

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE
AT NASHVILLE
July 14, 2026 Session

FILED

10/20/2026

Clerk of the
Appellate Courts

STATE OF TENNESSEE v. JAMES CHADWICK VAUGHN

Appeal from the Criminal Court for Sumner County
No. 2024-CR-235 Dee David Gay, Judge

No. M2025-00490-CCA-R3-CD

The Defendant, James Chadwick Vaughn, pled guilty in the Criminal Court for Sumner County to three Class D felonies and two misdemeanors. The plea petition provided that the trial court would determine the specific sentence, within a range of eight to twelve years for the felony convictions, with all sentences served concurrently. After a sentencing hearing, the trial court sentenced the Defendant to serve twelve years in confinement and ordered the Defendant to participate in a rehabilitative program as a condition of parole. On appeal, the Defendant raises the following issues: (1) whether the trial court committed plain error by classifying the Defendant as a Range III, persistent offender; (2) whether the trial court erred by imposing a condition of parole; and (3) whether the Defendant's plea was valid and complied with Tennessee Rule of Criminal Procedure 11. Upon our review, we respectfully vacate the parole condition and remand the case for entry of corrected judgments. We further conclude that we lack authority to review the validity of the Defendant's guilty plea. We respectfully affirm the trial court's judgments in all other respects.

Tenn. R. App. P. 3 Appeal as of Right;
Judgments of the Criminal Court Affirmed in Part, Vacated in Part;
Case Remanded

TOM GREENHOLTZ, J., delivered the opinion of the court, in which CAMILLE R. McMULLEN and JILL BARTEE AYERS, JJ., joined.

Drew Justice, Murfreesboro, Tennessee (on appeal) and Micah Cagney Ketron, Gallatin, Tennessee (at plea and sentencing), for the appellant, James Chadwick Vaughn.

Jonathan Skrmetti, Attorney General and Reporter; Benjamin A. Ball, Senior Assistant Attorney General; Thomas B. Dean, District Attorney General; and Jennifer Smith, Assistant District Attorney General, for the appellee, State of Tennessee.

OPINION

FACTUAL BACKGROUND

On January 6, 2025, the Defendant entered a plea of guilty to five offenses. Three were Class D felonies: two counts of burglary and one count of theft of property. The remaining two were Class A misdemeanor counts of theft of property.

The plea petition stated that the trial court would impose a sentence within a range of eight to twelve years for the felony offenses. The petition further provided that the Defendant would serve all sentences concurrently. In the signed petition, the Defendant acknowledged, “I have agreed to the specific manner of service stated above.” Apart from stating the eight-to-twelve-year range, the petition did not refer to a Range III classification or to persistent-offender status. Nor did it contain a specific written waiver addressing the Defendant’s offender classification.

At the plea hearing, the Defendant stated that he was forty-four years old and had completed a year of college after high school. He confirmed that he reviewed the plea petition with his lawyer, understood its terms, and signed it. He represented that no one forced him to plead guilty and that the petition reflected all promises made to him. Before the trial court reviewed the terms of the plea, defense counsel stated, “I know there’s a lot of writing or typing on this petition -- this is an open plea, Judge.” The trial court responded, “I see that.”

The trial court then reviewed the petition with the Defendant, stating, “You’re pleading guilty to count one and count five and count six. These are all sentences with ranges of 8 to 12 years. They’re D felonies, but they’re Range III.” The court further emphasized, “With each of these three crimes, you’re a persistent offender.” The Defendant responded, “Yes, sir.” The court explained that a future hearing would determine the specific sentence within that range and the manner of service. The Defendant also confirmed that he understood that his misdemeanor sentences would be served concurrently.

The Defendant stated that he was not under the influence of any medication that affected his understanding. The trial court then advised the Defendant, “By pleading guilty you give up your right to have a jury trial, your right to confront witnesses, your right to exercise your privilege against compulsory self-incrimination,” and further advised him of the limits on his right to appeal. The Defendant replied that he understood. After the prosecutor recited the factual basis for the plea, the trial court asked the Defendant whether he was guilty of the crimes. In response, the Defendant answered, “Yes, sir,” and the trial court accepted the plea.

