

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE
AT JACKSON
September 9, 2025 Session

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Appellate Courts

STATE OF TENNESSEE v. ALERIQ LORENZO SMITH

**Appeal from the Circuit Court for Madison County
No. 22-601 Kyle C. Atkins, Judge**

No. W2023-01818-CCA-R3-CD

A Madison County jury convicted the Defendant, Aleriq Lorenzo Smith, of first degree premeditated murder, first degree felony murder, attempted first degree murder, and aggravated assault, among other offenses. The trial court imposed an effective sentence of life imprisonment. On appeal, the Defendant raises two principal issues. First, he challenges the sufficiency of the evidence supporting his convictions. Second, he contends that the trial court erred in denying his motions to suppress his confession, asserting that he was not competent to knowingly and intelligently waive his rights under *Miranda v. Arizona*, 384 U.S. 436 (1966). Upon our review, we conclude that the evidence is legally insufficient to sustain the Defendant’s conviction for aggravated assault, and we therefore vacate that conviction and dismiss the charge. We also remand the case for entry of corrected judgments reflecting the merger of his two first degree murder convictions. In all other respects, we respectfully affirm the judgments of the trial court.

**Tenn. R. App. P. 3 Appeal as of Right;
Judgments of the Circuit Court Affirmed in Part
and Vacated and Dismissed in Part; Case Remanded**

TOM GREENHOLTZ, J., delivered the opinion of the court, in which ROBERT H. MONTGOMERY, JR., and TIMOTHY L. EASTER, JJ., joined.

Raven Prean Morris, Assistant Public Defender – Appellate Division, Tennessee District Public Defenders Conference (on appeal); George Morton Googe, District Public Defender; and Richard McFall, Savannah, Tennessee (at trial), for the appellant, Aleriq Lorenzo Smith.

Jonathan Skrmetti, Attorney General and Reporter; Jacob Durst, Assistant Attorney General; Jody S. Pickens, District Attorney General; and Bradley F. Champine, Assistant District Attorney General, for the appellee, State of Tennessee.

OPINION

FACTUAL BACKGROUND

A. THE SHOOTINGS AND KILLING OF MS. ALLBRIGHT

In the late evening of December 17, 2019, Dione Walker shot the Defendant's godbrother in Jackson, Tennessee, claiming that he did so in self-defense. Mr. Walker quickly left for Nashville, about two hours away. Early the next morning, and after learning of his godbrother's death, the Defendant armed himself, drove to Mr. Walker's residence in Jackson, and fired about ten rounds into the home. Rakinah Rutherford and her two minor children were inside the residence but were not struck. Ms. Rutherford could not identify the shooter but reported to 911 that she saw a white Buick leaving the scene moments after the gunfire.

About thirty minutes later, a second shooting occurred in Jackson at the home of Mr. Walker's mother, Charlene Allbright. Investigators found Ms. Allbright deceased on a mattress in her living room. She had suffered four to six gunshot wounds, including one to the head. Investigators also determined that several bullets were fired downward through the front window from the porch. Although multiple rounds entered the home, none of the six minor children inside were struck.

Investigators soon determined that the two shootings were related. Surveillance footage from locations between the two homes showed a white Buick traveling from Mr. Walker's residence toward Ms. Allbright's house during the relevant time. Records confirmed that the Defendant's mother owned a white Buick Lucerne. Cell-tower data further showed that a phone number associated with the Defendant was active in both areas at the time of the respective shootings.

Investigators arrested the Defendant and conducted an interview. After initially denying involvement and giving inconsistent statements about his whereabouts, the Defendant ultimately confessed to both shootings.

B. TRIAL, SENTENCE, AND APPEAL

In July 2022, a Madison County grand jury indicted the Defendant for first degree premeditated murder of Ms. Albright, attempted first degree premeditated murder of Mr. Walker, first degree felony murder of Ms. Albright, and aggravated assault of Mr. Walker, among other offenses.¹ Before trial, the Defendant filed two motions to suppress his confession, asserting that, because he was experiencing withdrawal symptoms during the interview, he was not competent to waive his rights under *Miranda v. Arizona*, 384 U.S. 436 (1966). The trial court denied both motions, finding that the Defendant was competent to waive his *Miranda* rights and that the confession was admissible.

