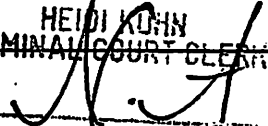


**IN THE CRIMINAL COURTS OF SHELBY COUNTY, TENNESSEE
FOR THE THIRTIETH JUDICIAL DISTRICT AT MEMPHIS
DIVISION 7**

FILED
JAN 23 AM 9:44

HEIDI KOHN
CRIMINAL COURT CLERK
BY 

**STATE OF TENNESSEE,
PLAINTIFF.**

V.

NO. C1709302/17-05881

**SHERRA WRIGHT,
DEFENDANT.**

MOTION FOR NOTICE BY THE STATE OF INTENT TO USE EVIDENCE

Defendant Sherra Wright, by and through her lawyers Juni S. Ganguli and Laurie W. Hall, pursuant to Rule 12(d)(2) of the Tennessee Rules of Criminal Procedure, hereby moves this Court to order the State to give Defendant notice of its intention to use in its case in chief at trial any evidence that Defendant may be entitled to discover under Rule 16. Specifically, this motion targets numerous telephone calls and text messages that were obtained by the prosecution from Ms. Wright's wireless devices. This is in order to afford Defendant an opportunity to move timely to suppress such evidence.

In support thereof, Ms. Wright shows the following:

FACTS

1. Victim Lorenzen Wright was killed in July 2010 in Shelby County, Tennessee.

2. Sherra Wright – Mr. Wright’s former wife – was indicted in December 2017 for his murder. Billy Turner is her co-defendant.
3. The State of Tennessee (hereafter “State”) sought and received an Order for the interception of telephones belonging to Ms. Wright and Mr. Turner on August 17, 2010.
4. That interception terminated on August 27, 2010. It did not yield any criminal charges.
5. The State again sought an Order for the interception of Ms. Wright’s cellular telephones on November 7, 2017.
6. That Order granted interception for 30 days.
7. On December 5, 2017, investigators were granted an extension for the monitoring of wire communications on Ms. Wright’s cellular device for an additional 30 days.
8. Ms. Wright was indicted by the Shelby County Grand Jury on December 12, 2017. She was arrested in Riverside, California on December 15, 2017.
9. Ms. Wright made numerous telephone calls during the interceptions.
10. The calls are voluminous and are part of discovery materials that the State provided to counsel.

AUTHORITIES IN SUPPORT OF MOTION

1. Rule 12(d)(2) of the Tennessee Rules of Criminal Procedure “contemplates that

the State will provide the defendant with specific information concerning the evidence the State intends to introduce.” *State v. Marsh*, No. E2013-01343-CCA-R3CD, 2014 WL 4366087, at *15 (Tenn. Crim. App. Sept. 4, 2014), perm. to appeal denied (Tenn. Feb. 19, 2015) (citing *State v. Miller*, No. E2005-01583-CCA-R3-CD, 2006 WL 2633211, at *15 (Tenn. Crim. App. Sept. 14, 2006), perm. app. denied, (Tenn. Jan. 29, 2007); see also *State v. Banks*, No. M2008-00044-CCA-R3-CD, 2009 WL 2447672, at *11 (Tenn. Crim. App. Aug. 11, 2009), perm. to appeal denied (Tenn. Dec. 21, 2009); *State v. Giannini*, No. 36, 1991 WL 99536, at *4 (Tenn. Crim. App. June 12, 1991), perm. to appeal denied (Tenn. Nov. 12, 1991)).

2. “Compliance with Rule 12(d)(2) by the State is not discretionary,” and “[w]hen the State fails to comply with a defense motion predicated upon this rule, the trial court can order compliance. Moreover, responding that the State intends to ‘use in its evidence in chief at trial all evidence to which the defendant may be entitled discovery pursuant to Rule 16’ does not constitute compliance with the rule. Such a response does not comport with the spirit or letter of Rule 12. The rule contemplates that the State will provide the defendant with specific information concerning the evidence the State intends to introduce.” *State v. Giannini*, No. 36, 1991 WL 99536, at *4 (Tenn. Crim. App. June 12, 1991), perm. to appeal denied (Tenn. Nov. 12, 1991).

