

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE
AT KNOXVILLE
July 22, 2026 Session

FILED

08/07/2026

Clerk of the
Appellate Courts

STATE OF TENNESSEE v. JAMEN LEE COWAN

Appeal from the Circuit Court for Anderson County
Nos. B4C00066, B4C00067 Ryan M. Spitzer, Judge

No. E2025-00664-CCA-R3-CD

The defendant, Jamen Lee Cowan, appeals the trial court's order revoking his probation, arguing that the original probation violation warrant filed in November 2018 was invalid and that, in consequence, his four-year term of probation expired before the issuance of the amended violation warrant in January 2025. Because the record reflects that the State complied with the procedural requirements for the issuance of the 2018 probation violation warrant, we conclude that the trial court did not err in concluding that the warrant tolled the running of the Defendant's term of probation. The Defendant does not challenge the trial court's findings as to the grounds supporting the revocation or the court's order that he serve the balance of his sentence in confinement. Accordingly, we affirm the judgment of the trial court.

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

STACY L. STREET, J., delivered the opinion of the court, in which ROBERT L. HOLLOWAY, JR., and ROBERT H. MONTGOMERY, JR., JJ., joined.

Andrew W. Pate (on appeal) and Kenneth M. Moynihan (at trial), Assistant District Public Defenders, for the appellant, Jamen Lee Cowan.

Jonathan Skrmetti, Attorney General and Reporter; Ryan W. Davis, Assistant Attorney General; Dave S. Clark, District Attorney General; and Kevin Allen, Assistant District Attorney General, for the appellee, State of Tennessee.

OPINION

This appeal arises from the revocation of the effective four-year term of probation imposed as part of a global plea agreement involving three cases in 2014. We glean what

we can of the procedural history from the testimony and exhibits presented at the August 20, 2025 revocation hearing.

Factual and Procedural Background

In July 2014, the Defendant pleaded guilty in case number B4C00065 to one count of theft, for which he received a Range I sentence of three years to be served in the Tennessee Department of Correction (TDOC); in case number B4C00066 to one count of theft, for which he received a Range I sentence of three years' supervised probation to be served consecutively to the sentence imposed in case number B4C00065 and concurrently with the sentence imposed in case number B4C00067; and in case number B4C00067 to one count of aggravated burglary, for which he received a Range I sentence of four years' supervised probation to be served concurrently with the sentence imposed in case number B4C00066 but consecutively to the sentence imposed in case number B4C00065. The resulting sentence was, therefore, three years' confinement followed by four years' probation. The judgments do not mention any unserved or unexpired sentence from North Carolina.¹

On June 27, 2016, the Defendant pleaded guilty in case number B4C00084 to one count of attempted aggravated child abuse and received a sentence of six years' confinement to be served concurrently with the "[s]entence he is presently serving." The absence of any other judgment forms in the record and the timing of the Defendant's plea suggest that this notation references the three-year TDOC sentence imposed in case number B4C00065. The trial court granted the Defendant thirty-one months and one day of pretrial jail credits for the period between November 26, 2013, and June 27, 2016, effectuating the concurrent alignment of this sentence with that imposed in case number B4C00065, and ordered him to serve 100 percent of the sentence.² TDOC calculated a sentence expiration

¹ See Tenn. R. Crim. P. 32(c)(2)(B) (stating that when the defendant has any unserved non-Tennessee sentence, the trial court "*shall* impose a sentence that is consecutive to any such unserved sentence unless the court determines in the exercise of its discretion that good cause exists to run the sentences concurrently and explicitly so orders"). In this case, neither party argued either in the trial court or this court that the application of this rule altered the expiration of the term of probation, and the record contains no information regarding the length of the Defendant's alleged unserved/unexpired sentence. Accordingly, we will not address this issue *sua sponte* given the state of the record on appeal. *State v. Holley*, --- S.W.3d ---, No. W2024-00748-SC-R11-CD, 2026 WL 2149085, at *7 (Tenn. July 27, 2026) (emphasizing that "appellants have no obligation to develop a record on an issue not raised by either party" and that the "parties should be given an opportunity to be heard before the appellate court rules").

