

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE
AT KNOXVILLE

Assigned on Briefs September 29, 2026

FILED

10/27/2026

Clerk of the
Appellate Courts

STATE OF TENNESSEE v. MICHAEL B. HURST

**Appeal from the Criminal Court for Knox County
No. 122894 Hector Sanchez, Judge**

No. E2025-02047-CCA-R3-CD

The Defendant, Michael B. Hurst, was convicted by a Knox County Criminal Court jury of unlawful possession of a weapon by a violent felon, a Class B felony, and violation of the seat belt law, a Class C misdemeanor, and received an effective thirty-year sentence. *See* T.C.A. §§ 39-17-1307(b)(1)(A) (Supp. 2021) (subsequently amended) (unlawful possession of a weapon), 55-9-603 (2024) (seat belt law). He appeals the trial court's denial of his motion to suppress evidence seized during a traffic stop and contends the evidence is insufficient to support the firearm conviction. We affirm the judgments of the trial court.

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

ROBERT H. MONTGOMERY, JR., J., delivered the opinion of the court, in which ROBERT W. WEDEMEYER, P.J., and MATTHEW J. WILSON, J., joined.

Daniel L. Bell (on appeal and motion for new trial hearing), Knoxville, Tennessee; T. Scott Jones (pretrial suppression hearing and at trial), Donovan Justice (at trial), and Cameron Buckner (at trial), Knoxville, Tennessee; Eric Lutton, District Public Defender; Megan Newman (preliminary hearing), Assistant District Public Defender; and Meghan Alderson (preliminary hearing), Qualified Law Student, for the Appellant, Michael B. Hurst.

Jonathan Skrmetti, Attorney General and Reporter; Garrett D. Ward, Senior Assistant Attorney General; Charme P. Allen, District Attorney General; and Ta Kisha Fitzgerald and William Bright, Assistant District Attorneys General, for the appellee, State of Tennessee.

OPINION

This case regards an October 27, 2021 traffic stop, during which firearms were seized from the Defendant's car. A Knox County Grand Jury indicted the Defendant for unlawful possession of a weapon by a violent felon (Count 1); theft of a firearm (Count 2); and a violation of the seat belt law (Count 3). Count 2 was dismissed before the trial.

The Defendant filed a motion to suppress evidence seized from his car, which he alleged was the result of an unconstitutional traffic stop. Although the transcript of the suppression hearing is not in the appellate record, in its order denying the motion to suppress, the trial court recited the following facts:

The uncontroverted facts prove that [the Defendant] and his female companion were stopped because law enforcement observed [the Defendant] operating a Ford Mustang without wearing a seatbelt.¹ After the Mustang was stopped the deputies confirmed the identity of [the Defendant's] passenger who had an outstanding warrant for her arrest. [The Defendant] and his passenger were removed from the vehicle and the passenger was placed in handcuffs and taken into custody. In conversation with the deputy (while out of his vehicle and at the front of the police cruiser) [the Defendant] acknowledged that he had been in prison after being convicted of voluntary manslaughter. While [the Defendant] and his passenger remained at the front of the police cruiser both deputies returned to [the Defendant's] vehicle. Using a flashlight to illuminate the interior of the Mustang law enforcement observed a pistol in plain view, and within reach of where [the Defendant] had been seated when operating the vehicle.

The court concluded that a law enforcement officer stopped the Defendant's car because the Defendant was not wearing a seat belt and that this was a valid basis for the traffic stop. The court noted that the entire encounter lasted less than eight minutes, that the traffic stop occurred at 1:30 a.m., and that it occurred "near a location known for illicit drug activity." The court further concluded that "the *de minimis* intrusion upon [the Defendant's] right to be free from unlawful intrusion was justified by legitimate law

¹ Whether this basis for the stop was a pretext to enable the officers to check the identity of the passenger is of no consequence. Law enforcement possessed a valid basis to stop the vehicle. See *Whren v. United States*, 517 U.S. 806 (1996); *State v. Vineyard*, 958 S.W.2d 730 (Tenn. 1997).

enforcement inquiry and necessarily incident to a lawful stop/seizure, the preparation of a citation, and the arrest of [the Defendant's] passenger.”

