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IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE
AT KNOXVILLE
May 19, 2026 Session

STATE OF TENNESSEE v. BERNARD WILSON

Appeal from the Criminal Court for Knox County
No. 117824 Steven Sword, Judge

No. E2025-00323-CCA-R3-CD

In 2022, the Defendant, Bernard Allen Wilson, pleaded guilty to possession with the intent to sell or deliver Fentanyl, a Class C felony and was placed on judicial diversion for five years. In July 2024, a violation of probation warrant was filed based on a new arrest for drug possession and weapon-related charges. Following an evidentiary hearing, the trial court found the Defendant in violation and revoked his judicial diversion. After a sentencing hearing, the trial court ordered the Defendant to serve a six-year sentence in confinement. On appeal, the Defendant contends that the trial court erred when it imposed a sentence of six years, which is longer than the five-years contemplated by his plea agreement. He further contends that the trial court erred when it denied his request to award him "street time" credit for the time he served on probation. After review, we affirm the trial court's judgment.

Tenn. R. App. P. 3 Appeal as of Right; Judgment of the Criminal Court Affirmed

ROBERT W. WEDEMEYER, P.J., delivered the opinion of the Court, in which JILL BARTEE AYERS and MATTHEW J. WILSON, JJ., joined.

Melissa C. DiRado, Knoxville, Tennessee, for the appellant, Bernard Allen Wilson.

Jonathan Skrmetti, Attorney General and Reporter; Ronald L. Coleman, Senior Assistant Attorney General; Charme P. Allen, District Attorney General; Gregory C. Eshbaugh, Assistant District Attorney General, for the appellee, State of Tennessee.

OPINION
I. Facts
A. Guilty Plea

This case arises from the Defendant's repeated sales of drugs. On August 19, 2020,

the Knox County grand jury indicted the Defendant for: Count 1 possession with the intent to sell, deliver or manufacture a Schedule II controlled substance, to-wit: less than 200 grams of Fentanyl within 1000 feet of a school zone; Count 2 possession with the intent to sell or deliver a Schedule II controlled substance; to wit: less than 200 grams of Oxymorphone within 1000 feet of a school zone; and Count 3 unlawful possession of drug paraphernalia with the intent to use and possess it for the purpose of introducing a controlled substance into the human body.

On July 14, 2022, the trial court held a hearing during which the Defendant expressed his desire to enter a plea of guilty. At the hearing, the State informed the trial court that it and the Defendant had reached an agreement. Pursuant to the agreement, the Defendant would enter a guilty plea to the lesser-included offense in Count 1 of possession with intent to sell or deliver a Schedule II drug, Fentanyl, a Class C felony, in exchange for a recommended sentence of five years, as a Range I offender, which the State recommended be served on State-supervised probation. The Defendant would pay the mandatory court costs of $2,000, and the State would dismiss all the other counts against him.

The State said that had the case gone to trial:

> State could call witnesses listed, who would testify that, on August 1, 2019, Officer Holmes and other officers with the Knoxville Police Department Organized Crime Unit, were assisting the United States Marshall's Service in executing an arrest warrant at [redacted] Hoitt Avenue.
>
> Upon approaching the residence, officers observed a smell of marijuana coming from inside the residence. During the execution of the warrant, officers heard someone running through the residence, who attempted to run out of the rear of the residence. That was co-defendant Ralpheal Anderson, who's already pled guilty in this offense.
>
> Inside the residence, [the Defendant] and two other individuals were discovered in the kitchen. In plain view, laying on the kitchen counter, was a large quantity of orange pills, identified as 40 milligram oxymorphone, along with a bag of marijuana laying on the floor.
>
> Search warrant was obtained. The residence had no furniture, TV, dishes, food, anything like that. It was, essentially, a trap house used for the distribution of controlled substances.
>
> There was a total of 59.2 grams of what came back as Schedule II, [F]entanyl; 130 oxymorphone pills; a blender; digital scales; a quantity of marijuana; multiple cell phones; $12,000 in U.S. currency.

> [The Defendant] had 55.8 grams of marijuana on his person, as well as $10,635 in U.S. currency, on his person, along with three cell phones.

