

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE
AT NASHVILLE
September 15, 2026 Session

FILED

10/28/2026

Clerk of the
Appellate Courts

STATE OF TENNESSEE v. AMANDA SUZANNE ROSS

**Appeal from the Circuit Court for Maury County
No. 29462 Russell Parkes, Judge**

No. M2025-00978-CCA-R3-CD

Defendant, Amanda Suzanne Ross, appeals her conviction for driving under the influence, first offense. She contends that the trial court erred in denying her motion to dismiss the indictment because it was untimely under Tennessee Code Annotated sections 40-2-102(a) and 40-2-104. Upon review of the entire record, the briefs and oral arguments of the parties, and the applicable law, we affirm the judgment of the trial court.

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

JILL BARTEE AYERS, J., delivered the opinion of the court, in which CAMILLE R. MCMULLEN and STACY L. STREET, JJ., joined.

Mark E. Atchison, Charlotte, Tennessee, for the appellant, Amanda Suzanne Ross.

Jonathan Skrmetti, Attorney General and Reporter; Caroline Weldon, Assistant Attorney General; Brent Cooper, District Attorney General; and Victoria Haywood, Assistant District Attorney General, for the appellee, State of Tennessee.

OPINION

Facts and Procedural History

On November 6, 2020, Defendant was arrested and served with a warrant charging her with driving under the influence (“DUI”). Proceedings in the general sessions court were continued twice due to the arresting officer’s non-appearance and once on Defendant’s request. On September 27, 2021, the general sessions court dismissed the DUI charge for failure to prosecute.

On December 14, 2021, the Maury County Grand Jury indicted Defendant for the same charge, DUI, first offense, a Class A misdemeanor. *See* T.C.A. § 55-10-401(1).¹ The indictment included a statement that the statute of limitations was tolled by the issuance of the arrest warrant on November 6, 2020, and that the case “remained active through September 27, 2021,” the date the case was dismissed in general sessions.

On May 25, 2023, Defendant moved to dismiss the indictment, asserting that the indictment, returned thirteen months after the arrest, was time-barred because “nothing in the law served to toll the statute of limitations[.]” Following a hearing, the trial court denied the motion to dismiss, holding that “the issuing of the warrant did, in fact, toll the running of the statute of limitation[s], which makes this indictment timely.”

Defendant timely sought permission to pursue an interlocutory appeal and a stay within thirty days of the trial court’s ruling, which this court denied. *State v. Ross*, No. M2024-00183-CCA-R9-CO (Tenn. Crim. App. Mar. 18, 2024) (Order); *see, e.g.*, Tenn. R. App. P. 9.

Defendant then elected to proceed with a bench trial. At trial, the State presented the testimony of several officers from the Spring Hill Police Department who responded to an initial welfare check concerning Defendant and her young child who were observed sleeping in a vehicle in the parking lot of a gas station in the middle of the night. Defendant was later observed driving into oncoming traffic with her child asleep in the backseat. Upon initiating a traffic stop, officers noted that Defendant appeared confused, lethargic, and unsteady. She also exhibited multiple indices of impairment during the performance of several field sobriety tests. Body camera footage documenting the stop was introduced. A forensic scientist from the Tennessee Bureau of Investigation testified that Defendant’s blood sample contained multiple substances, including fentanyl, known to affect the central nervous system and impair one’s driving. The trial court credited the officers’ testimonies and the toxicology evidence and found Defendant guilty as charged. Defendant was sentenced to an eleven-month, twenty-nine-day sentence on supervised probation, with thirty-two days to be served at one hundred percent (100%).

¹ “It is unlawful for any person to drive or to be in physical control of any automobile or other motor driven vehicle on any of the public roads and highways of the state, or on any streets or alleys, or while on the premises of any shopping center, trailer park, or apartment house complex, or any other premises that is generally frequented by the public at large, while:

(1) Under the influence of any intoxicant, marijuana, controlled substance, controlled substance analogue, drug, substance affecting the central nervous system, or combination thereof that impairs the driver’s ability to safely operate a motor vehicle by depriving the driver of the clearness of mind and control of oneself that the driver would otherwise possess[.]”

Defendant filed a timely motion for new trial challenging the weight of the convicting evidence, the trial court's denial of the motion for judgment of acquittal, and the trial court's decision not to permit renewal of her motion to dismiss the indictment. The trial court denied the motion for new trial, concluding that the evidence supported the conviction and declining to revisit the court's earlier ruling on the motion to dismiss the indictment. The order denying the motion for new trial was entered on June 2, 2025, and Defendant timely appealed on June 27, 2025.

Analysis

Defendant argues that the trial court should have dismissed the indictment because the State did not commence prosecution within the one-year statute of limitations for misdemeanors. She asserts that although an arrest warrant was issued on the day of the offense, the general sessions court's September 27, 2021 dismissal of the warrant for failure to prosecute eliminated any tolling effect of that warrant, thereby making the indictment returned in December 2021, about thirteen months after the offense, untimely and barred by the statute of limitations. The State responds that the issuance of the arrest warrant on November 6, 2020, commenced prosecution of the case and tolled the limitations period until the warrant was dismissed on September 27, 2021. Thus, the indictment returned approximately three months later was timely. We agree with the State.

