

FILED

08/26/2026

Clerk of the
Appellate Courts

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE
AT KNOXVILLE

Assigned on Briefs August 19, 2026

STATE OF TENNESSEE v. JOHN ROBERT CUFF, JR.

**Appeal from the Circuit Court for Sullivan County
No. S67923 James F. Goodwin, Jr., Judge**

No. E2025-01821-CCA-R3-CD

John Robert Cuff, Jr., Defendant, claims the trial court erred by ordering execution of his original sentence after Defendant admitted to violating the terms of his probation. Following a review of the record and applicable law, we affirm the judgment of the trial court.

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

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

Andrew J. Gibbons, District Public Defender, and Andrew G. Vodden, Assistant District Public Defender, for the appellant, John Robert Cuff, Jr.

Jonathan Skrmetti, Attorney General and Reporter; Julia A. Johnson, Assistant Attorney General; Barry P. Staubus, District Attorney General; and David C. Bledsoe, Assistant District Attorney General, for the appellee, State of Tennessee.

OPINION

Procedural History

In 2019, Defendant entered best interest guilty pleas to possession of a firearm by a convicted felon, possession of cocaine, possession of drug paraphernalia, and driving without a license. He received an effective six-year Range II sentence, suspended to supervised probation. Defendant's supervision was transferred to South Carolina.

On March 17, 2020, Defendant's Tennessee probation officer filed a Probation Violation Report and affidavit, alleging that Defendant violated Rule 5 by failing to report on November 9, November 27, and December 4, 2019, and February 26, 2020; by changing his residence without notice to his South Carolina probation officer; by absconding; and by failing to pay fines and fees. The trial court issued an arrest warrant that was executed on July 25, 2025.

On May 23, 2025, Defendant's Tennessee probation officer filed a Probation Violation Report and affidavit, alleging that Defendant violated Rule 1 by being convicted on August 10, 2021, in South Carolina of discharging a firearm into a dwelling and by being charged on May 19, 2025, in South Carolina with four counts of forgery; and alleging that Defendant violated Rule 3 by being in possession of a firearm. The trial court again issued an arrest warrant that was executed on July 25, 2025.

Revocation Hearing

At the October 22, 2025 revocation hearing, Defendant, after being sworn, stipulated to the factual allegations in both violation affidavits and entered a no contest plea on both violation warrants. The trial court found that Defendant violated the conditions of his supervision, revoked his probation, and proceeded with a disposition hearing to determine the appropriate consequence.

Concerning the allegations in the first violation warrant, Defendant admitted that he failed to report on November 9, November 27, and December 4, 2019, and February 26, 2020. He then explained that he had appeared for his scheduled reporting dates but was repeatedly assigned to different probation officers and rescheduled. According to Defendant, because he never met with an assigned officer, no officer could verify that he reported as required.

Defendant also denied absconding from supervision. Defendant was living in a camper on his stepfather's property. He claimed that his stepfather was intoxicated and "trying to cause trouble" for him when, during a February 3, 2020 home check, his stepfather told Defendant's probation officer that Defendant had not lived in the camper for several months. Defendant testified that he had moved out of his stepfather's residence and had been living in his vehicle.

Regarding the second violation warrant, Defendant acknowledged that he had been convicted in South Carolina of discharging a firearm into a dwelling and had served thirty-eight months for the offense. After his release from custody, Defendant was charged in South Carolina with four counts of forgery. He stated that the forgery charges were "pending right now" and that he was "out on bond." He maintained that law enforcement

knew the identity of a third party who had actually stolen and forged the checks. Defendant testified that he no longer used drugs, had steady employment, and wanted to return to South Carolina to resolve the pending forgery charges and “continue [his] life trouble free.”

On cross-examination, Defendant acknowledged that he was on probation for possession of a firearm by a convicted felon when he committed the South Carolina firearm offense. Defendant explained that he attended a memorial service and that someone fired a weapon at him as he was leaving. He claimed that three witnesses accused him of pulling a gun and firing at them and a house. He maintained that he was in the “[w]rong place, at the wrong time” and that his attorney persuaded him to plead guilty. Nevertheless, Defendant acknowledged that he pleaded guilty to and was convicted of discharging a firearm into a dwelling.

