

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE
AT JACKSON

Assigned on Briefs September 12, 2023 at Nashville

STATE OF TENNESSEE v. WILL VAUGHN

**Appeal from the Criminal Court for Shelby County
No. C1808094 David L. Pool, Judge**

FILED

10/17/2023

Clerk of the
Appellate Courts

No. W2022-01795-CCA-R3-CD

The defendant, Will Vaughn, appeals his Shelby County Criminal Court jury conviction of first-degree murder, challenging the sufficiency of the convicting evidence. Discerning no error, we affirm.

Tenn. R. App. P. 3; Judgment of the Criminal Court Affirmed

JAMES CURWOOD WITT, JR., J., delivered the opinion of the court, in which KYLE A. HIXSON and MATTHEW J. WILSON, JJ., joined.

Larry James Peters, II (on appeal); and John Dolan and Shaun Schielke (at trial), Memphis, Tennessee, for the appellant, Will Vaughn.

Jonathan Skrmetti, Attorney General and Reporter; Ronald L. Coleman, Senior Assistant Attorney General; Amy P. Weirich, District Attorney General; and Paige Munn and William Cranford, Assistant District Attorneys General, for the appellee, State of Tennessee.

OPINION

The Shelby County Grand Jury charged the defendant, along with Jonquett Haggett, with one count of first-degree murder for the April 16, 2018 death of the victim, Cameron Horne.

At the September 2022 trial, Gabrielle Ward testified that she and the victim had been romantically involved for several years prior to the victim's death and that they had a child together. On the afternoon of April 16, 2018, the couple met at Ms. Ward's home in the Greenbriar Apartments and walked to the grocery store. As they returned to

Ms. Ward's home, they encountered two men who began teasing them. Ms. Ward identified one of these men as Mr. Haggett but testified that she did not know the second man. She stated that she and the victim returned to her home and that the victim left again shortly thereafter to meet Robert McCarroll, "one of his best friends." She testified that the victim called her on her cell phone immediately after leaving her home and that they talked briefly but that the victim soon began screaming and "told me that he was shot."

Ms. Ward testified that after she heard the victim say he had been shot, she walked to the area where the incident had occurred. There, she encountered a woman who described the event to her. Ms. Ward subsequently gave a statement to the police. She told the officers that she did not know that the defendant had been involved in the murder. She identified Mr. Haggett from a photographic array and stated that he was one of the two individuals who had approached her earlier that day while she was walking with the victim.

Ms. Ward explained that three or four days prior to the victim's death, she hosted the defendant, Mr. Haggett, the victim, and several of her cousins at her home. She testified that the defendant was there to cut her cousins' hair. She said that at some point during this encounter, the defendant mentioned some "Fast Cash boys that stayed in the back of her apartments." Ms. Ward identified Fast Cash as a division of a larger local gang. She further testified that the defendant was a member of the Grape Street Crips gang. She stated that upon hearing the defendant's reference to the Fast Cash boys, the victim left her apartment. She said that the defendant and Mr. Haggett followed him shortly thereafter but returned within ten to 15 minutes, armed and accompanied by several other men. She testified that the defendant then inquired as to the victim's location and told her that he intended to kill him.

On cross-examination, Ms. Ward reiterated that of the two men who approached her on the day of the victim's murder, she recognized only Mr. Haggett, and that the defendant was not with him. She testified that she did not see the defendant at the Greenbriar Apartments that day, nor did she witness the victim's murder.

Robert McCarroll testified that he and the victim had been close friends and that they were both members of the Grape Street Crips gang. Mr. McCarroll testified that he and the victim had planned to go together to acquire a replacement tire for Mr. McCarroll's vehicle on the day of the victim's murder. He stated that he received a call from the victim just before he died, during which the victim said, "Where you at? They finna kill me." Mr. McCarroll explained that he did not know who "they" were but said that he was aware of a feud between the defendant and the victim's family. He said that he did not know the specifics of this feud. Mr. McCarroll testified that at some point during his call with the victim, the line "went dead," so he drove to find the victim. He stated that he watched as the victim was transported to the hospital and gave a statement to the police.