Two months later, the trial court held a sentencing hearing. At the outset of the hearing, the trial court stated that the Defendant’s sentencing “range is 8 to 12 years, as agreed, at 45 percent,” and that “the agreement is also that these sentences will run concurrently with each other.”

At the hearing, the director of White House Hope Center Ministries, Brett Clark, testified regarding a residential program the Defendant sought to enter. Mr. Clark said that the Hope Center is a discipleship program for men struggling with addiction and confirmed that the Defendant had been accepted. He stated that the Defendant could comply with the program if the court allowed him to participate.

The State then introduced the Defendant’s presentence report, which reflected a criminal history in both Tennessee and Kentucky. That history included convictions for theft, burglary, public intoxication, robbery, domestic violence, driving under the influence, trespass, and casual exchange.

In announcing its sentencing determination, the trial court stated, “The parties have agreed that he is a Range III, persistent offender.” Turning to consecutive sentencing, the trial court noted that the Defendant’s record could otherwise have supported consecutive service. The court nevertheless stated, “that doesn’t apply. All of these convictions will run concurrently with each other.” The trial court then credited defense counsel for negotiating the concurrent arrangement, stating that counsel “worked an agreement for you where you were given concurrent sentencing.”

The trial court sentenced the Defendant to an effective term of twelve years in confinement as a Range III, persistent offender, to be served at forty-five percent release eligibility. It also ordered that the Defendant complete the Hope Center program as a condition of his parole.

The trial court clerk filed the judgments of conviction on March 10, 2025. The Defendant filed a timely notice of appeal thirty days later. *See* Tenn. R. App. P. 4(a).

ANALYSIS

In this appeal, the Defendant raises the following issues: (1) whether the trial court committed plain error by classifying the Defendant as a Range III, persistent offender; (2) whether the trial court erred by imposing a condition of parole; and (3) whether the Defendant's plea was valid and complied with Tennessee Rule of Criminal Procedure 11. We address each of these issues in turn.

A. SENTENCING RANGE CLASSIFICATION

The Defendant first argues that the trial court committed plain error by classifying him as a Range III, persistent offender. More specifically, he asserts that he lacked the five prior qualifying felony convictions necessary for that classification. The State responds that the trial court properly sentenced the Defendant as a Range III, persistent offender. We agree with the State.

1. Plain Error Review Generally

While the case was pending in the trial court, the Defendant did not object to his sentencing classification as a Range III, persistent offender. As such, he asks this court to review that classification under the plain error doctrine. The supreme court has emphasized that our authority to grant relief for plain error should be "sparingly exercised." *State v. Bledsoe*, 226 S.W.3d 349, 354 (Tenn. 2007) (quoting Tenn. R. App. P. 13(b), advisory comm'n cmts.). Relief under that doctrine is limited to errors satisfying five criteria: (a) the record must clearly establish what occurred in the trial court; (b) a clear and unequivocal rule of law must have been breached; (c) a substantial right of the accused must have been adversely affected; (d) the accused did not waive the issue for tactical reasons; and (e) consideration of the error is "necessary to do substantial justice." *State v. Jones*, 589 S.W.3d 747, 762 (Tenn. 2019).

The Defendant bears the burden of establishing each factor, and we need not address every factor when the record clearly shows that at least one cannot be satisfied. *State v. Reynolds*, 635 S.W.3d 893, 931 (Tenn. 2021). As explained below, we conclude that the

Defendant has not established the second factor: a breach of a clear and unequivocal rule of law.

2. Breach of a Clear and Unequivocal Rule of Law

To resolve whether the trial court breached a clear rule of law, we begin with the statutory framework governing offender range classification. In Tennessee, two variables determine a defendant's sentencing range: the class of the offense and the defendant's offender classification. *State v. Menke*, 590 S.W.3d 455, 464 (Tenn. 2019). The offense class reflects the severity of the crime as established by the General Assembly. The offender classification, by contrast, reflects the defendant's history of prior felony convictions and consists of five separate "ranges" of increasing punishment. *See State v. Bise*, 380 S.W.3d 682, 691 (Tenn. 2012); Tenn. Code Ann. §§ 40-35-105 to -109 (2025). Thus, a defendant may be classified as a Range III, persistent offender when he or she has at least five prior felony convictions that qualify for that range. *See* Tenn. Code Ann. § 40-35-107(a)(1) (2025).