Following argument, the trial court found that Defendant had absconded from supervision but gave that violation little weight in determining the appropriate consequence. The court gave no weight to Defendant’s failure to pay fines or probation fees. Instead, the court assigned “a great deal of weight” to Defendant’s South Carolina conviction for discharging a firearm into a dwelling because Defendant committed that offense while on probation in Tennessee for a firearm offense. The court rejected Defendant’s attempt to minimize his responsibility for the South Carolina conviction, observing that Defendant could claim that his attorney “talked him into” pleading guilty or that “he didn’t really do it, but he’s convicted of it.” After discrediting Defendant’s testimony, the court found that Defendant was “either unwilling or unable to comply with [the conditions of] release to the community” and ordered him to serve the balance of his six-year sentence in confinement, with credit for time served.

Defendant timely appealed.

Analysis

Defendant claims the trial court abused its discretion in revoking his probation and ordering him to serve his sentence. The State claims the trial court properly exercised its discretion in fully revoking Defendant’s probation.

A probation revocation proceeding involves a two-step inquiry. First, the trial court determines whether to revoke probation; second, the court determines the appropriate consequence upon revocation. *State v. Dagnan*, 641 S.W.3d 751, 757 (Tenn. 2022). Each step requires a separate exercise of discretion. *Id.* at 757-58. When the trial court places on the record its findings and its reasoning to revoke probation and for the consequence imposed, we review the decisions for an abuse of discretion with a presumption of

reasonableness. *Id.* at 759. Although a trial court’s findings do not have to be extensive, they must be “sufficient for the appellate court to conduct a meaningful review of the revocation decision.” *Id.* “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). Because Defendant admitted to the violations, the first step is not at issue here.

Once a trial court determines that a defendant has committed a nontechnical violation of probation, the trial court must determine the consequence of the violation. *Dagnan*, 641 S.W.3d at 757. In determining the appropriate consequence, a trial court may consider factors such as “the number of revocations, the seriousness of the violation, the defendant’s criminal history, and the defendant’s character.” *Id.* at 759 n.5. The available consequences include ordering a period of incarceration, ordering execution of the sentence as originally imposed, extending the probationary period, or returning the defendant to probation with modified conditions. *Id.* at 756-57.

Defendant, citing Tennessee Code Annotated section 40-35-103(1)(A)-(C), argues that the trial court erred by failing to consider his application for alternative sentencing. Defendant’s reliance on section 40-35-103 is misplaced. Although continued probation is one consequence available to the trial court, *Dagnan* does not require the court to apply the sentencing considerations in section 40-35-103 as though Defendant were being sentenced anew. “[A]n accused, already on probation, is not entitled to a second grant of probation or another form of alternative sentencing.” *State v. Shelton*, No. E2022-00875-CCA-R3-CD, 2023 WL 2261081, at *3 (Tenn. Crim. App. Feb. 28, 2023), *perm. app. denied* (Tenn. June 29, 2023) (quoting *State v. Warfield*, No. 01C01-9711-CC-00504, 1999 WL 61065, at *2 (Tenn. Crim. App. Feb. 10, 1999)) (internal quotation marks omitted); *see also State v. Jones*, No. E2023-00155-CCA-R3-CD, 2023 WL 6389810, at *3 (Tenn. Crim. App. Sept. 29, 2023), *no perm. app. filed*; *State v. Brumfield*, No. M2015-01940-CCA-R3-CD, 2016 WL 4251178, at *3 (Tenn. Crim. App. Aug. 10, 2016). Accordingly, the trial court was required to exercise its discretion in determining the appropriate consequence for Defendant’s violation, but it was not required to afford Defendant a second grant of alternative sentencing.

Here, the trial court stated on the record its findings and reasons for the consequence it imposed. In assessing the seriousness of the violation, the court gave “a great deal of weight” to Defendant’s conviction for discharging a firearm into a dwelling because he committed that offense while on probation in Tennessee for a firearm conviction. The court also rejected Defendant’s attempt to minimize his responsibility for the conviction, noting that Defendant “can sit here and say all he wants to that his lawyer talked him into

it, that he didn't really do it, but he's convicted of it." Although the court also found that Defendant had absconded from supervision, it gave little weight to that factor. In assessing Defendant's character, the court discredited his testimony and found that Defendant was "either unwilling or unable to comply with [the conditions of] release to the community."

The trial court made sufficient findings on the record to explain its reasons for the consequence imposed. We, therefore, review its decision for an abuse of discretion with a presumption of reasonableness. *Dagnan*, 641 S.W.3d at 759. We conclude that the trial court did not abuse its discretion by ordering Defendant to serve his sentence as originally imposed.

Conclusion

Based upon the foregoing, we affirm the judgment of the trial court.

s/Robert L. Holloway, Jr.
ROBERT L. HOLLOWAY, JR., JUDGE