

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. DARRELL AARON COX

Appeal from the Criminal Court for Cumberland County
No. 23-65 Shawn C. Fry, Judge

No. E2025-00929-CCA-R3-CD

The Defendant, Darrell Aaron Cox, appeals the sentence imposed for his Cumberland County Criminal Court guilty-pleaded conviction of driving under the influence (DUI), sixth offense, arguing that the trial court erred by denying all forms of alternative sentencing. Because the trial court did not abuse its discretion by ordering a sentence of full confinement, we affirm.

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

Craig P. Fickling and Tessa M. Nugent (on appeal), Cookeville, Tennessee, and Kevin A. Bryant (at sentencing hearing), Crossville, Tennessee, for the appellant, Darrell Aaron Cox.

Jonathan Skrmetti, Attorney General and Reporter; Benjamin A. Ball, Senior Assistant Attorney General; Bryant C. Dunaway, District Attorney General; and Rachel L. Bateman, Assistant District Attorney General, for the appellee, State of Tennessee.

OPINION

This appeal arises from the Defendant's having been discovered unresponsive in the driver's seat of his vehicle on March 28, 2022.

Factual and Procedural Background

The Cumberland County Grand Jury charged the Defendant with one count of DUI, *see* T.C.A. § 55-10-401; one count of driving on a revoked license, *see id.* § 55-50-504; and one count of DUI, sixth offense, *see id.* § 55-10-401. The Defendant pleaded guilty

on April 1, 2025, to DUI, sixth offense, as charged in Counts One and Three, and the State dismissed Count Two.

The transcript of the guilty plea submission hearing was not included in the record on appeal. However, at the May 20, 2025 sentencing hearing, the parties stipulated to the accuracy of the presentence report. The factual summary in the presentence report stated that on March 28, 2022, Crossville Police Department (CPD) officers were dispatched to investigate a report of a possible overdose involving a male inside a vehicle parked partially in the roadway and over a sidewalk. CPD Officer Keith Sadula arrived on the scene and made contact with the Defendant, who was unresponsive.

Members of the Crossville Fire Department arrived and administered naloxone to the Defendant. Following the administration of naloxone, the Defendant's movements were exaggerated and rigid, and he was unsteady on his feet. Officer Sadula observed a needle on the driver's side floorboard, a can that had been cut open and burned at the bottom, a filter in the seat where the Defendant was sitting, and a clear plastic baggie with powdery residue in it.

The Defendant was transported to Crossville Medical Center but fled after he arrived. Officer Sadula located the Defendant and placed him under arrest for DUI and driving on a revoked license. Officer Sadula obtained a search warrant for the Defendant's blood and collected two vials of blood. During his intake, the Defendant admitted using heroin.

The presentence report reflects that the Defendant acquired five prior DUI convictions as well as multiple theft, burglary, and public intoxication convictions between 2009 and 2021, that he twice violated prior sentences of probation during that same time, and that he was on probation at the time of the instant offense.

At the sentencing hearing, Richard Green, the Defendant's friend of approximately three years, testified that the Defendant was an avid churchgoer, a reliable employee, and a hard worker. Mr. Green said that the Defendant had made significant rehabilitative progress over the preceding nearly three years. The Defendant's pastor, Jeffrey Durham, testified about the Defendant's character, emphasizing his belief that the Defendant had turned his life around and that he had followed the law for the two and a half years before the hearing. The Defendant's employer, Joseph Lau, testified about the Defendant's honesty and positive history as his employee. In his allocution, the Defendant acknowledged his past conduct but emphasized his life changes during the years following his arrest, which he attributed to his faith and his desire to become a better person for his family.

The parties agreed that the Defendant was a Range II offender. The trial court found that the Defendant “has previous history of criminal convictions or criminal behavior in addition to those necessary to establish the appropriate range.” *See* T.C.A. § 40-35-114(1). The court also applied enhancement factor (9), finding that the Defendant possessed a deadly weapon during the commission of the offense because he operated his vehicle while unconscious, ultimately causing it to crash. *See id.* § 40-35-114(9). The court also found that the Defendant “had no hesitation about committing a crime when the risk to human life was high” based on the Defendant’s use of narcotics while operating a vehicle. *See id.* § 40-35-114(10). Finally, the court applied enhancement factor (13) because the Defendant was on probation at the time of the offense. *See id.* § 40-35-114(13). The court found that no mitigating factors applied.

