

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE
AT JACKSON
Assigned on Briefs August 1, 2023

FILED

09/14/2023

Clerk of the
Appellate Courts

STATE OF TENNESSEE v. ROBERT LEE ADAMS, JR.

**Appeal from the Circuit Court for Tipton County
No. 10395 A. Blake Neill, Judge**

No. W2022-01338-CCA-R3-CD

The Defendant, Robert Lee Adams, Jr., was convicted in the Tipton County Circuit Court of attempted second degree murder and received a sentence of thirty years in confinement. On appeal, he contends that the evidence is insufficient to support the conviction. Upon review, we affirm the judgment of the trial court.

Tenn. R. App. P. 3 Appeal as of Right; Judgment of the Circuit Court Affirmed

JOHN W. CAMPBELL, SR., J., delivered the opinion of the court, in which TIMOTHY L. EASTER and MATTHEW J. WILSON, JJ., joined.

Bryan R. Huffman (on appeal and at trial) and David Stowers (at trial), Covington, Tennessee, for the appellant, Robert Lee Adams, Jr.

Jonathan Skrmetti, Attorney General and Reporter; Katharine K. Decker, Senior Assistant Attorney General; Mark E. Davidson, District Attorney General; and James Walter Freeland, Jr., Assistant District Attorney General, for the appellee, State of Tennessee.

OPINION

FACTS

This case relates to the Defendant's repeatedly stabbing the victim, Loni Melton, on November 14, 2020. In March 2021, the Tipton County Grand Jury indicted him for attempted first degree premeditated murder. The Defendant went to trial in March 2022.

At trial, Crystal Henry testified that in November 2020, she was the manager of the Fast Way convenience store at the intersection of Highway 51 and Simmons Road in Munford. The victim was a cashier at the store. On November 14, Ms. Henry and the victim opened the store at 5:00 a.m. Ms. Henry carried out her morning duties and worked

in the kitchen while the victim waited on a few customers. The victim then went outside to smoke a cigarette. Ms. Henry said that as she walked into the store's deli area, she saw the victim enter the front of the store. The victim was "covered in blood." Initially, Ms. Henry thought the victim might have been hit by a car. She ran to the victim and called 911. Ms. Henry grabbed some toboggans that were for sale and used them to try to stop the victim's bleeding. She said the victim kept repeating the Defendant's name.

The State played the store's surveillance video, which showed various areas of the store, for the jury. The video showed the victim exit the front door, light a cigarette, and walk out of the camera's view. Shortly thereafter, she returned to the front of the store and stood outside. A large African-American man with short hair or a shaved head approached the victim, and she talked with him. The man walked out of the camera's view with the victim following him. Less than three minutes later, the victim came back into view and walked slowly toward the front door. Blood appeared to be on the front of her shirt and on the right side of her face and neck. She entered the store and collapsed onto the floor, and Ms. Henry ran to her.

The State also played Ms. Henry's 911 call for the jury. During the call, Ms. Henry told the 911 operator that her coworker just came into the store and was bleeding "profusely." The victim was moaning in the background, and Ms. Henry asked her what happened. Ms. Henry told the 911 operator that the victim said someone stabbed her. Ms. Henry told the victim to roll over, and Ms. Henry told the 911 operator that the victim had been stabbed four or five times in her chest and side. The 911 operator asked, "Who did this to her?" Ms. Henry responded, "Robert Adams."

On cross-examination, Ms. Henry testified that there were no cameras on the side of the store where the stabbing occurred and that it was "pretty dark" in that area at that time of day. The victim usually parked her car directly in front of a large ice chest that was on the side of the store.

The victim testified that in November 2020, she had known the Defendant about four years. They dated for three-and-a-half years, but the victim ended their romantic relationship about ten months before the stabbing. After the victim stopped dating the Defendant, they lived together as roommates. However, the victim "ended up moving out" in September 2020.