At the trial, Knox County Sheriff's Department Deputy Kaleb Lee testified that he stopped the Defendant's car because the Defendant was not wearing a seat belt. Deputy Lee stated that before going on patrol, he was aware of an outstanding violation of probation warrant for the car's passenger. Deputy Lee said that his partner identified the passenger as the subject of an outstanding warrant, removed her from the car, and placed her under arrest. Deputy Lee asked the Defendant to step out of the car, performed a pat down, and directed the Defendant to stand in front of the patrol car. Deputy Lee asked dispatch to check the Defendant's record. While waiting for a response, the Defendant told Deputy Lee that he had a prior conviction for a felony crime of violence. Deputy Lee said that while the Defendant and the passenger remained next to the patrol car, Deputy Lee walked to the driver's side of the Defendant's car, shined his flashlight into the car, and saw the handle of a handgun on the driver's seat pushed up against the center console. Deputy Lee explained that the handgun was located “in the seat that [the Defendant] was sitting in.” Deputy Lee stated that he took possession of the handgun, placed the Defendant into custody, and advised the Defendant of his *Miranda* rights. Deputy Lee said that after the Defendant was arrested and placed in the patrol car, he conducted an inventory search of the Defendant's car and found six additional firearms and ammunition. Deputy Lee's body camera video recording, with no audio, was received as an exhibit and played for the jury. The recording was consistent with Deputy Lee's testimony and the trial court's recitation of the suppression hearing evidence.

On cross-examination, Deputy Lee testified that the Defendant did not consent to a search of his car. Deputy Lee stated that although the driver's side front door was closed, he could see the handgun through the open front window. Deputy Lee acknowledged that the handgun was partially covered by a cloth but that he did not need to move the cloth to see the handgun underneath. Deputy Lee clarified that he saw the handgun through the open window and then opened the driver's door, moved the cloth, and retrieved the handgun.

The parties stipulated that the Defendant had previously been convicted of a felony crime of violence. The Defendant presented no evidence.

The jury found the Defendant guilty of unlawful possession of a weapon by a violent felon and of a violation of the seat belt law. The Defendant received an effective thirty-year sentence.

On appeal, the Defendant asserts that the trial court erred by denying his motion to suppress and that the evidence is insufficient to sustain his conviction for unlawful possession of a weapon by a violent felon.

I

Motion to Suppress

The Defendant contends that the trial court erred by denying his motion to suppress because the traffic stop was pretextual and prolonged and because the warrantless seizure of the handgun on the driver's seat violated the Fourth Amendment of the United States Constitution and article I, section 7 of the Tennessee Constitution. Specifically, the Defendant argues that the evidence preponderates against the trial court's finding that the handgun was in plain view because the handgun was, in fact, covered by a cloth. The State counters that consideration of the Defendant's issues is waived because the Defendant failed to provide this court with an adequate appellate record and brief. The State notes that a suppression hearing transcript was not included in the appellate record and that the Defendant's brief lacks adequate citations to the record as required by Tennessee Appellate Procedure Rule 24(b). Alternately, the State asserts that the court properly denied the motion to suppress because the handgun was visible from the outside of the vehicle.

As a prefatory matter, when the appellate record does not contain a transcript of a guilty plea or suppression hearing, an appellate court will consider on a case-by-case basis whether a record is sufficient for review. *See State v. Holley*, ---S.W.3d ---, No. W2024-00748-SC-R11-CD, 2026 WL 2149085, at *4-5 (Tenn. 2026); *State v. Caudle*, 388 S.W.3d 273, 279 (Tenn. 2012) (addressing an omitted guilty plea transcript); *see also State v. Smotherman*, 201 S.W. 3d 657, 660-61 (Tenn. 2006) (addressing an omitted suppression hearing transcript); T.R.A.P. 24(b) (stating that the appellant has the duty to prepare a record which conveys a "fair, accurate and complete account of what transpired with respect to those issues that are the bases of appeal"). In the present case, the appellate record contains the trial court's recitation of the evidence it considered when making its determination. We conclude that the record is sufficient for our review. We will consider the Defendant's claim on its merits, notwithstanding the absence of a suppression hearing transcript and citations to the record.

A trial court's findings of fact on a motion to suppress are conclusive on appeal unless the evidence preponderates against them. *State v. Odom*, 928 S.W.2d 18, 23 (Tenn. 1996); *State v. Jones*, 802 S.W.2d 221, 223 (Tenn. Crim. App. 1990). Questions about the "credibility of the witnesses, the weight and value of the evidence, and resolution of conflicts in the evidence are matters entrusted to the trial judge as the trier of fact." *Odom*, 928 S.W.2d at 23. The prevailing party is entitled to the "strongest legitimate view of the evidence and all reasonable and legitimate inferences that may be

drawn from that evidence.” *State v. Keith*, 978 S.W.2d 861, 864 (Tenn. 1998); *see State v. Hicks*, 55 S.W.3d 515, 521 (Tenn. 2001). A trial court’s application of the law to its factual findings is a question of law and is reviewed de novo on appeal. *State v. Yeargan*, 958 S.W.2d 626, 629 (Tenn. 1997).