The State bears the burden of proving a defendant's offender classification beyond a reasonable doubt. Tenn. Code Ann. § 40-35-107(c). It may satisfy that burden by introducing certified copies of the defendant's prior convictions at the sentencing hearing or by relying on the convictions identified in the presentence report. *See* Tenn. Code Ann. § 40-35-202(a) (2025); *see also, e.g., State v. Garrens*, No. W2024-00258-CCA-R3-CD, 2025 WL 1307696, at *7 (Tenn. Crim. App. May 6, 2025), *no perm. app. filed*. Our sentencing statutes also recognize that the parties may agree to a defendant's sentence, in whole or in part. *See Garrens*, 2025 WL 1307696, at *7. Indeed, the parties may agree that the court may impose a sentence in a range that the defendant's prior convictions would not otherwise support. *See Hoover v. State*, 215 S.W.3d 776 (Tenn. 2007); *Hicks v. State*, 945 S.W.2d 706, 709 (Tenn. 1997).

Thus, a defendant's agreement to be sentenced within a particular range may satisfy the State's burden of proof regarding the offender classification. Once the trial court accepts that agreement, it may rely on the agreed classification without further proof by the parties. *See, e.g., State v. Tomes*, No. E2023-01831-CCA-R3-CD, 2025 WL 3171857, at *12 (Tenn. Crim. App. Nov. 10, 2025), *no perm. app. filed*; *Garrens*, 2025 WL 1307696, at *7.

The record consistently reflects the parties' agreement to the Defendant's Range III classification and concurrent sentences. In the signed petition to enter a guilty plea, the

Defendant requested that the trial court “accept the following plea of guilty” to each of the three Class D felonies, within a range of eight to twelve years at forty-five percent. For each of these counts, the petition states that the sentence would run “concurrent with all other counts.” The same concurrent-service designation appears for each of the Defendant’s misdemeanor counts. The petition’s acknowledgment section further provides that the Defendant “agreed to the specific manner of service stated above,” directly incorporating the concurrent-service terms set out on the first page of the same document.

Then at the plea hearing, the trial court reviewed these terms directly with the Defendant. The court explained that each of the three felony offenses was “Range III” and, therefore, carried a sentencing range between eight and twelve years. The court also stated that “[w]ith each of these three crimes, you’re a persistent offender.” The Defendant confirmed that this arrangement was his understanding. The court further asked the Defendant to confirm his understanding a second time: “[T]he three felonies we will look at a range of 8 to 12 at 45 percent. Is that your understanding?” The Defendant answered, “Yes, sir.” The court separately confirmed the concurrent-sentencing agreement: “[I]t appears that the agreement is that all of these will run concurrently with each other. So there will be no consecutive sentencing issues; do you understand?” The Defendant again confirmed, “Yes, sir.”

The trial court reaffirmed both agreements repeatedly at the sentencing hearing. At the beginning of the hearing, the court stated that the Defendant’s “range is 8 to 12 years, as agreed, at 45 percent,” and separately that “the agreement is also that these sentences will run concurrently with each other.” In announcing its sentencing findings, the court again stated that “[t]he parties have agreed that he is a Range III persistent offender.” Neither the State, the Defendant, nor his counsel objected to, qualified, or corrected any of these characterizations when the trial court made them.

Given this record, the trial court had no independent obligation to verify the offender classification the Defendant himself requested. Once the trial court accepted the agreed sentencing range, it could rely on that arrangement without requiring independent proof that the Defendant’s prior convictions supported Range III classification. *See Garrens*, 2025 WL 1307696, at *9.

Following oral argument, the Defendant filed a supplemental letter brief distinguishing *Garrens* on the ground that, unlike him, the defendant there did not contend that his agreement was involuntary. That distinction does not alter our analysis of the sentencing-range issue. The record before the trial court reflected the Defendant’s

agreement to Range III classification, and the trial court was entitled to rely on that agreement when imposing sentence. Whether the Defendant knowingly and voluntarily entered the underlying plea presents a different question. As we explain below, that question cannot be resolved on this direct-appeal record. *See State v. Wilson*, 31 S.W.3d 189, 193-95 (Tenn. 2000).

