

# Vote Will Close Search Warrant Loophole

## Legislators Say Law-Abiding Tennesseans Benefit From Bill

*Reported By Dennis Ferrier* May 4, 2011 **NASHVILLE, Tenn. --**

Wednesday is a big day for victims and a bad day for criminals and the attorneys who represent them. That's how lawmakers are describing a vote that closes a loophole in search warrants in Tennessee. Currently in Tennessee, a simple typo in a search warrant can mean all the evidence from the crime can be thrown out. It's a story Channel 4 News first reported in March that's already one step from the governor's desk.

The typo could be the wrong color of house -- recording that it's light blue when it's actually white -- or using a.m. instead of p.m. when saying when police arrived at the scene. It could render the search warrant and all evidence seized invalid. The Criminal Court of Appeals nullified the warrant, arrest and conviction of Joshua Hayes -- who police said had guns, cash and drugs everywhere in his apartment -- when the warrant said p.m. instead of a.m. But lawmakers are tearing up the old law.

Rep. Eric Watson of Cleveland, Tenn., and Rep. Eddie Bass of Giles County did what no one has been able to do before: got past the defense attorney lobby and passed a bill to close the search warrant loophole in the Tennessee House of Representatives.

Defense attorneys said the law may occasionally let a criminal go free, but it's worth the price of making sure police do everything right before they enter homes. Attorney David Raybin pointed out that a man was killed in Wilson County because police had the wrong address on the warrant. He said "our privacy rights are in danger by passing this bill."



But legislators said this bill benefits law-abiding Tennesseans and is a victory of the people over powerful lobbyists. This bill is expected to be overwhelmingly passed by the Senate and then signed by the governor. *Copyright 2011 by WSM.com*