

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE
AT KNOXVILLE
August 18, 2026 Session

FILED

09/11/2026

Clerk of the
Appellate Courts

STATE OF TENNESSEE v. ALLAN PARTIN

Appeal from the Circuit Court for Blount County
Nos. C-29464, C-29465, C-29466, C-28905 David Duggan, Judge

No. E2025-01031-CCA-R3-CD

The Defendant, Allan Partin, appeals the trial court's order revoking his community corrections sentence for aggravated burglary, domestic assault, and attempted kidnapping and ordering him to serve the balance of his sentence in confinement. He argues that the trial court abused its discretion by failing to properly apply the two-step process required for revocation of his community corrections sentence. Specifically, the Defendant contends that the trial court failed to make sufficient findings regarding its consequence determination, leaving the record inadequately developed for meaningful appellate review. The State responds that the trial court made the requisite findings before exercising its discretion to order the Defendant to serve his sentence in confinement. We agree with the Defendant that the trial court failed to articulate its findings concerning the consequence imposed for the revocation. However, upon our de novo review, we affirm the judgment of the trial court and conclude that full revocation of his community corrections sentence was proper.

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

CAMILLE R. MCMULLEN, J., delivered the opinion of the court, in which ROBERT L. HOLLOWAY, JR., and TOM GREENHOLTZ, JJ., joined.

M. Todd Ridley, Franklin, Tennessee (on appeal); Rick A. Owens, Maryville, Tennessee (at trial), for the appellant, Allan Partin.

Jonathan Skrmetti, Attorney General and Reporter; Katherine C. Redding, Assistant Attorney General; Ryan Desmond, District Attorney General; and Tiffany Smith and Ashley Salem, Assistant District Attorneys General, for the appellee, State of Tennessee.

OPINION

At the November 13, 2023 guilty plea hearing, the Defendant stipulated to the following facts:

In C-28905 that on February 9, 2023, at 6535 Howard School Road, Maryville, the [D]efendant, [] appeared at the residence of his estranged wife, Alyssa Bright, despite Ms. Bright having declined for Defendant [] to come over.

Defendant [] knocked on the front door but Ms. Bright didn't answer. Defendant [] then went to the rear sliding glass door. Ms. Bright told the [D]efendant to leave. The [D]efendant, after tampering with the door got it open, and walked into the residence.

Ms. Bright grabbed the couple's son and ran into a bedroom before realizing the door to the room did not lock. Ms. Bright again told the [D]efendant to leave. The [D]efendant demanded to see the child even though there was a no-contact order from DCS/juvenile court preventing him from doing so.

When Ms. Bright said, no, the [D]efendant grabbed the child and ran to the truck where he placed the child in the front seat. Ms. Bright ran after the child, and the [D]efendant shoved Ms. Bright aggressively away from the truck. This did not dissuade Ms. Bright, as she was able to get the child and run back into the residence. As she ran, the [D]efendant followed. When Ms. Bright made it back inside, the [D]efendant left the scene in his truck.

Ms. Bright later searched the security cameras for footage of the incident and discovered that Defendant [] stole the camera from the back porch before he left. The camera was still recording as he placed it in his truck. It should be noted the parties were estranged for nearly four years and Defendant [] has never lived in the residence on Howard School Road. Ms. Bright, however, has called it home for the last two years.

As to C-28904, on February 10, 2023, at 7:04 hours Central Standard Time, Defendant [], then an inmate in the Blount County jail[,] called his mother at [] and during the recorded conversation stated that he would return to Alyssa Bright's residence and stated that he would, quote, slit her throat from ear to ear, end quote. This threat was in direct violation of the order granting bail for domestic abuse cases, which Defendant [] was served with

at 1:41 p.m. Eastern Standard Time on February 9, 2023. All of this did occur in Blount County, Tennessee.

At the guilty plea hearing, the Defendant agreed to plead guilty to aggravated burglary, domestic assault, and attempted kidnapping. The Defendant received the agreed-upon effective sentence of six years, with eleven months and twenty-nine days to be served in confinement, followed by supervised probation for the remainder of the sentence. As a special condition of his aggravated burglary conviction, the trial court ordered the Defendant to participate in the Batterer's Intervention Program, complete an alcohol and drug assessment and a mental health evaluation, and "follow any/all DCS and/or Juvenile Court orders." The trial court also ordered that, although the Defendant was a Range I offender, "if [the Defendant] is ever sentenced to serve, it is 100% pursuant to [Tennessee Code Annotated section] 40-35-501."

