

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE
AT NASHVILLE

Assigned on Briefs August 11, 2026

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Clerk of the
Appellate Courts

STATE OF TENNESSEE v. CHASE LYNDAL HARRISON

Appeal from the Circuit Court for Montgomery County
Nos. CC-21-CR-528, CC-22-CR-90 Robert Bateman, Judge

No. M2025-01455-CCA-R3-CD

In two separate indictments, the Defendant, Chase Lyndal Harrison, pleaded guilty to mitigated statutory rape and to possession with intent to manufacture, sell, or deliver a Schedule VI drug (marijuana) over half an ounce. The trial court placed the Defendant on judicial diversion for a total of four years for the two convictions. The Defendant's probation officers filed multiple probation violation reports, and the trial court issued multiple warrants for the Defendant. After a hearing, the court found the Defendant violated the terms of his probation, and it revoked judicial diversion. The trial court sentenced the Defendant to an effective sentence of four years, one of which was to be served in confinement followed by three years of probation. On appeal, the Defendant contends that the trial court erred when it revoked his judicial diversion. After review, we affirm the trial court's judgments.

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

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

John D. Parker, Clarksville, Tennessee, for the appellant, Chase Lyndal Harrison.

Jonathan Skrmetti, Attorney General and Reporter; Kelly M. Telfeyan, Assistant Attorney General; Robert J. Nash, District Attorney General; Demetrius Daniels-Hill, Assistant District Attorney General, for the appellee, State of Tennessee.

OPINION

I. Facts

In April 2021, in case number CC-21-CR-528, a Montgomery County grand jury indicted the Defendant for rape, statutory rape, and contributing to the delinquency of a minor. In January 2022, in case number CC-22-CR-90, a Montgomery County grand jury

indicted the Defendant for possession with intent to manufacture, sell, or deliver a Schedule VI drug over half an ounce (marijuana), simple possession of a Schedule VI drug (marijuana), and possession of drug paraphernalia.

On February 21, 2023, the Defendant pleaded “no contest,” in case CC-21-CR-528, to mitigated statutory rape in exchange for two years of judicial diversion and the requirement that he register on the sex offender registry for the duration of the diversion period. On that same day, in case number CC-22-CR-90, the Defendant pleaded “no contest” to possession with intent to manufacture, sell, or deliver a Schedule VI drug (marijuana) over half an ounce in exchange for two years of judicial diversion, to be served consecutively to the diversion ordered on his statutory rape charge. The trial court entered diversion orders the next day.

On January 3, 2024, Melissa Paton, a probation officer at the Tennessee Department of Correction (“TDOC”), filed a probation violation report. The report alleged the Defendant had violated the terms of his judicial diversion by getting arrested for domestic assault on November 14, 2023. The trial court issued a violation of probation affidavit and warrant for this violation that same day. At a later violation of probation hearing, the State informed the trial court that it would not be presenting proof of this violation.

In early 2024, Special Agent (“SA”) Rusher of the U.S. Army Criminal Investigation Division contacted Joshua Rose, employed at the 19th Judicial District Drug Task Force, to report that the Defendant was selling cocaine to active-duty soldiers. SA Rusher arranged, in 2024, four controlled buys with the Defendant as part of his investigation: the first on February 8, the second on February 13, the third on April 3, and the fourth on May 1. The Defendant was observed driving three separate vehicles to the first three controlled buys: a Chevy Equinox, an Acura SUV, and a Toyota Camry. He did not register any of these vehicles on the sex offender registry as being ones that he owned or operated.

A “buy bust” operation was to occur on the day of the fourth controlled buy, May 1. SA Rusher and the Defendant met at the designated meeting location. When the Defendant arrived, surrounding officers activated the lights and sirens on their patrol vehicles and approached the Defendant. They placed him, along with his girlfriend, Jayla Wright, in custody. The Defendant had driven the Acura to the controlled buy, with Ms. Wright in the passenger seat. Both the Defendant and Ms. Wright were searched, but the search of Ms. Wright was not “in depth” as a female officer was not present at the scene. Drugs were not found on either individual during the search incident to arrest. The Defendant and Ms. Wright were placed in the back of a patrol car and taken to the Drug Task Force building. The patrol car they rode in had been searched prior to their arrest and did not contain any drugs. After the Defendant and Ms. Wright exited the vehicle at the

Drug Task Force building, the vehicle was searched again. A Ziploc bag containing a white powder substance was found shoved in between the seats in the back of the patrol car. This powder substance would later test as being 14.46 grams of cocaine.