The case proceeded to trial in February 2023, and the jury convicted the Defendant on all counts as charged. After a sentencing hearing, the trial court sentenced the Defendant to an effective term of life imprisonment. The Defendant filed a timely motion for a new trial, which the trial court denied in a written order filed on December 12, 2023. The Defendant filed a timely notice of appeal fifteen days later. *See* Tenn. R. App. P. 4(a).

ANALYSIS

The Defendant raises two principal issues on appeal. First, he challenges the sufficiency of the evidence supporting his convictions for first degree premeditated murder, attempted first degree premeditated murder, first degree felony murder, and aggravated assault. Second, he contends that the trial court erred in denying his motions to suppress his confession, asserting that withdrawal symptoms rendered him unable to make a knowing and intelligent waiver of his *Miranda* rights.

We address each of these issues in turn.

A. LEGAL SUFFICIENCY OF THE EVIDENCE

The Defendant challenges the legal sufficiency of the evidence supporting his convictions for first degree premeditated murder, attempted first degree premeditated murder, first degree felony murder, and aggravated assault. He argues that the State failed

¹ The Defendant was originally indicted for these offenses in June 2020. A Madison County grand jury returned a superseding indictment in this case in July 2022, adding first degree premeditated murder as the first count. For clarity, we refer to the superseding indictment in this opinion.

to establish premeditation for the homicide offenses and that the aggravated assault conviction cannot stand because the alleged victim was not placed in reasonable fear of imminent bodily injury. The State responds that the circumstantial proof—including the Defendant’s motive, conduct, and the manner of the shootings—amply supports the jury’s findings on premeditation and that the evidence likewise supports the aggravated assault conviction.

We agree with the State that the proof was sufficient to sustain the homicide convictions. We agree with the Defendant, however, that the evidence was insufficient to support his conviction for aggravated assault.

1. Standard of Appellate Review

“The standard for appellate review of a claim challenging the sufficiency of the State’s evidence is ‘whether, after viewing the evidence 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.’” *State v. Miller*, 638 S.W.3d 136, 157 (Tenn. 2021) (quoting *Jackson v. Virginia*, 443 U.S. 307, 319 (1979)). This standard of review is “highly deferential” in favor of the jury’s verdict. *See State v. Lyons*, 669 S.W.3d 775, 791 (Tenn. 2023). Indeed, when making that determination, the State “is entitled to the strongest legitimate view of the evidence and any reasonable inferences that may be drawn from it.” *State v. Rimmel*, 710 S.W.3d 640, 645 (Tenn. 2025) (citation and internal quotation marks omitted).

To that end, “[w]e do not reweigh the evidence, because questions regarding witness credibility, the weight to be given the evidence, and factual issues raised by the evidence are resolved by the jury as the trier of fact.” *State v. Curry*, 705 S.W.3d 176, 183 (Tenn. 2025) (citations omitted). “The standard of review is the same whether the conviction is based upon direct or circumstantial evidence.” *State v. Dorantes*, 331 S.W.3d 370, 379 (Tenn. 2011) (citation and internal quotation marks omitted).

2. First Degree Premeditated Murder of Ms. Allbright

The Defendant first challenges his conviction for the first degree murder of Ms. Allbright, asserting that the State failed to prove he acted with reflection and judgment rather than in the heat of passion. He maintains that the shooting was an impulsive reaction to learning of his godbrother’s death. The State responds that the circumstances—

including the Defendant’s motive, preparation, and the deliberate manner of the killing—support the jury’s finding of premeditation. We agree with the State.

“The first step in evaluating the sufficiency of the evidence is to identify the elements of the offense.” *Rimmel*, 710 S.W.3d at 646. Count 1 of the indictment charged the Defendant with the first degree premeditated murder of Ms. Allbright. As charged in this case, first degree premeditated murder is “[a] premeditated and intentional killing of another[.]” Tenn. Code Ann. § 39-13-202(a)(1) (2025). A person acts intentionally “when it is the person’s conscious objective or desire to engage in the conduct or cause the result.” *Id.* § 39-11-302(a) (2025). Our General Assembly has defined “premeditation” as being

an act done after the exercise of reflection and judgment. “Premeditation” means that the intent to kill must have been formed prior to the act itself. It is not necessary that the purpose to kill preexist in the mind of the accused for any definite period of time. The mental state of the accused at the time the accused allegedly decided to kill must be carefully considered in order to determine whether the accused was sufficiently free from excitement and passion as to be capable of premeditation.