On March 7, 2024, the Blount County Circuit Court issued a probation violation warrant for the Defendant, alleging that he violated the terms of his supervision by incurring three new felony criminal charges for the delivery of Schedule II controlled substances, possessing illegal drugs, testing positive for marijuana, and failing to complete the Batterer's Intervention Program. A revocation hearing was held on July 8, 2024. At the hearing, the Defendant stipulated that he had been charged with the delivery of a Schedule II controlled substance on January 30, 2024, February 5, 2024, and February 8, 2024. He further stipulated that he possessed illegal drugs on each of those dates, tested positive for marijuana, and failed to complete the Batterer's Intervention Program. Based on the Defendant's stipulation, the trial court revoked his probation and ordered him to serve 150 days in confinement, after which he would be transferred to community corrections and ordered to comply with the Community Corrections Day Reporting Center.

On the same day as the revocation hearing, the Defendant entered a guilty plea to the three drug-related offenses and received an effective sentence of twelve years, to be served as split confinement with 150 days in confinement followed by community corrections. The trial court ordered that the twelve-year sentence be served concurrently with the Defendant's six-year sentence imposed for the November 2023 convictions.

On October 15, 2024, the Blount County Circuit Court issued a community corrections violation warrant for the Defendant, alleging that he violated the conditions of his community corrections sentence by failing three drug and alcohol screenings. The warrant alleged that the Defendant was discharged from the Community Corrections Day Reporting Center and received traffic citations for failing to wear a seat belt and violating the financial responsibility law, each of which constituted additional violations of the terms of his community corrections sentence.

On December 3, 2024, the trial court entered an Agreed Furlough Order directing that the Defendant be transported from the Blount County Detention Center to Volunteers for Recovery, a residential rehabilitation program. The Order required the Defendant to “enter and complete drug and/or alcohol counseling and upon discharge from treatment the sheriff’s deputies shall return the Defendant to the custody of the Blount County Detention Center for further disposition of the case.” The Defendant remained in the program for approximately five months before being discharged on April 18, 2025, for “falsification of records which result[ed] in termination of his job assignment.”

Following his discharge from the furlough placement, the trial court conducted a community corrections revocation hearing on June 23, 2025. April Ogle, a supervisor with community corrections, testified that she began supervising the Defendant after his intake on July 9, 2024. Ms. Ogle stated that the Defendant was required to complete the Community Corrections Day Reporting Center program. Ms. Ogle stated that the Defendant began the program in July 2024, but he was discharged due to “lack of compliance and failing multiple drug screens.” She stated that the Defendant tested positive for, and admitted using, alcohol during his intake on July 9, 2024; tested positive for oxymorphone on September 12, 2024; and tested positive for methamphetamine on October 7, 2024. She explained that the Defendant “was never honest about his [drug] use after the alcohol on his intake” and “continued to fail urine screens.” Based on her interactions with the Defendant, Ms. Ogle opined that he was not amenable to rehabilitation or treatment while participating in community corrections. Ms. Ogle stated that she remained in contact with the Defendant when he began the Volunteers for Recovery program after his discharge from the Community Corrections Day Reporting Center program. She said that she later received a discharge summary from the Volunteers for Recovery program which informed her that the Defendant had been discharged from the program due to “falsification of records which resulting [sic] in termination of his job assignment.” Defense counsel objected to the admission of the discharge summary as unreliable hearsay, noting that none of the Volunteers for Recovery program employees were present to testify. Defense counsel argued, “[t]his is not part of the probation. It’s an alleged probation violation and those folks are not State agents, they’re merely a private agency, you know, expressing their opinion about why he didn’t complete the program[.]” The State responded that it is reliable hearsay because Ms. Ogle received the discharge summary from the facility on their letterhead. The trial court overruled the objection, stating the following:

[COURT]: Well, I don’t know how much it’s going to matter to me because it’s not -- there’s been no amendment to this warrant. It’s not one of the grounds --

[STATE]: I would concede, Your Honor, it’s not part of the violation --

[COURT]: -- but nevertheless I think it is reliable hearsay. I'm going to overrule the objection.