Because the material facts of the case such as the date of the offense and arrest, the dismissal in the general sessions court, and the indictment, are not in dispute and our analysis employs the interpretation and application of the applicable statutes, our review is de novo with no presumption of correctness. *State v. Tait*, 114 S.W.3d 518, 521 (Tenn. 2003); *State v. Ferrante*, 269 S.W.3d 908, 911 (Tenn. 2008). "When statutory language is clear and unambiguous, we must apply its plain meaning in its normal and accepted use, without a forced interpretation that would extend the meaning of the language and, in that instance, we enforce the language without reference to the broader statutory intent, legislature history, or other sources." *State v. Welch*, 595 S.W.3d 615, 621 (Tenn. 2020) (quoting *Carter v. Bell*, 279 S.W.3d 560, 564 (Tenn. 2009)).

Here, Defendant was charged with and convicted of DUI, first offense, a misdemeanor. T.C.A. § 55-10-402(a)(1)(A) (stating that first offense DUI is punishable by no more than eleven months and twenty-nine days in confinement); T.C.A. § 39-11-110 (defining offenses punishable by less than one year of confinement as misdemeanors). The prosecution of misdemeanors, with certain exceptions not relevant here, must be commenced within twelve months of the commission of the offense. *Id.* § 40-2-102(a) (2021). "Commencement of the prosecution tolls the running of the limitations period because such commencement initially notifies the defendant of the charge or charges to be defended." *Tait*, 114 S.W.3d at 522. Tennessee Code Annotated section 40-2-104

provides that prosecution is commenced by finding an indictment or presentment or by the issuing of a warrant. *See Tait*, 114 S.W.3d at 523 (holding that arrest warrant commences prosecution and tolls the statute of limitations not only for the offense named in the warrant, but also for any offense that “can be clearly inferred from the warrant”).

Defendant does not dispute that the issuance of the warrant commenced the prosecution. However, she argues that the general sessions court’s dismissal of the warrant extinguished the tolling from the commencement of that prosecution and that the period between the issuance of the warrant and its dismissal had no tolling effect. Thus, she contends that the statute of limitations expired one year after the warrant was issued, which was before the grand jury indictment.

Defendant relies on *State v. Thompson* to argue that a misdemeanor indictment issued more than twelve months after the date of the offense is saved only by a timely bind-over to the grand jury which did not occur in this case. *State v. Thompson*, No. M2009-02122-CCA-R3-CD, 2010 WL 3489162, at *2 (Tenn. Crim. App. Aug. 25, 2010). However, in *Thompson*, the defendant was not initially arrested for DUI, and a later-issued affidavit of complaint for DUI was not properly executed. The defendant then waived his right to a preliminary hearing and agreed to allow the case to be bound over to the grand jury. The court in *Thompson* found that in the absence of a valid charging instrument, the defendant’s waiver of the preliminary hearing and agreement to bind-over to the grand jury, ten months after the offense, served as the method of commencing prosecution. *Id.* at *3. The facts of this case are clearly distinguishable from *Thompson*. The arrest warrant in this case suffered from no deficiency. Thus, no “other event” was required to commence prosecution and toll the limitations period. *See, e.g.*, T.C.A. § 40-2-104 (stating that commencement by prosecution by any of the methods, not all of the methods).

We find *State v. Lawson* to be more instructive in determining the legal effect of the dismissal of a warrant on the tolling period. *State v. Lawson*, 291 S.W.3d 864 (Tenn. 2009). In *Lawson*, the defendant’s initial DUI indictment commenced prosecution, and although that indictment was later dismissed and expunged after a nolle prosequi, the Tennessee Supreme Court held that the expunction did not alter the timeliness or validity of a subsequent indictment filed fourteen months after the offense. Relying on *State v. Doe*, the Court explained that neither a dismissal nor an accompanying expunction has the legal power to erase the fact that prosecution has begun or to extinguish tolling. *See id.* at 873 (citing *State v. Doe*, 860 S.W.2d 38, 40-41 (Tenn. 1993)). As in *Lawson* and *Doe*, the arrest warrant here commenced prosecution under section 40-2-104 and tolled the statute of limitations. The subsequent dismissal of the warrant did not negate its tolling effect.

Under the plain text of Tennessee Code Annotated sections 40-2-102 and 40-2-104, as applied in caselaw, prosecution in this case was commenced on November 6, 2020, and

continued until September 27, 2021 – over ten months. The statute of limitations was tolled during that time. The grand jury indictment issued on December 14, 2021 – less than three months after the dismissal of the warrant – was therefore timely. The trial court properly denied the motion to dismiss the indictment. Defendant is not entitled to relief.

CONCLUSION

Based on the foregoing, the judgment of the trial court is affirmed.

s/ *Jill Bartee Ayers*
JILL BARTEE AYERS, JUDGE