The trial court ensured the Defendant understood the ramifications of his plea. It stated that the Defendant was pleading guilty to a lesser-included C felony, which carried a range of punishment from three to fifteen years. As a Range I standard offender, the range was three to six years. The State recommended that the Defendant receive a sentence of five years, suspended to supervised probation. The trial court explained the Defendant's rights to him and ensured he understood each of those rights. Specifically, the Defendant said that he and his lawyer had reviewed the document entitled "Waiver of Trial by Jury and Request for the Acceptance of a Plea of Guilty" and that he understood all the rights listed in that document.

The "Waiver of Trial by Jury" document was filed as a supplemental filing in this record on appeal. The document first noted that the Defendant was charged with two Class C felonies, both of which carried a three-to-fifteen-year sentencing range, and one misdemeanor which carried a possible sentence of eleven months and twenty-nine days. The document then stated:

> I am pleading guilty because I committed the acts constituting the offenses to which I plead guilty. I understand that the possible punishments for the offenses to which I am pleading guilty are as follows and that as a result of my plea of guilty, the District Attorney General or his representative will recommend the following sentence as to each offense. I understand that this is only a recommendation and that the Court is not bound by this recommendation in any way.

(emphasis in original). That document then listed the Class C felony offense and the range of punishment as three to fifteen years. It noted that the State recommended a five-year sentence, agreed to supervised probation, with the right of the Defendant to apply for diversion.[1]

After ensuring that the Defendant understood this document, the trial court stated, "This is the Court that determines what the appropriate sentence should be in your case. And I will adopt the agreement the way it's been outlined this morning." The trial court told the Defendant that this conviction could be used against him in future prosecutions. The Defendant expressed his desire to plead guilty, and the trial court accepted his plea.

Later, on the same day, the trial court again addressed the Defendant. It stated that

1 It appears that the Defendant's right to apply for diversion was, at some point, crossed out in the document. It is clear from the record, however, that the parties later agreed, although incorrectly, that the Defendant was eligible for diversion.

a diversion certificate had been presented that showed that the Defendant qualified for diversion. The record on appeal contains a copy of the certification of eligibility for diversion. The certificate showed that the Defendant did not have a prior disqualifying conviction. The trial court informed the Defendant that "rather than entering [a] Judgment, we'll defer this for five years from today's date." The court went on that "[i]f everything's gone according to plan, we'll be dismissing this case and you can get it expunged from your record."

On July 14, 2022, the trial court entered an order that reflected judicial diversion. The Defendant was ordered to be on probation beginning July 14, 2022, and ending July 13, 2027.

B. Probation Violation

On July 18, 2024, the trial court signed a violation of probation warrant alleging that the Defendant had failed to comply with his probation by being arrested for a Class A felony possession with intent to sell two kilograms of Fentanyl, possession of a weapon by a convicted drug felon, possession of a firearm with the intent to go armed during the commission of a dangerous felony, and a Class B felony possession with intent to sell methamphetamine in excess of twenty-six grams (180 grams). The trial court issued a warrant for the Defendant's arrest.

On October 23, 2024, the probation violation warrant was amended. It showed that in addition to the Defendant's new charges set forth in the original warrant, he had also been charged with theft of a firearm valued less than $2,500, possession of two pounds of marijuana, maintaining a dwelling for drug use, and possession of drug paraphernalia. The amendment further alleged that the Defendant violated Rule 3 by receiving, owning, possessing, shipping or transporting a firearm and that he had violated Rule 8 by being in possession of an illegal substance or substances.

The trial court held a hearing on whether to revoke the Defendant's judicial diversion. At the hearing, Matthew Johnson, a detective with the Knox County Sheriff's Office, testified that he was assigned to the narcotics unit, which investigated drug dealers and drug trafficking organizations. He began investigating the Defendant in January 2024 and executed a search warrant July 18, 2024, at two locations where he knew that the Defendant had established a Fentanyl operation. The investigation involved the use of a confidential informant and controlled drug buys.

