

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE
AT KNOXVILLE
May 20, 2026 Session

FILED

08/20/2026

Clerk of the
Appellate Courts

STATE OF TENNESSEE v. LARRY RAY

**Appeal from the Criminal Court for Knox County
No. 126818 Steven W. Sword, Judge**

No. E2025-00604-CCA-R3-CD

Defendant, Larry Ray, was convicted by a Knox County jury of one count of aggravated assault. The trial court imposed a fifteen-year sentence to be served in confinement. On appeal, Defendant argues the evidence was insufficient to support his conviction and the trial court erred by limiting his closing argument. Following a review of the entire record, the briefs and arguments of the parties, and the applicable law, we affirm the judgment of the trial court.

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

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

Martha O. Dinwiddie, Knoxville, Tennessee, for the appellant, Larry Ray.

Jonathan Skrmetti, Attorney General and Reporter; Ryan W. Davis, Assistant Attorney General; Charme Allen, District Attorney General; and Jeannine D. Guzolek, Assistant District Attorney General, for the appellee, State of Tennessee.

OPINION

Factual and Procedural Background

On September 24, 2023, Blake Reagan and his friend, T.R.,¹ spent the day at Douglas Lake. At approximately 5:00 p.m., T.R.'s cousin, Bobby Ray, Jr. ("Junior")²

¹ It is the policy of this court to refer to minors by their initials only.

called and invited T.R. and Mr. Reagan to his house on Tipton Station Road. Mr. Reagan drove himself and T.R. to the residence in Mr. Reagan's truck. When they arrived, Defendant, T.R.'s uncle, was "messing around with a motorcycle" in the yard. Mr. Reagan, T.R., Junior, and Junior's girlfriend then had a "Nerf gun fight." However, Mr. Reagan and T.R. decided to leave when Junior announced that he had a "jar of shine, liquor."

Junior and his girlfriend went inside the house, and Mr. Reagan and T.R. got into the truck to discuss where they were going next. The driver side door of the truck was open, and Mr. Reagan was facing T.R. when he felt a "nudge up against the back of [his] head." He turned and saw Defendant pointing what appeared to be a nine millimeter pistol at the back of his head. Mr. Reagan then said, "Don't point that Fing [sic] gun at my head, don't point it at me at all and just don't be pointing it at me period." Mr. Reagan testified that he was mad and "kind of upset at the same time." Defendant then told Mr. Reagan not to speak to him in that tone, and he hit Mr. Reagan "upside the head" with the part of the gun "where the clip goes in and the slide[.]" Mr. Reagan noted that it "[s]ounded like something just hard hit against the side of [his] head." T.R. testified that he "heard the gun connect to the face." Mr. Reagan said Defendant told him the weapon was a BB gun to which Mr. Reagan replied, "I still don't care, don't point the gun at me. It don't matter if it's real or fake, like, don't point it at me like that." T.R. also testified that Defendant referred to the gun as a "toy" and pulled the clip out to show them it was a BB gun but T.R. did not see the clip. T.R. described the gun as "a black handgun. It looked like a 9-millimeter pistol." Mr. Reagan testified that after he was hit with the gun, he started to lose vision in his left eye, and "then it just got real blurry." He also had a headache. He noted that he was wearing a hat and his sunglasses were on top of his head at the time. The left earpiece of the glasses broke and the emblem fell off the side from the hit. Defendant then slammed the door on Mr. Reagan.

Mr. Reagan and T.R. immediately left and called T.R.'s mother, who worked in the medical field. Mr. Reagan explained that he drove despite his blurry vision and severe headache, because T.R. was sixteen and did not have a driver's license. They met T.R.'s mother in a Kroger parking lot and then called 911. Mr. Reagan met the officers at a different location and requested an ambulance, but none were available. He then drove to LeConte Medical Center for medical attention. There was a "knot" above his ear and a cut to the left side of his eye which was swollen. Mr. Reagan explained that he had a previous injury to his eye and face from a car accident which had required stitches and left scarring. He testified that some of the scars "busted open" when Defendant struck him with the gun. Photographs of his injuries were exhibited to his testimony.

² Because Bobby Ray, Jr. and Defendant share the same last name, we will refer to him by his nickname, "Junior." No disrespect is intended.

Mr. Reagan testified that it took approximately one and a half month to two months for his vision to begin improving. He said, "It's just a little bit blurry around the edges still. It's not bad, starting to come back." On cross-examination, Mr. Reagan agreed that he did not tell the officers his vision was blurry but told them his eye was "pulsating."

