

# Is evidence illegally seized by police valid at trial?



Stacey Barchenger, sbarchenger@tennessean.com 8:42 p.m. CDT September 29, 2015



A case before the Tennessee Supreme Court on Wednesday could change whether evidence that is illegally seized by police can be used against defendants in trials.

The justices are being asked whether police officers can have someone's blood drawn without a warrant in suspected cases of DUI. That will sort out a discrepancy in the state implied consent law and a 2013 U.S. Supreme Court decision.

But a secondary question, which the justices can choose to rule on, is whether a "good faith exception" applies in the case involving a Knoxville-area woman who was charged with DUI and vehicular homicide four years ago.

A good faith exception allows evidence collected by police officers to be used during court cases even if the evidence was not supposed to be collected, but was done so in "good faith." Those situations could include, for example, items seized that were not included in a warrant, or items taken lawfully at the time but that would no longer be allowed because of changing law. The good faith exception was established in federal law by a 1984 U.S. Supreme Court case and it has been adopted in other states.

But Tennessee judges have not recognized the exception and have prohibited such evidence from being used in court cases, said Ben Raybin, an attorney at [Hollins Raybin and Weissman](#) who has argued before the state's highest court. He and other lawyers at the Nashville law firm write a blog analyzing cases being heard by the court.

"If they were to create this exception, that could be a huge case that could affect any future criminal case, anything where property is seized," Raybin said.

The specific case going before the Tennessee Supreme Court involves a woman, Corrin Reynolds, of Knox County, who was charged with drunken driving and vehicular homicide in a 2011 crash that killed two passengers in her car.

Her case is scheduled for arguments at Cumberland University in Lebanon on Wednesday as part of the Supreme Court's SCALES (Supreme Court Advancing Legal Education for Students) program. The program is in its 20th year and is meant to give students a first-hand look at the legal system.

About 1,500 students and teachers are expected to watch three arguments scheduled on Wednesday.

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