On cross-examination, Ms. Ogle stated that the Defendant was in the Volunteers for Recovery program from December 4, 2024 to April 18, 2025. She stated that she received the discharge summary from Volunteers for Recovery on April 18, 2025.

The Defendant testified on his own behalf that he had struggled with substance abuse for a majority of his youth and adulthood. When asked what kind of controlled substances he uses, the Defendant stated "everything," but explained that marijuana and methamphetamine were his "drug[s] of choice." The Defendant acknowledged that he entered the Volunteers for Recovery program after violating the terms of his community corrections sentence by failing multiple drug and alcohol screenings. When asked why he was subsequently discharged from the Volunteers for Recovery program, the Defendant stated, "I was -- I woke up and they told me I was fired from my job. I asked for them to elaborate, and they said falsifying documents." The Defendant further testified that, while participating in the Volunteers for Recovery program, he successfully passed drug screenings and had not used any illegal substances since the community corrections violation. When asked what he plans to do if given the opportunity of probation or community corrections again, the Defendant stated, "Well, I've already took my own ability to get accepted to another program with Breaking Free and I finance it myself to help set my determination. I do want to get clean and break this cycle and change." The Defendant testified that the Breaking Free program lasts between six months and one year and that, upon completing the program, he intended to continue his recovery by participating in Alcoholics Anonymous and Narcotics Anonymous. When given the opportunity to make a final statement to the trial court, the Defendant stated,

Yes. Yes. I appreciate the gratitude of letting me address the Court. I don't -- like I said in my testimony, I've struggled through -- I'm an addict. I've struggled with drugs through all my life. I don't believe a sentence to prison will help my process and my rehabilitative whole case of it. It's just going to give me access and learn how to even obtain drugs in prison. I believe that if I get another program that I can change this cycle of coming back here. I don't want to be in jail. I want to be a supportive person and a provider for my kids. That's all I have.

On cross-examination, the Defendant acknowledged that his community corrections sentence required him to complete an alcohol and drug assessment and participate in treatment. He admitted that he "never got to the point" of beginning treatment before he incurred another drug-related offense. The Defendant acknowledged that he violated the

conditions of his community corrections sentence and agreed that his discharge from the program resulted from his failure to cooperate and his lack of honesty with program staff during his participation. He also acknowledged that he was discharged from Volunteers for Recovery for falsifying documents. The Defendant agreed that his prior criminal record includes felony convictions for identity theft in 2017; aggravated burglary, domestic assault, and attempted kidnapping in 2023; and delivery of methamphetamine and delivery of a Schedule II controlled substance in 2024.

During argument, the State asked the trial court to find that the Defendant materially violated the conditions of his community corrections and order him to serve the balance of his sentence in confinement. Defense counsel conceded that the Defendant violated the terms of his supervision but argued that full revocation was unnecessary because the Defendant had been honest about the violation, successfully completed five months of treatment, and remained drug-free since October. Regarding the discharge from Volunteers for Recovery, the defense emphasized that the State presented no evidence supporting allegations that the Defendant falsified documents and noted there were no new criminal offenses or additional drug use. Defense counsel asked the trial court to order a 90-to-120-day split confinement with placement in the Breaking Free program, arguing that the Defendant had demonstrated meaningful rehabilitation and deserved another opportunity.

In response, the trial court stated,

The Court finds on this proof that [the Defendant] has engaged in material violations of the terms of his community corrections based upon failing a urine screen for alcohol on July 9, 2024 and admitting to use; failing a urine screen on September 12, 2024 for oxymorphone as confirmed by Redwood Toxicology Laboratory; failing a blood screen on October 7, 2024 for methamphetamine as confirmed by opAns laboratory; and that he's violated in a material way his community corrections sentence because he was discharged from the community corrections day reporting center on October 14, 2024.

The Court also notes that it's already been determined that he has a sentence that would be appropriate for serving in the penitentiary, it's just that he was allowed to serve it in the community because he was on community corrections. The Court also notes this is his second violation and I'm going to revoke him to serve.

It is from this order that the Defendant now appeals.