Deputy Brett Cox of the Knox County Sheriff's Office ("KCSO") testified that he was dispatched to meet with Mr. Reagan on the night of the offense and observed Mr. Reagan's injuries. Following their conversation, Deputy Cox drove to the residence on Tipton Station Road to speak with Defendant, but no one was there. The following evening, September 25, 2023, Deputy Cox again drove to the residence and attempted to locate Defendant. He spoke with Junior and Junior's father but was unable to locate Defendant.

Captain Emily Ayers, of the KCSO, testified that she was familiar with how recordings of telephone and video calls at the Knox County Jail were made and preserved. She provided recordings for two of Defendant's jail video calls from November 2023 and three phone calls from December 2023. During the first video call, Defendant spoke with a female about Mr. Reagan and said that if Mr. Reagan came to court, then Mr. Reagan and his father were "whores" who would not "ride in another motorcycle club as long as [Defendant] was around." Defendant later reiterated that he would "spread the word that the dude's a whore." In the second video call, Defendant spoke with the same female about his inability to make bond and complained that a fellow inmate had a \$2,000 bond after shooting someone four times, but Defendant's bond was \$10,000 for "smack[ing] a motherf[---]ker in the eye with a pistol."

In the first phone call, Defendant spoke with a male about Mr. Reagan and asked the man to speak with Mr. Reagan and tell him that "he don't got to go to court." During the second phone call, Defendant asked another female caller about Mr. Reagan and said that Mr. Reagan had obtained a "Glock" from Facebook. Defendant also said that someone else knew where Mr. Reagan was located. Finally, in the third phone call, Defendant again spoke with a female about Mr. Reagan. She explained that no one could speak with Mr. Reagan, and Defendant replied that she "knew better than that." Defendant said that neither Mr. Reagan nor T.R. had to appear in court.

At the close of proof, the trial court instructed the jury that to convict Defendant of aggravated assault, the State was required to prove that Defendant intentionally or knowingly caused bodily injury to another and that the act involved the use of a deadly weapon. The court defined the terms deadly weapon, bodily injury, serious bodily injury, and firearm. It explained that "[d]eadly weapon' means any firearm or anything manifestly designed, made, or adapted for the purpose of inflicting death or serious

bodily injury or anything that in the manner of its use or intended use is capable of causing serious bodily injury.”

During closing arguments, the State argued that Defendant committed aggravated assault and referenced the indictment noting that it had to prove that Defendant committed an assault while using a deadly weapon. The State argued that although Defendant “claims it [was] a BB gun,” Mr. Reagan believed the weapon “looked just like a nine-millimeter handgun.” The State further argued that a BB gun could cause serious bodily injury depending on the way it was used.

Trial counsel argued that in order to convict Defendant of aggravated assault, the State had to show that the gun was a deadly weapon, and “when we get through this, you’re going to see that this BB gun is not a deadly weapon, and because of that you have to find [Defendant] not guilty of aggravated assault.” The State objected arguing that trial counsel’s statement “doesn’t match up with what we’re being charged with.” The trial court responded:

And so see where it says defendant knowingly? The, the term knowingly also includes intentional, so if, if you see knowingly, you can assume that intentional conduct to be included in that, so when I instructed it says, the defendant intentionally or knowingly caused bodily injury to another. So just know that I’ve added that, that extra word. They both apply for knowingly, but you may continue.

Trial counsel told the jury the State was required to prove that Defendant intentionally or knowingly caused bodily injury beyond a reasonable doubt and that the BB gun was a deadly weapon; it argued the State had not met that burden. She then explained what constituted a deadly weapon and said:

So what does anything that in the manner of its use is capable of causing death or serious bodily injury? What’s that mean? That means that it in the manner that the person used it, it was able to cause death or serious bodily injury. It means it actually caused death or serious bodily injury or was used with the intent to cause death or serious bodily injury. And so to determine whether this BB gun is a deadly weapon, you look to the injury or the intent to cause it. So for it to be done, you have to - - there’s got to be serious bodily injury or the intent to cause it.

The State objected to trial counsel’s statement noting that it was a “misstatement of the law that there is a requirement of serious bodily injury.” The following exchange then took place:

THE COURT: Yeah. So I - - the lawyers get to argue that they think the law means to you. I'm instructing as the law, so I will just refer you back to my instructions. You're going to have them with you. You'll go back with that, and you see what these definitions mean. If - - when you get back there, and you're struggling with understanding the law, if you want further directions from me, you can write that question. So, again, as I said, statements of attorneys are not evidence in themselves. They also are not the law. I tell you what the law is. Okay? So what the lawyers would argue to you is different than the way you interpret the, the instructions. You go by your own interpretation and what I instruct you on. Okay? I'll let the State counter that in closing this. But you may continue arguing.

