

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE
AT KNOXVILLE

Assigned on Briefs August 11, 2026

FILED

09/16/2026

Clerk of the
Appellate Courts

STATE OF TENNESSEE v. ALLAN HUNT

Appeal from the Circuit Court for Sevier County
No. 22-CR-574-II James L. Gass, Judge

No. E2025-00353-CCA-R3-CD

A Sevier County jury convicted the defendant, Allan Hunt, of sexual battery, for which he received a sentence of two years with one year of incarceration and the remainder of the term suspended to probation. On appeal, the defendant contends the evidence presented at trial was insufficient to support his conviction. After reviewing the record and considering the applicable law, we affirm the judgment of the trial court.

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

J. ROSS DYER, J., delivered the opinion of the court, in which ROBERT W. WEDEMEYER, P.J., and ROBERT H. MONTGOMERY, JR., J., joined.

Jessica S. Sisk (on appeal) and Rebecca Lee, District Public Defender, and Jenae A. Easterly, Assistant Public Defender (at trial), for the appellant, Allan Hunt.

Jonathan Skrmetti, Attorney General and Reporter; Leslie Renee Byrd, Assistant Attorney General; Jimmy Dunn, District Attorney General; and Alexandra N. Allen and Amelia C. Atnip, Assistant District Attorneys General, for the appellee, State of Tennessee.

OPINION

Facts and Procedural History

On November 7, 2021, L.R.¹, the eighteen-year-old victim, and her mother drove from their home in Kentucky to Ascension Tattoo in Pigeon Forge, Tennessee, so L.R. could get a tattoo from the defendant, the shop's owner. Although the victim had never

¹ It is the policy of this Court to refer to victims of sexual crimes by their initials. For purposes of this opinion, "the victim" will refer to L.R. unless otherwise noted.

received a tattoo from the defendant before, the defendant had given the victim's mother several tattoos, so the victim's mother contacted the defendant and arranged for him to open his shop on a Sunday for them. When the victim arrived at the tattoo shop, she explained the tattoo that she wanted, "three lotus flowers going from [her] rib cage to [her] hip," and the defendant began by drawing the tattoo and stenciling it onto the victim's body while she was standing. The victim then moved onto the table with the defendant behind her as the tattoo was applied.

The tattooing process took several hours, and the victim spent much of that time on her phone scrolling through Facebook. She had minimal conversation with the defendant, and neither she nor the defendant made any overtly flirtatious comments toward the other. At some point, the victim's mother left to go shopping, and the defendant gave her a key so she could lock the door behind her.

While the defendant was completing the third lotus flower, he was pulling on the victim's skin toward her groin and lower stomach to keep it taut. However, the victim then felt him reach underneath her leggings and underwear. His "whole hand" was under her clothing and his fingers were "moving." The victim panicked and threw her body toward the defendant, elbowing him. The defendant apologized and continued the tattoo. The victim testified that she "couldn't believe what just happened" and "didn't even know how to process it." The victim did not immediately get up and leave because her mother had taken their vehicle and it was dark outside. She was also unsure whether the defendant would retaliate if she confronted him. The victim texted her mother to "come back." Her mother arrived at the shop approximately fifteen minutes later, and the victim allowed the defendant to finish the tattoo because she was "trying to avoid a conflict inside the building with no one else around." The victim's mother noticed that the victim "was shaking really bad and seemed upset or in pain." She asked the victim if she was alright, but the victim refused to answer.

Afterward, the victim's mother attempted to take photographs of the tattoo, but the victim told her that they "need[ed] to leave." The victim "took all the money out of [her] wallet[,] put it on the counter," and began to leave. However, as the victim and her mother were leaving the shop, the defendant hugged the victim's mother and attempted to hug the victim. Once in their vehicle, the victim started crying and told her mother what happened. The victim's mother immediately texted the defendant, and the following text exchange occurred:

L.R.'s Mother: Did you seriously touch my daughter

The Defendant: My apologies I felt a vibe and went with it. I read it wrong it won't happen again.