ANALYSIS

On appeal, the Defendant asserts that the trial court failed to properly adhere to the two-step consideration for probation revocation and, as a result, abused its discretion in revoking his community correction sentence. Specifically, he argues that the trial court “failed to make sufficient findings under the second step of Dagnan to permit appellate review of the consequence imposed.” State v. Dagnan, 641 S.W.3d 751 (Tenn. 2022). In response, the State contends the trial court made the requisite findings before it properly exercised its discretion and ordered the Defendant to serve his sentence in confinement. We agree with the Defendant that the trial court failed to sufficiently articulate its findings concerning the consequence imposed for the revocation. However, upon our de novo review, we conclude that full revocation of his community corrections sentence was proper.

Appellate courts review a trial court’s revocation of a defendant’s probationary sentence under an abuse of discretion standard with a presumption of reasonableness, “so long as the trial court places sufficient findings and the reasons for its decisions as to the revocation and the consequence on the record.” Id. at 759. “It is not necessary for the trial court’s findings to be particularly lengthy or detailed but only sufficient for the appellate court to conduct a meaningful review of the revocation decision.” Id. (citing State v. Bise, 380 S.W.3d 682, 705-06 (Tenn. 2012)). Sufficient findings serve “to promote meaningful appellate review and public confidence in the integrity and fairness of our judiciary.” Id. (quoting State v. King, 432 S.W.3d 316, 322 (Tenn. 2014)). However, if the trial court fails to place such reasoning on the record, “the appellate court may conduct a de novo review if the record is sufficiently developed for the court to do so, or the appellate court may remand the case to the trial court to make such findings.” Id.

“If the trial judge finds by a preponderance of the evidence that the defendant has violated the conditions of probation and suspension of sentence, then the court may revoke the defendant’s probation and suspension of sentence, in full or in part, pursuant to § 40-35-310.” Tenn. Code Ann. § 40-35-311(d)(1). Probation revocation rests within the sound discretion of the trial court, and this court will not disturb the trial court’s ruling absent an abuse of that discretion. State v. Shaffer, 45 S.W.3d 553, 554-55 (Tenn. 2001) (citing State v. Harkins, 811 S.W.2d 79, 82 (Tenn. 1991)). Once the trial court decides to revoke a defendant’s probation, it may:

(1) order incarceration for some period of time; (2) cause execution of the sentence as it was originally entered; (3) extend the defendant’s probationary period not exceeding one year; (4) return the defendant to probation on appropriate modified conditions; or (5) resentence the defendant for [the] remainder of the unexpired term to a sentence of probation. See T.C.A. §§ 40-35-308(c)(1), (2); -310; - 311(e)(1), (2) (2021).

State v. Conner, No. M2024-00778-CCA-R3-CD, 2025 WL 1166508, at *3 (Tenn. Crim. App. Apr. 22, 2025) (quoting State v. Williams, 673 S.W.3d 255, 259 (Tenn. Crim. App. 2023)).

“[P]robation revocation is a two-step consideration on the part of the trial court.” Dagnan, 641 S.W.3d at 757. First, the trial court must determine whether to revoke probation. Id. Second, the trial court is to determine the appropriate consequence to impose upon revocation. Id. While a trial court is required to conduct a probation revocation hearing pursuant to Tennessee Code Annotated section 40-35-311(b), this two-step consideration does not obligate the trial court “to hold an additional or separate hearing to determine the appropriate consequence.” Id. Importantly, these are “two distinct discretionary decisions, both of which must be reviewed and addressed on appeal.” Id. at 757-58. “Simply recognizing that sufficient evidence existed to find that a violation occurred does not satisfy this burden.” Id. at 758.

In considering the appropriate consequence to impose upon revocation, a trial court may consider, but is not limited to, the following: the number of revocations, the seriousness of the violation, the defendant’s criminal history, and the defendant’s character. Id. at 759 n.5. Consideration of past criminal history is only appropriate in the second part of the two-step analysis. Id.

Here, the Defendant stipulated to the community corrections violation. Accordingly, the sole issue presented for review is whether the trial court made sufficient findings on the record to support its consequence determination. The Defendant argues that the trial court “did not explain why intermediate sanctions were inadequate, nor did it articulate why incarceration—rather than split confinement and rehabilitation—was the appropriate consequence.” We agree with the Defendant. The extent of the trial court’s reasoning for its consequence determination was as follows:

The Court also notes that it’s already been determined that he has a sentence that would be appropriate for serving in the penitentiary, it’s just that he was allowed to serve it in the community because he was on community corrections. The Court also notes this is his second violation and I’m going to revoke him to serve.

