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Clerk of the
Appellate Courts

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE
AT KNOXVILLE

August 18, 2026 Session

STATE OF TENNESSEE v. IRA EARL SHINPAUGH

Appeal from the Criminal Court for Knox County

No. 124792

G. Scott Green, Judge

No. E2025-01678-CCA-R3-CD

The Defendant, Ira Earl Shinpaugh, pleaded guilty to criminally negligent homicide and aggravated neglect of an elderly or vulnerable adult. The trial court sentenced him to an effective term of eight years, with one year to serve in confinement and the remainder on supervised probation. While on probation, the Defendant was arrested and later pled guilty to driving under the influence of an intoxicant. After a hearing, the trial court found the Defendant in violation of his probation and ordered him to serve the balance of his eight-year sentence in confinement. On appeal, the Defendant argues that the trial court should have imposed a lesser sanction for the violation. Upon our review, we respectfully disagree and affirm the judgment of the trial court.

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

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

Daniel L. Bell, Knoxville, Tennessee, for the appellant, Ira Earl Shinpaugh.

Jonathan Skrmetti, Attorney General and Reporter; Courtney N. Orr, Deputy Attorney General; Charme P. Allen, District Attorney General; and Tammy Hicks, Assistant District Attorney General, for the appellee, State of Tennessee.

OPINION

FACTUAL BACKGROUND

In February 2025, the Defendant pleaded guilty to criminally negligent homicide and aggravated neglect of an elderly or vulnerable adult as Class E and Class B felonies, respectively. The trial court imposed an effective eight-year sentence, with one year to serve in confinement and the remainder on supervised probation. The underlying facts of these convictions are addressed in a related appeal involving the Defendant's wife. *See State v. Shinpaugh*, No. E2025-00300-CCA-R3-CD, 2026 WL 294732 (Tenn. Crim. App. Feb. 4, 2026), *no perm. app. filed*.

While on probation, the Defendant initially complied with its conditions. His probation officer reported that he was cooperative and that multiple home visits occurred without incident. About four months into his probationary term, however, the Defendant was arrested and charged with driving under the influence ("DUI") after he was stopped near the intersection of North Cedar Bluff Road and Kingston Pike in Knoxville. He later pleaded guilty to that Class A misdemeanor offense in the Knox County General Sessions Court.

Based on the new DUI charge, the trial court issued a probation violation warrant in July 2025 and held a hearing two months after that. The Defendant admitted that he violated his probation through the new criminal activity, leaving only the consequence of that violation for the trial court to determine.

At the hearing, the State introduced a recorded interview the Defendant gave during an investigation into the underlying offense. In that interview, the Defendant admitted that he was a "functioning alcoholic." The State also introduced a recorded jail phone call in which the Defendant discussed his DUI charge and described a strategy of claiming alcoholism to obtain placement in a treatment program rather than confinement. The State asked the trial court to order the Defendant to serve the balance of his sentence in confinement.

The Defendant responded that he had already served sixty-nine days in custody on the revocation warrant, far exceeding the two-day sentence imposed for the DUI conviction itself. He argued that this confinement was sufficient punishment for the violation. He asked the trial court to return him to probation on the condition that he complete a treatment program.

The Defendant then addressed the trial court directly. He acknowledged a lifelong struggle with alcohol. He stated that his time in custody had broken his pattern of drinking and that he had consumed only two beers in the month before his DUI arrest. He also admitted that two neighbors were in the vehicle with him when he was arrested.

At the conclusion of the hearing, the trial court found that the Defendant had violated the terms of his probation. The trial court explained that it had originally imposed a sentence of split confinement but gave him a chance to serve his sentence in the community. The trial court further found that, less than six months later, the Defendant drove while highly intoxicated through “one of the most heavily traveled areas” of Knoxville, endangering his passengers and other motorists. As a result, the trial court revoked the Defendant’s probation in full and ordered him to serve the balance of his eight-year sentence in confinement.

The trial court filed its revocation order on September 22, 2025. Thirty-five days later, the Defendant filed a notice of appeal and a motion to accept the late filing. *See* Tenn. R. App. P. 4(a). This court granted the motion, and this appeal proceeded.