When the detective executed the search warrant at an Avebury Lane address, one of the two locations involved, the Defendant, who was a convicted felon in both Tennessee and Michigan, was present and in the primary bedroom of that home. In that bedroom, the detective found 700 grams of suspected Fentanyl powder, pills, culinary blenders (which are used to process Fentanyl with cutting agents), digital scales that appeared to have drug

residue on them, a large amount of unused drug packaging (sandwich bags), and a narcotics press. Additionally, the officer found $31,000 in the closet, three pistols, and one AR-style pistol, and a large amount of jewelry, which was later appraised at $60,000.

The detective noted that one of the pieces of jewelry had two large letter Ps facing opposite directions with a B below them. Below that was a moniker "Pay-Pay Boys." The detective said that the Defendant was a hip-hop rap artist whose rapper name was "Pay-Pay," and the Defendant owned an entertainment company called "Pay-Pay Boys Entertainment." The Defendant's songs discussed selling drugs and violent acts.

During cross-examination, the detective noted and explained some discrepancies in the search warrant documents. He said a total of four firearms were found at the house, one of which was reported as stolen in Campbell County. Both the Defendant and his co-defendant, Ms. Sanders, were in the bedroom when the detective executed the search warrant. It was a small-sized room, and both were within reach of the weapons in the closet. Neither of them, however, resisted or attempted to retrieve the weapons.

Based on this evidence, the trial court found that the Defendant had violated the rules of his diversion by committing new criminal offenses. The trial court revoked his diversion and referred the Defendant for a presentence investigation report. The trial court explained to the Defendant that his order meant that the parties were "start[ing] from the beginning of the plea. So we'll have another sentencing hearing. I could give you probation if I wanted to; I could send you to the penitentiary." The parties agreed that the Federal government was considering prosecuting the Defendant, so the court wanted to wait and see what the Federal authorities decided. The trial court set a date for the sentencing hearing.

At the sentencing hearing, the State offered the presentence investigation report and offered no additional proof. The defense offered a letter from the Defendant's mother and certificates of the completion of courses taken by the Defendant while he was in custody.

The parties then presented arguments. The State noted that the Defendant had a prior conviction from Michigan for controlled substance delivery from 2015. This conviction would have made him ineligible for judicial diversion. While the Defendant did not have a "horrible" record, he did have a history of drug dealing. Despite his history and charges, in the presentence investigation report, the Defendant denied any involvement in drug-related criminal activity beyond personal use. The State submitted that the Defendant was not a good candidate for probation and that, based on his criminal history, he should be sentenced as a Range I offender to six years.

The Defendant's counsel noted that some of the Defendant's new charges had been dismissed or amended to lesser offenses. Counsel said he had no idea how the Tennessee Bureau of Investigation missed the Defendant's prior felony, which made him appear

eligible for diversion. Counsel said that the new charges presented a problem, but there were also significant questions about the search warrants that were executed. Counsel posited that, had the Defendant not reported previously, there would have been a probation violation warrant issued. This was his first probation violation warrant. Further, Counsel noted that the Defendant had been incarcerated since July 2024, and, as of the hearing date in February 2025, had only had one minor disciplinary infraction.

Defendant's counsel stated that the Defendant's mother, father, and son, all of whom lived in Michigan, had written letters in his support. The Defendant's two sons were living with the Defendant's father, who had recently been diagnosed with cancer.

The Defendant's counsel acknowledged that the trial court could order split confinement or revoke his probation and restart him completely. Counsel asked the court to order split confinement, with credit for the time he served. In the alternative, counsel asked the trial court to grant two years of "street time" credit for the time that he served on probation.