Although the trial court is not required to make lengthy findings on the record, we agree with the Defendant and conclude that the trial court failed to engage in the appropriate consequence determination for revocation. Dagnan, 641 S.W.3d at 759 (citing Bise, 380 S.W.3d at 705-06).

The Defendant contends that “the appropriate remedy in this case is to remand the matter to the trial court for a new hearing and a new disposition supported by adequate findings.” However, we conclude that the record is sufficiently developed to permit our de novo review. As explained below, the record here is substantially more developed than the records in prior cases in which this court determined that remand to the trial court was necessary. See State v. Koontz, No. E2025-01042-CCA-R3-CD, 2026 WL 1741395 (Tenn. Crim. App. June 17, 2026); State v. Martin, No. M2024-00876-CCA-R3-CD, 2025 WL 574301 (Tenn. Crim. App. Feb. 21, 2025).

In Koontz, this court held that the record was insufficient to permit meaningful consequence review and therefore remanded the case to the trial court for additional findings on the record as to its consequence determination. Koontz, 2026 WL 1741395, at *4. This court characterized the record as too “limited” to support de novo review, explaining:

No probation officer testified. No evidence was offered concerning Defendant’s supervision history, risk level, prior compliance or noncompliance, or any rehabilitative or supervisory efforts attempted during the probationary period. The trial court made no reference to alternatives to confinement and did not address whether any lesser sanction could have achieved the goals of sentencing. Given this limited record, meaningful de novo review is not possible.

Id.

Likewise, in Martin, this court held that it lacked a sufficient basis to review the revocation decision because “the hearing transcript and subsequent order did not identify any of the relevant factors identified by Dagnan or other panels of this Court.” Martin, 2025 WL 574301, at *4 (citing Dagnan, 641 S.W.3d at 759 n.5; State v. Rand, 696 S.W.3d 98, 106 (Tenn. Crim. App. 2024)). Given the sparse record and the trial court’s minimal findings, this court concluded that it was “constrained to remand for the trial court to place on the record its reasoning for the consequence imposed.” Id. (citing Dagnan, 641 S.W.3d at 758). We explained in Martin that merely recognizing that the evidence showed there was a violation, or even multiple violations, does not satisfy the trial court’s obligation to explain why the specific consequence was appropriate. Id.

Unlike the records in Koontz and Martin, the record here is sufficiently developed to permit meaningful de novo review of the consequence determination. The record reflects that the Defendant entered a guilty plea to aggravated burglary, domestic assault, and attempted kidnapping and was placed on supervised probation for an effective six-year term on November 13, 2023. Two months later, on January 30, 2024, he was charged with

the possession and delivery of a Schedule II controlled substance, followed by additional charges for the same offense on February 5 and February 8, 2024. Based on these new drug offenses, his possession of illegal drugs, his positive marijuana screen, and his failure to complete the Batterer's Intervention Program, the trial court revoked probation but nevertheless afforded him another opportunity through a sentence of split confinement followed by community corrections. The Defendant again violated the conditions of community corrections by failing multiple drug and alcohol screenings and being discharged from the Community Corrections Day Reporting Center. Rather than immediately ordering confinement, the trial court granted him yet another opportunity by approving an agreed furlough for inpatient substance-abuse treatment. Although the Defendant remained in treatment for approximately five months, he was ultimately discharged before successfully completing the program. The Defendant's conduct while on community corrections was also reflected in the testimony of his probation officer, Ms. Ogle. She testified that the Defendant "was never honest about his [drug] use after the alcohol on his intake" and "continued to fail urine screens." Based on her direct interactions with the Defendant during his participation in community corrections, Ms. Ogle opined that he was not amenable to rehabilitation or treatment.

Here, the record establishes a clear factual basis for evaluating the considerations relevant under Dagnan—including the Defendant's history of noncompliance, amenability to rehabilitation, and the failure of less restrictive alternatives—thereby permitting meaningful de novo review of the consequence determination. Dagnan, 641 S.W.3d at 759 n.5; see State v. Noel, 729 S.W.3d 315, 326-27 (Tenn. Crim. App. 2025) (conducting de novo review where the record contained sufficient evidence to evaluate the appropriate consequence of revocation, including the defendant's history of violations, prior opportunities for rehabilitation, and suitability for continued community-based supervision).