Lashaniqua Jones testified that she had been romantically involved with, but

not exclusively dating, the defendant for several months prior to the victim's death. Ms. Jones stated that on April 16, 2018, she drove her white Chrysler Pacifica SUV to collect the defendant from the Greenbriar Apartments. She testified that the defendant accompanied her while she picked up her children from school and dropped them off at her cousin's home. She testified that afterwards, the defendant requested that she take him back to the Greenbriar Apartments. Ms. Jones testified that she assumed the defendant simply wanted to be dropped off there, but when they arrived at the Greenbriar Apartments, two other men entered her vehicle. She identified these individuals as Mr. Haggett and David Vaughn, the defendant's brother. Ms. Jones stated that she drove a short distance down Dellwood Street, away from the Greenbriar Apartments, until the defendant instructed her to stop the vehicle. She said that she did so, and the defendant and Mr. Haggett exited the vehicle and walked away from it. She explained that David Vaughn remained with her inside the vehicle. Ms. Jones testified that she continued driving down Dellwood Street and turned onto Baskin Street as the defendant and Mr. Haggett walked away from her vehicle. She stated that shortly thereafter, she heard multiple gunshots. Ms. Jones said that she then made a u-turn and drove back up Dellwood Street, at which point the defendant and Mr. Haggett reentered her vehicle.

Ms. Jones testified that she called her cousin immediately after she heard the gunshots "just to have her on the phone." She stated that she asked the defendant whether he had just killed somebody and that the defendant did not respond, instead inquiring as to whether she was frightened. She said that the defendant then told her to drop him off at the home of a mutual friend. She described the defendant's demeanor as "in a rush and breathing heavily." Ms. Jones testified that upon arriving at their mutual friend's home, the defendant exited her vehicle and entered a red vehicle driven by one of the defendant's other girlfriends. Ms. Jones stated that she then returned to her cousin's home.

Ms. Jones recalled that she learned of the victim's death the next day but did not contact the police because she was concerned with incriminating herself and because she did not see anything directly. She stated that she was approached by detectives on April 19, 2018, and that she identified the defendant and Mr. Haggett from a photographic array. Ms. Jones testified that she informed the police that the defendant and Mr. Haggett exited her vehicle on the day the victim was murdered but that she did not hear anything afterwards because she had been listening to loud music. Ms. Jones admitted that this statement was partially false and testified that she refrained from providing the entire truth to the police because she was living with the defendant's sister and was concerned for her own safety, as well as that of her family, if the defendant's family learned she had incriminated the defendant.

Ms. Jones stated that she had several telephone calls with the defendant after his arrest. She testified that the defendant called her on April 17, 2018, and asked her to tell the police he had been with her for the entirety of the prior day. She said she again spoke with the defendant on April 19, 2018, to inform him that she and Mr. Haggett had

been interviewed by the police. She stated that she told the defendant that she did not tell the detectives anything about what happened after he exited her vehicle. She testified that she told the defendant that she felt she needed to tell the detectives the truth. She recalled that the defendant then grew upset with her, claiming that he never exited her vehicle. Ms. Jones testified that she contradicted him and that the defendant subsequently told her not to appear at his preliminary hearing if she were subpoenaed.

Ms. Jones testified that though she did not see the defendant with a firearm on the day of the victim's murder, she knew he "always" carried one on his person and had seen him do so on several occasions. When presented with several photographs from the defendant's Facebook profile depicting the defendant holding a firearm, Ms. Jones identified it as the same firearm she had seen the defendant carry previously. She also testified that the photographs depicted the defendant wearing a distinctive "red and gold" jacket which she stated he frequently wore.

On cross-examination, Ms. Jones agreed that the statement she gave to the detectives investigating the case was partially untrue. She reiterated that she provided these falsehoods knowingly because of her concerns for her safety, given her proximity to the defendant's family. She maintained that the sole portion of her statement which was untrue was that she did not hear the gunshots because she was listening to loud music.

Officer David Smith testified that he worked as a crime scene investigator with the Memphis Police Department. He responded to the scene of the victim's murder, which had already been designated as a homicide when he arrived. He testified that he took a sketch of the crime scene and recovered five nine-millimeter bullet casings and seven .45 caliber bullet casings from the crosswalk between Dellwood and Baskin Streets. He explained that these casings were then sent to the Tennessee Bureau of Investigation's crime laboratory for testing.

On cross-examination, when asked why the State's evidence included an eighth .45 caliber casing, Officer Smith reiterated that the casings produced at trial were the same casings he recovered from the crime scene and testified that he did not know the origin of the eighth .45 caliber casing. He also remarked that the sketch he took and photographs from the crime scene did not include any reference to an eighth .45 caliber casing.