² The original charge of aggravated sexual battery carried a 100 percent service requirement, but the amended charge of attempted aggravated child abuse did not. See T.C.A. § 40-35-501(i) (2016). However, "a defendant may plea bargain for a RED that is inconsistent with the sentencing range agreed to." *Davis v. State*, 313 S.W.3d 751, 757 (Tenn. 2010) (citation omitted).

date in case number B4C00084 of October 27, 2018, which roughly coincides with the application of the pretrial jail credit awarded by the trial court as well as sentence reduction credits authorized by Tennessee Code Annotated section 40-35-501(i).³ The undated and unsigned probation order bearing case numbers B4C00065, B4C00066, and B4C00067 includes a sentence expiration date of October 27, 2022, which, again, roughly coincides with the Defendant's beginning service of the concurrent terms of probation in case numbers B4C00066 and B4C00067 upon his completion of the six-year sentence imposed in case number B4C00084.

A probation violation affidavit submitted on November 28, 2018, alleged that the Defendant violated the terms of his probation in case numbers B4C00066 and B4C00067 by failing "to report 72 hours after being released from sentencing hearing"⁴ and by failing "to report as instructed to his Probation Officer for a drug screen" on November 27, 2018. The affidavit further alleged that the Defendant's "whereabouts are unknown." A probation violation warrant issued that same day. Neither the affidavit nor the warrant references any North Carolina sentence. However, the probation violation report submitted on the same day as the probation violation affidavit states that the Defendant "was serving a parole revocation and was released to a hold in North Carolina on or about" October 27, 2018, and that he "has a full extradition warrant out of North Carolina for a probation violation on original charge of Possession of Firearm by a Felon" in Catawba County, North Carolina. The report also states that the Defendant "was released from North Carolina Department of Corrections Sentencing hearing on or about" October 27, 2018, and that he "failed to report back" to serve the term of probation in case numbers B4C00066 and B400067. Similarly, a November 13, 2018 notation in the Tennessee Offender Management Information System (TOMIS) Contact History Report (contact history) states that the Defendant "was serving a parole revocation and was released to a hold in North Carolina" on October 27, 2018, and that "it was learned that after [he] was sent to North Carolina for his hold that he has absconded supervision." A document titled "Absconder Notice" from the North Carolina Division of Adult Corrections dated November 9, 2018, reflects that the Defendant had absconded from the sentence of probation imposed for his February 5, 2013 Lincoln County, North Carolina convictions of felony breaking and entering and larceny after breaking and entering in case number 12053534 and possession of a firearm by a convicted felon in case number 12053536, the case number noted in the probation violation report.

³ Tennessee Code Annotated section 40-35-501(i) permits an incarcerated person to earn sentence reduction credits to reduce the sentence actually imposed by up to 15 percent. *See id.* Fifteen percent of a six-year sentence is 10.8 months, or ten months and twenty-four days. *See id.* § 40-35-502.

⁴ It is unclear to which "sentencing hearing" the affidavit refers.

The contact history shows that on December 4, 2018, the Defendant's probation officer learned that the Defendant had been booked into the Burke County, North Carolina jail. Although the probation officer faxed a copy of the probation violation warrant in this case to Burke County, he was advised that the violation warrant could not be served on the Defendant until it was entered into the National Crime Information Center (NCIC). Contact history notations from February and March 2019 reflect that the Anderson County District Attorney's Office "will not place Offender's warrant in NCIC." The Defendant was continuously confined in North Carolina from June 2019 to September 2020, when he was released.

After learning that the Defendant had been released from custody in 2020, the Defendant's probation officer, Brittany Brown,⁵ advised the Defendant's North Carolina parole officer that the Defendant had an active probation violation warrant in Tennessee. In April 2024, Ms. Brown learned that the Defendant was again incarcerated in North Carolina. The Defendant was released from North Carolina custody sometime between October 15 and November 4, 2024, when he waived extradition to answer the allegations in the November 2018 probation violation warrant.

