

Court ruling could affect teen murder case 07/20/01

By MICHELLE E. SHAW
The Leaf-Chronicle

CLARKSVILLE, Tenn. — A recent ruling from the state Court of Criminal Appeals in West Tennessee could affect the Clarksville second-degree murder case against James Page, officials said.

A jury found Page guilty Jan. 26 of hitting Christopher Boyce Jones, 18, in the head with a baseball bat near Crossland Avenue and Golf Club Lane. Jones died hours later.

Page, 15 at the time of the Nov. 13, 1999, slaying, was sentenced in March to 15 years in prison.

Four days after the conviction in Circuit Court, a ruling concerning jury instructions in second-degree murder cases was meted by the Court of Criminal Appeals in Jackson. In the Jackson case, involving defendant Keith Dupree, the higher court ruled an error occurred in the jury instructions with regard to the definition of "knowing."

As Page was, a jury found Dupree guilty of second-degree murder, which is defined in Tennessee state law as the "knowing killing of another."

In both trials, jurors were told by the presiding judge that a person acts "knowingly" if the defendant were aware his actions would kill an individual.

Dupree's appeal contended that the court didn't offer the definition that the defendant would have to know his action "is reasonably certain to cause the result" or the defendant had to know death was a possibility, not necessarily a certainty.

The appellate court found the omission was an error that required a reversal of the verdict, and Dupree was granted a new trial. Page's attorneys say he also should get a second chance.

On July 6, Montgomery Circuit Court Judge John Gasaway denied Page's new trial motion that argued the same point.

Attorneys David Raybin and Michael Love filed a notice of appeal with the Court of Criminal Appeals in Nashville on July 12, the next step in the process.