The Defendant argues that the record does not reflect an agreement because the plea petition never uses the word “agreement” and is not signed by the State. We respectfully disagree. Neither our sentencing statutes nor *Garrens* conditions an agreement as to offender classification on the use of the specific word “agreement” or the State’s signature. *See* Tenn. Code Ann. §§ 40-35-203(b), -205(d) (2025); *Garrens*, 2025 WL 1307696, at *9. Rather, the record must establish that the parties agreed to the sentencing issue and that the trial court accepted that agreement.

Here, the record does so repeatedly. The Defendant’s plea petition identified an eight-to-twelve-year sentencing range at forty-five percent. Although the petition did not refer to a Range III classification by name, the trial court expressly connected that range to a Range III classification at the plea hearing. The Defendant then confirmed his understanding of that range. At the sentencing hearing, the trial court repeatedly characterized the Range III classification and concurrent sentences as matters of agreement, without objection or correction from either party. Accordingly, the absence of the word “agreement” or the State’s signature from the plea petition does not undermine the record’s showing that the parties agreed to the Defendant’s Range III classification or that the trial court accepted that agreement.

As *Garrens* recognized, a different case may arise “where the trial court goes beyond the parties’ agreement and sentences a defendant in a higher range without sufficient proof in the record.” *Garrens*, 2025 WL 1307696, at *10 (citing *State v. Gordon*, No. W2021-01190-CCA-R3-CD, 2023 WL 2375707, at *1 (Tenn. Crim. App. Mar. 7, 2023)); *State v. Ward*, No. E2018-01781-CCA-R3-CD, 2019 WL 3244991, at *4 (Tenn. Crim. App. July 19, 2019), *no perm. app. filed*. Here, however, the trial court sentenced the Defendant within the very range he requested. This case therefore falls squarely within the rule of *Garrens*: the trial court accepted the parties’ plea agreement and imposed a sentence within the legal constraints of that agreement, nothing more. Because the trial court breached no clear and unequivocal rule of law, the Defendant cannot satisfy the second factor necessary for relief under the plain error doctrine. The Defendant is not entitled to relief on this issue.

B. THE PAROLE CONDITION

The Defendant next argues that the trial court erred by ordering him to enter and complete the White House Hope Center Ministries program as a condition of his parole. He asserts that the trial court lacked authority to impose this condition because Tennessee Code Annotated section 40-28-117 vests that authority exclusively in the Board of Parole. The State also agrees that the trial court's parole condition was improper. We agree with the parties.

The Board of Parole holds the authority to set the terms and conditions of parole. Tenn. Code Ann. § 40-28-117(a)(1) (2025). This power includes prescribing “the terms and conditions” upon which a defendant may be released on parole. *Id.* By contrast, a trial court “is not authorized to set conditions for parole,” as it has “no power in this regard.” *State v. McKenzie*, No. M2010-01168-CCA-R3-CD, 2012 WL 112555, at *8 (Tenn. Crim. App. Jan. 11, 2012), *no perm. app. filed*.

In this case, the trial court ordered the Defendant to enter and complete the Hope Center program as a condition of his parole, and the judgments of conviction reflect this condition. Because the trial court lacked authority to impose any parole conditions, we respectfully vacate this portion of the trial court's order and remand this case for entry of corrected judgments removing this condition.

C. THE VALIDITY OF THE GUILTY PLEA

Finally, the Defendant contends that his guilty plea should be set aside. He argues that the plea was unknowingly and involuntarily entered and that the trial court failed to comply with Rule 11 of the Tennessee Rules of Criminal Procedure. The State responds that the trial court substantially complied with Rule 11. On our own review, we conclude that this court lacks authority under Tennessee Rule of Appellate Procedure 3(b) to reach the Defendant's issue because it is not “apparent from the record of the proceedings already had.” Tenn. R. App. P. 3(b).¹

¹ Neither party's brief addressed our authority to review the validity of the Defendant's plea. Before oral argument, this court issued a notice directing the parties to be prepared to address that question, pursuant to *State v. Harbison*, 539 S.W.3d 149, 165 (Tenn. 2018), and Tennessee Rule of Appellate Procedure 13(b). Both parties did so at oral argument. Although the Defendant later filed a supplemental