An amended probation violation warrant issued on January 6, 2025, alleged that the Defendant had further violated the terms of his probation in case numbers B4C00066 and B4C00067 by committing new offenses in North Carolina between June 2021 and September 2022. Certified copies of the resulting convictions reflect that the Defendant was convicted of one count of breaking and entering in case number 23CRS003171; one count of possession of methamphetamine in case number 21CRS051424; one count of breaking and entering and one count of larceny after breaking and entering in case number 22CRS000606; one count of felony larceny and one count of possession of stolen goods in case number 21CRS054208; two counts of breaking or entering a motor vehicle in case number 21CRS053716; and one count felony larceny and one count of misdemeanor larceny in case number 21CRS054198.

Ms. Brown testified that the Defendant did not, at any point, report to serve the sentence of probation imposed in case numbers B4C00066 and B400067. Ms. Brown said that the Defendant was incarcerated in North Carolina when she took over supervision of his case in May or June 2019. Because she did not begin supervising his case until well after his release from TDOC, Ms. Brown could not say whether the Defendant was told to report to probation upon his release from TDOC. She said, however, that trial judges typically instruct defendants "to contact their probation officer after their release from

⁵ The transcript spells Ms. Brown's name "Brittney," but it is spelled "Brittany" in the notations that she entered into the contact history.

incarceration.”⁶ Ms. Brown said that if a probationer had a “hold,” they “would be released to the hold before coming on to probation.” She agreed that an August 1, 2014 “Transaction Sheet,” which was filled in by hand by Josh Brown, whom Ms. Brown did not know, contained a handwritten notation that stated that the Defendant had a hold in North Carolina. Ms. Brown acknowledged that the Defendant could not have reported to the probation office in person while he was incarcerated in North Carolina.

At the conclusion of the hearing, the Defendant argued that the November 2018 probation violation warrant inaccurately stated that his whereabouts were unknown when, in fact, his original probation officer knew that he had been released to custody in North Carolina.⁷ He claimed that this rendered the original violation warrant void and insufficient to toll the running of his four-year term of probation. He theorized that the State was aware that he “had a warrant out of North Carolina” when “that deal was struck” and asserted that he had a “one hundred percent defense” to the allegations contained in the November 2018 violation warrant. In the alternative, he asked the court to “split the baby” and give him credit for the time he served in confinement in North Carolina. The Defendant did not challenge the allegations in the amended violation warrant and acknowledged that he would be ordered to serve the balance of his sentence in confinement should the trial court find that he had violated his probation.

The State argued that the November 2018 violation warrant was valid on its face and sufficient to toll the running of the Defendant’s term of probation. The State said that any action that the Defendant’s probation officer should have taken to locate him was irrelevant to the tolling issue. The State asked the trial court to revoke the Defendant’s probation and order him to serve the balance of his sentence in confinement. The State asserted that the Defendant was not entitled to jail credit on the effective four-year sentence for the time he served in North Carolina.

The trial court found the allegation that the Defendant’s whereabouts were unknown “somewhat troubling” because the documents presented at the hearing suggested that the Defendant’s probation officer was aware that he was, at some point, incarcerated in North Carolina following his release from TDOC. The court theorized that the trial judge who signed the probation violation warrant may not have had all the information necessary to “make an informed decision” but nevertheless concluded that the probation violation warrant was signed and properly issued in November 2018. The trial court determined that, regardless of whether the Defendant would have had a defense to the allegations in

⁶ The judgment documents specifically direct the Defendant to “report to the Court for status of payment of court costs upon release from the Tennessee Department of Correction.”

⁷ Neither party presented the testimony of the probation officer who prepared the November 2018 probation violation affidavit.

the November 2018 violation warrant, the warrant was “effective for purposes of tolling.” The court further found that the amended warrant was timely and valid.