The victim testified that on November 14, 2020, she arrived to work at the Fast Way about 4:30 a.m. At 4:50 a.m., the Defendant pulled up to the store, telephoned the victim, and asked if he could come inside. The victim told him that she could not open the door until 5:00 a.m. The Defendant left but returned while the victim was outside smoking a cigarette, and they talked in front of the store. The Defendant asked the victim if they could

“hook up later on,” but the victim told him that she was “done.” The Defendant told the victim that he had left some cigarettes and money for her on her car. The victim did not want the items, and she followed the Defendant to her car so she could return the cigarettes and money to him. The Defendant turned around and told the victim, “[B*tch], if I can’t have you, nobody will.” He started stabbing her, and she wrestled with him and begged him to stop. Three days later, the victim woke up in the hospital.

The victim testified that the Defendant stabbed her twenty-three times, including three times in her head; twice in her neck; multiple times in her back, puncturing both lungs; under her armpit; in her heart; and in one of her kidneys. The Defendant also cut off one of her ears, which doctors “sewed back,” and the Defendant bit her hand. During the melee, the victim cut the palm of her hand, which required stitches. She underwent multiple surgeries and spent two weeks in the hospital. The victim denied possessing a knife or pulling a knife on the Defendant prior to the stabbing.

On cross-examination, the victim testified that while she was dating the Defendant, he used cocaine and she used Lortab pills. By the time of the stabbing, though, the victim was no longer using Lortab. The victim acknowledged that she used to work at the Midway Market and that she was fired for theft. She estimated that she took \$2,500 to \$3,500 from the business. Defense counsel asked if the victim also was fired from the Fast Way for theft, and she responded, “I plead the Fifth.”

Officer Patrick Blackwood of the Munford Police Department (“MPD”) testified that about 5:30 a.m. on November 14, 2020, he was on his way to work when he heard a dispatch call to the Fast Way at the corner of Highway 51 and Simmons Road. He went to the scene and was the first officer to arrive. The victim was bloody and was lying on the floor. She was “covered with beanie hats,” and Ms. Henry was trying to stop her bleeding. The victim was struggling to breathe, but could talk “fairly well.” She named the Defendant as her attacker, and the victim and Ms. Henry said the Defendant was driving a white Nissan Xterra.

Officer John Owen of the MPD testified that he went to the scene where two or three officers were present. The victim was lying on the floor of the store, and there was “quite a bit” of blood around her body. Medical personnel arrived and began treating her, and a helicopter flew her to Regional One.

Harley Whitely testified that he was a paramedic who received a call about the victim at 5:44 a.m. When he arrived at the Fast Way, the victim was lying just inside the front door. Paramedics moved her to an ambulance and called for a helicopter to transport her to the hospital. The victim had puncture wounds to her neck, chest, back, arms, and legs, and Mr. Whitley’s main goal was to stop her bleeding. Due to her amount of blood

loss, the victim did not have enough blood volume to pump her heart adequately. Mr. Whitley introduced fluids mixed with electrolytes into her body to increase her blood volume so her heart could beat effectively. He thought she had a “50/50 chance” of survival.

Deputy James Davis of the Tipton County Sheriff’s Department (“TCS D”) testified that on the morning of November 14, 2020, he responded to a be-on-the-lookout, also known as a “BOLO,” issued by the MPD. The BOLO was for “Robert Adams,” who was driving a Nissan Xterra. Deputy Davis looked up the name in the TCS D’s list of previous bookings and obtained an address for a residence off Pickens Road. As Deputy Davis was driving to the address around 6:30 a.m., when he passed a Nissan Xterra with “a male black passenger.” Deputy Davis turned his police car around, caught up to the Xterra, and saw that the license tag on the Xterra matched the license tag for the BOLO vehicle.

Deputy Davis testified that he initiated a stop, and the Xterra turned into a driveway. The driver, who was the Defendant, stopped the Xterra and got out of the vehicle. Deputy Davis ordered the Defendant onto the ground, and the Defendant cooperated. Deputy Davis said that he took the Defendant into custody when backup officers arrived and that the Defendant voluntarily stated, ““She made me mad; I stabbed her and threw the knife out on the way here.””