On redirect examination, Officer Smith testified that he was unsure as to when the casings appeared at the scene but noted that the .45 caliber casings appeared to be damaged, while the nine-millimeter casings appeared intact. He stated that, in his opinion, the .45 caliber casings looked as though they had been run over by a vehicle at some point before being recovered. He also noted that no firearm was recovered from either the crime scene or the victim.

Detective Marcus Walker of the Memphis Police Department testified that he worked as a member of the Multiagency Gang Unit and investigated the victim's murder. Detective Walker recalled that he traveled to a residence on Ridgecrest Street to interview the defendant, who at that point was a suspect in the victim's murder. He testified that when he arrived, he observed several individuals standing outside the residence near a red vehicle which had been backed into the driveway. Detective Walker stated that upon seeing him approach, one of the individuals retreated towards the rear of the residence before returning to greet him. Detective Walker said that after some discussion, he identified this individual as the defendant and detained him. After obtaining a search warrant, Detective Walker searched the residence, its surroundings, and the red vehicle. The search of the property recovered a firearm stored beneath a side porch. Detective Walker testified that this was the area to which the defendant had retreated when Detective Walker arrived at the residence. The search of the red vehicle recovered a "maroon and tan" jacket on the passenger's side, which Detective Walker described as bearing a distinctive animal print. Detective Walker testified that he had been advised that the suspect had worn this jacket when shooting the victim.

On cross-examination, Detective Walker acknowledged that he never observed the defendant in physical possession of the handgun recovered from the search of the Ridgecrest Street residence. He also stated that he was unsure whether he saw Mr. Haggett at any time during his visit at the residence.

Officer Thomas Ellis testified that he worked as a crime scene investigator at the Memphis Police Department. He identified the firearm recovered from the search of the Ridgecrest Street residence as a nine-millimeter Ruger model P89 handgun. He testified that the firearm bore distinctive indentations on its muzzle and that its bottom portion was notably smaller than its top. He stated that a single nine-millimeter bullet was removed from the firearm along with a magazine containing 15 additional nine-millimeter bullets. He also identified the red jacket recovered from the search and noted its distinctive animal print.

Special Agent Kasia Lynch of the Tennessee Bureau of Investigation testified as an expert in firearms and ballistics examination. She testified that she examined the 13 bullet casings recovered from the scene, five of which were nine-millimeter casings and eight of which were .45 caliber casings. She concluded that each of the nine-millimeter casings bore the same pattern of scratches and impressions, indicating that they had been fired from a single firearm. Her examination of the .45 caliber casings concluded that they, too, had been fired from a single firearm, but she noted that they could not have been fired from the same firearm as the nine-millimeter casings. She also remarked that the .45 caliber casings appeared to have been run over at some point, while the nine-millimeter casings were "pretty much pristine."

Special Agent Lynch also examined the firearm recovered from the

Ridgecrest Street residence. She noted that it had an extended magazine that contained 15 nine-millimeter bullets, with an additional nine-millimeter bullet loaded into the firearm's chamber. She stated that as part of her examination, she fired the firearm and analyzed the resultant casings. From this analysis, she concluded that the casings recovered from the crime scene had been fired by the firearm recovered from the Ridgecrest Street residence. She identified the firearm as physically similar to the firearm shown in several photographs of the defendant from the defendant's Facebook profile.

Detective Ruben Ramirez testified that he worked for the Shelby County Sheriff's Office's Inmate Phone Monitoring Department. He testified that inmates are assigned a unique Records Identification Number linked to their fingerprint when they are processed in Shelby County jails. An inmate seeking to make a call must use this Records Identification Number to do so, and the jail's phone system logs all outgoing calls associated with that number. Detective Ramirez conceded that it was common for inmates to switch numbers with one another, so his office compiled lists of inmates' frequent contacts to determine the identity of the individual making the call, even if the number had been switched. He testified that he used this system to compile a list of telephone calls made by the defendant after his arrest.

The State introduced recordings of several telephone calls made by the defendant on April 18, 2018, through Detective Ramirez's testimony. In two of these recordings, the defendant identified himself and asked whether the police had found "the gun." In another recording of a call between the defendant and Ms. Jones, the defendant again identified himself and asked Ms. Jones what she had told the detectives. Ms. Jones responded that she was uncomfortable discussing that "on the recorded line," but she stated that she knew that Mr. Haggett had given a statement to the detectives. She expressed her concern that she would be implicated in the victim's murder and said she felt she needed to tell the detectives what she knew.

