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WE'RE ON THE WEB!

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Laws change and, each time they do, it's possible that you lose a little more of your freedom. Bikers in particular bear the brunt of suspicion from law enforcement. I have written quite a bit over the past few years about the continued harassment of bikers by police and the law's lack of respect for our rights to ride our bikes in peace, congregate with other bikers without being profiled and detained, and the continued abuse by law enforcement of biker's rights preventing unreasonable search and seizure. I will continue to speak out for my fellow bikers and to fight for our, and every fellow citizen's, Constitutional rights. **Find us online and follow us on Facebook and Twitter for updates on new laws and how they could impact you and your rights as an American citizen.** If I can be of assistance to you with your legal challenges, give me a call.

~Frank Lannom

This newsletter is published by Lannom & Williams, PLLC as an informational service to our past and present clients, friends, and family. It is for informational purposes only and no legal advice is intended. Each case is different and should be reviewed on its own individual facts and circumstances.

**MELANIE BEAN—SUPER LAWYERS 2013 AWARD**

Those of us who have had the pleasure of working with Melanie Bean have long known of her stellar legal abilities. From Family and Divorce Law to Criminal Law, she continually sets (and then exceeds) the standard of excellence in her field. Melanie's clients receive the benefit of her knowledge and skill on a daily basis as evidenced by the continued growth and success of her practice.

I am proud to announce Melanie's most recent achievement, being granted the "Rising Star 2013" award in Family Law from Super Lawyers of America. This award is particularly prestigious since it was awarded to Melanie by a panel of her peer attorneys. This type of industry recognition is coveted in the legal profession and it is with great pleasure that we announce her receiving it.

When she's not in the courtroom, Melanie serves as an adjunct professor at Cumberland University teaching constitutional and criminal law. She also serves as the Chair of the Legislative Committee for TACDL (Tennessee Association of Criminal Defense Lawyers) developing and implementing strategy for their legislative advocacy. Melanie also serves as a Board Member for TACDL.

Melanie is an integral part of the Lannom & Williams team and we congratulate her award and celebrate the well-deserved recognition she has received. Melanie has always been a "super lawyer" in our community and now her talents and skill have been officially recognized!

~ Frank Lannom



**Happiness lies in the joy of achievement and the thrill of creative effort.**  
 ~ Franklin D. Roosevelt



**ATTORNEYS:**

- G. Frank Lannom
- B. Keith Williams
- Melanie R. Bean
- James R. Stocks
- Alex Bird

**DEFENDING FREEDOM**

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**SUPREME COURT UPHOLDS CONSTITUTION**

Currently, under Tennessee law, a law enforcement officer is authorized to take a blood sample from a citizen, through force or otherwise, and **without the requirement that the officer obtain a search warrant**, if he or she has probable cause to believe the driver of a motor vehicle has committed any of the following crimes: DUI, vehicular homicide, aggravated vehicular homicide, and who has a prior conviction

for any of the above offenses. Tennessee statutes permit the government to forcefully intrude into the body of the citizen and have the citizen's blood analyzed for whatever purpose the government so decides, while bypassing the requirement that a search warrant be obtained. When the crime of DUI is suspected, Tennessee law also permits the intrusion into the body of its citizens without a warrant if a passenger in the motor vehicle is a child under the age of 16 or if the driver is involved in an accident resulting in even the slightest injury to another person.

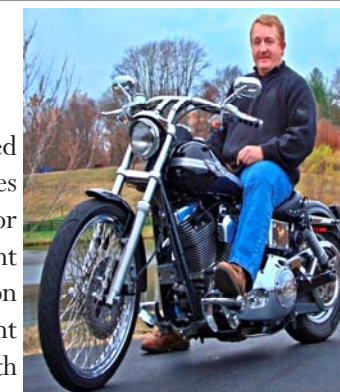
Every year the legislature grants more authority to officers on the street, bypassing the constitutional protections of a search warrant.

The Supreme Court of the United States has finally stepped in to at least stem the erosion of our personal freedoms with the decision in *Missouri v. McNeely*. The Constitution of the United States has long held that the Fourth

Amendment to the United States Constitution requires that a search of a home or person without a warrant **must** fall into an exception to the warrant requirement mandated by the Fourth Amendment before being allowed.

