

Murder Conviction Overturned, Miranda Ruling Cited

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NASHVILLE, Tenn. - The Tennessee Supreme Court overturned the murder conviction of Kenneth C. Dailey, III because two veteran homicide detectives failed to properly inform him of his Constitutional rights in 2004.



Kenneth Dailey III

It stems from a 2004 case in which Kenneth Dailey pleaded guilty to strangling a woman and even told police he did it.

It's been seen on television plenty of times - an officer telling a criminal suspect that he or she has the right to remain silent.

It's the timing of that statement that has allowed an accused killer to go free.

In 2004, someone found Nancy Mary Lyons' decomposing body in an abandoned vehicle at Tommy's Wrecker Service in Nashville.

After interviewing all the employees, homicide detective Mike Roland testified he had a hunch that Kenneth Dailey was the killer. He asked Dailey to come to the police department to get another set of fingerprints although he admitted in testimony the real reason was for an interview.

Eventually Dailey confessed with Roland and veteran cold-case detective Pat Postiglione in the interrogation room.

Detectives then read him his Miranda rights. He repeated his confession before he was arrested and later convicted and sent to prison.

"An interrogation is not a two-step process from the perspective of the citizen. It's a one step process," said constitutional attorney David Raybin.



David Raybin

He agrees with the ruling filed late Friday.

He said Dailey should have been read his rights immediately. He was in custody at the police station with an armed detective talking about a murder.

"That's the danger of these kinds of cases. How do you assess when Miranda rights are required? Do you assess it from the perspective of the police officer or from the citizen?" Raybin said.

Raybin said the court ruled correctly in siding with the citizen, in this case, Dailey.

"I think it's a constitutional victory for both police and the defendant and the citizens because, up until this point, there was some ambiguity as to when Miranda rights were required," he said.

Raybin points to the justices' final conclusion, a recognition he said of an officer's duty to solve crime balanced with the rights of the public.

"Unsolved crimes injure every member of our society. But so do unconstitutional actions by agents of our government," according to the decision.

Raybin said in this case, the officers did nothing wrong. He instead blames the other legal decisions, saying the officers did not have enough clarity from the courts. This decision, he feels, does clear up some of that ambiguity.

Detective Sgt. Pat Postiglione said he respects the court's ruling but strongly disagrees with it. The ruling is final. It cannot be appealed because it was decided on state constitutional grounds.