Deputy Davis testified that the Defendant was calm at times and agitated at times. He had “a significant amount” of blood on his clothing and shoes; his hands were “covered in blood”; and a small laceration was on his right hand. Blood was on the steering wheel, seat, and gear-shift in the Xterra.

On cross-examination, Deputy Davis acknowledged that the Defendant pulled into the driveway of the Defendant’s own home. He also acknowledged that the Defendant was both angry and sad.

Sergeant Lucas Young of the MPD testified that he took custody of the Defendant from the TCS D. When Sergeant Young first encountered the Defendant at 7:05 a.m., the Defendant was receiving medical treatment for his fingers. Blood was on the door handle of the Defendant’s Xterra, and blood was “all over” his pants. He had blood on his face, but Sergeant Young did not see a facial wound. Sergeant Lucas transported the Defendant to the MPD.

Lieutenant Daniel Hamm of the MPD testified that he responded to the Fast Way on the morning of November 14, 2020. The victim was being treated in an ambulance, and blood was all over the floor of the store. Blood also was outside the store on the windows, the ice chest, and on the curb in front of a silver Dodge. A trail of blood went from inside

the store to the left corner outside the store. Lieutenant Hamm found the victim's eyeglasses outside, which suggested an "active struggle" occurred.

Lieutenant Hamm testified that he learned the Defendant had been apprehended. Sergeant Young transported the Defendant to the police department, and Lieutenant Hamm met with the Defendant. The Defendant appeared to be of "sound mind," and Lieutenant Hamm did not see any signs of intoxication. Lieutenant Hamm read *Miranda* warnings to the Defendant at 8:22 a.m., the Defendant signed a waiver of rights form, and Lieutenant Hamm interviewed him. The interview was video recorded, and the State played the video for the jury. During the interview, the Defendant claimed that the victim got mad at him and that he stabbed her because she pulled a knife on him. He described the area where he threw the knife, and officers later went to that location. However, they were unable to find the weapon.

Lieutenant Hamm testified that after the Defendant's interview, he typed the Defendant's statement. The Defendant reviewed his statement, initialed every page, and signed and dated the last page. According to the statement, which Lieutenant Hamm read to the jury, the Defendant acknowledged stabbing the victim. He said that a couple of days prior to the incident, the victim asked him to bring her some pills. On the morning of November 14, the Defendant went to the Fast Way to take the victim some cigarettes and to buy himself a cup of coffee and a biscuit. When he arrived at the store, he telephoned the victim and told her that he was outside. The victim came outside and, referring to pills, asked him, "[W]here they at?" The Defendant told her that he did not have any pills, so she became angry, hit him, and pulled a knife on him. The Defendant and the victim struggled, and the Defendant took the knife away from her and stabbed her. The victim went back into the store, and the Defendant left in his vehicle and threw the knife out the window. At the conclusion of his statement, the Defendant said, "I was defending myself. I wish I wouldn't have swung with the knife, walk[ed] away and done something different. It was the wrong choice to act the way that I did."

On cross-examination, Lieutenant Hamm testified that at the outset of the Defendant's interview, he talked with the Defendant about the Defendant's hobbies and football. Lieutenant Hamm acknowledged that he was trying to establish a good rapport with the Defendant. The Defendant could hold a conversation and was not slurring his words, so Lieutenant Hamm did not think the Defendant was under the influence of drugs or alcohol. Lieutenant Hamm acknowledged that he did not have the Defendant's blood drawn for testing and that the Defendant could have been in shock. At the conclusion of Lieutenant Hamm's testimony, the State rested its case.

The Defendant testified that he was born in 1970 and that he met the victim in January 2017 when she was working at the Midway Market. At that time, the Defendant

was known for selling drugs, so the victim asked him for pills. They began dating in March 2017, and the victim moved in with him. They lived together “off and on” for three years, and the Defendant fell in love with the victim. They used drugs every day, with the Defendant using cocaine and the victim using pills such as hydrocodone and gabapentin. The Defendant supported their drug habits.