The right to appeal from a guilty plea is limited. *Wilson*, 31 S.W.3d at 192. Tennessee Rule of Appellate Procedure 3(b) recognizes three narrow exceptions. First, an appeal lies if the defendant reserved a certified question of law. Second, an appeal lies if the defendant seeks review of a sentence not covered by the plea agreement. Third, an appeal lies if the issue was not waived by the plea and is apparent from the record of the proceedings already had. Tenn. R. App. P. 3(b)(2); Tenn. R. Crim. P. 37(b)(2)(C).

Only the third exception is potentially available here. The Defendant did not reserve a certified question of law. And although his challenge to the plea's validity implicates the length of his sentence, it is not a claim that the trial court miscalculated his sentence. Instead, it is a claim that he never validly agreed to the Range III classification. As explained above, that classification was itself a term of the parties' plea agreement. Correcting it would require this court to revisit whether the Defendant knowingly and voluntarily agreed to it, not simply to recalculate his sentence. The Defendant confirms as much. He asks this court, in the alternative, to resentence him as a Range I offender or to vacate his guilty plea entirely. Our authority to address either request, therefore, turns on the narrow exception in Rule 37(b)(2)(C) and Rule 3(b)(2).

Under that exception, an issue is "apparent from the record" when the record "clearly reflects an invalidating error, such as the clear denial of the right to counsel or a conviction under an invalid statute," and when it would be "judicially inefficient to require a post-conviction collateral attack." Tenn. R. Crim. P. 37(b)(2)(C), advisory comm'n cmt.

A claimed Rule 11 violation shows why this standard is difficult to satisfy on direct appeal. Identifying an omission in a plea colloquy is relatively straightforward; it requires only comparing the transcript with Rule 11's requirements. Determining the effect of an omission, however, is more complex. Whether the omission constitutes an "invalidating error" or otherwise affected the validity of the plea depends, in part, on the source of the right at issue. As the supreme court has observed,

The level of harmless error review depends upon whether the omission constitutes a constitutional error or whether the required advice derives from a rule or pronouncement based on the supervisory authority of this Court. If the former, the judgment is void unless the error is harmless beyond a

letter brief addressing how our decision in *Garrens* applied to his range classification, no party submitted any further briefing concerning our authority to hear or decide this issue.

reasonable doubt. If the latter, the judgment will be void only if the defendant can show prejudice from the omission.

Lane v. State, 316 S.W.3d 555, 565 (Tenn. 2010); *State v. Neal*, 810 S.W.2d 131, 138 (Tenn. 1991) (explaining that a “patent omission” from the advice litany is reviewed for harmless error, rather than treated as automatically invalidating the plea), *overruled in part on other grounds by Blankenship v. State*, 858 S.W.2d 897 (Tenn. 1993).

Under either standard, the harmless-error inquiry may depend on facts not disclosed by the plea colloquy itself. For example, the validity of the plea may depend on what the defendant already knew and the source of that knowledge. *See Neal*, 810 S.W.2d at 139 (“If it can be shown that the defendant already knew what he was not advised . . . the harmless nature of the error is classic.”). In addition, the State must have an opportunity to respond and, when appropriate, present extrinsic evidence bearing on the validity of the plea. *See Chamberlain v. State*, 815 S.W.2d 534, 541 (Tenn. Crim. App. 1990) (recognizing that the State’s proof may include testimony from the trial judge, prosecutor, defense counsel, and defendant).

These difficulties in assessing the impact of omissions in a Rule 11 colloquy are why our supreme court in *Wilson* held that the voluntary and knowing character of a plea “will rarely, if ever, be apparent from a record of the proceedings already had.” *Wilson*, 31 S.W.3d at 193. For the same reason, post-conviction proceedings, and not direct appeals, are suited to answer that question through an evidentiary hearing where the defendant may testify and the State may offer proof in response. *Id.* at 195.

