission of these two items. *See Hutchison*, 482 S.W.3d at 921.

II. Admission of Evidence of the Victims' Ending the Defendant's Financial Support

The defendant argues that evidence that the victims intended to end his financial support was irrelevant absent evidence that he was aware of their plans and that the admission of the evidence was unfairly prejudicial. The State contends that the evidence was relevant to support the State's theory that the crimes were financially motivated and that the evidence was not unduly prejudicial.

Questions concerning evidentiary relevance rest within the sound discretion of the trial court, and this court will not interfere with the exercise of this discretion in the absence of a clear abuse appearing on the face of the record. *See State v. DuBose*, 953 S.W.2d 649, 652 (Tenn. 1997); *State v. Van Tran*, 864 S.W.2d 465, 477 (Tenn. 1993); *State v. Harris*, 839 S.W.2d 54, 73 (Tenn. 1992). An abuse of discretion occurs when the trial court applies an incorrect legal standard or reaches a conclusion that is "illogical or unreasonable and causes an injustice to the party complaining." *State v. Ruiz*, 204 S.W.3d 772, 778 (Tenn. 2006) (citing *Howell v. State*, 185 S.W.3d 319, 337 (Tenn. 2006)).

Relevant evidence is evidence "having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence." Tenn. R. Evid. 401. "Evidence which is not relevant is not admissible," Tenn. R. Evid. 402, and even if evidence is deemed relevant, it may still be excluded "if its probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury, or by considerations of undue delay, waste of time, or needless presentation of cumulative evidence," Tenn. R. Evid. 403.

During a hearing outside the jury's presence, the State presented multiple witnesses, who testified regarding conversations that they had with one or both victims about their intentions to end their financial support of the defendant once they retired. The trial court admitted the testimony, finding that the evidence was relevant to the issue of motive. The State's theory at trial was that the defendant killed the victims for financial gain, and evidence that the victims intended to stop their financial support of the defendant was relevant to the defendant's motive for killing the victims. The defendant maintains that the testimony was unfairly prejudicial absent any proof that he overheard the conversations or was otherwise aware of the victims' intentions. The State presented evidence at trial that the defendant had never held a job and was financially dependent on the victims. In the same notebook where the defendant detailed his plans to kill the victims and dispose of their bodies, the defendant listed the victims' assets and the amount of life insurance benefits that he would receive under Mrs. Guy's policy if Mr. Guy were deceased, thus indicating that the defendant planned to kill the victims for financial gain. Proof that the defendant decided to kill the victims for financial gain around the same time that the victims were telling others of their intention to end their financial support of the

defendant indicated that the defendant was aware of the victims' intentions. Accordingly, the probative value of the evidence was not substantially outweighed by the danger of unfair prejudice. *See* Tenn. R. Evid. 403. The trial court did not abuse its discretion in admitting the testimony.

III. Abuse of a Corpse

The defendant challenges his two convictions for abusing a corpse, arguing that the statutory provision under which he was convicted is unconstitutionally vague on its face and that the evidence is insufficient to support his convictions. The State responds that the statute is not vague on its face and that the evidence is sufficient to support his convictions. We agree with the State.

A. Constitutionality of the Statute

As relevant to the instant case, a person commits the offense of abuse of a corpse who, "without legal privilege, knowingly[ ]…[p]hysically mistreats a corpse in a manner offensive to the sensibilities of an ordinary person[.]" T.C.A. § 39-17-312(a)(1). The defendant asserts that the phrase, "offensive to the sensibilities of an ordinary person," is unconstitutionally vague on its face, arguing that "no person can precisely and accurately understand the conduct that falls within the statutory prohibition."

"Issues of constitutional interpretation are questions of law, which we review de novo without any presumption of correctness given to the legal conclusions of the courts below." *Waters v. Farr*, 291 S.W.3d 873, 882 (Tenn. 2009) (citing *Colonial Pipeline Co. v. Morgan*, 263 S.W.3d 827, 836 (Tenn. 2008)). "In evaluating the constitutionality of a statute, we begin with the presumption that an act of the General Assembly is constitutional." *Gallaher v. Elam*, 104 S.W.3d 455, 459 (Tenn. 2003) (citing *State v. Robinson*, 29 S.W.3d 476, 479 (Tenn. 2000); *Riggs v. Burson*, 941 S.W.2d 44, 51 (Tenn. 1997)). To this end, we "indulge every presumption and resolve every doubt in favor of the statute's constitutionality." *State v. Taylor*, 70 S.W.3d 717, 721 (Tenn. 2002).