The trial court found:

> So it does appear for the record that he should not have been granted diversion in the first place. But the TBI certificate did come back showing that he was eligible for diversion. The State agreed to it. So I think it was a lawful diversion even though we didn't have a certificate.
>
> So here we are now. The diversion [has] been revoked. We have to sentence him. The Court does find beyond a reasonable doubt that he's a Range I, standard offender. This is a C felony. That makes the potential range of punishment anywhere from three to six years in prison.
>
> So the Court's determination is how long should it be and what manner should it be served?
>
> Looking at the length, there are enhancement factors the Court can consider in mitigation. The [D]efendant does have a previous criminal history beyond that necessary to establish a range. He's a Range I, standard offender. Any criminal history would apply and certainly do have that felony drug conviction from . . . 2015 . . . . So he does have a prior criminal history. That's really the primary enhancement factor. I do believe it's entitled to a good bit of [weight][2].
>
> Mitigation-wise, other than this new very serious criminal offense, he

2 The trial court used the word "history" here but, from the transcript, it appears the trial court meant "weight."

had no other revocations filed where he was on diversion. I will point out that it's obvious that he violated the rules of his diversion by coming back to Knox County and not being supervised here. He transferred his supervision back to Michigan in 2022, and he's back here, again.

And so, you know, you look at that. That's very concerning to the Court. I don't think he has a very good potential for rehabilitation because he is arrested with $10,635 in his pocket along with other narcotics and not to mention the $12,000 that's found in the home. And he hadn't paid his $2,000 fine from 2022.

What is by far the most concerning to the Court is [the Defendant] is supposed to be out taking care of his kids in Michigan. Instead he is back here for some unknown reasons.

. . . .

And I have no doubt that [the Defendant] came back down here and is dealing drugs, again. And I do not find much sympathy for somebody who's supposed to be taking care of his sons and his family and they abandon them in Michigan where he asked to be transferred and supervised and comes back to my community and keeps peddling this stuff on the streets.

And so he is not . . . a good candidate for probation. If I could give him more than six years, I would give him more than six years, but I can't give him more than six years.

So I'm going to sentence him to serve six years in the Tennessee Department of Corrections at 30 percent with a $2,000 fine. He has 204 day-for-day jail credit. I'm not going to give him a second more than that. He is not entitled to it, and he doesn't deserve it.

So his cases are pending in the grand jury. When those come out, he can deal with those here. But I'm going to sentence him to TDOC.

In further explanation about his decision not to give the Defendant street time credit, the trial court stated:

I'm not giving him street time . . . based upon his behavior while on probation. He gets transferred to Michigan, and he comes back down here. He doesn't have a right to it, and I don't think he's earned it.

It is from this judgment that the Defendant now appeals.

II. Analysis

On appeal, the Defendant contends that the trial court erred when it sentenced him to a sentence longer than the one he bargained for when he pleaded guilty. He further contends that the trial court erred when it denied his request to award him street credit for the time he served on probation. The State counters that the Defendant waived the claims regarding his sentence and is not entitled to plain error review. It further contends that the trial court properly denied the Defendant street credit.

A. Length of Sentence

To understand the crux of the Defendant's argument, it is important to first note that the attorney who represented the Defendant at his guilty plea/diversion hearing was not the same as the attorney who represented him at the probation violation and sentencing hearings. At the first setting of the guilty plea hearing, the parties did not know whether the Defendant was eligible for judicial diversion. The Defendant expressed his desire to enter a guilty plea, and the State recommended a five-year suspended sentence and did not contest diversion, if the Defendant was eligible. The parties stood in recess until later, when the Defendant presented a certification that he was eligible for diversion (albeit given in error because of his Michigan felony conviction). The trial court agreed to the judicial diversion, saying that "rather than entering [a] Judgment, we'll defer this for five years from today's date." The court went on that "[i]f everything's gone according to plan, we'll be dismissing this case, and you can get it expunged from your record."

On appeal, the Defendant contends that this did not adequately inform him that, if he were to violate his probation during that five-year period then he would potentially be subjected to a longer sentence. The trial court's failure to properly admonish him, he asserts, is a violation of his due process rights.

The State asserts first that the Defendant waived this issue because, during the probation violation hearing the trial court said it was going to hold a sentencing hearing and resentence the Defendant. Then, during the sentencing hearing, the State asked the trial court to sentence the Defendant to six years. The Defendant's counsel responded by only asking for split confinement, but in the event the trial court sentenced the Defendant to six years, that he be given street credit.