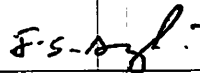
ANALYSIS

1. There are many telephone calls or text messages that Ms. Wright made during the intercepts of her wireless devices.
2. These calls and text messages are part of discovery materials that counsel has received from the State.
3. The State's informing counsel as to which specific calls they will use during their case in chief at trial of this cause will streamline defense preparation.

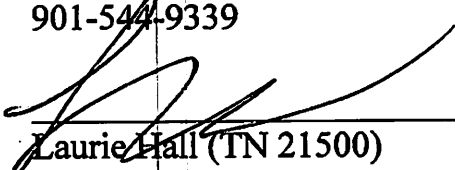
CONCLUSION

Ms. Wright respectfully asks for an order to the State specifying as to which calls they will use at trial of this case.

Respectfully submitted,



Juni S. Ganguli (TN 018659)
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901-544-9339

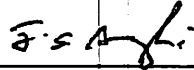


Laurie Hall (TN 21500)
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Attorneys for Defendant

CERTIFICATE OF SERVICE

A copy of the foregoing document was delivered to the District Attorney General at 201 Poplar Avenue, Suite 3-01, Memphis, Tennessee 38103, this the 22 day of January 2019.



Juni S. Ganguli

IN THE CRIMINAL COURTS OF SHELBY COUNTY, TENNESSEE
FOR THE THIRTIETH JUDICIAL DISTRICT AT MEMPHIS
DIVISION 7

FILED
JAN 20 2017
AM 9:44
HEIDI KOHN
CRIMINAL COURT CLERK
BY *[Signature]*

STATE OF TENNESSEE,
PLAINTIFF.

V.

NO. C1709302/17-05881

SHERRA WRIGHT,
DEFENDANT.

NOTICE OF FILING OF PROPOSED JURY QUESTIONNAIRE

Notice is hereby given that Defendant, by and through his counsel, submits this proposed jury questionnaire and asks the Court for a hearing date to determine whether the State of Tennessee has any objections to it.

Respectfully submitted,

J.S. Ganguli

Juni S. Ganguli (TN 018659)
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Memphis, TN 38103
901-544-9339

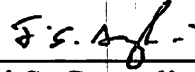
[Signature]

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Attorneys for Defendant

CERTIFICATE OF SERVICE

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Juni S. Ganguli

**IN THE CRIMINAL COURTS OF SHELBY COUNTY, TENNESSEE
FOR THE THIRTIETH JUDICIAL DISTRICT AT MEMPHIS
DIVISION 7**

FILED

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HEIDI KUHN
CRIMINAL COURT CLERK
BY: *MA*

**STATE OF TENNESSEE,
PLAINTIFF.**

V.

NO. C1709302/17-05881

**SHERRA WRIGHT,
DEFENDANT.**

MOTION TO SUPPRESS COMMUNICATIONS DERIVED FROM WIRETAP.

Defendant Sherra Wright, by and through counsel Juni S. Ganguli and Laurie W. Hall, pursuant to Rule 12(b)(3) of the Tennessee Rules of Criminal Procedure, hereby moves this Court for an order suppressing the communications that the prosecution obtained through its use of a 2017 wiretap during its case in chief at trial of this case. Specifically, this motion targets numerous telephone calls and text messages that were obtained by the prosecution from Ms. Wright's wireless devices.

In support thereof, Ms. Wright shows the following:

FACTS

1. Victim Lorenzen Wright was killed in July 2010 in Shelby County, Tennessee.
2. Sherra Wright – Mr. Wright's former wife – was indicted in December 2017 for his murder. Billy Turner is her co-defendant.

3. The State of Tennessee (hereafter "State") sought and received an Order for the interception of telephones belonging to Ms. Wright and Mr. Turner on August 17, 2010.
4. That interception terminated on August 27, 2010. It did not yield any criminal charges.
5. The State again sought an Order for the interception of Ms. Wright's cellular telephone on November 7, 2017. As part of his seeking this Order, Officer Jesse Browning of the Memphis Police Department (MPD) filed an affidavit detailing the investigation against Ms. Wright. The affidavit is attached and incorporated by reference.
6. The affidavit sought an Order intercepting telephone numbers (346) 219-1148 and (901) 644-2654. Telephone number (346) 219-1148 belonged to Ms. Wright.
7. That Order granted interception for 30 days.
8. On December 5, 2017, investigators were granted an extension for the monitoring of wire communications on Ms. Wright's cellular device for an additional 30 days.
9. Ms. Wright was indicted by the Shelby County Grand Jury on December 12, 2017. She was arrested in Riverside, California on December 15, 2017.
10. Ms. Wright made numerous telephone calls during the interceptions.