Jonquett Haggett testified that he was a member of the Grape Street Crips and that the defendant was among his superiors in the gang. He stated that several days prior to the victim's murder, he joined the defendant at Ms. Ward's home at the Greenbriar Apartments while the defendant cut Ms. Ward's cousins' hair. He noted that the victim was also present at this time. He testified that at some point, the victim began a cell phone conversation, portions of which Mr. Haggett and the defendant overheard. He testified that this conversation revealed to the defendant that the victim was affiliated with a rival family.

Mr. Haggett testified that on the day of the victim's murder, he and David Vaughn walked to a nearby grocery store and encountered Ms. Ward and the victim. He stated that he knew Ms. Ward from previous encounters. He explained that he called out to Ms. Ward, who informed him that she was going somewhere else with the victim.

Mr. Haggett recalled that he and Mr. Vaughn subsequently returned to the

Greenbriar Apartments, where they learned that the defendant was on his way to collect them. He stated that he and Mr. Vaughn joined the defendant and Ms. Jones in Ms. Jones's vehicle shortly thereafter. He said that the defendant soon saw the victim walking down the street and asked Mr. Haggett whether that was "the fam's cousin," which Mr. Haggett confirmed. He testified that the defendant then instructed Ms. Jones to stop the vehicle and told Mr. Haggett to follow him out of the vehicle. He stated that he did so, and they began to walk towards the victim, who, upon seeing them, crossed the street and ran from them. Mr. Haggett said that he and the defendant chased after the victim until they arrived at the intersection of Baskin and Dellwood Streets, whereupon the defendant told Mr. Haggett to stop, took out his firearm, and fired at the victim "six or seven times." Mr. Haggett identified the defendant's firearm as a Ruger P89 model. He stated that he and the defendant returned to Ms. Jones's vehicle and that the defendant advised Mr. Haggett, Ms. Jones, and Mr. Vaughn, "[I]f we say anything, we know what's [going to] happen." Mr. Haggett testified that Ms. Jones then drove them to a mutual friend's home and that he and the defendant exited her vehicle and entered a red vehicle driven by one of the defendant's other girlfriends.

Mr. Haggett stated that on April 17, 2018, he was sleeping in the backseat of the same red vehicle parked at the Ridgecrest Street residence when he was arrested. He explained that though he initially told detectives that he knew nothing about the victim's murder and that he had not been with the defendant on the previous day, once detectives indicated they knew he was lying, he decided to tell them the truth. Mr. Haggett testified that after giving his statement to the detectives, he identified the defendant in a photographic array and informed the police that the defendant had killed the victim. He also identified the firearm recovered from the Ridgecrest Street residence as the same firearm the defendant used to kill the victim.

On cross-examination, Mr. Haggett explained that his affiliation with the Grape Street Crips gang began in 2016, but that he had only known the defendant for two months prior to the victim's murder. He testified that though he did not know who the victim was, he followed the defendant's command to accompany him because the defendant outranked him in their gang and it was among "the rules" to follow the instructions of his superiors. He testified that he never shot at the victim and that the defendant was the only person to do so. He conceded that he only knew what type of firearm the defendant used because he had read through his "discovery packet." He further reiterated that he had initially lied to the police but maintained that he only did so out of concern for his safety. He admitted that he was motivated to testify against the defendant because he hoped his testimony would help him in his own prosecution.

On redirect examination, Mr. Haggett testified that members of his street gang who failed to follow the gang's rules were killed. He explained that another of the gang's rules was to refrain from talking with the police and that by testifying against the defendant he risked both his own life and those of his family members.

Doctor Katrina Van Pelt testified that she was employed by the University of Tennessee Health Science Center's West Tennessee Regional Forensic Center and that she performed an autopsy of the victim's body. She explained that the autopsy revealed that the victim suffered three gunshot wounds and a graze wound immediately prior to his death. She identified these gunshot wounds as the victim's cause of death and determined that the victim's manner of death was homicide. She testified that the victim had been shot twice in his back, once in his left wrist, and grazed on the back of his right foot, all of which indicated that he had been shot while running away from his attacker. She recovered no bullets from the victim's body. She stated that the sizes of each of the victim's wounds were consistent with an injury from a nine-millimeter bullet.

On cross-examination, Doctor Van Pelt testified that her examination concluded that the victim had not likely been shot at close-range. She conceded that though she had inferred that the victim's wounds had been caused by nine-millimeter bullets, she could not determine with a reasonable degree of medical certainty exactly what type of bullet had caused the wounds. She agreed that the wounds could have also been consistent with those from .45 caliber bullets.

