

THE VOTER

SEPTEMBER 2013

LEAGUE OF WOMEN VOTERS OF MURFREESBORO/RUTHERFORD COUNTY

LOCAL LWV NEWS

LWV Murfreesboro/Rutherford County Upcoming Membership Meeting

Our next meeting is Tuesday, September 9th, at Heritage Center. Social hour will begin at 6pm and we will begin the meeting at 6:30pm. Gordon Bonnyman, Executive Director of Tennessee Justice Center, will speak with us about the effects of the Affordable Care Act (Obamacare) on Tennessee.

Gordon was named Tennessean of the Year by *The Tennessean* in 2003. *The Tennessean* praised Gordon's work on behalf of low-income Tennesseans: "By making the plight of the least in society more visible, Bonnyman has raised the bar for all Tennesseans. The state now is forced at least to look at how its fiscal and social actions affect the poorest among us before it makes a move."

Voter Registration Volunteers Needed

Dr. Mary Evins is asking us to help her team out in providing Voter Registration forms to MTSU students. Last year, with our help, she was able to get the forms out to well over 700 students. Since it is a new school year, we hope to match that number or do better. She has it scheduled to have tables and volunteers outside of Peck Hall, along the sidewalk between Peck and Todd, on Tuesday, September 17th, and September 24th, between 9am and 3pm. There will be a sign up form at the membership meeting on September 9th. Please sign up or email me to let me know if you can help out during any of those times. My email is lwvrutherford@gmail.com.

Tennessee Supreme Court at MTSU, October 1st

Supreme Court Advancing Legal Education for Students (SCALES) program is happy to announce that MTSU will host the Tennessee Supreme Court on Tuesday, October 1st, as part of their 2013 Constitution focus this fall. The Tennessee Supreme Court will hold court and hear three court cases on campus.

Each hearing will have a debriefing session with the case's presenting attorneys. The debriefing will be a classroom-like setting in which students and faculty will have a forum to pose questions to the presenting attorneys and grapple with the issues and ideas related to the case. See below for the schedule and information regarding the cases:

Schedule

- *State of Tennessee v. Glover Smith* will be heard at 9-10:00 a.m., with the debriefing from 10-11:00
- *Garcia v. State of Tennessee* is 10:15-11:15, debriefing 11:15-12:15
- *In Re Baby* is 1:30-2:30, debriefing 2:30-3:30

The court hearings and debriefings will take place in the Student Union.

Case Summaries:

[Tennessee v. Smith.](#)

This is a case that originated in Rutherford County. The defendant reported his wife missing on December 6, 2007. After an investigation he was charged with fabricating evidence and filing a false report. He was convicted. His appeal raises issues on the sufficiency of evidence and double jeopardy.

Issues:

- 1) Whether a defendant's conviction for fabricating or tampering with evidence is valid when the acts supporting that conviction occurred prior to any law enforcement agency having been notified that a crime may have been committed.
- 2) Whether multiple convictions of giving a false report violate the prohibition against double jeopardy embodied in the Fifth Amendment and made applicable to states through the Fourteenth, when statements made by the defendant were made to different officers of one law enforcement agency.

[Garcia v. Tennessee.](#)

This case involves the immigration consequences of a guilty plea. The defendant was an alien unlawfully in the U.S. He pled guilty to abuse of a child over the age of six and neglect of a child age six or less. He was promptly expelled from the U.S. He attempted to reenter the country illegally, was caught and

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RUTHERFORD
COUNTY**

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incarcerated in Texas. He is petitioning the Court for post-conviction relief. He claims that he was denied effective assistance of counsel because his counsel did not adequately inform him of the immigration consequences of his plea. He also argues that the Trial Judge erred by failing to determine whether the defendant has been advised of the immigration consequences of the plea.

Issues:

- 1) Whether a defendant's right to Assistance of Counsel, under the Sixth Amendment of the U.S. Constitution and Art. I, Sect. 9 of the Tenn. Constitution, has been violated when his attorney has not fully advised him of the immigration consequences of his guilty plea.
- 2) Whether a defendant's guilty plea violates the Due Process Clause when the trial judge accepting that plea fails to determine that the defendant has been advised by counsel of the immigration consequences of the plea.

In Re Baby.

This case involves the validity of a surrogacy agreement. A Tennessee woman agreed to be a surrogate for a couple from Italy. Six days after the child was born the surrogate asked a court to restrain the Intended Parents from taking the child outside the country. The court refused, the child was taken to Italy. The surrogate is appealing.

Issues:

The case addresses the validity of a surrogacy contract. It involves a "traditional" surrogate, meaning that the birth mother is genetically related to the child. There is no statute in Tennessee prohibiting surrogacy contracts.

UPCOMING LOCAL LEAGUE EVENTS

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| September 10 | Membership Meeting at Heritage Center, Health Care Reform
Speaker: Gordon Bonnyman |
| October 8 | Membership Meeting at Heritage Center, Civics Talk
Speaker: Judge Steve Daniel |
| November 12 | Membership Meeting at Heritage Center, Agriculture
Speaker: Dr. William Gill, Professor of Agribusiness & Agriscience at MTSU |

2013 LWVTN FALL CONFERENCE

Thinking and Moving on Our Feet for Education

2013 LWVTN Fall Conference
Saturday, October 12, 2013
10AM-5PM CDT

Club-Hotel Nashville
2435 Atrium Way (off Briley Pkwy)
Nashville, TN 37214
615-883-0500

Registration Fee: \$30 includes a box lunch.

You may use PayPal with Credit Card online via the LWVTN web site or fill out the enclosed registration form.