Tenn. Code Ann. § 39-13-202(e). Like any other element of an offense, “the State must prove premeditation beyond a reasonable doubt.” *Miller*, 638 S.W.3d at 159.

The question of “[w]hether premeditation is present in a given case is a question of fact to be determined by the jury from all of the circumstances surrounding the killing.” *State v. Davidson*, 121 S.W.3d 600, 614 (Tenn. 2003). As our supreme court has observed,

Several factors are considered to infer premeditation: the use of a deadly weapon upon an unarmed victim, the particular cruelty of the killing, declarations by the defendant of an intent to kill, evidence of procurement of a weapon, preparations before the killing for concealment of the crime, and calmness immediately after the killing. Additional considerations include a lack of provocation on the victim’s part and a defendant’s failure to render aid to a victim.

State v. Clayton, 535 S.W.3d 829, 845 (Tenn. 2017) (citations omitted). In addition, “[e]stablishment of a motive for the killing is a factor from which the jury may infer premeditation.” *State v. Leach*, 148 S.W.3d 42, 54 (Tenn. 2004).

“[I]n determining the existence of premeditation, the trier of fact ‘may not engage in speculation.’” *See State v. Reynolds*, 635 S.W.3d 893, 918 (Tenn. 2021) (quoting *State v. Jackson*, 173 S.W.3d 401, 408 (Tenn. 2005)). That said, “Tennessee cases have long recognized that premeditation may be proved by circumstantial evidence” because “premeditation involves the defendant’s state of mind, concerning which there is often no direct evidence.” *Davidson*, 121 S.W.3d at 614-15. Finally, a defendant may be convicted of first degree premeditated murder even when the person killed was not the intended target, so long as the evidence establishes that the defendant, with premeditation, intended to kill a person and carried out that intent. *See Millen v. State*, 988 S.W.2d 164, 168 (Tenn. 1999).

Applying these principles, the record contains ample evidence from which a rational juror could find premeditation beyond a reasonable doubt. We first look to the sequence of events and the relationships among the victims. Only a few hours after Mr. Walker shot the Defendant’s godbrother in self-defense, the Defendant armed himself, drove to Mr. Walker’s residence, and fired approximately ten rounds into the home. He then drove to the home of Mr. Walker’s mother, Ms. Allbright. The victims were not chosen at random but were closely connected to the individual whom the Defendant believed was responsible for his godbrother’s death. These close temporal and relational connections provide evidence of motive and, when viewed alongside the Defendant’s retaliatory actions, permit a rational juror to infer that he formed the intent to kill after the exercise of reflection and judgment. *See State v. Clayton*, No. W2018-00386-CCA-R3-CD, 2019 WL 3453288, at *16 (Tenn. Crim. App. July 31, 2019), *perm. app. denied* (Tenn. Dec. 10, 2019).

Next, the Defendant’s actions at Ms. Allbright’s residence further demonstrate premeditation through the manner and execution of the killing. Upon arriving, he walked onto the porch, aimed downward through a window at an angle of approximately forty degrees, and fired multiple rounds, striking Ms. Allbright several times, including once in the head, as she lay on a mattress in her living room. These circumstances reflect a deliberate and targeted use of deadly force against an unarmed, unsuspecting victim. *See State v. Coyne*, No. E2020-01655-CCA-R3-CD, 2022 WL 414355, at *11 (Tenn. Crim. App. Feb. 11, 2022), *perm. app. denied* (Tenn. June 9, 2022).

The Defendant’s conduct after the killing also supports an inference of reflection and judgment. He fled the scene without rendering aid or contacting authorities, and investigators later identified him as a suspect. During his interview, he initially denied involvement before ultimately confessing to the shootings. His flight, concealment, and false statements are consistent with consciousness of guilt and further support the jury’s finding of premeditation. *See Reynolds*, 635 S.W.3d at 919.

The Defendant argues that the evidence failed to establish that he was sufficiently free from excitement and passion to act with premeditation. The record, however, supports the jury's finding that he acted after the exercise of reflection and judgment. The Defendant engaged in deliberate, sequential acts—arming himself, traveling to two residences associated with the person who killed his godbrother and firing multiple aimed shots at Ms. Allbright. Those actions demonstrate planning and purposeful execution rather than impulsive rage. From this proof, a rational trier of fact could find beyond a reasonable doubt that the Defendant acted intentionally and after the exercise of reflection and judgment.