After considering the enhancement factors, the trial court analyzed alternative sentencing under Tennessee Code Annotated section 40-35-102. The court stated that because the offense was his fourth felony conviction, the Defendant “shall not be considered a favorable candidate for alternative sentencing.” The court then found that confinement was necessary to protect society due to the Defendant’s long criminal history and to avoid depreciating the seriousness of the offense and that measures less restrictive than confinement had been frequently or recently applied unsuccessfully to the Defendant. The court expressly acknowledged the Defendant’s rehabilitative efforts and stated that it would give the Defendant “some grace” by enhancing the minimum six-year sentence to only seven years but concluded that the Defendant’s commendable rehabilitation efforts did not justify an alternative sentence. The trial court merged the two DUI convictions into a single Class C felony conviction of DUI, sixth offense, and imposed a seven-year sentence to be served in confinement. The Defendant filed a timely notice of appeal.

Analysis

On appeal, the Defendant argues that the trial court abused its discretion by denying an alternative sentence because it misinterpreted Tennessee Code Annotated section 40-35-102(6)(A), failed to consider all the relevant sentencing factors, and improperly discounted rehabilitation evidence. The State argues that the trial court did not abuse its discretion.

As a preliminary matter, we note that the transcript of the guilty plea hearing is not included in the appellate record. The appellant bears the burden of preparing a record that conveys a “fair, accurate[,] and complete account of what transpired with respect to those issues that are the bases of appeal.” Tenn. R. App. P. 24(b). Although “a transcript of the guilty plea hearing is often (if not always) needed in order to conduct a proper review of the sentence imposed,” *State v. Keen*, 996 S.W.2d 842, 843-44 (Tenn. Crim. App. 1999), its absence does not invariably preclude appellate review, *see State v. Holley*, --- S.W.3d ---, 2026 WL 2149085 (Tenn. 2026); *State v. Caudle*, 388 S.W.3d 273, 279 (Tenn. 2012).

Instead, we determine on a case-by-case basis whether the record otherwise contains sufficient information to permit meaningful review of the issue presented. *See Holley*, 2026 WL 2149085, at *4; *Caudle*, 388 S.W.3d at 279. In making that determination, supplementation of the record may be an appropriate remedy in some circumstances. *Caudle*, 388 S.W.3d at 279. Often, however, supplementation is unnecessary because we “may review the merits of the sentencing decision with a presumption that the missing transcript would support the ruling of the trial court,” *see id.* (citing *State v. Oody*, 823 S.W.2d 554, 559 (Tenn. Crim. App. 1991)); *see also State v. Lewis*, W2024-01692-CCA-R3-CD, 2025 WL 2630728, at *4 (Tenn. Crim. App. Sept. 12, 2025) (“[W]e must presume that the missing guilty plea transcript supports the court's determination regarding [the] mitigating factor [at issue].”), or we may find that the contents of the presentence report and/or the sentencing hearing provide us with adequate for our review, *see Holley*, 2026 WL 2149085, at *9 (observing that the presentence report and sentencing hearing transcript provided sufficient information to allow appellate review); *see also State v. Robinson*, No. E2023-00391-CCAR3-CD, 2024 WL 837945, at *5 (Tenn. Crim. App. Feb. 28, 2024) (same). In this case, the presentence report and the sentencing hearing transcript adequately set forth the facts of the offense and provide a sufficient basis for our review of the Defendant’s claim on the merits.

We review “sentencing decisions that reflect a proper application of the purposes and principles of our Sentencing Act,” including “questions related to probation or any other alternative sentence” and to sentence alignment, under an abuse of discretion standard accompanied by “a presumption of reasonableness.” *State v. Bise*, 380 S.W.3d 682, 707 (Tenn. 2012); *State v. Pollard*, 432 S.W.3d 851, 864 (Tenn. 2013); *State v. Caudle*, 388 S.W.3d 273, 279 (Tenn. 2012); *see also State v. King*, 432 S.W.3d 316, 324 (Tenn. 2014). We do not apply a presumption of reasonableness when the trial court fails to consider and weigh the applicable factors. *See King*, 432 S.W.3d at 327-28; *Caudle*, 388 S.W.3d at 279. “A trial court abuses its discretion when it applies incorrect legal standards, reaches an illogical conclusion, bases its ruling on a clearly erroneous assessment of the proof, or applies reasoning that causes an injustice to the complaining party.” *State v. Phelps*, 329 S.W.3d 436, 443 (Tenn. 2010).