The Fourth Amendment to the United States Constitution and article I, section 7 of the Tennessee Constitution protects individuals from unreasonable searches and seizures. *See* U.S. Const. amend. IV; Tenn. Const. art. 1, § 7. Warrantless seizures are “presumed unreasonable, and evidence discovered as a result thereof is subject to suppression unless the State demonstrates that the . . . seizure was conducted pursuant to one of the narrowly defined exceptions to the warrant requirement.” *Yeargan*, 958 S.W.2d at 629; *see Coolidge v. New Hampshire*, 403 U.S. 443, 454-55 (1971); *State v. Binette*, 33 S.W.3d 215, 218 (Tenn. 2000).

Within the context of warrantless searches and seizures, the courts have recognized certain exceptions to the warrant requirement. *See, e.g., State v. Meeks*, 262 S.W.3d 710, 722 (Tenn. 2008) (listing some of the commonly recognized exceptions to the warrant requirement). Such commonly recognized exceptions include a search incident to an arrest, the plain view doctrine, and consent to a search. *Id.*; *see State v. Berrios*, 235 S.W.3d 99, 104 (Tenn. 2007); *State v. Cox*, 171 S.W.3d 174, 179 (Tenn. 2005). “The plain view doctrine applies when (1) the items seized were in plain view; (2) the viewer had the right to be in the position to view the items; (3) the items seized were inadvertently discovered; and (4) the incriminating nature of the items was immediately apparent.” *State v. Cothran*, 115 S.W.3d 513, 524-25 (Tenn. Crim. App. 2003) (citations omitted). The State has the burden to demonstrate that a warrantless search falls within an exception to the warrant requirement. *Meeks*, 262 S.W.3d at 722.

A law enforcement officer’s initiating a traffic stop constitutes a seizure pursuant to the United States and Tennessee Constitutions. *Whren v. United States*, 517 U.S. 806, 809-10 (1996); *see Delaware v. Prouse*, 440 U.S. 648, 653 (1979); *see also State v. Vineyard*, 958 S.W.2d 730, 734 (Tenn. 1997); *State v. Pulley*, 863 S.W.2d 29, 30 (Tenn. 1993). However, a police officer is permitted to initiate a traffic stop without a warrant for the purpose of a brief investigatory stop based upon “specific and articulable facts which, taken together with rational inferences from those facts, reasonably warrant [an] intrusion.” *Terry v. Ohio*, 392 U.S. 1, 21 (1968); *see Binette*, 33 S.W.3d at 218. “As a general rule . . . the stop of an automobile is constitutionally reasonable, under both the state and federal constitutions, if the police have probable cause or reasonable suspicion to believe that a traffic violation has occurred.” *Vineyard*, 958 S.W.2d at 734 (citing *Whren*, 517 U.S. at 806). Moreover, “a valid stop based on a traffic violation [is] permissible regardless of any pretextual motivation of the officer.” *State v. Donaldson*, 380 S.W.3d 86, 92 (Tenn. 2012) (citation omitted). A law enforcement officer may, as a

matter of course, ask that a driver step out of the car during a traffic stop. *See Pennsylvania v. Mimms*, 434 U.S. 106 (1977); *Berrios*, 235 S.W.3d at 106. “The duration of [a traffic] stop, however, must be ‘temporary and last no longer than necessary to effectuate the purpose of the stop.’” *Berrios*, 235 S.W.3d at 107 (quoting *Cox*, 171 S.W.3d at 179-80 (citing *Florida v. Royer*, 460 U.S. 491 (1983))).

The trial court found that a law enforcement officer stopped the Defendant’s car because the Defendant was not wearing a seat belt. The officer asked the Defendant and his passenger to step out of the car and arrested the passenger because of an outstanding warrant for her arrest. While the Defendant and the passenger were out of the car, the Defendant told a deputy that he had a prior conviction for voluntary manslaughter. A law enforcement officer shined a flashlight into the Defendant’s car and saw a handgun in plain view and within reach of where the Defendant had been seated in the car. The Defendant was then arrested. The evidence contained in the trial record does not preponderate against the court’s pretrial order.