[Trial Counsel]: So I would argue if you read that whole sentence in the context, it means we've actually got a caused death or serious bodily injury or we have death, intent to cause it.

THE COURT: Yeah. And I think that might be - - I think at some point I do have to step in. You know, let me read the instruction to you again folks, on that, since it is an issue, I want to, I want to make sure that you're seeing my instruction and the way I've written it, folks, so I'm going to do the, the first three definitions that are in here, folks, and this is really what we're talking about. Okay? So this is what the law says, and you're not to go beyond this, these definitions. You use your everyday ordinary understanding of what these words mean.

"Deadly weapon means a firearm or anything manifested, designed, made or adapted for the purpose of inflicting death or serious bodily injury or anything that the manner of its use or intended use is capable of caus[ing] death or serious bodily injury."

"Bodily injury[]includes a cut, abrasion, bruise, burn or disfigurement, and physical pain or temporary illness or impairment of the function of a bodily member, organ, or mental faculty."

"Serious bodily injury means bodily injury that involves a substantial risk of death; protracted unconsciousness or protracted - - extreme physical pain; protracted or obvious disfigurement; or protracted loss or substantial impairment of a function of a bodily member, organ, or mental faculty."

That is what the law requires. Nothing beyond that. So you interpret it however you interpret it.

You may continue.

Trial counsel went on to explain serious bodily injury to the jury and argued that Mr. Reagan's injuries did not constitute serious bodily injury. Trial counsel said, "And so if Mr. Reagan says that his vision's not bad, why in the world is the State trying to convince you that it's serious bodily injury?" The State again objected, arguing that trial counsel was misstating the law. The trial court noted that the State would have the opportunity to make a rebuttal argument and reread the previous instruction concerning deadly weapon and bodily injury and said, "'Aggravated Assault' requires that the State show that the defendant caused - - defendant intentionally not only caused bodily injury to another and that the act involved the use of a deadly weapon." The trial court also reread the jury instruction defining bodily injury.

The jury found Defendant guilty of aggravated assault, and the trial court imposed a sentence of fifteen years at one hundred percent as a career offender.³ Defendant filed a motion for a new trial which was denied by the trial court. Defendant filed a timely notice of appeal.

Analysis

I. Sufficiency of the Evidence

Defendant contends that the evidence was insufficient to support his conviction for aggravated assault because the State did not prove the assault was accomplished with a deadly weapon. The State responds that the evidence was sufficient to sustain the conviction.

When evaluating the sufficiency of the evidence on appeal, the relevant question is whether "any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt." *State v. Wagner*, 382 S.W.3d 289, 297 (Tenn. 2012) (quoting *Jackson v. Virginia*, 443 U.S. 307, 319 (1979)); see Tenn. R. App. P. 13(e). The State is entitled to the strongest legitimate view of the evidence presented at trial and to all reasonable and legitimate inferences that may be drawn from the evidence. *State v. Gibson*, 506 S.W.3d 450, 458 (Tenn. 2016). This court will not reweigh or reevaluate the evidence, and it may not substitute its inferences drawn from circumstantial evidence for

³ Defendant was originally charged with aggravated assault by causing Mr. Reagan to reasonably fear imminent bodily injury while using or displaying a deadly weapon (count one), aggravated assault by causing bodily injury to Mr. Reagan while using a deadly weapon (count two), reckless endangerment (count three), and unlawful possession of a firearm after having been convicted of a felony crime of violence (count four). Prior to trial, the State dismissed counts one, three, and four and proceeded to trial only on count two.

those drawn by the trier of fact. *State v. Davis*, 466 S.W.3d 49, 70 (Tenn. 2015). A jury's verdict of guilt, approved by the trial court, resolves conflicts of evidence in the State's favor and accredits the testimony of the State's witnesses. *State v. Smith*, 436 S.W.3d 751, 764 (Tenn. 2014). "Questions concerning the credibility of witnesses, the weight and value to be given the evidence, as well as all factual issues raised by the evidence are resolved by the trier of fact." *State v. Bland*, 958 S.W.2d 651, 659 (Tenn. 1997).