AUTHORITIES IN SUPPORT OF MOTION

1. Under the Fourth Amendment to the United States Constitution and Article I, section 7 of the Tennessee Constitution search warrants may not be issued unless a neutral and detached magistrate determines that probable cause exists for their issuance. *Illinois v. Gates*, 462 U.S. 213, 240 103 S.Ct. 2317, 76 L.Ed.2d 527 (1983); *State v. Henning*, 975 S.W.2d 290, 294 (Tenn. 1998).
2. The purpose of the Fourth Amendment and article I, § 7 is to “safeguard the privacy and security of individuals against arbitrary invasions of government officials.” *State v. Bridges*, 963 S.W.2d 487, 490 (Tenn. 1997).
3. The interception of a conversation in which a person has a reasonable expectation of privacy constitutes a search within the meaning of the Fourth Amendment. *Katz v. United States*, 389 U.S. 347, 353 (1967).
4. The Wiretapping and Electronic Surveillance Act – TCA § 40-6-301-311 – allows certain judges to issue orders authorizing interception of wire, oral, or electronic communications upon the application of law enforcement. Tenn. Code Ann. § 40-6-304.
5. A qualified judge may then issue an ex parte order authorizing interception upon finding (1) “[t]here is probable cause for belief that an individual is committing, has committed, or is about to commit a particular offense enumerated in § 40-6-305,” (2) “[t]here is probable cause for belief that

particular communications concerning that offense will be obtained through the interception,” (3) “[n]ormal investigative procedures have been tried and have failed or reasonably appear to be unlikely to succeed if tried or to be too dangerous,” and (4) “[t]here is probable cause for belief that the facilities from which, or the place where, the wire, oral or electronic communications are to be intercepted are being used, or about to be used, in connection with the commission of the offense, or are leased to, listed in the name of, or commonly used by the person.” Tenn. Code Ann. § 40-6-304(c).

4. “Articulating precisely what probable cause means is not possible.” *State v. Reynolds*, 504 S.W.3d 283, 300 (Tenn. 2016).
5. “[T]he strength of the evidence necessary to establish probable cause ... is significantly less than the strength of evidence necessary to find a defendant guilty beyond a reasonable doubt.” *State v. Bishop*, 431 S.W.3d 22, 41 (Tenn. 2014).
6. In Tennessee, probable cause for issuance of a warrant is established by presenting “a sworn and written affidavit” to the magistrate. *State v. Saine*, 297 S.W.3d 199, 205-206 (Tenn. 2009).
7. The affidavit must include facts from which the neutral and detached magistrate may determine, upon examining the affidavit in a commonsense and

practical manner, whether probable cause exists. *State v. Smotherman*, 201 S.W.3d 657, 662 (Tenn. 2006).

8. The reliability of hearsay information included in an affidavit is evaluated differently, however, depending upon its source. *State v. Williams*, 193 S.W.3d 502, 507 (Tenn. 2006).
9. A presumption of reliability also applies to citizen informants, so long as the affidavit identifies the source of the information as a citizen informant. *Id.*
10. No presumption of reliability applies to information supplied by an unknown informant or an informant from the “criminal milieu.” *Smotherman*, 201 S.W.3d at 662.
11. Tennessee applies the *Gates* test to determine whether the affidavit sufficiently established probable cause for issuance of the warrant. *State v. Tuttle*, 515 S.W.3d 282, 308 (2017).
12. Therefore, there is a totality of the circumstances analysis for determining whether an affidavit that includes information from a criminal informant establishes probable cause. *Gates*, 462 U.S. at 238-39, 103 S.Ct. 2317.