The Defendant testified that in November 2020, his relationship with the victim was “back and forth.” The Defendant was working as a forklift operator for Ingram Micro in Millington and would stop by the Fast Way convenience store every morning on his way to work. On November 13, the Defendant and the victim talked about getting together, and the victim told the Defendant that she wanted him to get her some pills. The next morning, the Defendant stopped by the Fast Way as usual. The victim came outside, and the Defendant told her that he had some cigarettes and money for her. The victim followed him around the corner of the store and asked him for the pills. The Defendant had pills with him. However, he was upset with the victim, so he lied to her and told her that he did not have any pills. The victim became angry, hit the Defendant in his mouth, and pulled out a knife. The Defendant grabbed the knife, and they fought over it. Both of them fell, and the Defendant took the knife away from the victim and began “sticking” her. The Defendant realized what he was doing and stopped stabbing the victim. He left the scene and “let her walk away.” The Defendant telephoned his mother and drove to her house, and the police arrested him in his mother’s yard. The Defendant said that it was his “natural reaction” to defend himself when the victim pulled the knife on him and that he was not trying to kill her.

On cross-examination, the Defendant testified that in November 2020, he was six feet, three inches tall and weighed two hundred thirty-six pounds. He acknowledged that he dated the victim from 2017 to 2020, but she had “broken up” with him by the time of the stabbing. He said, though, that their relationship was still “back and forth.” The Defendant acknowledged lying to the victim about not having any pills, but he denied possessing a knife prior to the stabbing. He said that he was right-handed and that he suffered injuries to his right hand during the incident. He did not suffer any facial injuries such as a black eye.

The Defendant acknowledged that he had prior convictions for delivering a controlled substance and possession of cocaine and that he knew what he was doing when he spoke with Lieutenant Hamm on the morning of November 14. He said the victim never told him that she was afraid of him. He also said he had never been violent toward women. At that point, the trial court allowed the State to elicit from the Defendant that he had a prior conviction for rape. The Defendant denied stabbing the victim twenty-three times and said that he was “just swinging the knife” and that he ended up stabbing her “in different places.” The Defendant stated that he “stuck her in the heat of the moment when

she tried to stick [him].” The State asked, “So, we’ve gone to it’s in defense of yourself to the heat of the moment; is that what you’re saying?” The Defendant responded, “That’s exactly what I’m saying.”¹ The Defendant said that he “blacked out for a second” and that he stopped stabbing the victim when he realized what he was doing. He stated, “I thank God I let her walk away because I would have killed her.”

At the conclusion of the Defendant’s testimony, the jury convicted him of attempted second degree murder, a Class B felony, as a lesser-included offense of attempted first degree premeditated murder. After a sentencing hearing, the trial court sentenced him as a Range III, career offender to thirty years in confinement. The trial court ordered that the Defendant serve the sentence for the offense, which was committed while he was on probation for a previous conviction, consecutively to the prior sentence.

ANALYSIS

The Defendant claims that the evidence is insufficient to support his conviction but incorrectly contends that the evidence is insufficient to support a conviction for attempted first degree premeditated murder, not the offense for which he was actually convicted, attempted second degree murder. The State argues that the Defendant has waived the issue because he is challenging the wrong offense but that, in any event, the evidence is sufficient to support his conviction for attempted second degree murder. We agree with the State.

When the sufficiency of the evidence is challenged on appeal, the relevant question of the reviewing court 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.” *Jackson v. Virginia*, 443 U.S. 307, 319 (1979); *see also* Tenn. R. App. P. 13(e) (“Findings of guilt in criminal actions whether by the trial court or jury shall be set aside if the evidence is insufficient to support the findings by the trier of fact of guilt beyond a reasonable doubt.”); *State v. Evans*, 838 S.W.2d 185, 190-92 (Tenn. 1992); *State v. Anderson*, 835 S.W.2d 600, 604 (Tenn. Crim. App. 1992).