"It is a basic principle of due process that an enactment is void for vagueness if its prohibitions are not clearly defined." *Grayned v. City of Rockford*, 408 U.S. 104, 108 (1972). A "vague statute is vulnerable to a constitutional challenge because it (1) fails to provide fair notice that certain activities are unlawful; and (2) fails to establish reasonably clear guidelines for law enforcement officials and courts, which, in turn, invites arbitrary and discriminatory enforcement." *State v. Pickett*, 211 S.W.3d 696, 702 (Tenn. 2007). "The primary purpose of the vagueness doctrine is to ensure that out statutes provide fair warning as to the nature of the forbidden conduct so that individuals are not 'held criminally responsible for conduct which [they] could not reasonably understand to be

proscribed.'" *State v. Crank*, 468 S.W.3d 15, 22-23 (Tenn. 2015) (quoting *United States v. Harriss*, 347 U.S. 612, 617 (1954)).

"Despite the importance of these constitutional protections," our supreme court "has recognized the 'inherent vagueness' of statutory language…and has held that criminal statutes do not have to meet the unattainable standard of 'absolute precision.'" *Id*. at 23 (quoting *Pickett*, 211 S.W.3d at 704; *State v. McDonald*, 534 S.W.2d 650, 651 (Tenn. 1976)). "The vagueness doctrine does not invalidate every statute which a reviewing court believes could have been drafted with greater precision, especially in light of the inherent vagueness of many English words." *State v. Lyons*, 802 S.W.2d 590, 592 (Tenn. 1990). When "evaluating a statute for vagueness," this court "may consider the plain meaning of the statutory terms, the legislative history, and prior judicial interpretations of the statutory language." *Crank*, 468 S.W.3d at 23 (citing *Lyons*, 802 S.W.2d at 592); *see* T.C.A. §39-11-104 (stating that each statute must be "construed according to the fair import of its terms, including reference to judicial decisions and common law interpretations, to promote justice, and effect the objectives of the criminal code").

Although Tennessee courts have not addressed the issue, other jurisdictions have rejected claims that abuse of corpse statutes with similar language were unconstitutional. *See Dougan v. State*, 912 S.W.2d 400, 402-04 (Ark. 1995); *State v. Glover*, 479 N.E.2d 901, 903-04 (Ohio App. 1984). In *State v. Glover*, the Ohio Court of Appeals upheld an Ohio statute, which prohibited the treatment of a corpse that would either "'outrage family sensibilities'" or "'outrage reasonable community sensibilities.'" *Glover*, 479 N.E.2d at 902-03 (quoting Ohio Rev. Code § 2927.01). The court rejected the trial court's finding that the statute imposed strict liability and determined that the statute required a reckless culpable mental state. *Id*. at 903. The court concluded that the statute used words such as "outrages" and "sensibilities," which were "commonly understood by persons of common intelligence," and that because the statute required "a person to conform to an imprecise but comprehensible standard" rather than "no standard of conduct at all," the statute was not unconstitutionally vague. *Id.* at 904.

In *Dougan v. State*, the Arkansas Supreme Court upheld a statute, which provided that "'[a] person commits abuse of a corpse if, except as authorized by law, he knowingly[ ]…[p]hysically mistreats a corpse in a manner offensive to a person of reasonable sensibilities.'" *Dougan*, 912 S.W.2d at 402 (quoting Ark. Code Ann. § 5-60-101 (Repl. 1993)). The court examined a similar provision from the Model Penal Code, which prohibited a person from "'treat[ing] a corpse in a way that he knows would outrage ordinary family sensibilities.'" *Id.* at 403 (quoting Model Penal Code § 250.10). The court noted that according to the comments of the Model Penal Code, the provision covering any conduct that would "outrage ordinary family sensibilities,"

> "*is sufficiently broad to preclude gaps in coverage and yet sufficiently precise in its statement of the ultimate question to provide a meaningful standard of decision. Any possible problems of indeterminacy and lack of notice to the actor are resolved by the requirements of knowledge with respect to the outrageous character of his conduct.* Thus, the person who is not aware that his acts would offend family sensibilities does not commit an offense under this section, even though precisely that reaction obtains. Of course, the actor's idiosyncratic view of what is outrageous does not matter. The standard is objective; it does not vary either to exculpate on the basis of the actor's unusual callousness or to condemn for outraging an excessively delicate relative of the deceased."