The trial court concluded that based on the evidence presented at the hearing, the Defendant “never reported to probation” and “never paid restitution” in case numbers B4C00066 and B4C00067. The court also found that the Defendant violated his probation by committing new offenses in North Carolina. The trial court revoked the Defendant’s probation and ordered him to serve the balance of his sentence in confinement. The trial court granted the Defendant credit for time spent in TDOC custody from the expiration of the sentence in case number B4C00065 to October 27, 2018, and from November 25, 2024, the date he waived extradition from North Carolina, to the date of the hearing.

Analysis

In this appeal, the Defendant does not challenge the trial court’s findings as to the grounds supporting the revocation of his probation or the trial court’s order that he serve the balance of his sentence in confinement. Instead, he argues that the November 2018 probation violation warrant was void because “it contained only knowingly false allegations” and that, in consequence, the warrant did not toll the running of his term of probation, which, he claims, would have expired before the issuance of the amended violation warrant in January 2025. The State asserts that the trial court did not err by determining that the November 2018 violation warrant was valid and sufficient to toll the running of the Defendant’s term of probation.

The question presented in this appeal is simpler than the convoluted factual and procedural history suggests: did the original probation violation warrant filed in this case toll the running of the term of probation in this case? Because this issue “strikes at the trial court’s authority to rule over the revocation proceeding in the first instance,” it is a question of law, “which we will review de novo with no presumption of correctness.” *State v. Guy*, 683 S.W.3d 763, 769 (Tenn. Crim. App. 2023) (citing *Abdur’Rahman v. State*, 648 S.W.3d 178, 187 (Tenn. Crim. App. 2020)).

A valid probation violation warrant issued within the term of probation “commences the revocation proceedings and thereby interrupts the running of the probationary period ‘until such time as the trial court [may] hear and determine the issue raised by the [warrant].’” *Id.* (quoting *State v. Shaffer*, 45 S.W.3d 553, 555 (Tenn. 2001) (quoting *McGuire v. State*, 292 S.W.2d 190, 193 (Tenn. 1956))); see *Allen v. State*, 505 S.W.2d 715, 717 (Tenn. 1974) (stating that the running of the term of probation “is tolled by the issuance of the warrant and not by service of the warrant on the defendant”). Recently, this court has clarified that because Tennessee Code Annotated already defined and provided “a scheme” for issuing arrest warrants “[w]hen the legislature authorized the issuance of a warrant for the arrest for a probation violation in 1961,” the State must follow that statutory

scheme when obtaining a probation violation warrant. *State v. Heifner*, No. E2024-01517-CCA-R3-CD, 2025 WL 3297850, at *11 (Tenn. Crim. App. Nov. 26, 2025), *perm. app. granted*, No. E2024-01517-SC-R11-CD, 2026 WL 1470279 (Tenn. May 21, 2026); *see State v. Wall*, No. M2024-00979-CCA-R3-CD, 2025 WL 1604434, at *4 (Tenn. Crim. App. June 6, 2025) (“Tennessee law requires that probation revocation proceedings be initiated by a formal legal process that satisfies the statutory definition of a warrant, whether titled as a warrant or as another type of order.”), *no perm. app. filed*; *see also State v. Washington*, No. E2008-00515-CCA-R3-CD, 2009 WL 2263850, at *4 (Tenn. Crim. App. July 29, 2009) (written order signed by trial judge stating that defendant violated community corrections placement and that commanded defendant’s arrest satisfied procedural requirements). The probation violation warrant in this case satisfies the *procedural* requirements for the issuance of a probation violation warrant, *see Wall*, 2025 WL 1604434, at *4-5 (stating original violation warrants that satisfied the procedural requirements “tolled the running” of the defendant’s term of probation until they were recalled), and the Defendant does not contend otherwise. Instead, he asks this court to expand the holding of our supreme court in *State v. Dellinger*, 79 S.W.3d 458 (Tenn. 2002), and hold that the inclusion of false or misleading information in a probation violation affidavit invalidates the probation violation warrant.