Our role on appeal is limited to determining whether the evidence, viewed in the light most favorable to the State, permits a rational inference of guilt beyond a reasonable doubt. The Defendant's argument effectively asks this court to reweigh the proof and substitute its judgment for that of the jury, which we are not permitted to do. The record fully supports the jury's determination that the Defendant acted with premeditation. Accordingly, the evidence is sufficient to sustain his conviction for first degree premeditated murder.

3. Attempted First Degree Premeditated Murder of Mr. Walker

The Defendant next challenges his conviction for the attempted first degree premeditated murder of Mr. Walker, arguing that the evidence failed to show either a specific intent to kill or premeditation. He emphasizes that Mr. Walker was not present when the Defendant fired into the home. The State responds that the Defendant's deliberate decision to arm himself, drive to the residence, and discharge multiple rounds into an occupied dwelling demonstrates both intent and premeditation. We agree with the State.

Count 2 of the indictment charged the Defendant with the attempted first degree premeditated murder of Mr. Walker. As previously discussed, first degree premeditated murder requires proof of an intentional and premeditated killing. *See* Tenn. Code Ann. § 39-13-202(a)(1). Further, as charged in this case, the crime of criminal attempt occurs when a person

acting with the kind of culpability otherwise required for the offense . . . [a]cts with intent to complete a course of action or cause a result that would constitute the offense, under the circumstances surrounding the conduct as the person believes them to be, and the conduct constitutes a substantial step toward the commission of the offense.

Tenn. Code Ann. § 39-12-101(a)(3) (2025); *State v. Haymer*, 671 S.W.3d 568, 574 (Tenn. Crim. App. 2023).

Our supreme court has recognized that “[d]etermining whether a defendant’s conduct qualifies as a substantial step is a heavily fact-intensive inquiry that depends on the specific circumstances shown in each individual case.” *Rimmel*, 710 S.W.3d at 647 (citation modified). In addition, “for conduct to amount to a substantial step, the person’s entire course of action must be corroborative of the intent to commit the offense.” *Id.* (citation modified); *see also Haymer*, 671 S.W.3d at 575 (“The law identifies the actions that have already occurred and asks whether those actions show a course of action that is corroborative of the intent to commit the offense.” (citation modified)). Thus, to sustain a conviction for attempted first degree murder, the State must prove “that the defendant intended to kill another person ‘after the exercise of reflection and judgment’ and intentionally engaged in conduct that constituted a substantial step toward the commission of that offense.” *State v. Baxter*, No. M2023-01507-CCA-R3-CD, 2025 WL 798146, at *6 (Tenn. Crim. App. Mar. 13, 2025), *no perm. app. filed*.

Applying these principles, the record shows that only hours after learning of his godbrother’s death, the Defendant armed himself, drove to Mr. Walker’s residence, and fired approximately ten rounds into the home. He then drove to the house of Mr. Walker’s mother—where Mr. Walker was known to stay—and again fired multiple rounds. A rational juror could reasonably infer that the Defendant believed Mr. Walker was inside one of the homes when he opened fire, and that the Defendant acted after the exercise of reflection and judgment. These deliberate, sequential acts plainly show a course of action that is corroborative of the Defendant’s intent to commit a first degree murder and thus constitute a substantial step toward the commission of that offense. *See Haymer*, 671 S.W.3d at 575. Accordingly, we conclude that the evidence supports the conviction for attempted first degree premeditated murder.

4. First Degree Felony Murder of Ms. Allbright

The Defendant also challenges his conviction for the felony murder of Ms. Allbright, which was predicated on the attempted first degree murder of Mr. Walker. He argues that if the attempted-murder conviction cannot stand, the felony murder conviction must likewise be vacated. The State responds that because the proof established the underlying felony, the felony-murder verdict is likewise supported. We agree with the State.

Count 3 of the indictment charged the Defendant with first degree felony murder for the killing of Ms. Allbright in the perpetration of the attempted first degree murder of Mr. Walker. Under Tennessee law, first degree felony murder occurs when a person kills another “in the perpetration of or attempt to perpetrate” certain specified felonies, including any first degree murder. Tenn. Code Ann. § 39-13-202(a)(2). The offense requires no mental state beyond the intent to commit the underlying felony, and the killing satisfies the statute if it occurs as part of a continuous sequence of events closely connected in time and place to the underlying felony. *See State v. Buggs*, 995 S.W.2d 102, 106-07 (Tenn. 1999).