L.R.'s Mother: That's not an excuse she's my kid

The Defendant: You're right it's not. I can refund the money to her if that helps I know it doesn't but.

L.R.'s Mother: This was supposed to be a healing tattoo. Wtf

The Defendant: It takes certain energy to heal.

L.R.'s Mother: F**k u

The Defendant: I misread the energy my apologies. I healed what I could. You have to break that barrier to open that box up to allow for healing. It's not an excuse. Or rights any action. I understand you're both upset and I'm extremely sorry. She gained control tonight though. That's healing isn't it? Now she knows she has control.

The victim's mother then contacted law enforcement and drove to the nearest police station. Officer Zohaib Raja with the Pigeon Forge Police Department was on patrol when he received a call from dispatch regarding "a lady who had called stat[ing] that her daughter was touched inappropriately." Dispatch instructed Officer Raja to meet the caller and her daughter at the Pigeon Forge Police Department. Upon arriving, Officer Raja spoke to the victim and her mother. He noticed that the victim "seemed kind of upset. You could tell she'd been crying. She just looked like kind of in shock." In addition to collecting statements from the victim and her mother, Officer Raja retrieved text messages between the victim's mother and the defendant.

The victim testified that the incident has "turned [her] whole life in a completely different direction." She feels unsafe "knowingly that if someone wanted to do something to [her], they could." A few months after the incident, the victim dropped out of cosmetology school, and she still "struggle[s] to be by [her]self in any sort of situation." On cross-examination, the victim agreed that she testified at the preliminary hearing that the defendant "tapped" on her vagina and that she did not mention this in her statement to the police. However, she testified that she "was flustered and not in a good state of mind immediately afterwards. [She] was not expected to remember every single little detail in the moment." The victim agreed that she filed a civil lawsuit in February 2022 against the defendant and his tattoo shop and was awarded \$2 million in damages. On redirect examination, the victim testified that she has not received any payments from her \$2 million judgment.

The defendant, who was thirty at the time of the incident, testified on his own behalf, alleging that when he began tattooing the second lotus flower, the victim started “making noises that were borderline sexual, some moans and groans.” She then began “rubbing her body and stretching and pulling on her hair while she was making noises.” After the defendant finished the second flower, they took a break. However, as he began working on the third flower, which was on the victim’s lower hip, “the noises came back and continued.” The victim then began “moving her hips back and forth, essentially grinding on [the] mid-area of [the defendant’s] groin.” Although the defendant stepped back and continued the tattoo, he decided to make “an advancement with [his] hand . . . toward her groin area.” Each time he went for more ink, the defendant “pushed [his] hand a little further.” When he “pushed [his] hand even further,” the victim hit[] [the defendant] with an elbow.” The defendant immediately pulled his hand out, apologized, and changed his body position to “avoid that area” while he completed the tattoo.

When the tattoo was finished, the victim paid and tipped the defendant. She was not crying or shaking. The victim’s mom and the victim both hugged the defendant as they exited the building, and “then they left like nothing was wrong.” The defendant testified that he did not feel that he had done anything wrong until the victim elbowed him. He agreed that the victim sued him in civil court and that he was ordered to pay her \$2 million. On cross-examination, the defendant admitted that he knew the victim was from out of town and that her mother had left in her vehicle, leaving the victim stranded at the defendant’s tattoo shop at night while the defendant completed the tattoo. The defendant denied touching the victim’s vagina, stating that he “inched [his] hand towards it. I didn’t stick my hand in her pants and touch her vagina.” However, the defendant acknowledged apologizing in the text messages to the victim’s mother.

Following deliberations, the jury found the defendant guilty of sexual battery, and the trial court subsequently sentenced the defendant to two years with one year of incarceration and the remainder of the term suspended to probation. The defendant filed a motion for new trial which the trial court denied. This timely appeal followed.

Analysis

The defendant’s sole issue on appeal is the sufficiency of the evidence to support his sexual battery conviction. The State contends the evidence is sufficient. We agree.