This case does not present one of those rare circumstances. The trial court told the Defendant he faced eight to twelve years as a Range III, persistent offender, and the Defendant confirmed he understood that part of the plea. But the transcript does not show why he accepted that classification, what he knew about any alternative, or how that knowledge affected his decision to plead guilty. Nor has the State had the opportunity to offer evidence showing that any omission the Defendant identified was harmless. The same information gap exists for each alleged omission he identifies in the plea colloquy. *See, e.g., State v. Taylor*, No. E2007-02878-CCA-R3-CD, 2009 WL 396076, at *6 (Tenn. Crim. App. Feb. 17, 2009) (“We are unable to properly evaluate the voluntariness of [the defendant’s] guilty pleas upon direct appeal. Although the record includes the transcript from the plea submission hearing, we do not have enough information to determine whether [the defendant] knew his rights and voluntarily waived these rights to enter his guilty pleas.”), *no perm. app. filed*.

In some cases, the proof needed to establish an invalidating error with respect to a plea may come from post-plea proceedings, including a post-conviction petition or a motion to withdraw the plea pursuant to Tennessee Rule of Criminal Procedure 32(f). *See State v. Henry*, No. W2018-02084-CCA-R3-CD, 2020 WL 2301194, at *3 (Tenn. Crim. App. May 8, 2020) (dismissing an identical claim on direct appeal for lack of jurisdiction where the defendant had not filed a motion to withdraw his plea or a post-conviction petition), *no perm. app. filed*; *State v. Massey*, No. M2013-00362-CCA-R3-CD, 2013 WL 3967686, at *1 (Tenn. Crim. App. Aug. 1, 2013), *no perm. app. filed*. But without such proof in the record of proceedings “already had,” we cannot evaluate how any deficiencies in the Rule 11 colloquy affected the validity of the plea.

The Defendant nevertheless argues that his claim is reviewable on direct appeal, relying on two authorities. First, during oral argument, the Defendant relied heavily on *Neal*’s statement that “[a]n omission [in a plea] that is constitutionally mandated is subject to appellate review on direct appeal.” *Neal*, 810 S.W.2d at 139. But *Neal* did not address the separate jurisdictional limitation later identified in *Wilson*: a defendant who pleads guilty may pursue a direct appeal only when the claim falls within Rule 37(b) or Rule 3(b). *Wilson*, 31 S.W.3d at 193. And, as noted above, *Wilson* recognized that whether a plea was knowing and voluntary will “rarely, if ever,” be apparent from the record of the proceedings already had. *Id.* Thus, *Neal* does not establish that the Defendant’s claim is reviewable on this direct-appeal record.

Second, the Defendant relies on *State v. Mackey*, 553 S.W.2d 337 (Tenn. 1977), to argue that, even if the trial court complied with Rule 11, due process independently requires a knowing plea. We do not question that principle. But *Mackey* does not decide whether we may review the Defendant’s claim in this appeal, and our supreme court rejected similar reliance on *Mackey* in *Wilson*. There, the court observed that *Mackey* predated both the Tennessee Rules of Criminal Procedure and the Tennessee Rules of Appellate Procedure. *Wilson*, 31 S.W.3d at 193. It then held that any portion of *Mackey* that could be read to permit a direct appeal from a guilty plea had been superseded by the rules limiting such appeals to the exceptions in Rule 37(b) and Rule 3(b). *Id.* *Mackey*, therefore, does not expand our authority to review the Defendant’s claim on direct appeal.

For these reasons, we conclude that neither Tennessee Rule of Criminal Procedure 37 nor Tennessee Rule of Appellate Procedure 3 grants us authority to review the Defendant’s claim that his guilty plea was not knowing or voluntary. The Defendant is not entitled to relief on this ground.

CONCLUSION

In summary, we hold that the Defendant is not entitled to plain error relief on his claim that the trial court erred in classifying him as a Range III, persistent offender. We further hold that the trial court lacked authority to impose the Hope Center program as a condition of the Defendant's parole. Finally, we hold that we lack authority to review the Defendant's challenge to the validity of his plea because no invalidating error is apparent from the record of the proceedings already had.

We, therefore, respectfully vacate the parole condition and remand this case for entry of corrected judgments removing this condition. We affirm the trial court's judgments in all other respects.

s/ *Tom Greenholtz*

TOM GREENHOLTZ, JUDGE