A guilty verdict replaces the presumption of innocence with one of guilt, and on appeal, the burden of demonstrating that the evidence is insufficient to support the conviction is on the defendant. *State v. Cole*, 155 S.W.3d 885, 897 (Tenn. 2005). This standard of review applies to guilty verdicts based upon direct or circumstantial evidence. *State v. Dorantes*, 331 S.W.3d 370, 379 (Tenn. 2011) (citing *State v. Hanson*, 279 S.W.3d 265, 275 (Tenn. 2009)). In *Dorantes*, our supreme court held that "direct and circumstantial evidence should be treated the same when weighing the sufficiency of such evidence." *Id.* at 381.

As relevant to this case, aggravated assault occurs when a person "[i]ntentionally or knowingly commits an assault" and the assault "[i]nvolved the use or display of a deadly weapon[.]" T.C.A. § 39-13-102(a)(1)(A)(iii). An assault occurs when a person "[i]ntentionally, knowingly or recklessly causes bodily injury to another." *Id.* § 39-13-101(a)(1). "Bodily injury" includes "a cut, abrasion, bruise, burn or disfigurement, and physical pain or temporary illness or impairment of the function of a bodily member, organ, or mental faculty." *Id.* § -106(a)(3).

A deadly weapon may be deadly per se or deadly by the manner of use. *Morgan v. State*, 415 S.W.2d 879, 882 (Tenn. 1967). A deadly weapon per se includes, "[a] firearm or anything manifestly designed, made or adapted for the purpose of inflicting death or serious bodily injury." T.C.A. § 39-11-106(a)(6)(B). A deadly weapon by manner of use includes "[a]nything that in the manner of its use or intended use is capable of causing death or serious bodily injury." *State v. McGouey*, 229 S.W.3d 668, 674 (Tenn. 2007). "Serious bodily injury" is defined as bodily injury that involves: "(A) A substantial risk of death; (B) Protracted unconsciousness; (C) Extreme physical pain; (D) Protracted or obvious disfigurement; [or] (E) Protracted loss or substantial impairment of a function of a bodily member, organ or mental faculty[.]" T.C.A. § 39-11-106(a)(37). In *McGouey*, our supreme court held that "[a] carbon powered pellet gun is not a deadly weapon per se because it is not a 'firearm.'" *McGouey*, 229 S.W.3d at 672.

In this case, Defendant was indicted as follows:

The Grand Jurors for the State of Tennessee, upon their oaths, present that [Defendant], on or about the 24th day of September, 2023, in Knox County, Tennessee and before the finding of this indictment, did unlawfully and knowingly cause bodily injury to Blake Reagan while [Defendant], was using a deadly weapon, in violation of T.C.A. § 39-13-102, and against the peace and dignity of the State of Tennessee.

Thus, the State was required to prove that Defendant caused bodily injury, not serious bodily injury, to Mr. Reagan by use of a deadly weapon. The State argues that the gun was both deadly per se and deadly by manner of use because the proof showed that it was a nine-millimeter firearm rather than a BB gun and that Defendant also used the gun in a manner that was capable of causing death or serious bodily injury.

Here, the proof clearly shows that Mr. Reagan suffered bodily injury. The jury accredited Mr. Reagan's testimony that he started to lose vision in his left eye, and "then it just got real blurry" after Defendant struck him with the gun. He also developed a severe headache and sought medical attention. There was a "knot" above his ear and a cut to the left side of his eye which was swollen. Mr. Reagan's injuries were depicted in the photographs admitted as exhibits at trial. Mr. Reagan explained that he had a previous injury to his eye and face from a car accident and that some of the scars "busted open" when Defendant struck him with the gun. Mr. Reagan testified that it took approximately one and a half months to two months for his vision to begin improving, and his vision was still blurry at the time of trial.

The question then becomes whether Defendant used a deadly weapon to cause the bodily injury to Mr. Reagan. Mr. Reagan and T.R. both testified that the weapon appeared to be a black nine-millimeter pistol, and it sounded "like something just hit hard" when it struck the side of Mr. Reagan's head. During a jail call, Defendant referred to the weapon as a "pistol." However, the weapon was never recovered. Mr. Reagan testified that Defendant told him the gun was a BB gun and T.R. likewise testified that Defendant referred to the gun as a "toy" but T.R. did not see the clip. Regardless of whether the gun was a firearm (deadly weapon per se), or a BB gun, the jury found that it was a deadly weapon by the manner in which it was used in this particular case. The jury accredited testimony that Defendant struck Mr. Reagan on the left side of the head, near his eye, with "quite a bit of force" and that the gun made a sound when it made contact with Mr. Reagan's head and caused injury and aggravation of Mr. Reagan's previous injury. The blow was sufficient to snap the left earpiece of the sunglasses resting on his head, and the emblem fell off. Although it is unclear from the proof whether the weapon was an actual firearm, there was proof from which the jury could reasonably find that it was used in a manner capable of causing death or serious bodily injury, and this court will not second-guess its judgment. *See State v. Armstrong*, No. M2009-02482-CCA-R3-