STANDARD OF APPELLATE REVIEW

For every issue raised on appeal, we must first determine the appropriate standard of appellate review. *State v. Enix*, 653 S.W.3d 692, 698 (Tenn. 2022). The principal issue is whether the trial court properly revoked the Defendant’s suspended sentences.

We review this issue for an “abuse of discretion 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.” *State v. Dagnan*, 641 S.W.3d 751, 759 (Tenn. 2022). However, if the trial court does not make such findings, then this court “may conduct a de novo review if the record is sufficiently developed for the court to do so, or [we] may remand the case to the trial court to make such findings.” *Id.* Here, because the trial court made sufficient findings of fact to support its violation and consequence determinations, we review those decisions for an abuse of discretion, applying a presumption of reasonableness.

ANALYSIS

The Defendant argues that the trial court improperly ordered him to serve the balance of his sentence. Specifically, he asserts that the trial court’s findings were cursory,

addressing only the seriousness of his original offense and the existence of his new DUI conviction. He also contends that the court failed to consider other relevant sentencing factors, including his amenability to rehabilitation. The Defendant maintains that we should review the trial court’s revocation decision de novo.

The State responds that the trial court placed sufficient findings on the record to support both the violation and consequence determinations. It further argues that the trial court’s findings—including the seriousness of the Defendant’s conduct, the timing of the violation, and the risk posed to others—fully support the court’s revocation decision. We agree with the State.

When a trial court imposes a sentence for criminal conduct, the court may suspend the sentence for an eligible defendant and place that defendant on probation. *See* Tenn. Code Ann. §§ 40-35-103; 40-35-303(b) (2025). The trial court “may also require the defendant to comply with conditions of probation that are reasonably suited to facilitate rehabilitation or protect the safety of the community.” *State v. Noel*, 729 S.W.3d 315, 322 (Tenn. Crim. App. 2025); *see also* Tenn. Code Ann. § 40-28-302(1) (2025).

As long as a defendant complies with the conditions of the suspended sentence, the defendant will remain on probation until the sentence expires. *See State v. Rand*, 696 S.W.3d 98, 103 (Tenn. Crim. App. 2024). However, if a defendant violates a condition of probation, then the trial court may address the violation as it “may deem right and proper under the evidence,” subject to various statutory restrictions. Tenn. Code Ann. § 40-35-311(d) (2025). As such, the nature of a probation revocation proceeding entails a two-step process with “two distinct discretionary decisions.” *Dagnan*, 641 S.W.3d at 757. The first step is to determine whether the defendant has violated a condition of probation, and the second is to determine the appropriate consequence of that violation. *Id.*

A. THE VIOLATION DETERMINATION

As to the first step, a trial court may not find a violation of probation unless the record establishes the violation by a preponderance of the evidence. *See* Tenn. Code Ann. § 40-35-311(d)(1); *State v. Williams*, 673 S.W.3d 255, 259 (Tenn. Crim. App. 2023). “[C]ompliance with our state laws is an automatic condition of a suspended sentence, and when a trial court learns that a defendant has violated the law, it has the power to initiate revocation proceedings.” *State v. Stubblefield*, 953 S.W.2d 223, 225 (Tenn. Crim. App. 1997). Moreover, a defendant’s admission to a violation is sufficient to support such a finding that the violation occurred. *See State v. Johnson*, 15 S.W.3d 515, 518 (Tenn. Crim.

App. 1999); *see also, e.g., State v. Penny*, No. W2023-00912-CCA-R3-CD, 2024 WL 1803264, at *2 (Tenn. Crim. App. Apr. 25, 2024), *perm. app. denied* (Tenn. Oct. 25, 2024).

When a defendant is on probation for a felony offense, the probation revocation statutes distinguish between technical and non-technical violations, and the consequences for each type of violation differ. *See* Tenn. Code Ann. § 40-35-311(e); *Noel*, 729 S.W.3d at 324-25.¹ For example, when a felony probationer commits a non-technical violation, the trial court’s authority to impose a consequence is broad. In that circumstance, the court may fully revoke a suspended sentence even if the probationer has no history of prior violations. *See* Tenn. Code Ann. § 40-35-311(e)(2); *Rand*, 696 S.W.3d at 103-04. A non-technical violation includes, among other things, committing a new felony or Class A misdemeanor offense.² *See* Tenn. Code Ann. § 40-35-311(g).