With this ruling, the Supreme Court held that the dissipation of alcohol alone cannot avoid the warrant requirement mandated by the Fourth Amendment to the United States Constitution. In *Missouri v. McNeely* the Court declined to adopt the government's proposition that, in drunk driving investigations, the natural

dissipation of alcohol in the bloodstream constitutes an exigency in every case sufficient to justify a blood test without a warrant or without the consent of the citizen. The Court considered the government's request to adopt a *per se* rule that exigent circumstances necessarily exist when an officer has probable cause to believe a person has been driv-



ing under the influence of alcohol because BAC (blood alcohol content) evidence is inherently evanescent.

Even though the Court recognized that blood alcohol levels do dissipate over time, this fact alone was not sufficiently urgent that the constitutional requirement demanding a search warrant unless exigent circumstances exist should be ignored. The Court strongly and correctly

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**PRACTICE AREAS**

- ASSAULT/HOMICIDE
- DOMESTIC ASSAULT
- DRUG CHARGES
- DUI/DWI
- GUN/WEAPONS CHARGES
- PERSONAL INJURY
- RAPE/SEX CHARGES
- SEIZURE OF PROPERTY
- VEHICULAR HOMICIDE

## SUPREME COURT DECISION — CONTINUED

### Continued Page 1—

noted that this type of “search” involved a compelled physical intrusion beneath a citizen’s skin and into his veins to obtain a sample of his blood for use as evidence in a criminal investigation. The invasion of bodily integrity clearly implicates a citizen’s “most personal and deep-rooted expectations of privacy”. As search warrants are ordinarily required for a search of homes absent an emergency, no less should be required before intrusions into the human body are allowed.

Since alcohol dissipates even more quickly than oth-

er types of drugs that can impair a driver, it logically follows that in cases where only drugs are suspected, the need to permit the warrantless search would be even less of an exigent circumstance and therefore a warrant would be required before allowing the government to intrude upon the human body on the suspicion of DUI based upon drugs, including prescription medications.

While attempting to present the best criminal defense to citizens accused of DUI, I am pleased to see the enforcement of the long held and trusted requirements of the Constitution to limit the

power of the government to intrude upon the integrity of the body of its citizens. If you are charged with DUI in middle Tennessee or have questions about the charge of DUI or vehicular homicide, please give me a call to discuss your rights: **rights finally strengthened by the Constitutional holding today in *Missouri v. McNeely* by the United States Supreme Court.**

In Defense of The Citizen Accused ,

-Frank Lannom

Mo. V. McNeely, 2013 U.S. LEXIS 3160 (U.S. 2013)

**“And that the said Constitution be never construed to authorize Congress to .... subject the people to unreasonable searches and seizures of their persons, papers or possessions.”**

—Samuel Adams  
1788 Massachusetts Convention



## FRANK LANNOM DISCUSSES DOMESTIC ASSAULT LAW

You probably saw in the news where Andrew Jones, formerly of the Atlanta Braves, was arrested and charged with assault, but he’s just one of several famous personalities who have been charged with assault in the past few months. Slightly behind DUIs in the number of calls we get are calls related to arrests for domestic assault. Like DUI offenses, domestic assault charges receive additional political and public attention. While the seriousness of these crimes is certainly important, potential punishments related to the charges also come with the implementation of “special rules” that affect the citizen accused before they are proven guilty. These spe-

cial rules create real problems for the accused, and result in unfairness and constitutional violations.

While the Tennessee Constitution specifically states every person accused of a crime should be granted reasonable bail, except for a capital offense (1st Degree Murder), persons accused of domestic assault are held without bail for 12 hours on almost every occasion. That is 12 hours of jail time before the person even sees the inside of a courtroom, a judge, let alone receives a trial by jury on the accusation. In addition, when the person is released from jail, the release is also conditioned on not physically being near or contacting the

alleged victim in any manner. This can prevent the accused from going to their home or even seeing their own children.

Unfortunately, people have learned to abuse these laws and use them to gain the upper hand in divorce and custody suits. The accused can immediately be placed in a defensive situation, not only in a divorce proceeding, over the most minuscule of allegations.

