

Exercise One
State v. Russell

Instructions:

The following is a complete description of the evidence offered at a bench trial. The incident and the trial take place in Tennessee, so Tennessee law applies. For those representing the state, make an argument to the judge regarding proper disposition of the case. For those representing the defendant, Dalton Russell, argue to the judge in response regarding the proper disposition of the case.

Facts:

Around 11:30 A.M. on March 12, 2007, Dalton Russell and his longtime friend, Joe Coffey, purchased three eighteen packs of beer which they began drinking at Coffey's residence in Rutledge. At approximately 2:30 or 3:00 P.M., the two went to the home of the Russell's brother, Louis, on Poor Valley Road in Grainger County to play cards and continue in their drinking endeavors. While there, the Russell professed his love for Patricia Johnson. Johnson lived across the street from Louis Russell, and Tom made several visits to the Johnson home that afternoon to see Mrs. Johnson. Coffey and his wife returned Dalton Russell to his home a little after 7:35 P.M. that evening. Coffey testified that the Russell had drunk at least a case of beer.

Patricia Johnson, the victim's wife, testified that Dalton Russell came to her home on the afternoon of March 12th while her husband was away and asked whether "God would forgive him of murder." She responded that murder was wrong. Mrs. Johnson explained that she had developed a romantic relationship with Russell around October of 2006 when her husband was on the road for long periods of time as a truck driver and that she had tried to end the relationship in January of 2007 when she told her husband about the affair.

Johnny Bowens, who lived on Poor Valley Road near the Johnsons, testified that Russell came to his home on the evening of March 12th and cryptically "told [him] to watch and learn" and to "put it in the newspaper" before going up the road toward the Johnson house. Barbara Bowens, who also lived on Poor Valley Road, received a phone call from Russell on the night of the incident, inquiring whether the victim was at his house. She testified that she thought Russell was joking when he stated during the conversation that he loved Mrs. Johnson and was going to kill Mrs. Johnson's husband.

Around 9:30 P.M., Russell returned to the Johnson home. The victim, Terry Johnson, answered the door, and the two began to argue. Mrs. Johnson testified that her husband asked Russell to leave and told Russell that they would talk the next day. Russell walked out the door but quickly reentered with a six pack of beer, pointing his finger at the victim and calling him a son of a bitch. Russell then went back outside, and the victim followed. Barbara Bowens, Johnny Bowens, and Shawn Bolen, all neighbors on Poor Valley Road, heard what sounded like "a bunch of dogs fighting." Mrs. Johnson heard "grunting noises and thumping outside" and tried to call the police. Johnny Bowens and Bolen both testified that they saw the victim shove Russell first while on the porch. The victim was heard telling Russell to stay away from his family and

get off of his property. The fight then moved to the yard. Soon thereafter, the victim was seen holding his stomach and retreating to his home with Russell following. Russell was yelling to the victim that "he [would] put his soul in hell." Mrs. Johnson testified that when her husband came inside, he told her to call the police. "His right arm was cut, and he was holding his arm up, and his left hand was on his chest." Blood was everywhere. The victim went into the bathroom and closed the door. Russell then came inside the house and held a knife to Mrs. Johnson's throat and pushed her, along with her fifteen-month-old and five-year-old daughters, into the back bedroom. Afterwards, Russell beat on the bathroom door, yelling and screaming. Mrs. Johnson and her two children escaped through a bedroom window and hid in an old truck parked nearby.

Shawn Bolen testified that when he saw what was happening, he went to get Russell's brother Steve who lived down the street. Russell came out of the Johnson's house, and Steve called out to him. Russell walked to Steve's house with blood covering his pants and asked for a cigarette lighter. He made a slicing motion across his throat and said that Terry Johnson was dead and "had gone to hell."

Officer Jeff Daniel with the Rutledge Police Department testified that upon responding to the scene at the Johnson's home, he knocked on the door, but no one answered. There was blood both on the front porch and in the yard. Daniel drove up the road to Steve Williams' house, where Williams and Bolen were on the front porch. Russell was standing nearby with a knife in his hand and blood covering his pants. When Officer Daniel asked Russell what was going on, Russell responded, "I killed him. . . . He hit me. . . . I killed him. . . . And I'm tired of everybody out here." When Daniel tried to question him further, Russell walked back across the road to the Johnson's house. Officers at the scene asked Russell to come out of the house, but he refused, repeatedly opening and shutting the door. When asked for access to the house to check on the victim, Russell replied, "I'll drag him to you." He later announced, "He's too big. I can't drag him." Shortly thereafter, a fire was seen engulfing the interior of the house, and Russell was observed running from the residence. Upon exiting the house, Russell ran toward Chief Holt, who ordered Russell to drop the knife. Russell refused and was shot by Chief Holt.

Approximately four hours after the incident occurred, a blood sample was taken from Russell which indicated a blood alcohol level of 0.11 percent. Special Agent Russell Robinson with the State of Tennessee's Bomb and Arson Section investigated the murder and fire. He testified that the fire had multiple points of origin and concluded that it was "intentionally set." During the investigation, Robinson was forced to enter the bathroom through a window because the victim's body was against the door. Additionally, he noted that there were marks on the bathroom door which appeared to be made by a sharp-bladed tool. He found a Bic lighter on the kitchen table and a twenty-two inch hunting knife on the front porch. The victim's blood was found on Russell's pants and on the knife. Doctor Cleland Blake performed an autopsy on the victim. He described five deep stab wounds penetrating into the lungs and the vena cava, and he found the cause of death to be internal and external hemorrhaging.

At trial, Russell testified that on the night of the incident, he became intoxicated after drinking beer and did not know his purpose in going to the Johnson residence. He related that the victim hit him with a broom and tried to choke him, and, further, that he "didn't have no choice," that he "had to cut at [the victim]" to get him off. Regarding the fire, Russell testified that he was

"probably trying to kill [himself]. I's panicked, scared. I don't know, really."