In this case, the Defendant was on probation for two felony convictions, and he admitted at the revocation hearing that he committed a new Class A misdemeanor offense while on probation. The record therefore supports the trial court’s finding that the Defendant committed a non-technical violation of probation authorizing the trial court to revoke his suspended sentences in full. *See, e.g., State v. Thompson*, No. M2023-01424-CCA-R3-CD, 2024 WL 3549189, at *3 (Tenn. Crim. App. July 26, 2024) (finding substantial evidence of a violation where the defendant did not contest the fact of a non-technical violation of probation), *no perm. app. filed*.

B. THE CONSEQUENCE DETERMINATION

As to the second step, “the consequence determination essentially examines whether the beneficial aspects of probation are being served and whether the defendant is amenable to continued probation.” *Rand*, 696 S.W.3d at 106 (citation and internal quotation marks omitted). As the supreme court observed in *Dagnan*, a trial court may consider factors relevant to the nature and seriousness of the present violation, the defendant’s previous

¹ The same is not true for a defendant who is placed on probation for a misdemeanor offense. In that case, the technical nature of the violation does not limit the trial court’s revocation authority. *See Noel*, 729 S.W.3d at 325 (recognizing that, in the case of a misdemeanor suspended sentence, the trial court “may fully revoke such a sentence based on either a technical or non-technical violation, even if the defendant has not previously violated the terms of probation”); *see also* Tenn. Code Ann. § 40-35-311(d).

² New criminal conduct may itself be a technical violation if it consists of a Class B or C misdemeanor. In that case, the trial court may fully revoke a defendant’s suspended felony sentence when the conduct results in a fourth or subsequent revocation. *See* Tenn. Code Ann. § 40-35-311(e)(1); *Penny*, 2024 WL 1803264, at *2 n.1.

history on probation, and the defendant's amenability to future rehabilitation. *See Dagnan*, 641 S.W.3d at 759 n.5. Factors important to a defendant's amenability to correction may include the defendant's acceptance of responsibility and genuine remorse, as well as whether the defendant will comply with orders from the court meant to ensure his or her effective rehabilitation. *Rand*, 696 S.W.3d at 106; *see* Tenn. Code Ann. § 40-35-102(3)(C) (2025). The trial court "may also consider whether the defendant poses a danger to the community." *Noel*, 729 S.W.3d at 326; *see* Tenn. Code Ann. § 40-28-302(1).

1. The Nature and Seriousness of the Violation

In our review of the trial court's reasoning, its consequence determination rested on three considerations in particular. First, the trial court found that the nature and seriousness of the Defendant's violation weighed heavily against continued probation. It observed that the Defendant drove while "highly intoxicated" through "one of the most heavily traveled areas of this city," placing "multiple motorists at risk." This was a proper consideration.

Our courts have long recognized that driving under the influence is inherently dangerous and that the "drunk driver cuts a wide swath of death, pain, grief, and untold injury across the roads of Tennessee." *State v. Downey*, 945 S.W.2d 102, 104 (Tenn. 1997); *see also Thompson*, 2024 WL 3549189, at *3 (recognizing this danger in the probation-revocation context); *State v. Hollowell*, No. W2022-01434-CCA-R3-CD, 2023 WL 5815828, at *3 (Tenn. Crim. App. Sept. 8, 2023) (recognizing that the public safety concerns related to DUI are facts within the common knowledge), *no perm. app. filed*; *State v. Parvin*, No. E2000-01756-CCA-R3-CD, 2001 WL 987189, at *7 (Tenn. Crim. App. Aug. 29, 2001) ("[O]ur courts have consistently held that driving under the influence of an intoxicant creates a great danger of risk to human life."), *no perm. app. filed*. The record confirms that the trial court's concern was well founded. The Defendant was stopped near the intersection of North Cedar Bluff Road and Kingston Pike, a heavily traveled area of Knoxville, after driving with a blood alcohol concentration of .08%. The trial court properly considered the nature and seriousness of this violation as part of its consequence determination.