Deputy Lee² had a valid basis for stopping the Defendant’s car, as the Defendant was not wearing his seat belt, which is a violation of the law. *See* T.C.A. § 55-9-603; *see also Donaldson*, 380 S.W.3d at 92. Having stopped the Defendant for a traffic violation, Deputy Lee was within his lawful authority to ask the Defendant and his passenger to step out of the car. *See Mimms*, 434 U.S. 106, 111 n.6; *Berrios*, 235 S.W.3d at 106. Officers observed a handgun in plain view and within reach of the driver’s seat, where the Defendant had been seated. The incriminating nature of the handgun was apparent because the Defendant had previously admitted to having been convicted of a violent felony. *See Cothran*, 115 S.W.3d at 524-25. Additionally, the length of the stop was reasonable and not longer than necessary. *See Berrios*, 235 S.W.3d at 107. The trial court found that the encounter lasted less than eight minutes. *See State v. England*, 19 S.W.3d 762, 768 (Tenn. 2000) (holding that a traffic stop was not prolonged where the entire duration of the stop did not exceed ten minutes). During that time, the Defendant and the passenger stepped out of the car, the passenger was arrested for an outstanding warrant, and deputies shined flashlights inside the Defendant’s car after he admitted to having a prior violent felony conviction. Accordingly, the court did not err by denying the motion to suppress. The Defendant is not entitled to relief on this issue.

II Sufficiency of the Evidence

² Although the trial court’s order denying the motion to suppress referred generically to “law enforcement” and not Deputy Lee, the record reflects that Deputy Lee stopped, detained, and arrested the Defendant.

The Defendant argues that the evidence is insufficient to support his conviction for unlawful possession of a firearm by a violent felon because the evidence failed to establish that he possessed the handgun found in the driver's seat. Specifically, the Defendant asserts that "no testimony was presented by any witness that proved [he] was in physical possession of the weapon" and that physical proximity was not enough to show possession. The State counters that the evidence is sufficient to show that the Defendant possessed the handgun because it was located on the driver's seat where the Defendant had been seated.

In determining the sufficiency of the evidence, the standard of review is "whether, after viewing the evidence in the light most favorable to the prosecution, *any* rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt." *Jackson v. Virginia*, 443 U.S. 307, 319 (1979); *see State v. Vasques*, 221 S.W.3d 514, 521 (Tenn. 2007). The State is "afforded the strongest legitimate view of the evidence and all reasonable inferences" from that evidence. *Vasques*, 221 S.W.3d at 521. The appellate courts do not "reweigh or reevaluate the evidence," and questions regarding "the credibility of witnesses [and] the weight and value to be given the evidence . . . are resolved by the trier of fact." *State v. Bland*, 958 S.W.2d 651, 659 (Tenn. 1997); *see State v. Sheffield*, 676 S.W.2d 542, 547 (Tenn. 1984).

"A crime may be established by direct evidence, circumstantial evidence, or a combination of the two." *State v. Hall*, 976 S.W.2d 121, 140 (Tenn. 1998); *see State v. Sutton*, 166 S.W.3d 686, 691 (Tenn. 2005). "The standard of review 'is the same whether the conviction is based upon direct or circumstantial evidence.'" *State v. Dorantes*, 331 S.W.3d 370, 379 (Tenn. 2011) (quoting *State v. Hanson*, 279 S.W.3d 265, 275 (Tenn. 2009)).

It is a crime to possess a firearm if the person "[h]as been convicted of a felony crime of violence . . . or a felony involving use of a deadly weapon[.]" T.C.A. § 39-17-1307-(b)(1)(A). Possession may be actual or constructive. *State v. Shaw*, 37 S.W.3d 900, 903 (Tenn. 2001). Constructive possession requires a showing that a defendant had "the power and intention at a given time to exercise dominion and control over . . . [the item] either directly or through others." *State v. Cooper*, 736 S.W.2d 125, 129 (Tenn. Crim. App. 1987) (internal quotations and citation omitted). "In essence, constructive possession is the ability to reduce an object to actual possession." *State v. Williams*, 623 S.W.2d 121, 125 (Tenn. Crim. App. 1981) (quoting *United States v. Martinez*, 588 F.2d 495, 498 (5th Cir. 1979)).

Viewed in the light most favorable to the prosecution, the record reflects that the Defendant was driving the car and that the handgun was found on the driver's seat where the Defendant had been sitting. Given the location where the handgun was found, the Defendant would have had the ability to grab the handgun. Constructive possession

requires only that the Defendant had the power and intention at a given time to exercise dominion and control over the handgun. Given that the Defendant had been sitting on the driver's seat where the handgun was found, we conclude that the evidence is sufficient for a jury to find beyond a reasonable doubt that the Defendant constructively possessed the handgun. The Defendant does not contest that he was previously convicted of a felony crime of violence. The evidence is sufficient to support the conviction of unlawful possession of a firearm by a violent felon. The Defendant is not entitled to relief on this issue.

In consideration of the foregoing and the record as a whole, the judgments of the trial court are affirmed.

s/Robert H. Montgomery, Jr.
ROBERT H. MONTGOMERY, JR., JUDGE