ANALYSIS

1. Ms. Wright respectfully submits that the affidavit submitted by Officer Browning lacked probable cause.
2. The State asked for – and received – an Order to intercept Ms. Wright's devices in 2010. As the affidavit correctly notes on page 20, that wiretap did not yield "solid evidence" against either Ms. Wright or Mr. Turner. The investigation therefore "hit a standstill."
3. The material change in circumstance between August 2010 and November 2017 is the cooperation of unindicted co-conspirator Jimmie Martin with law enforcement.
4. Mr. Martin, a resident of Mississippi, had been convicted of second degree murder when he began cooperating with law enforcement in May 2012.
5. Mr. Martin provided several details regarding Mr. Wright's murder to law enforcement – including the location of the murder weapon at a Mississippi lake.
6. Two additional confidential informants came forward in 2017. These individuals stated that they were related to a person named Jackie Brown. They

related that Jackie Brown told them that Kenny Brown told her that he had been paid "\$100,000" to kill Mr. Wright by Ms. Wright.

7. Kenny Brown is not charged in this homicide. Page 30 of the affidavit reads that "Kenny Brown and Big Bill were the ones who killed Lorenzen."
8. Counsel's review of the discovery materials provided by the State does not reveal very much investigation by the MPD into Mr. Brown's activities. Specifically, there appears to be 1 paragraph of an interview by MPD with Mr. Brown.
9. Other than the discussion of Mr. Martin's accounts to law enforcement and the multi-levels of hearsay information that the informants provided regarding Kenny Brown, there was no material change in circumstances since August 2010 – when the investigation "hit a standstill" – and therefore no additional probable cause.
10. The *Gates* Court emphasized "the value of corroboration of details of an informant's tip by independent police work" to the totality-of-the-circumstances analysis, and did not discount the value of corroboration of innocent conduct, explaining, "[i]t is enough, for purposes of assessing probable cause, that 'corroboration through other sources of information reduced the chances of a reckless or prevaricating tale,' thus

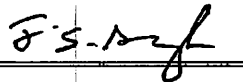
providing 'a substantial basis for crediting the hearsay.'" *Id.* at 244-45, 103 S.Ct. 2317 (quoting *Jones v. United States*, 362 U.S. 257, 271, 80 S.Ct. 725, 4 L.Ed.2d 697 (1960)). That did not happen in this case.

10. Mr. Martin's accounts to law enforcement regarding the killing and knowledge of where the murder weapon was deposited are largely accurate because he killed Mr. Wright.

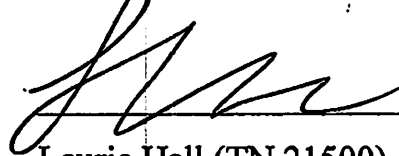
CONCLUSION

Ms. Wright respectfully asks for an order finding that there was no probable cause for the issuance of the wiretap.

Respectfully submitted,



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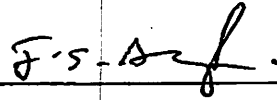


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Attorneys for Defendant

CERTIFICATE OF SERVICE

A copy of the foregoing document was delivered to the District Attorney General at 201 Poplar Avenue, Suite 3-01, Memphis, Tennessee 38103, this the 22 day of January 2019.

A handwritten signature in black ink, appearing to read "J.S. Ganguli", is written above a horizontal line.

Juni S. Ganguli

IN THE CRIMINAL COURTS OF SHELBY COUNTY, TENNESSEE
FOR THE THIRTIETH JUDICIAL DISTRICT AT MEMPHIS
DIVISION 7

FILED
JAN 18 2017 AM 9:45
HEIDI KIMM
CRIMINAL COURT CLERK
BY: *[Signature]*

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STATE OF TENNESSEE,
PLAINTIFF.

V.

NO. C1709302/17-05881

SHERRA WRIGHT,
DEFENDANT.

MOTION FOR CHANGE OF VENUE

COMES NOW Defendant, by her undersigned counsel Juni S. Ganguli and Laurie Hall, pursuant to Rule 12(b)(3) of the Tennessee Rules of Criminal Procedure, and moves the Court to obtain the potential jurors at the trial of this cause from Davidson County, Tennessee.

In support thereof, Ms. Wright shows the following:

FACTS

1. Victim Lorenzen Wright was a member of the University of Memphis basketball team from 1994 to 1996.
2. Mr. Wright was drafted by the Los Angeles Clippers of the National Basketball Association (NBA) in 1996.
3. Mr. Wright was a member of the Memphis Grizzlies NBA team from 2001 to 2006.

