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## State of Tennessee v. Sedrick Clayton

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# STATE OF TENNESSEE V. SEDRICK CLAYTON\*

AMANDA GENTRY & KENDAHL SHOEMAKER

On the morning of January 19, 2012, around 12:40 a.m., defendant, Sedrick Clayton, entered the home of former girlfriend, Pashea Fisher. According to Pashea's brother, A. Fisher, who had been sleeping on the couch of the family's living, he could hear loud voices coming from the end of the hallway. The voices belonged to Pashea and defendant. Their argument led to a "tussle in the hallway." A. Fisher could also hear the voices of his parents, followed by gunshots. Upon reviewing the autopsy and the wood splinters in her pants, the officers learned that at this point in the night, Pashea was shot in the leg before she was shot a second time. After shooting Pashea in the leg, the defendant redirected his target to the parents. It was later learned that the defendant broke his shoulder trying to break up the locked bedroom door. The large pool of blood in the floor evidenced that the father was shot before the mother. The blood trail from the parents' bed to the bedroom door evinced that the mother was first shot on the bed, and then again by the door. After the shooting of the parents, the defendant dragged Pashea from the end of the hallway to the front of the house, and threatened to shoot her in the head, which he did before leaving the premises. Before leaving, however, the defendant fired his gun in the general direction of the sofa, knowing that A. Fisher, Pashea's brother, usually slept there.

Later that morning, at approximately 7 a.m., the defendant contacted the police station to inform them that he was turning himself in and was willing to give a statement. Before the lieutenant could review the Advice of Rights with defendant, he began making a statement, which began with an apology. The officers told defendant to stop, so that they could review the Advice of Rights, which they were able to complete. During his statement, defendant never asked to stop the interview and never asked for an attorney.

Upon the evidence, the jury found two aggravating circumstances beyond a reasonable doubt for each of the three victims of first degree murder: (1) the defendant knowingly created a great risk of death to two or more persons, other than the victim murdered, during the act of murder and (2) the defendant committed mass murder. The jury sentenced the defendant

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\* *State v. Clayton*, 535 S.W.3d 829 (Tenn. 2017), *cert. denied*, No. 17-7960, 2018 WL 1157226 (U.S. May 14, 2018).

to death for all three convictions of first degree murder. The Supreme Court of Tennessee at Jackson held, in agreement with the Court of Appeals, that: (1) the evidence was sufficient to support the jury's findings that the defendant acted with premeditation in commission of the offenses; (2) the defendant waived his Fourth Amendment challenge to the trial court's denial of his motion to suppress his statements; and (3) each of the death sentences satisfies the mandatory statutory review pursuant to Tennessee Code Annotated § 39-13-206.

The holding addressing the motion to suppress the defendant's statement to the police during the interview. This Court has held that, "where the record on a pretrial suppression motion . . . clearly presents an evidentiary question and where the trial judge has clearly and definitively ruled," trial counsel need not offer further objections to the trial court's ruling.<sup>1</sup> Here, it was concluded that counsel's failure to obtain a ruling with regard to defendant's Fourth Amendment argument after the suppression hearing and failure to renew this argument during the motion for a new trial resulted in waiving his claim of error.<sup>2</sup>

The holding addressing the mandatory review of death sentence as administered in Tennessee. According to statute, the review of death sentence includes analyzing whether (1) the death sentence was imposed in any arbitrary fashion; (2) the evidence supports the jury's findings of statutory aggravating circumstances; (3) the evidence supports the jury's finding that the aggravating circumstances outweighed any mitigating circumstances; and (4) the capital sentence is excessive or disproportionate to the penalty imposed in similar cases, considering both the nature of the crime and the defendant.<sup>3</sup>

The standard of review is set forth in a proportionality test, in which the court must determine whether it is excessive or disproportionate to the penalty imposed in similar cases; insofar as it is "disproportionate to the punishment imposed on others convicted of the same crime."<sup>4</sup> A death sentence is disproportionate if the case is "plainly lacking in circumstances consistent with those in cases where the death penalty has been imposed." *Id.* Thus, in a proportionality review, the court examines the facts and circumstances of the crime, the characteristics of the defendant, and the aggravating and mitigating circumstances involved.<sup>5</sup>

More specifically, the court must consider: (1) the means of death; (2) the manner of death; (3) the motivation for the killing; (4) the place of death; (5) the victim's age, physical condition, and psychological condition; (6) the absence or presence of premeditation; (7) the absence or presence of provocation; (8) the absence or presence of justification; and (9) the injury to

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1. *State v. McGhee*, 746 S.W.2d 460, 462 (Tenn. 1988).

2. *Clayton*, 535 S.W.3d 829, 846.

3. T.C.A. § 39-13-206(c)(1)(A)-(D).

4. *Clayton*, 535 S.W.3d 829, 851 (quoting *Pulley v. Harris*, 465 U.S. 37, 43 (1984)).

5. *State v. Stevens*, 78 S.W.3d 817, 842 (Tenn. 2002).

and effect upon non-decedent victims.<sup>6</sup> In addition to those factors, the court also considers several factors about the defendant, including his (1) record of prior criminal activity; (2) age, race, and gender; (3) mental, emotional, and physical conditions; (4) role in the murder; (5) cooperation with authorities; (6) level of remorse; (7) knowledge of the victim's helplessness; and (8) potential for rehabilitation.<sup>7</sup>

The Supreme Court of Tennessee held that this case was comparable to other convictions resulting in a death sentence, and moreover, that the defendant's lack of criminal history does not thwart the imposition of the death sentence. The court similarly noted that it has rejected pleas of relief based on alleged "cooperation" with law enforcement. The death sentence in this case was not disproportionate to the penalty imposed for the similar crimes under similar circumstances.

Taking the evidence in the light most favorable to the State, the rational trier of fact could have concluded that the overwhelming evidence underlying the aggravating circumstances outweighed the mitigation beyond a reasonable doubt.<sup>8</sup>

All defendants charged with crimes deserve a competent and rigorous defense because of the higher stakes in a criminal matter, the loss of liberty, and none more so than in a capital punishment case where the stakes for the defendant are at the highest—the loss of life. This case and the Court's subsequent analysis illustrates the incredible importance of compliance with all procedural requirements when mounting a defense on behalf of a defendant, as the failure to comply with certain procedural rules ultimately resulted in the defendant waiving review of his Fourth Amendment violation claim on appeal. Despite this waiver, the Court of Criminal Appeals did conduct a review of his claim but because of that waiver, consideration of that claim was pursuant to the Court's Plain Error Review, a much higher burden to meet. This case highlights the importance of ensuring they are complying with all procedural requirements at every stage of the litigation process and reaffirms that, though a person has enumerated constitutional rights, in order for your constitutional rights to be exercised, a defendant must do exactly that—make a clear showing of intent to exercise your rights. This right is not guaranteed unless it exercised properly.

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6. *State v. Reid*, 164 S.W.3d 286, 316 (Tenn. 2005).

7. *Id.* at 316-17.

8. *Clayton*, 535 S.W.3d 829, 851.