In *Dellinger*, the defendant challenged the warrant to search his house on grounds that the affidavit in support of the warrant contained a “false and misleading statement.” *State v. Dellinger*, 79 S.W.3d 458, 470 (Tenn. 2002). Citing *State v. Little*, the supreme court observed that “[a]n affidavit sufficient on its face may be impeached if it contains ‘a false statement made with intent to deceive the Court, whether material or immaterial to the issue of probable cause’ or ‘a false statement, essential to the establishment of probable cause, recklessly made.’” *Id.* (quoting *State v. Little*, 560 S.W.2d 403, 407 (Tenn. 1978)); *see Franks v. Delaware*, 438 U.S. 154, 171-72 (1978) (deeming evidence seized pursuant to search warrant subject to suppression when the supporting affidavit includes deliberate or recklessly false statements that are material to the determination of probable cause). As this court has previously recognized, *Little* “applies to search warrants,” and no holding of this court or our supreme court holds that *Little* “applies with equal force to arrest warrants.” *State v. Pierce*, No. M2014-00120-CCA-R3-CD, 2015 WL 2102003, at *8 (Tenn. Crim. App. May 5, 2015) (citing *State v. Johnson*, No. C.C.A. 88-112-III, 1989 WL 60384, at *2 (Tenn. Crim. App. June 7, 1989) (expressing doubt that *Little* “also controls as to arrest warrants”)). The Defendant has not cited a single Tennessee case applying the holding in *Little* or *Dellinger* to arrest warrants.

Furthermore, even if we were generally inclined to expand *Dellinger* to arrest warrants, we would not do so in this case because the record does not support the conclusion that the probation violation affidavit “contains ‘a false statement made with intent to deceive the Court, whether material or immaterial to the issue of probable cause’

or ‘a false statement, essential to the establishment of probable cause, recklessly made.’” *Dellinger*, 79 S.W.3d at 470. The record belies the Defendant’s assertion that “the trial court found that the probation officer knowingly provided false information to the trial judge who issued the warrant.” As indicated, the trial court found the language of the probation violation affidavit “somewhat troubling” and “not entirely helpful” to the trial judge who issued the November 2018 violation warrant but stopped short of deeming the information knowingly false. Instead, the court concluded that “[i]t would be rank speculation to try to guess why that officer chose to word” it that way. The record similarly does not support the Defendant’s assertion, made at oral argument, that the State had engaged in a nefarious scheme to obtain “placeholder” warrants to toll the running of probation and relieve the probation office of the duty to locate probationers. Even if the prosecutor’s statements at the revocation hearing could be read this way, the arguments of counsel are not evidence, and none of the evidence presented at the hearing suggested such a scheme.

Moreover, the record suggests that at the time the violation affidavit was submitted, the allegations it contained were neither false nor misleading. The contact history states that on November 13, 2018, the officer learned that the Defendant had absconded after being sent to North Carolina to answer charges there. Although the Defendant argued at the revocation hearing that this was a misstatement, the documents submitted by the Defendant at the hearing included an “absconder notice” from North Carolina dated November 9, 2018, after he had been released from TDOC custody. Based upon these documents, it is reasonable to conclude that the Defendant’s whereabouts were, in fact, unknown when his probation officer submitted the initial violation affidavit. That his whereabouts later became known is irrelevant to the determination whether the probation violation warrant that issued as a result of that affidavit tolled the running of the Defendant’s probation.

Conclusion

Because the record supports the trial court’s determination that the State complied with the procedural requirements for issuing the November 2018 probation violation warrant, the filing of the warrant tolled the running of the Defendant’s term of probation. The Defendant does not challenge the trial court’s determination as to either the grounds supporting the revocation or the court’s order that he serve the balance of his sentence in confinement. Accordingly, we affirm the judgment of the trial court.

s/ Stacy L. Street

STACY L. STREET, JUDGE