4. Defendant Sherra Wright was married to Mr. Wright from 1998 to 2010.
5. Mr. Wright was killed in July 2010. His homicide remained a “cold case” – meaning that no one was arrested for the crime – until December 2017.
6. Ms. Wright and co-defendant Billy Turner were indicted for Mr. Wright’s murder. Ms. Wright then was extradited from California in January 2018 to face these charges.
7. Ms. Wright has had several court appearances since January 2018. Each court appearance has been covered by media outlets. Coverage has been extensive but court proceedings – other than a change of counsel in July 2018 – have been largely routine.
8. The local media outlets have social media accounts – specifically Facebook “pages” – that contain news stories. The pages are updated frequently.
9. Members of the public who are interested in this case can comment online on news stories.
10. The comments are for public view. Several of the stories are attached to this motion and are incorporated by reference.

AUTHORITIES IN SUPPORT OF MOTION

1. "In all criminal prosecutions the venue may be changed upon motion of the defendant ... if it appears to the court that, due to undue excitement against the defendant in the county where the offense was committed or any other cause, a

fair trial probably could not be had." Tenn. R.Crim. P. 21(a); *State v. Dellinger*, 79 S.W.3d 458, 481 (Tenn. 2002).

2. "[T]he mere fact that jurors have been exposed to pre-trial publicity will not warrant a change of venue." *State v. Mann*, 959 S.W.2d 503, 532 (Tenn.1997).
3. "The matter of change of venue addresses itself to the sound discretion of the trial court, and a denial of a change of venue will only be reversed on appeal for an affirmative and clear abuse of discretion." *State v. Vann*, 976 S.W.2d 93, 114 (Tenn.1998).
4. "[B]efore an accused is entitled to a reversal of his conviction on the ground that the trial judge erroneously denied his motion for a change of venue, he must demonstrate ... that the jurors who actually sat were biased and/or prejudiced." *Mann*, 959 S.W.2d at 532.
5. There are 17 factors that Courts have identified as relevant in deciding whether there should be a change in venue. *State v. Hoover*, 594 S.W.2d 743, 746 (Tenn.Crim.App.1979); *State v. Davidson*, 121 SW 3d 600, 611 (Tenn. 2003).
The factors are:
 1. Nature, extent, and timing of pretrial publicity.
 2. Nature of publicity as fair or inflammatory.
 3. The particular content of the publicity.
 4. The degree to which the publicity complained of has permeated the area from which the venire is drawn.

5. The degree to which the publicity circulated outside the area from which the venire is drawn.
6. The time elapsed from the release of the publicity until the trial.
7. The degree of care exercised in the selection of the jury.
8. The ease or difficulty in selecting the jury.
9. The veniremen's familiarity with the publicity and its effect, if any, upon them as shown through their answers on voir dire.
10. The defendant's utilization of his preemptory challenges.
11. The defendant's utilization of challenges for cause.
12. The participation by police or by prosecution in the release of publicity.
13. The severity of the offense charged.
14. The absence or presence of threats, demonstrations or other hostility against the defendant.
15. Size of the area from which the venire is drawn.
16. Affidavits, hearsay or opinion testimony of witnesses.
17. Nature of the verdict returned by the trial jury.

ANALYSIS

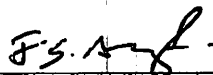
1. Review of the *Hoover* factors supports obtaining jurors from Davidson County.
2. Each time Ms. Wright has been in court, there has been significant media coverage.
3. The publicity has been overwhelming. Review of the Facebook pages makes it clear that the public's reaction to Ms. Wright is toxic.

4. Ms. Wright will not receive a fair trial if jurors were drawn from Shelby County.
5. Given the reach of the media outlets and the seriousness of this case, counsel respectfully asks that the Court draw jurors from Davidson County.

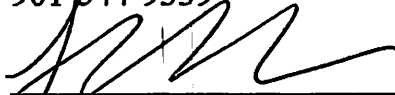
CONCLUSION

Ms. Wright respectfully asks that the Court obtain jurors from Davidson County, Tennessee.

Respectfully submitted,



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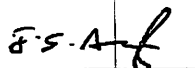


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Attorneys for Defendant

CERTIFICATE OF SERVICE

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Juni S. Ganguli