2. Danger to the Community

Second, the trial court found that the Defendant's conduct endangered not only the public generally, but two identifiable individuals riding with him at the time of the violation. This finding is supported by the Defendant's own allocution, in which he acknowledged that two of his neighbors were in the vehicle when he was stopped for DUI. The General Assembly has expressly directed trial courts to weigh whether a violation

shows that a defendant poses a danger to the community or individuals in it. *See Rand*, 696 S.W.3d at 106; Tenn. Code Ann. § 40-28-302(1). The trial court’s finding on this point was, therefore, a proper consideration and is supported by the record.

3. Timing of the Violation

Third, the trial court considered how quickly the Defendant violated his probation after being given the opportunity to serve his sentence in the community. The trial court found that within six months of being placed on probation, the Defendant had committed a new DUI offense. This was an appropriate consideration.

This court has recognized that new violations occurring quickly after a defendant is placed on probation may show that the defendant is not voluntarily cooperating with rehabilitative measures. *See State v. Banning*, No. E2022-00188-CCA-R3-CD, 2022 WL 10225186, at *4 (Tenn. Crim. App. Oct. 18, 2022), *no perm. app. filed*. Indeed, “[w]hen a defendant violates probation almost immediately after sentencing or following a prior violation, the conduct suggests not only noncompliance but also a lack of genuine commitment to rehabilitation.” *Noel*, 729 S.W.3d at 326.

The record supports the trial court’s timeline. The Defendant was placed on probation in February 2025 and was arrested for DUI just four months later. The short interval between the Defendant’s placement on probation and his new criminal conduct shows that he was either unable or unwilling to engage in rehabilitative efforts voluntarily. *See State v. Williams*, No. E2021-00035-CCA-R3-CD, 2021 WL 5195669, at *3 (Tenn. Crim. App. Nov. 9, 2021) (affirming full revocation of a suspended sentence for new criminal conduct occurring four months after the defendant’s release from confinement), *no perm. app. filed*. As such, this circumstance supports the trial court’s conclusion that the Defendant was not amenable to continued community-based rehabilitation.

4. The Defendant’s Arguments

Pushing against these conclusions, the Defendant raises two arguments. First, he argues that the trial court failed to address other relevant considerations, including his amenability to rehabilitation under Tennessee Code Annotated section 40-35-103, his “excellent” performance on probation before the violation, his lack of any prior criminal history before these offenses, and his willingness to undergo treatment. We respectfully disagree that the trial court failed to consider the Defendant’s amenability to rehabilitation.

The record shows that the trial court heard and considered the Defendant's request for treatment in lieu of confinement, as well as defense counsel's argument regarding the Defendant's probation compliance before the violation. Importantly, "a trial court is not required to order substance-use treatment before fully revoking a suspended sentence where the court also finds that *community-based efforts* are no longer appropriate or are unlikely to be successful." *Banning*, 2022 WL 10225186, at *5. Here, the trial court's remarks reflect that it weighed the Defendant's request for treatment against the seriousness and timing of his new violation and determined that further community-based efforts were not warranted. This was a proper exercise of the trial court's discretion.

Second, the Defendant argues that "most of these factors would favor" returning him to probation with a substance-abuse treatment condition. Our standard of review, however, does not permit us to grant relief on this basis. When we review a revocation decision for an abuse of discretion, our task is not to determine whether the trial court selected the "best" available option. *See State v. Willis*, 496 S.W.3d 653, 729 (Tenn. 2016). Instead, we ask whether the trial court applied the correct legal standard and made a reasoned choice within the range of acceptable alternatives. *See Lee Med., Inc. v. Beecher*, 312 S.W.3d 515, 524 (Tenn. 2010). Because the trial court applied the correct standard and reached a reasoned decision supported by the record, the Defendant's disagreement with the outcome does not establish that the trial court abused its discretion. The Defendant is not entitled to relief.

CONCLUSION

In summary, we hold that the record supports the trial court's finding that the Defendant violated the conditions of his probation by engaging in new criminal conduct. We also hold that the trial court acted within its discretion in ordering the Defendant to serve the balance of his eight-year sentence in confinement as the consequence of that violation. Accordingly, we respectfully affirm the judgment of the trial court.

s/ *Tom Greenholtz*

TOM GREENHOLTZ, JUDGE