



Supreme Court State of Tennessee

CHIEF JUSTICE
JEFFREY S. BIVINS

JUSTICES
CORNELIA A. CLARK
SHARON G. LEE
HOLLY KIRBY
ROGER A. PAGE

401 SEVENTH AVENUE NORTH
NASHVILLE, TENNESSEE
37219

FOR IMMEDIATE RELEASE

June 16, 2017

CONTACT: Mitch Turner

Office: 615-840-0284

mitch.turner@tncourts.gov

TENNESSEE SUPREME COURT REINSTATES AGGRAVATED STALKING CONVICTION

Nashville, Tenn. – The Supreme Court has reinstated an aggravated stalking conviction of a defendant for knowingly violating an order of protection. The Court reversed a Court of Criminal Appeals decision that there was insufficient evidence for the jury to have convicted the defendant on the aggravated stalking charge.

This case arose from an incident in which the defendant physically and verbally accosted a woman to whom he had been married and with whom he had two children. He confronted her in a parking lot while she was waiting to pick up a pizza and then followed her to a gas station. Police arrived at the gas station and arrested the defendant. The next day, the victim obtained an order of protection against the defendant, and she was informed that the defendant had been served with the order of protection. That same day, the victim had an encounter with the defendant when the defendant and his mother drove past her, turned around, and then followed her. The victim called the police, and the defendant was arrested again. Over the next month, the defendant and victim had two other encounters. At one, the defendant arrived at a Verizon store and banged on the window while the victim paid her phone bill inside. At the other, the defendant drove past the victim's house, shouting profanities and telling the victim's daughter that he was "gonna get her."

The defendant was indicted on charges of domestic assault and aggravated stalking. Following a jury trial, the defendant was acquitted of domestic assault but convicted of aggravated stalking. The defendant appealed, arguing that the proof at trial was insufficient to support his conviction for aggravated stalking, and the Court of Criminal Appeals agreed, reducing the defendant's conviction from aggravated stalking to misdemeanor stalking.

The Supreme Court granted the State's application for permission to appeal from the Court of Criminal Appeals' decision reversing the trial court's judgment. The Court considered whether the Court of Criminal Appeals erred in reducing the defendant's conviction to misdemeanor stalking based on insufficiency of the trial evidence.

In the unanimous opinion, authored by Chief Justice Jeff Bivins, the Court determined that the Court of Criminal Appeals improperly reweighed the evidence presented at trial, rather than assessing the sufficiency of that evidence, as is required under the appellate standard of review. In considering the sufficiency of the evidence, the Supreme Court determined that sufficient proof was adduced at trial for a jury to determine that the defendant had actual notice of the order of protection. Therefore, he knowingly violated an order of protection. Accordingly, the Court reversed the Court of Criminal Appeals' judgment and reinstated the defendant's aggravated stalking conviction.

To read the Supreme Court's opinion in [State of Tennessee v. Rodney Stephens](#), authored by Chief Justice Jeff Bivins, go to the opinions section of TNCourts.gov.

###