At oral argument on the appeal, the Defendant's current counsel explained that she assumed at the time that the trial court had properly admonished the Defendant during his judicial diversion hearing by telling the Defendant that a violation would result in him being resentenced pursuant to the Sentencing Reform Act, which could result in a sentence longer than the one he bargained for. The Defendant's current counsel claims she was prevented from raising this issue below because she did not know the Defendant was not

properly advised until she reviewed the transcript created in preparation for the appeal.

Be that as it may, the State asserts that the Defendant's failure to raise this issue below results in waiver and limits our review to plain error. It further contends that the Defendant cannot prove that a clear and unequivocal rule of law has been broken so as to entitle him to plain error relief.

Before addressing waiver and plain error, we summarize the relevant law on judicial diversion. "In judicial diversion cases, no judgment of conviction is entered, and a sentence is imposed only in the instance that the defendant fails to successfully complete the period of probation pursuant to the grant of judicial diversion." *State v. Dycus*, 456 S.W.3d 918, 928 (Tenn. 2015); *see* T.C.A. § 40-35-313(a)(1)(A), (a)(2) (2019) (subsequently amended). The Defendant in the present case was granted judicial diversion and, although adjudicated guilty, no judgment and sentence were imposed. *See* T.C.A. § 40-35-313(a)

Tennessee Code Annotated section 40-35-313(a)(2) governs revocation of probation for a defendant placed on judicial diversion. In pertinent part, the statute provides, "Upon violation of a condition of the probation, the court may enter an adjudication of guilt and proceed as otherwise provided." T.C.A. § 40-35-313(a)(2); *see State v. Judkins*, 185 S.W.3d 422, 425 (Tenn. Crim. App. 2005) (interpreting "proceed as otherwise provided" in Code § 40-35-313(a)(2) to authorize the trial court, upon revocation of judicial diversion, to impose a sentence consistent with the Sentencing Reform Act); *see State v. Johnson*, 15 S.W.3d 515, 519 (Tenn. Crim. App. 1999) (stating that a trial court which revokes a defendant's judicial diversion shall sentence the defendant in accord with the Sentencing Reform Act and enter a judgment of conviction); *State v. Hensley*, No. E2012-00812-CCA-R3-CD, 2013 WL 793579, at *2 (Tenn. Crim. App. Mar. 4, 2013) (stating that if a defendant on judicial diversion probation violates a term of probation, the State may seek to revoke diversion, the trial court may revoke diversion, and upon revocation, the court shall sentence the defendant according to the Sentencing Reform Act) (citing *Alder v. State*, 108 S.W.3d 263, 266 (Tenn. Crim. App. 2002)).

The State contends that the Defendant waived this issue for failing to raise it before the trial court. The Defendant counters that he could not raise this issue before the trial court because he did not know the issue existed until preparing the case for appeal.

Pursuant to Tennessee Rule of Appellate Procedure 36:

> (a) Relief to Be Granted; Relief Available. The Supreme Court, Court of Appeals, and Court of Criminal Appeals shall grant the relief on the law and facts to which the party is entitled or the proceeding otherwise requires and may grant any relief, including the giving of any judgment and making of any order; provided, however, relief may not be granted in contravention of the province of the trier of fact. *Nothing in this rule shall be construed as*

> *requiring relief be granted to a party responsible for an error or who failed to take whatever action was reasonably available to prevent or nullify the harmful effect of an error.*

(emphasis added). By not raising this issue before the trial court, the Defendant prevented the trial court from ruling upon this issue, which constitutes a waiver of this issue.

The Defendant's current counsel argues that because she was not counsel at the plea hearing, she did not know that the trial court had not admonished the Defendant about the consequences of violating diversion. She assumed that the Defendant was told that, if he did not successfully complete his five-year probationary sentence, he would be resentenced and the trial court was not bound by any previous agreements.