CD, 2010 WL 3270017, at *4-5 (Tenn. Crim. App. Aug. 19, 2010) (affirming defendant's conviction for aggravated assault where the victim suffered bodily injury from defendant's use of a heavy metal bar); *State v. Negron*, No. M2024-00257-CCA-R3-CD, 2025 WL 1587222, at *3 (Tenn. Crim. App. June 5, 2025) *perm. app. denied* (Tenn. Oct. 8, 2025) (finding evidence was sufficient to sustain Defendant's conviction for aggravated assault by use of a deadly weapon where defendant threw a barstool at the victim, knocking her down, causing her to fear imminent bodily injury). Defendant is not entitled to relief on this issue.

II. Closing Argument

Defendant contends that the trial court "impermissibly interfered" with his "ability to persuasively argue an accurate interpretation of the definition of "deadly weapon" by *sua sponte* interrupting his closing argument to re[]read the jury its instructions, leaving the impression that counsel's argument was inappropriate and incorrect." He further argues that this was "compounded" by the trial court's failure to treat the State the same way "when it argued an interpretation of the law which has been rejected by our supreme court." The State responds that the court did not limit or prevent Defendant from making any argument.⁴

"[C]losing argument is a valuable privilege that should not be unduly restricted." *State v. Bane*, 57 S.W.3d 411, 425 (Tenn. 2001), *abrogated on other grounds by State v. Thomas*, 687 S.W.3d 223, 249 (Tenn. 2024). Closing argument gives each side the opportunity to persuade the jury of its theory of the case and to highlight the strengths and weaknesses in the proof. *State v. Banks*, 271 S.W.3d 90, 130 (Tenn. 2008). The argument of an advocate must be temperate, predicated upon evidence introduced during the trial, and pertinent to the issues which must be resolved by the jurors. *State v. Griffiths*, 964 S.W.2d 577, 599 (Tenn. Crim. App. 1997). A trial court is accorded wide discretion in its control of closing argument and will only be reversed upon a showing of an abuse of that discretion. *Terry v. State*, 46 S.W.3d 147, 156 (Tenn. 2001); *Smith v. State*, 527 S.W.2d 737, 739 (Tenn. 1975).

In this case, the trial court in no way limited Defendant's closing argument nor did the court interrupt his argument. The trial court's rereading of its previous instructions to the jury regarding the definitions of deadly weapon, bodily injury, and serious bodily injury was not *sua sponte*. It was in direct response to the State's objections to trial counsel's arguments. Defendant first told the jury that in order to convict Defendant of

⁴ The State also asserts that to the extent Defendant argues that the trial court demonstrated favoritism, this issue is waived and does not warrant plain error relief. However, in his reply brief, Defendant specifically states that he "is not advancing a claim that the trial court treated the State with favoritism." Thus, we will not address this claim.

assault, the State had to show that the gun was a deadly weapon; the State objected on the grounds that Defendant's argument did not match the indictment. Defendant next told the jury that the State had to show "serious bodily injury or the intent to cause it;" the State objected arguing that was a "misstatement of the law that there is requirement of serious bodily injury." Additionally, the trial court told the jury that "the lawyers get to argue what they think the law means to you. I'm instructing as the law, so I will just refer you back to my instructions." The trial court further told the jury that statements of the attorneys are not evidence, and if "what the lawyers would argue to you is different than the way you interpret the, the instructions. You go by your own interpretation and what I instruct you on. Okay? I'll let the State counter that in closing this."

The trial court did not limit Defendant's closing argument, nor did it abuse its discretion by rereading portions of its previous instructions to the jury in response to the State's objections to Defendant's argument. None of the trial court's comments "contain any inferences or statements indicating a partiality on the merits of the case;" the court was simply "exercising its discretion to control closing argument." *State v. Jones*, M2005-00674-CCA-R3-CD, 2006 WL 1868443, at *6 (Tenn. Crim. App. July 6, 2006). Defendant is not entitled to relief on this issue.

CONCLUSION

For the forgoing reasons, the judgment of the trial court is affirmed.

s/ *Jill Bartee Ayers*
JILL BARTEE AYERS, JUDGE