Always be leery of a law that deals with a specific crime in ways different than other laws and provides significant sanctions BEFORE there is a trial or hearing. When the sanctions come only from the story of one

side, injustices will occur.

I have been representing people accused of domestic assault for 20 years. In addition to assisting with the criminal charges that result from these allegations, our firm can assist with Orders of Protection and Divorce Proceedings that generally coincide with the criminal charges. I invite you to research our firm online and trust you will like what you find.

In Defense of the Citizen Accused,

- Frank Lannom

**No law is mightier than understanding. - Plato**

## GUN—WEAPONS VIOLATIONS IN TENNESSEE

Firearm (or gun) offenses and weapons violations are a significant part of my criminal practice. Tennessee law makes the possession and employment of firearms very serious offenses. The most sweeping changes occurred recently regarding possession and employment of firearms during the commission of a dangerous felony. Tennessee prosecutors are now using this statute to require minimum mandatory sentences from 3 to 5 years for people in possession of more than a half an ounce of marijuana, and who also have a shotgun or rifle in their possession or home. If a person has combined drug and weapons charges, their prison sentences can be made to run consecutively to each other instead of concurrently. That means that they can’t even start serving their time for the

weapons charges until their time is served for the drug charges.

I also see a lot of cases where someone is charged with possession of a firearm while intoxicated. This is a common charge related to DUI arrests of citizens who have never been charged with a crime in their lives and possess a permit to carry a weapon. Being charged with the intent of going armed while intoxicated can carry very harsh sentences.

I support the American citizen’s right to keep and bear arms. I have extensive experience in defending cases for people accused of gun or weapons violations. We at Lannom & Williams will provide the best criminal defense and the best attorneys qualified to defend you if the government charges you with one of

the many firearm offense statutes that exist in the State of Tennessee. If you have been charged with a firearm offense anywhere in Middle Tennessee, call our office at 615-444-2900 for a free consultation. You can also reach us by filling out our quick and easy online form located on the homepage of our website - [www.lannomwilliams.com](http://www.lannomwilliams.com)

We can provide you with the experienced representation you will require to protect your rights and preserve your freedom in the face of serious charges surrounding Firearm Offenses and Weapons Violations.

In Defense of the Citizen Accused,

- Frank Lannom



## LANNOM & WILLIAMS NEWS & UPDATES

The Tennessee Legislature has passed, and Governor Haslam has signed, a bill that gutted the workers compensation rights of Tennessee workers. Injured employees will no longer have the right to have their case heard in a court of law. Instead, claims will be overseen by a new state agency under the Tennessee Department of Labor. This law is expected to take effect July 1, 2014.

In another power grab by the Tennessee State Legislature, they have enacted laws that take the right to decide whether to install an ignition interlock device on the vehicle of someone convicted of DUI away from the local Judge and mandated it by law. Judges have long been trusted to decide these local

decisions in their own courtrooms, but the legislature has taken that right away from them and the citizen convicted of DUI. We have more in ignition interlock device laws on our website.

Frank Lannom was the first criminal defense attorney in Wilson County, and possibly the mid-state, to employ a full time investigator on staff. This indispensable asset was added to the firm in 1999 and continues still today.

In *United States vs. Jones*, the Supreme Court unanimously held that government agents could not attach a GPS device to a citizen’s vehicle and monitor its movements without a warrant. While a clear victory for freedom and our citizens,

the method utilized in the decision will soon lead to more attempts by the

government to monitor every movement of any citizen by means that don’t require the actual attachment of the device to the vehicle, such as tracking cell phone locations or other means of technology.

If you’re disabled and/or unable to work, we can help you with your disability claim. Did you know that 2 out of every 3 disability claims are initially denied but that about 70% of those claims that are appealed are approved? You need a qualified and experienced lawyer on your side to make sure you successfully navigate the tons of red tape

that surround a disability claim and we can help. Give us a call at 615-444-2900 for a free consultation, or visit us online and fill out our quick and easy disability case evaluation form on our website at [www.lannomwilliams.com](http://www.lannomwilliams.com).

**“Four wheels move the body, but two wheels move the soul”.**

- Author Unknown