After a thorough review of the record, we conclude that the Defendant has waived this issue by not bringing the issue before the trial court. The record shows that the Defendant reviewed, understood, and signed the "Waiver of Trial by Jury and Request for the Acceptance of a Plea of Guilty." This document was in the possession of both the Defendant and his appellate counsel. In the document, the Defendant expressed his desire to enter a guilty plea to one of the counts he faced, Possession with Intent to Sell Fentanyl, a Class C felony. He also agreed to allow the trial court to set his sentence, and the paperwork informed him that his sentencing range was three to fifteen years. The plea paperwork, clearly stated, and the Defendant acknowledged understanding, "I understand that [the State's recommended sentence] is only a recommendation and that the Court is not bound by this recommendation in any way." (emphasis in original). At the conclusion of the hearing wherein the trial court found that the Defendant had violated his probation, it informed him that his case was now "start[ing] from the beginning of the plea. So we'll have another sentencing hearing. I could give you probation if I wanted to; I could send you to the penitentiary."

Based upon this, we conclude that the Defendant knew from the plea paperwork that he was subject to a three- to fifteen-year sentencing term, depending on his applicable range. As a Range I Offender, that sentencing range was three to six years. At the hearing on the probation violation, the trial court informed both the Defendant and appellate counsel that the case was starting anew from the time of the plea, the Defendant would be resentenced in accordance with the plea, and the trial court set a subsequent date for a sentencing hearing. The Defendant and his counsel had notice that the Defendant would be subject to the three-to-six-year sentence, if he was in fact a Range I offender, as the plea paperwork clearly indicated. They both had notice that the trial court was not bound by the State's recommendation, as the plea paperwork indicated. Accordingly, the Defendant was required to raise any issue regarding the length of his sentence before the trial court because the Defendant had notice that: his sentencing range was three to fifteen years (three to six if he was a Range I); his case was "starting over" from the time he entered his guilty plea; the trial court was not bound by the State's recommendation; and the trial court was

going to resentence him. His failure to raise this issue below waives our review of this issue.

While we discern no error in the trial court's judgment, because of the plea agreement paperwork, if any error existed related to this issue it would not be appropriate for plain error review. In *State v. Adkisson*, 899 S.W.2d 626, 642 (Tenn. Crim. App. 1994), we held that plain error relief is "limited to errors that had an unfair prejudicial impact which undermined the fundamental fairness of the trial and requiring that consideration of the error is "necessary to do substantial justice." *See also see State v. Smith*, 24 S.W.3d 274, 282-83 (Tenn. 2000). The Defendant knew at the time he entered his guilty plea that the trial court was not bound by the State's recommended sentence. He expressed his desire to plead guilty despite this. He knew that he was subjecting himself to a potential punishment of three to fifteen years, as listed in the document, and that he had an applicable sentencing range of three to six years. Therefore, the Defendant cannot show that he would not have agreed to plead guilty had he known that he was going to be subjected to a six-year sentence. This renders this issue not appropriate for a full plain error review.

We can conceive of a factual scenario wherein a defendant would suffer injustice if unaware that a violation of a probation sentence while on diversion would result in him or her being resentenced. Therefore, while not required by the plea colloquy rules in Rule 11 of the Tennessee Rules of Criminal Procedure, we encourage trial courts to explain and inform defendants that failure to successfully complete a probationary period associated with judicial diversion could result in their being resentenced in accordance with the Sentencing Reform Act, with no deference to any previously agreed to or recommended sentence.

B. Street Credit

The Defendant next contends that the trial court erred when it did not grant him "street credit" for the time he served on probation. The State counters that such credit is not statutorily authorized and that, even if permissible, the trial court properly determined that it was not warranted. We agree with the State.

As discussed above, Tennessee Code Annotated section 40-35-313(a)(1)(A) allows a court to "defer further proceedings against a qualified defendant and place the defendant on probation upon such reasonable conditions as it may require without entering a judgment of guilty." Under the plain language of the judicial diversion statute, a grant of judicial diversion precludes the entry of a judgment of guilt, and "[a] sentence may be imposed only after the individual is found to have violated his or her probation." T.C.A. § 40-35-313(a)(2) (stating that only after the terms of probation are violated may the court "enter an adjudication of guilt and proceed as otherwise provided"). Accordingly, a defendant who has been granted judicial diversion and placed on a judicial diversion probationary period has not yet been sentenced. *State v. Dycus*, 456 S.W.3d 918, 926

(Tenn. 2015). It is well-settled that the decision to grant judicial diversion and the judicial diversion probationary period that results do not constitute a sentence. *Id*. Accordingly, when the Defendant in this case was granted judicial diversion, no judgment was entered. When the Defendant thereafter violated his probation, "the court may enter an adjudication of guilt and proceed as otherwise provided." T.C.A. § 40-35-313(a)(2).