Applying these principles, the record supports the jury’s finding that Ms. Allbright’s death occurred during the perpetration of the attempted killing of Mr. Walker. Within minutes of firing multiple rounds into Mr. Walker’s residence, the Defendant drove to Ms. Allbright’s home—where Mr. Walker was known to stay—and again opened fire, killing Ms. Allbright. The close temporal and geographic connections between the two shootings establish the required continuity of action. Because a rational juror could find that the Defendant committed the underlying felony of attempted first degree murder, the evidence is likewise sufficient to support his conviction for the felony murder of Ms. Allbright. The Defendant is therefore not entitled to relief on this issue.

5. Aggravated Assault of Mr. Walker

Finally, the Defendant argues that the evidence was insufficient to support his conviction for aggravated assault. He contends that Mr. Walker could not have reasonably feared *imminent* harm because he was in another city more than one hundred miles away when the shootings occurred and did not learn of them until after the threat had concluded. The State responds that the back-to-back attacks on homes connected to Mr. Walker established a reasonable fear of imminent bodily injury. We agree with the Defendant.

As charged in Count 4 of this case, aggravated assault is an assault that “involve[s] the use or display of a deadly weapon.” Tenn. Code Ann. § 39-13-102(a)(1)(A)(iii) (2025). A person commits assault when he “intentionally or knowingly causes another to reasonably fear imminent bodily injury.” *Id.* § 39-13-101(a)(2) (2025). Although the statute does not define “imminent,” our cases have explained that it denotes “a threat that is near at hand or on the point of happening, not one that has passed or may arise later.” *See State v. Goldberg*, No. M2017-02215-CCA-R3-CD, 2019 WL 1304109, at *12 (Tenn. Crim. App. Mar. 20, 2019), *perm. app. denied* (Tenn. Dec. 5, 2019). Consistent with that understanding, we have recognized that a victim’s fear must stem from “an immediate, real threat to one’s safety.” *State v. Young*, No. M2010-01531-CCA-R3-CD, 2011 WL

6291813, at *7 (Tenn. Crim. App. Dec. 14, 2011), *perm. app. denied* (Tenn. Apr. 20, 2012). Thus, the danger cannot be speculative or distant. *See State v. Jones*, 789 S.W.2d 545, 550-51 (Tenn. 1990) (“An assault has been defined as an act which conveys to the mind of the person set upon a well-grounded apprehension of personal injury or violence.”).

In this case, the record shows that Mr. Walker was in Nashville—about a two-hour drive from Jackson—when the shootings occurred in the early morning of December 18, 2019. He was not present at either residence and did not learn of the shootings until later that day. He testified that when he learned what had happened, he was “in fear for [his] life.”

Thus, when the Defendant fired into the two residences, Mr. Walker was more than one hundred miles away and wholly unaware of any threat. He did not learn of the shootings until well after the Defendant had left both locations and the threatening conduct had concluded. Mr. Walker’s later fear, though genuine and understandable, was not a reaction to conduct still unfolding or to any threat he perceived as it was occurring. Rather, it arose from past, completed acts and reflected a speculative concern about harm that might—or might not—arise later. Such a fear may evidence lingering apprehension of potential future harm, but it lacks the immediacy and proximity necessary to constitute the fear of imminent bodily injury required by the plain language of the statute. *See State v. Collins*, No. E2024-00836-CCA-R3-CD, 2025 WL 2840794, at *5 (Tenn. Crim. App. Oct. 7, 2025) (observing that the definition of “imminent” emphasizes “the immediacy and proximity of the perceived threat”), *perm. app. open*.

The State cites no authority, and we have found none, upholding an aggravated-assault conviction where the victim was far away from, and wholly unaware of, the defendant’s threatening conduct when it occurred. Because the evidence does not establish that Mr. Walker reasonably feared an immediate, real threat of bodily injury from the Defendant’s knowing conduct, the proof fails to satisfy the essential element of the conviction offense. Accordingly, with respect to the Defendant’s conviction for aggravated assault, we respectfully reverse the trial court’s judgment, vacate the conviction, and dismiss the charge.