“Convicted felons committing the most severe offenses, possessing criminal histories evincing a clear disregard for the laws and morals of society and evincing failure of past efforts at rehabilitation” are generally not considered favorable candidates for alternative sentencing. T.C.A. § 40-35-102(5)-(6)(A). Before ordering a sentence of full confinement, however, the trial court must consider the factors enumerated in Tennessee Code Annotated section 40-35-103(1):

Sentences involving confinement should be based on the following considerations:

- (A) Confinement is necessary to protect society by restraining a defendant who has a long history of criminal conduct;
- (B) Confinement is necessary to avoid depreciating the seriousness of the offense or confinement is particularly suited to provide an effective deterrence to others likely to commit similar offenses; or
- (C) Measures less restrictive than confinement have frequently or recently been applied unsuccessfully to the defendant

T.C.A. § 40-35-103(1). Additionally, the trial court should consider the defendant's potential for rehabilitation in determining whether to impose an alternative sentence. *Id.* § 40-35-103(5).

A defendant is statutorily eligible for probation when the total effective sentence “actually imposed upon the defendant is ten (10) years or less” and when the Defendant does not stand convicted of the offenses enumerated in Tennessee Code Annotated section 40-35-303(a)(1). T.C.A. § 40-35-303(a)(1). Eligibility does not equal entitlement, *see id.* § 40-35-303(b), and the Defendant bears the burden of establishing his “suitability for full probation,” *State v. Mounger*, 7 S.W.3d 70, 78 (Tenn. Crim. App. 1999), by demonstrating that full probation would “subserve the ends of justice and the best interest[s] of both the public and the defendant,” *State v. Carter*, 254 S.W.3d 335, 347 (Tenn. 2008) (citations omitted). A trial court considering whether to place a defendant on probation should consider the circumstances of the offense; the need for special or general deterrence; and the defendant's amenability to correction, criminal and social history; and physical and mental health. *See State v. Trent*, 533 S.W.3d 282, 291 (Tenn. 2017). Our supreme court has concluded that to support the denial of alternative sentencing based on the circumstances of the offense alone, the offense “as committed, must be ‘especially violent, horrifying, shocking, reprehensible, offensive, or otherwise of an excessive or exaggerated degree,’ and the nature of the offense must outweigh all factors favoring probation.” *State v. Travis*, 622 S.W.2d 529, 534 (Tenn. 1981). Our legislature codified this principle in Tennessee Code Annotated section 40-35-103(1)(B). *See State v. Housewright*, 982 S.W.2d 354, 357 (Tenn. Crim. App. 1997) (first citing *State v. Hartley*, 818 S.W.2d 370, 375 (Tenn. Crim. App. 1991); and then *State v. Fletcher*, 805 S.W.2d 785, 787 (Tenn. Crim. App. 1991)).

Because the record reflects that the trial court carefully considered the Defendant's potential for rehabilitation, the enhancement and mitigating factors, and the purposes and principles of sentencing, we apply a presumption of reasonableness to the trial court's sentencing decision. *See King*, 432 S.W.3d at 327. The trial court recognized that as a Range II offender, the Defendant was not considered a favorable candidate for alternative sentencing. *See* T.C.A. § 40-35-102(6)(A). Although the Defendant argues that the trial court misinterpreted the statute and treated him as ineligible for probation, the record

establishes that the trial court weighed each of the statutory considerations in Tennessee Code Annotated section 40-35-103(1) before concluding that the nature of the conviction offense and the Defendant's extensive criminal history, which included five prior DUI convictions, three prior felony convictions, and multiple probation violations, warranted a sentence of full confinement. *See* T.C.A. § 40-35-103(1). Certainly, the Defendant presented evidence that he had made meaningful rehabilitative efforts in the years between his arrest and the sentencing hearing, the trial court was not required to afford those circumstances controlling weight. Thus, the record demonstrates that the trial court made the appropriate findings and that those findings are supported by the facts of this case.

Conclusion

Therefore, we hold that the trial court did not abuse its discretion by ordering a sentence of full confinement and affirm the judgment of the trial court.

s/ *Stacy L. Street*

STACY L. STREET, JUDGE