On redirect examination, Doctor Van Pelt explained that though it was possible that the victim's wounds had been caused by .45 caliber bullets, those typically cause slightly larger wounds than she observed on the victim, and that this distinction informed her inference that the victim's wounds had been caused by nine-millimeter bullets.

The State rested. The defendant moved for a judgment of acquittal, which the trial court denied. After a *Momon* colloquy, the defendant chose not to testify and did not present additional proof.

Upon this evidence, the jury convicted the defendant as charged. At the sentencing hearing, the trial court imposed a life sentence to be served concurrently with the defendant's prior convictions. The defendant filed a timely but unsuccessful motion for a new trial, followed by a timely notice of appeal. In this appeal, the defendant challenges the sufficiency of the convicting evidence, arguing that the State's proof failed to establish beyond a reasonable doubt that the defendant committed first-degree murder.

Sufficient evidence exists to support a conviction if, after considering the evidence—both direct and circumstantial—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. Tenn. R. App. P. 13(e); *Jackson v. Virginia*, 443 U.S. 307, 319 (1979); *State v. Dorantes*, 331 S.W.3d 370, 379 (Tenn. 2011). This court will neither re-weigh the evidence nor substitute its inferences for those drawn by the trier of fact. *Dorantes*, 331 S.W.3d at 379. The verdict of the jury resolves any questions concerning the credibility of

the witnesses, the weight and value of the evidence, and the factual issues raised by the evidence. *State v. Cabbage*, 571 S.W.2d 832, 835 (Tenn. 1978). Significantly, this court must afford the State the strongest legitimate view of the evidence contained in the record as well as all reasonable and legitimate inferences which may be drawn from the evidence. *Id.*

As relevant here, “First degree murder is . . . a premeditated and intentional killing of another.” T.C.A. § 39-13-202(a)(1). Additionally, “[t]he identity of the perpetrator is an essential element of any crime.” *State v. Rice*, 194 S.W.3d 646, 662 (Tenn. 2006) (citing *State v. Thompson*, 519 S.W.2d 789, 793 (Tenn. 1975)). Whether the State has established the defendant as the perpetrator of the charged offenses beyond a reasonable doubt is “a question of fact for the jury upon its consideration of all competent proof.” *State v. Bell*, 512 S.W.3d 167, 198 (Tenn. 2015) (citing *State v. Thomas*, 158 S.W.3d 361 app. at 388 (Tenn. 2005)); accord *State v. Crawford*, 635 S.W.2d 704, 705 (Tenn. Crim App. 1982) (citing *Stubbs v. State*, 393 S.W.2d 150, 153 (Tenn. 1965)).

The defendant contends that the convicting evidence was insufficient because the State failed to establish the defendant’s identity as the perpetrator. Specifically, the defendant notes that two different types of caliber casings were found at the scene, while only one firearm was recovered when the defendant was arrested. The defendant argues that because Doctor Van Pelt was unable to determine to a reasonable degree of medical certainty that the victim’s gunshot wounds were caused by nine-millimeter bullets, the evidence indicates that there were two shooters, rendering Mr. Haggett’s testimony that the defendant was the only shooter unreliable. The defendant also asserts that Mr. Haggett’s testimony is unreliable because he admitted to testifying against the defendant in hope of gaining a better deal in his own case.

Viewed in the light most favorable to the State, the evidence was sufficient to establish that the defendant intentionally and with premeditation killed the victim. Though both nine-millimeter and .45 caliber casings were recovered, Officer Smith and Special Agent Lynch testified that the .45 caliber casings had been damaged and appeared as though they had been run over, while the nine-millimeter casings were “pretty much pristine.” Both Special Agent Lynch and Mr. Haggett testified that the firearm recovered from the Ridgecrest Street residence was the same firearm used to kill the victim, and Ms. Jones testified that she had seen it in the defendant’s possession on several occasions. Mr. Haggett also testified as to both his and the defendant’s actions on the day of the victim’s murder, identifying the defendant as the only person to shoot the victim. The jury heard and considered all of this evidence, including the challenges to Mr. Haggett’s credibility, and accredited the State’s evidence by convicting the defendant. The jury thereby resolved any question of Mr. Haggett’s reliability, and we will not disturb this conclusion. *See Cabbage*, 571 S.W.2d at 835.

Accordingly, the judgment of the trial court is affirmed.

JAMES CURWOOD WITT, JR., JUDGE