6. Merger of First Degree Murder Convictions

Finally, we address the merger of the two first degree murder convictions for the killing of Ms. Allbright. “It is well settled in Tennessee that, under certain circumstances, two convictions or dual guilty verdicts must merge into a single conviction to avoid double jeopardy implications.” *State v. Berry*, 503 S.W.3d 360, 362 (Tenn. 2015). One of these circumstances occurs “when a jury returns guilty verdicts on two counts that represent alternative theories of the same offense.” *See id.* In that situation, entry of a single judgment “protects the defendant from receiving multiple punishments for the same offense.” *See State v. Price*, 46 S.W.3d 785, 824 (Tenn. Crim. App. 2000).

Our supreme court has made clear that “when only one person has been murdered, a jury verdict of guilt on more than one count of an indictment charging different means of committing first degree murder will support only one judgment of conviction[.]” *State v. Cribbs*, 967 S.W.2d 773, 788 (Tenn. 1998). Consistent with this principle, a “felony murder conviction [merges] into the premeditated murder conviction at sentencing.” *State v. Freeland*, 451 S.W.3d 791, 825 (Tenn. 2014).

When offenses merge, the judgment forms must accurately reflect that merger. The uniform judgment document for the lesser offense “should indicate in the ‘Special Conditions’ box that the conviction merges with the greater conviction,” and the same notation “should be noted in the ‘Special Conditions’ box on the uniform judgment document for the greater or surviving conviction.” *State v. Berry*, 503 S.W.3d 360, 364 (Tenn. 2015).

Accordingly, we respectfully remand this case to the trial court for entry of corrected judgment forms reflecting the merger of the Defendant’s first degree felony murder conviction in Count 3 into his first degree premeditated murder conviction in Count 1. *See State v. Kiser*, 284 S.W.3d 227, 234 & n.2 (Tenn. 2009). These corrections should appear on the judgment documents for both counts. *See Berry*, 503 S.W.3d at 364.

B. DENIAL OF DEFENDANT’S MOTIONS TO SUPPRESS

The Defendant next argues that the trial court erred in denying his two separate motions to suppress his confession to law enforcement. In support of that argument, he contends that he was not competent to knowingly and intelligently waive his rights because he was suffering from symptoms of withdrawal at the time his interview was conducted.

In response, the State argues that the trial court properly denied the motions to suppress. It asserts that the court acted within its discretion by crediting the investigators' testimony rather than the Defendant's experts. The State further maintains that the court reasonably viewed the video recording as the most reliable evidence of the Defendant's demeanor and cognitive functioning during the interview. We agree with the State.

1. Background

Before trial, the Defendant moved to suppress his recorded confession, asserting that he was not competent to knowingly and intelligently waive his *Miranda* rights. At the suppression hearing, a clinical psychologist testified that the Defendant reported using alcohol and narcotics immediately before his arrest. Relying on that self-reported use and her review of the interview recording, the expert concluded that the Defendant was experiencing withdrawal symptoms that impaired his ability to understand or appreciate his rights. She further referenced a third-hand report that the Defendant suffered a seizure shortly after his arrest as support for her opinion.

The State presented the investigators who conducted the interview and introduced the video recording into evidence. After considering the testimony and viewing portions of the recording, the trial court denied the motion, finding that the Defendant was competent to waive his rights and that the confession was admissible.

Nearly a year later, the Defendant filed a second motion to suppress on the same grounds. At that hearing, a different clinical psychologist offered similar testimony regarding the Defendant's alleged withdrawal symptoms. On cross-examination, the State elicited admissions that the expert had not reviewed the Defendant's criminal history, had not interviewed collateral sources to verify the Defendant's self-reports, and acknowledged that the behaviors she attributed to withdrawal could also be explained by the Defendant's deceptive conduct during questioning.

As in the first hearing, the trial court again found the investigators' testimony and the recorded interview more persuasive than the defense expert's opinion. As such, it concluded that the Defendant's waiver of his *Miranda* rights was knowing, intelligent, and voluntary.