Tennessee Code Annotated section 40-35-311(e)(2) provides that, when a trial court has determined to revoke probation and order incarceration as the consequence, it then has the discretion to "credit against the original judgment by the amount of time the defendant has successfully served on probation and suspension of sentence prior to the violation or a portion of that amount of time." *See State v. Williams*, 673 S.W.3d 255, 259 (Tenn. Crim. App. 2023). When interpreting a statute, the words in a statute "must be given their natural and ordinary meaning in the context in which they appear and in light of the statute's general purpose." *State v. Curry*, 705 S.W.3d 176, 184 (Tenn. 2025) (citations omitted). By the plain language of the statute, Tennessee Code Annotated section 40-35-311(e)(2) does not apply to the Defendant in this case because the trial court can only reduce a defendant's time for "street time" if it can be credited against the amount of time in the *original judgment*. (emphasis added). Because there was no "original judgment" entered against the Defendant to which the trial court could credit against time he was successful on probation, we conclude that the Defendant was not entitled to such credit.

Even were we to find, however, that the statute allowed credit for a deferred judgment, we conclude the trial court properly denied credit. We consider a trial court's determination to award or deny credit for time served on probation under an abuse of discretion standard. *Williams*, 673 S.W.3d at 260 (citing S*tate v. Dagnan*, 641 S.W.3d 751, 758 (Tenn. 2022). "A trial court abuses its discretion when it applies an incorrect legal standard, reaches an illogical conclusion, bases its decision on a clearly erroneous assessment of the evidence, or employs reasoning that causes an injustice to the complaining party." *State v. Davis*, 466 S.W.3d 49, 61 (Tenn. 2015) (citations omitted).

Here, the trial court properly found that the Defendant violated his probation. Pursuant to *Dagnan*, when it determines the consequence for a probation violation, a trial court may consider "the number of revocations, the seriousness of the violation, the defendant's criminal history, and the defendant's character." *Dagnan*, 641 S.W.3d. at 759 n.5. In *Williams,* we concluded, by extension, that a trial court should also consider these factors when determining whether to award credit for time successfully spent on probation, as this is a consequence of a probation violation.

The Defendant asserts that the trial court did not make adequate findings for our review because it did not properly consider the factors outlined in *Williams*. While it is "not necessary for the trial court's findings to be particularly lengthy or detailed, sufficient reasoning must exist to promote meaningful appellate review." *Dagnan*, 641 S.W.3d at 759 (citing *State v. Bise*, 380 S.W.3d 682, 705-06 (Tenn. 2012)). In this case, the trial court

found that the Defendant's prior criminal history applied as an enhancement factor and was entitled to a "good bit" of weight. The trial court also noted that the Defendant violated the rules of his diversion by leaving Michigan, where he began his supervision in 2022, and coming back to Knox County. The trial court found this "very concerning." The court also determined that the Defendant did not have good potential for rehabilitation as he was arrested in possession of tens of thousands of dollars and other narcotics.

The trial court denied the Defendant's request for "street time" based upon his behavior while he was on probation, failure to pay fines, and selling drugs while on a probation. In *Williams*, we stated that when making its decision a trial court may consider "the number of revocations, the seriousness of the violation, the defendant's criminal history, and the defendant's character." 673 S.W.3d at 260 (citing *Dagnan*, 641 S.W.3d. at 759 n.5). We conclude that the trial court made the appropriate considerations and did not err when it denied the Defendant "street credit" for the time he served on diversion. He is not entitled to relief on this issue.

III. Conclusion

After a thorough review of the record and relevant authorities, we affirm the trial court's judgment.

ROBERT W. WEDEMEYER
ROBERT W. WEDEMEYER, PRESIDING JUDGE