Therefore, on appeal, the State is entitled to the strongest legitimate view of the evidence and all reasonable inferences that may be drawn from it. *See State v. Williams*, 657 S.W.2d 405, 410 (Tenn. 1983). All questions involving the credibility of witnesses, the weight and value to be given the evidence, and all factual issues are resolved by the trier of fact. *See State v. Pruett*, 788 S.W.2d 559, 561 (Tenn. 1990). “A jury conviction removes the presumption of innocence with which a defendant is initially cloaked and replaces it with one of guilt, so that on appeal a convicted defendant has the burden of

¹ The trial court instructed the jury on self-defense.

demonstrating that the evidence is insufficient.” *State v. Tuggle*, 639 S.W.2d 913, 914 (Tenn. 1982).

The guilt of a defendant, including any fact required to be proven, may be predicated upon direct evidence, circumstantial evidence, or a combination of both direct and circumstantial evidence. *See State v. Pendergrass*, 13 S.W.3d 389, 392-93 (Tenn. Crim. App. 1999). The standard of review for the sufficiency of the evidence is the same whether the conviction is based on direct or circumstantial evidence or a combination of the two. *See State v. Dorantes*, 331 S.W.3d 370, 379 (Tenn. 2011).

The Defendant was indicted for attempted first degree premeditated murder, which is “[a] premeditated and intentional killing of another[.]” Tenn. Code Ann. § 39-13-202(a)(1). However, the jury convicted him of second degree murder, which is “[a] knowing killing of another.” Tenn. Code Ann. § 39-13-210(a). Relevant to this case, a person commits criminal attempt when the person “[a]cts with intent to cause a result that is an element of the offense, and believes the conduct will cause the result without further conduct on the person’s part.” Tenn. Code Ann. § 39-12-101(a)(2).

The Defendant contends in his brief that the evidence is insufficient to show that he acted intentionally and with premeditation, which are not elements of the convicted offense. *See* Tenn. R. App. P. 27(a)(7)(A) (providing that that an appellate brief shall contain “the contentions of the appellant with respect to the issues presented, and the reasons therefor, including the reasons why the contentions require appellate relief”); Tenn. Ct. Crim. App. R. 10(b) (providing that “[i]ssues which are not supported by argument, citation to authorities, or appropriate references to the record will be treated as waived in this court”). Moreover, he did not submit a reply brief to address the issue properly. *See* Tenn. R. App. P. 27(c). Nevertheless, in the interest of judicial economy, we will review the sufficiency of the evidence for attempted second degree murder.

In order for the evidence to be sufficient to support the Defendant’s conviction, the State was required to prove beyond a reasonable doubt that he acted knowingly. “A person acts knowingly with respect to a result of the person’s conduct when the person is aware that the conduct is reasonably certain to cause the result.” Tenn. Code Ann. § 39-11-302(b). “To sustain a finding that a defendant acted knowingly, the State is not required to prove that the defendant wished to cause his victim’s death but only that the defendant knew that his or her actions were reasonably certain to cause the victim’s death.” *State v. Brown*, 311 S.W.3d 422, 432 (Tenn. 2010).

Taken in the light most favorable to the State, the evidence shows that the victim ended her romantic relationship with the Defendant, but he still wanted to be with her. On the morning of November 14, 2020, the Defendant went to the victim’s workplace, spoke

with her outside, and told her that he had left cigarettes and money for her on her car. The victim did not want the items, so she followed the Defendant to her car so that she could return the cigarettes and money to him. When the Defendant and the victim got to her car, he pulled out a knife and stabbed her twenty-three times. The victim managed to get back into the store, but she was gravely injured. The victim was flown to Regional One, underwent multiple surgeries, and spent two weeks in the hospital. Photographs of her injuries, which the State introduced into evidence, showed stab wounds all over her body. The Defendant claimed both that he stabbed the victim in self-defense and that he stabbed her “in the heat of the moment,” and the jury chose not to convict him of attempted first degree premeditated murder. However, the Defendant should have known that his stabbing the victim twenty-three times, particularly in her head and back, was reasonably certain to cause her death. Therefore, we have no hesitation in concluding that the evidence is sufficient to support his conviction of attempted second degree murder.

CONCLUSION

Based upon our review, we affirm the judgment of the trial court.

JOHN W. CAMPBELL, SR., JUDGE