2. Standard of Appellate Review

In reviewing a trial court’s ruling on a motion to suppress evidence, “we uphold the trial court’s findings of fact unless the evidence preponderates otherwise.” *State v. Washington*, __ S.W.3d __, No. W2022-01201-SC-R11-CD, 2025 WL 2847585, at *3 (Tenn. Oct. 8, 2025) (citations and internal quotation marks omitted); *see also State v. Green*, 697 S.W.3d 634, 640 (Tenn. 2024); *State v. McKinney*, 669 S.W.3d 753, 764 (Tenn. 2023). The party prevailing in the trial court “is entitled to the strongest legitimate view of the evidence adduced at the suppression hearing[,] as well as all reasonable and legitimate inferences that may be drawn from that evidence.” *McKinney*, 669 S.W.3d at 764. “[I]n evaluating the correctness of a trial court’s ruling on a pretrial motion to suppress, appellate courts may consider the proof adduced both at the suppression hearing and at trial.” *McKinney*, 669 S.W.3d at 764 (citation and internal quotation marks omitted); *see also Washington*, __ S.W.3d __, 2025 WL 2847585, at *3.

Nevertheless, despite the deference given to the trial court’s findings of fact, we review the trial court’s application of the law to the facts de novo with no presumption of correctness. *See Green*, 697 S.W.3d at 640; *Washington*, __ S.W.3d __, 2025 WL 2847585, at *3.

3. Waiver of *Miranda* Rights

The Fifth Amendment to the United States Constitution provides that “[n]o person . . . shall be compelled in any criminal case to be a witness against himself.” A similar provision in our Tennessee Constitution states that “in all criminal prosecutions, the accused . . . shall not be compelled to give evidence against himself.” Tenn. Const. art. I, § 9. Through these provisions, our federal and state constitutions protect a defendant’s privilege against compelled self-incrimination. *State v. Blackstock*, 19 S.W.3d 200, 207 (Tenn. 2000).

To help ensure these protections, the United States Supreme Court held in *Miranda* that the government is prohibited “from using any statements elicited from a custodial interrogation in a criminal trial unless the government demonstrates that it used [] prophylactic procedural safeguards.” *Washington*, __ S.W.3d __, 2025 WL 2847585, at *6 (citing *Miranda*, 384 U.S. at 444). Indeed, “[s]tatements made during the course of a custodial police interrogation are inadmissible at trial unless the [S]tate establishes that the defendant was advised of his right to remain silent and his right to counsel and that the

defendant then waived those rights.” *State v. McCary*, 119 S.W.3d 226, 250 (Tenn. Crim. App. 2003).

A defendant’s waiver of his or her *Miranda* rights is only valid if “the waiver is made voluntarily, knowingly and intelligently.” *Miranda*, 384 U.S. at 444. In evaluating the validity of a waiver, courts must determine if it was “voluntary in the sense that it was the product of a free and deliberate choice rather than intimidation, coercion, or deception” and made with “a full awareness of both the nature of the right being abandoned and the consequences of the decision to abandon it.” *McKinney*, 669 S.W.3d at 768 (quoting *Moran v. Burbine*, 475 U.S. 412, 421 (1986)).

The State must prove by a preponderance of the evidence that a defendant’s waiver was valid. *State v. Bush*, 942 S.W.2d 489, 500 (Tenn. 1997) (citing *Colorado v. Connelly*, 479 U.S. 157, 168 (1986)). The court must evaluate the totality of the circumstances in determining the validity of a defendant’s *Miranda* waiver. *Washington*, __ S.W.3d __, 2025 WL 2847585, at *6. Circumstances relevant to this determination include the following:

[T]he age and background of the defendant; his education and intelligence level; his reading and writing skills; his demeanor and responsiveness to questions; his prior experience with the police; any mental disease or disorder; any intoxication at the time of the waiver; and the manner, detail, and language in which the *Miranda* rights were explained.

Id. (quoting *State v. Climer*, 400 S.W.3d 537, 568 (Tenn. 2013)). A waiver is valid if the totality of the circumstances shows “both an uncoerced choice and the requisite level of comprehension” *Climer*, 400 S.W.3d at 564-65 (quoting *Moran*, 475 U.S. at 421); *see Washington*, __ S.W.3d __, 2025 WL 2847585, at *6 (“While the *Miranda* rule prohibits the government from using a defendant’s unwarned statements at trial, it does not categorically prohibit the government from using nontestimonial evidence derived from such statements.” (citations omitted)).

In this case, the trial court heard and considered the testimony of both the investigators and the Defendant’s expert witnesses. It also viewed substantial portions of the recorded interview, which lasted approximately two hours. The court credited the investigators’ testimony that they had prior experience with suspects undergoing withdrawal symptoms and that the Defendant did not appear to be suffering from such symptoms during the interview. The court further relied on the video of the interview, finding that the Defendant appeared to be having a “perfectly lucid conversation” and that

“there was not a moment during that time where I felt like [the Defendant] was not in complete control of his mental faculties.”

