

Tallent testimony typified risky choice lawyers can face

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Risk vs. reward is what criminal defense attorneys must weigh in putting their clients on the witness stand.

The decision to let Fallon Tallent testify on her behalf this past week produced an admission that some say played into the jury's decision to convict the Maryville woman of first-degree murder.

"The general idea in putting a client on the stand is, you turn a case from 'reasonable doubt' to a question of whether your client is believable," said Lebanon attorney Frank Lannom, who was not involved in Tallent's defense but kept up with what happened.

"From the outside looking in, I was shocked. But she had good lawyers, and they may have felt they had to risk it. Her statement may have been the most important piece of the whole trial. Nobody knew what she intended until she started talking."

On the stand, Tallent answered prosecutors' repetitive questions about her actions and decisions leading up to the crash. The wreck that killed Wilson County Sheriff's Deputy John Musice and Mt. Juliet Police Sgt. Jerry Mundy ended a car chase originating in Knoxville that reached speeds of 120-140 mph.

When a prosecutor asked whether she drove the way she did because she wasn't going to stop for anyone or anything that day, Tallent answered, "I guess you're right."

"By putting her on the stand, it helped the jury decide this was a murder case," said Nashville defense attorney Tommy Overton. "And due to the fact the lady was uneducated and going against a very skilled prosecutor, it wasn't good for the defense."

Yesterday, the day after her conviction, Tallent's lawyers said they had no regrets about calling her.

"There was no question Fallon was driving," Craig Garrett said. "I think the jury needed to hear she didn't intend to do it."

The lead prosecutor wasn't sorry Tallent took the stand. "I thought her testimony was addition to the proof," said District Attorney General Tommy Thompson. "That's where some important words came out of her mouth the jury had to consider."

David Raybin, a Nashville attorney and legal expert, felt putting Tallent on the stand was a risk her attorneys, Garrett and David Boyd, had to take, despite the outcome.

Tallent did attempt to show remorse at times for the officers' deaths and said she didn't intend to kill them. She also denied testimony of her passenger, Dorothy Cash, who told the jury that Tallent said, "watch this," before steering into Musice and Mundy.

"When you have a case where the defendant's state of mind is everything, you almost have to put them on," Raybin said. "Mystery killings, where it's 'who done it?', you may not want to put them on. They shouldn't know, so testimony is irrelevant.

"This isn't 'who done it?' but 'what was she thinking?' She had to testify to explain her state of mind. She had to deny the most critical part of the trial, which was the passenger's statement. If she didn't testify, she's probably convicted in an hour."

Tallent case at a glance

Where she is: Fallon Tallent, 22, has been returned to the Tennessee Prison for Women in Nashville. **What happened:** She was found guilty Wednesday by a jury in Wilson County of two counts of first-degree murder. She has been given two life sentences.

A judge will rule Aug. 23 whether she must serve her sentences concurrently or consecutively.

About the case: Tallent was convicted in the slayings of Wilson County Sheriff's Deputy John Musice, 49, and Mt. Juliet Police Sgt. Jerry Mundy, 43, who were slain July 9, 2003. Prosecutors said Tallent intentionally crashed into the officers on Interstate 40 at the end of a high-speed car chase. The case centered on whether Tallent intentionally killed the officers, who were trying to lay spike strips in the road to stop her.