Based on our de novo review, we conclude that the Defendant is not amenable to future rehabilitation based on the nature and seriousness of his continued noncompliant conduct while under supervision and his repeated failure to respond to earlier rehabilitative efforts including probation, community corrections, and residential substance abuse treatment.

First, the seriousness of the Defendant's inability to comply with the terms of his community corrections and subsequent Agreed Furlough Order is significant. The record reflects that, after violating the terms of his community corrections sentence by failing multiple drug and alcohol screenings, the Defendant also violated the conditions of his furlough when he was discharged from the Volunteers for Recovery program before successfully completing it. "Effective rehabilitation depends upon the defendant's voluntary cooperation." Noel, 729 S.W.3d at 326 (citing Tenn. Code Ann. § 40-35-

102(3)(C)). Therefore, “when a defendant refuses to provide that essential cooperation, little basis exists to conclude that rehabilitation will be ‘reasonably feasible’ in the first instance.” Id. Here, the Defendant’s failure to comply with the terms of his community corrections sentence, coupled with his discharge from the substance abuse treatment program, demonstrates his unwillingness to comply with the requirements of treatment and further undermines any conclusion that rehabilitation through continued community-based supervision is reasonably feasible.

Next, the Defendant has failed to respond to prior rehabilitative efforts. The record reflects that the Defendant was granted probation, violated that probation, was then afforded community corrections, failed repeated drug and alcohol screenings, was discharged from the Day Reporting Center, and ultimately failed to complete inpatient substance-abuse treatment. The Defendant’s repeated inability to comply with the conditions of probation, community corrections, and inpatient treatment reflects poorly on his potential for rehabilitation. See State v. Everett, No. E2022-00189-CCA-R3-CD, 2022 WL 16643628, at *4 (Tenn. Crim. App. Nov. 3, 2022) (“[P]rior violations may show that the defendant has poor potential for rehabilitation and is unwilling to engage in rehabilitative efforts.”) (citation omitted); Tenn. Code Ann. § 40-35-103(5).

Lastly, we observe that the Defendant’s prior criminal history demonstrates a pattern of criminal conduct that supports probation revocation. During the probation revocation hearing, the Defendant acknowledged multiple felony convictions spanning several years. His criminal history includes a 2017 conviction for identity theft; 2023 convictions for aggravated burglary, domestic assault, and attempted kidnapping; and 2024 convictions for delivery of methamphetamine and delivery of a Schedule II controlled substance. The progression and variety of these felony offenses demonstrate a continuing pattern of criminal conduct and considered in their totality, support the conclusion that the Defendant is no longer amenable to continued probation and is no longer a proper candidate for probation. See Dagnan, 641 S.W.3d at 759 n.5; State v. Fleming, No. E2017-02352-CCA-R3-CD, 2018 WL 6787580, at *3 (Tenn. Crim. App. Dec. 26, 2018) (“the trial court may review a defendant’s past criminal history in order to determine, based on a totality of the circumstances, ‘whether the beneficial aspects of probation [are] being served’ and whether the defendant is amenable to continued probation”) (quoting State v. Davis, No. E2007-02882-CCA-R3-CD, 2008 WL 4682238, at *5 (Tenn. Crim. App. Oct. 23, 2008)).

Taken together, the Defendant’s repeated failures to comply with the conditions of community-based supervision—including probation, community corrections, drug and alcohol screening requirements, and the furlough for inpatient substance abuse treatment—demonstrate that he is not amenable to rehabilitation through less restrictive measures. Despite being afforded multiple opportunities to address his substance-abuse issues and comply with the conditions of supervision, the Defendant continued to violate those

conditions and ultimately failed to successfully complete inpatient treatment. Accordingly, we conclude that the Defendant is not amenable to future rehabilitation and that full revocation of his community corrections sentence was proper.

CONCLUSION

Upon review, we affirm the judgment of the trial court.

s/ *Camille R. McMullen*
CAMILLE R. MCMULLEN, JUDGE