Id. at 403-04 (quoting Model Penal Code § 250.10, Comment 2 (1980)) (emphasis in *Dougan*). The court noted that the drafters of the Model Penal Code depicted the Arkansas statute as "'a generic approach to defining the proscribed conduct but limit[ing] the offense to physical mistreatment that would be offensive or outrageous of ordinary sensibilities.'" *Id.* at 404 (quoting Model Penal Code § 250.10, Comment 2 (1980)). The court rejected the defendant's assertions that the Arkansas statute was unconstitutionally vague, concluding that the statute "conveys fair and sufficient warning when measured by common understanding" and that "any possible problems of indeterminacy and lack of notice to [the defendant] and others similarly charged are resolved by the requirement of knowledge with respect to the outrageous character of her conduct." *Id.*

Similar to the statutes in Arkansas and Ohio, the Tennessee statutory provisions governing abuse of a corpse utilize commonly understood language to set forth an objectively reasonable person standard to avoid an "idiosyncratic view" of what constitutes offensive conduct. Furthermore, any possible issues of indeterminacy and lack of notice are resolved through the knowing mens rea in the statute. Accordingly, the statutory language is not unconstitutionally vague.

B. Sufficiency

Sufficient evidence exists to support a conviction if, after considering the evidence—both direct and circumstantial—in the light most favorable to the prosecution, any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt. Tenn. R. App. P. 13(e); *Jackson v. Virginia*, 443 U.S. 307, 319 (1979); *State v. Dorantes*, 331 S.W.3d 370, 379 (Tenn. 2011). This court will neither re-weigh the evidence nor substitute its inferences for those drawn by the trier of fact. *Dorantes*, 331 S.W.3d at 379. The verdict of the jury resolves any questions concerning the credibility of

the witnesses, the weight and value of the evidence, and the factual issues raised by the evidence. *State v. Cabbage*, 571 S.W.2d 832, 835 (Tenn. 1978). Significantly, this court must afford the State the strongest legitimate view of the evidence contained in the record as well as all reasonable and legitimate inferences which may be drawn from the evidence. *Id.*

As relevant to the instant case, a person commits the offense of abuse of a corpse who, "without legal privilege, knowingly[ ]…[p]hysically mistreats a corpse in a manner offensive to the sensibilities of an ordinary person[.]" T.C.A. § 39-17-312(a)(1). The evidence presented at trial established that after the defendant killed the victims, he attempted to dispose of their bodies by dismembering them, placing Mrs. Guy's head in a pot of water over an active stove burner, and placing the victims' bodies in a container filled with a corrosive liquid in an effort skeletonize to their remains.

The defendant asserts that the State failed to establish that he was "without legal authority" in committing the acts. As noted by the State on appeal, Tennessee statutes grant certain people with the legal authority to treat a corpse in a matter that might otherwise cause offense, such as funeral directors and embalmers who perform embalming and cremations, *see* T.C.A. § 62-5-101 *et. seq*., and medical examiners who perform autopsies, *see* T.C.A. § 38-7-101 *et. seq*. The proof established that the defendant was a twenty-eight-year-old graduate student, who never held a job and killed his parents. No legal privilege in Tennessee allows a defendant who committed first degree murder to then dismember his victims. The evidence is sufficient to support the defendant's convictions for abuse of a corpse.

IV. Cumulative Error

Finally, the defendant asserts that the cumulative effect of the errors at trial deprived him of the right to a fair trial. Having considered each of the above issues and concluded that the defendant is not entitled to relief for any, we need not consider the cumulative effect of the alleged errors. *State v. Hester*, 324 S.W.3d 1, 77 (Tenn. 2010) ("To warrant assessment under the cumulative error doctrine, there must have been more than one actual error committed....").

Conclusion

Based on the foregoing analysis, we affirm the judgments of the trial court.

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JAMES CURWOOD WITT, JR., PRESIDING JUDGE

APPENDIX B

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE
AT KNOXVILLE

STATE OF TENNESSEE v. JOEL MICHAEL GUY, JR.

Criminal Court for Knox County
No. 110145

No. E2021-00560-CCA-R3-CD

ORDER

Pursuant to Rule 39 of the Tennessee Rules of Appellate Procedure, the petitioner, Joel Michael Guy, Jr., requests rehearing of the opinion filed in this case on April 28, 2023, which affirmed his convictions of two counts of first degree premeditated murder, two counts of felony murder, and two counts of abuse of a corpse.

The court had reviewed the petitioner's Petition to Rehear this case, and respectfully, the petition is denied.

PER CURIAM

APPENDIX C

IN THE SUPREME COURT OF TENNESSEE
AT KNOXVILLE

STATE OF TENNESSEE v. JOEL MICHAEL GUY, JR.

Criminal Court for Knox County
No. 110145

No. E2021-00560-SC-R11-CD

ORDER

Joel Michael Guy, Jr. filed a motion to exceed the word limitation imposed by Rule 30(e) of the Tennessee Rules of Appellate Procedure. That motion is hereby granted.

Upon consideration of the application for permission to appeal of Joel Michael Guy, Jr. and the record before us, the application is denied.

PER CURIAM