When the sufficiency of the evidence is challenged, the relevant question of the reviewing court is “whether, after viewing the evidence in the light most favorable to the prosecution, any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt.” *Jackson v. Virginia*, 443 U.S. 307, 319 (1979); see also Tenn. R. App. P. 13(e) (“Findings of guilt in criminal actions whether by the trial court or jury

shall be set aside if the evidence is insufficient to support the findings by the trier of fact of guilt beyond a reasonable doubt.”); *State v. Evans*, 838 S.W.2d 185, 190-92 (Tenn. 1992); *State v. Anderson*, 835 S.W.2d 600, 604 (Tenn. Crim. App. 1992). All questions involving the credibility of witnesses, the weight and value to be given the evidence, and all factual issues are resolved by the trier of fact. *State v. Pappas*, 754 S.W.2d 620, 623 (Tenn. Crim. App. 1987). “A guilty verdict by the jury, approved by the trial judge, accredits the testimony of the witnesses for the State and resolves all conflicts in favor of the theory of the State.” *State v. Grace*, 493 S.W.2d 474, 476 (Tenn. 1973). Our Supreme Court has stated the following rationale for this rule:

This well-settled rule rests on a sound foundation. The trial judge and the jury see the witnesses face to face, hear their testimony and observe their demeanor on the stand. Thus, the trial judge and jury are the primary instrumentality of justice to determine the weight and credibility to be given to the testimony of witnesses. In the trial forum alone is there human atmosphere, and the totality of the evidence cannot be reproduced with a written record in this Court.

Bolin v. State, 405 S.W.2d 768, 771 (Tenn. 1966) (citing *Carroll v. State*, 370 S.W.2d 523 (Tenn. 1963)). “A jury conviction removes the presumption of innocence with which a defendant is initially cloaked and replaces it with one of guilt, so that on appeal a convicted defendant has the burden of demonstrating that the evidence is insufficient.” *State v. Tuggle*, 639 S.W.2d 913, 914 (Tenn. 1982).

The offense of sexual battery, as charged in this case, is the “unlawful sexual contact with a victim by the defendant” when “[t]he sexual contact is accomplished without the consent of the victim” and when the defendant had “reason to know at the time of the contact that the victim did not consent[.]” Tenn. Code Ann. § 39-13-505(a)(2). The term “sexual contact” includes “the intentional touching of the victim’s . . . intimate parts, if that intentional touching can be reasonably construed as being for the purpose of sexual arousal or gratification” Id. § 39-13-501(6). In addition, the term “intimate parts” includes “the primary genital area [or] groin . . . of a human being.” Id. § 39-13-501(2).

In the light most favorable to the State, the evidence established that the victim hired the defendant to tattoo her. When the victim’s mother left the defendant’s shop several hours into the tattooing process, the defendant and the victim were alone, and the door to the shop was locked. As the defendant was finishing the third flower of the victim’s tattoo, she felt him reach beneath her leggings and underwear. The defendant’s entire hand was under her clothing, and his fingers were “moving.” The victim immediately panicked and elbowed the defendant, who apologized and continued the tattoo. Based on this evidence, a rational jury could find the defendant guilty of sexual battery beyond a reasonable doubt.

The defendant points to various inconsistencies in the testimony of the victim and questions her credibility to challenge the sufficiency of the proof against him. However, the jury assessed the credibility of the victim and any inconsistencies in her testimony, and it is not for this Court to second-guess the credibility and factual determinations made by the trier of fact. *State v. Curry*, 705 S.W.3d 176, 183 (Tenn. 2025) (“We do not reweigh the evidence, because questions regarding witness credibility, the weight to be given the evidence, and factual issues raised by the evidence are resolved by the jury as the trier of fact.”) (internal citations omitted). The defendant is not entitled to relief on this issue.

Conclusion

Based on the foregoing authorities and reasoning, the judgment of the trial court is affirmed.

s/ J. ROSS DYER

J. ROSS DYER, JUDGE