Our independent review of the interview recording confirms that it is consistent with the trial court’s factual findings. When the recording is considered together with the investigators’ credited testimony, we conclude that the record supports the court’s conclusion that the Defendant knowingly, intelligently, and voluntarily waived his *Miranda* rights.

The Defendant challenges this conclusion on two grounds. First, he contends that his withdrawal symptoms were not readily apparent to the investigators, even though he was allegedly experiencing severe physical distress during the interview. Second, he maintains that a seizure shortly after his arrest corroborated his claim that he was suffering from acute withdrawal. We respectfully disagree that these arguments entitle the Defendant to relief.

A defendant’s physical discomfort, intoxication, or withdrawal from drugs or alcohol does not automatically render a *Miranda* waiver invalid. The determinative question is whether, under the totality of the circumstances, the defendant’s capacity for comprehension or free choice was so impaired that he could not knowingly, intelligently, and voluntarily waive his rights. *See State v. Stephenson*, 878 S.W.2d 530, 544-45 (Tenn. 1994); *State v. Perry*, 13 S.W.3d 724, 738 (Tenn. Crim. App. 1999). Thus, courts have repeatedly held that even when a defendant was actively experiencing symptoms of withdrawal, a waiver remains valid if the evidence shows that the defendant was oriented, coherent, and understood the nature and consequences of the waiver. *See United States v. Bird*, 409 F. App’x 681, 683 (4th Cir. 2011) (upholding waiver of *Miranda* rights when defendant vomited several times from alcohol withdrawal but remained mentally capable of understanding his rights); *United States v. Walker*, 272 F.3d 407, 412-13 (7th Cir. 2001) (holding that heroin withdrawal symptoms did not preclude voluntary waiver of *Miranda* rights when defendant was alert, coherent, and aware of his rights).

Applying these principles, we respectfully disagree with the Defendant’s contention that his waiver was invalid. The conclusions of his expert witnesses were based primarily on the Defendant’s own self-reported history of heavy narcotics use before his arrest—an account that was not corroborated by collateral interviews with friends or family. They were not aware of any positive drug screens supporting the Defendant’s claim of heavy substance use before his arrest and interview. Moreover, at the outset of the interview, the Defendant affirmatively told investigators that he was not under the influence of drugs or

alcohol. One expert conceded that the Defendant's observed sweating, shaking, and apparent nervousness on the video recording could also have resulted from his anxiety or dishonesty during an interrogation about a homicide rather than from withdrawal.

Moreover, the trial court had a basis to question the Defendant's claim of seizures. The experts relied on a third-hand account in which prior counsel allegedly heard from a corrections officer that the Defendant suffered a seizure shortly after being taken into custody. This purported incident is not documented anywhere in the extensive jail records admitted at the suppression hearing. Nor did the Defendant call the corrections officer—whose name appeared in the expert's report—to testify. The Defendant did not mention any seizure during his recorded interview and did not testify at either suppression hearing. Given the absence of corroborating proof, the trial court was not required to afford lesser weight to the investigators' testimony and the objective video evidence than to the unsubstantiated assertions in the expert reports.

Ultimately, the Defendant is asking this court to reweigh the evidence or draw inferences in his favor. We are not permitted to do so. *See McKinney*, 669 S.W.3d at 764. Accordingly, because the record supports the trial court's findings and because the totality of the circumstances demonstrates that the Defendant's *Miranda* waiver was knowing, intelligent, and voluntary, we conclude that the Defendant is not entitled to relief.

CONCLUSION

In summary, we hold that the evidence is legally sufficient to sustain the Defendant's convictions for first degree premeditated murder, attempted first degree premeditated murder, and first degree felony murder. We also conclude that the Defendant knowingly, intelligently, and voluntarily waived his *Miranda* rights. However, because the evidence is insufficient to support the aggravated assault conviction, we reverse and vacate that judgment.

We therefore remand the case for dismissal of the aggravated assault charge and for entry of corrected judgments reflecting the merger of the two first degree murder convictions. In all other respects, we respectfully affirm the judgments of the trial court.

s/ Tom Greenholtz

TOM GREENHOLTZ, JUDGE