On May 14, 2024, TDOC probation officer Jesse Francisco filed a first amended probation violation report; this time in connection with the May 1 controlled buy. The report alleged that the Defendant again violated the terms of his judicial diversion by getting arrested for domestic assault, possession of a Schedule II drug for resale, tampering with evidence, unlawful drug paraphernalia, and contempt on May 1. The trial court filed an amended violation of probation affidavit and warrant for this violation that same day.

On November 20, 2024, TDOC probation officer Tristan Warfield filed a second amended probation violation report. The report provided that the Defendant again violated the terms of his judicial diversion, this time by being discharged from, and not completing, sex offender treatment because he missed two consecutive appointments without notification. The trial court filed another violation of probation affidavit and warrant regarding this violation that same day.

On April 9, 2025, TDOC probation officer Warfield filed a third amended probation violation report. The report alleged that the Defendant violated the terms of his judicial diversion by violating the rules of the sex offender registry. He had been arrested and criminally charged on March 25, 2025, for driving a vehicle that he did not register on the sex offender registry. The trial court filed a violation of probation affidavit and warrant for this violation that same day. At a later hearing on the violations of probation, the State informed the trial court that it would not be presenting proof of this violation.

A violation of probation hearing took place on September 4, 2025. The State argued that the evidence and testimony presented at the hearing established the Defendant was selling drugs during his judicial diversion, and that he was driving vehicles he did not register with the sex offender registry. The State asserted that, because the Defendant violated the terms of his diversion by not following the law and by failing to comply with the sex offender registry requirements, the court should revoke his judicial diversion. The defense argued against revocation. According to the defense, an argument could be made for entrapment since SA Rusher reached out to the Defendant to purchase drugs. The defense further argued there was doubt as to who hid the bag of cocaine in the patrol vehicle, as evidenced by the fact that the State charged both the Defendant and Ms. Wright with tampering with evidence because the State could not determine who committed the crime. The defense also argued that the Defendant was not in violation of the terms of his judicial diversion because the new criminal charges against him were still pending.

After considering the testimony offered at the hearing, the evidence presented, and the arguments set forth by counsel for both parties, the trial court found that the Defendant had violated the terms of his judicial diversion by engaging in criminal conduct and by failing to register his vehicles with the sex offender registry. The court opined that judicial diversion was not appropriate and revoked the Defendant's judicial diversion under both case numbers. The court entered judgments of convictions and sentenced the Defendant to two years on each case to run consecutively, with one year of split confinement in case number CC-21-CR-528 with the balance to be served on probation. This resulted in an effective sentence of one year of confinement followed by three years of probation. The trial court entered revocation orders reflecting the judgments on September 4.

The Defendant now appeals the trial court's revocation of judicial diversion.

II. Analysis

On appeal, the Defendant contends the trial court abused its discretion by revoking judicial diversion because the new criminal charges formed the sole basis for revocation and those charges were still pending at the time of the hearing. He further contends that an argument could be made for entrapment given that SA Rusher contacted the Defendant to purchase the drugs. He also challenges the tampering with the evidence charge on the ground that both he and Ms. Wright were charged because the State could not prove who hid the bag of cocaine in the back of the patrol vehicle. The State responds that the trial court did not abuse its discretion in revoking the Defendant's judicial diversion because criminal charges do not need to be adjudicated to serve as a basis for revocation. The State also contends that the evidence produced at the hearing did not support the entrapment defense. The State further argues that the Defendant's argument regarding the tampering with evidence charge fails. We agree with the State.

A. Standard of Review

This court reviews a trial court's decision to revoke a defendant's judicial diversion for an abuse of discretion "with a presumption of reasonableness 'so long as the trial court places sufficient findings and the reasons for its decision[] as to the revocation . . . on the record.'" *State v. Weld-Ebanks*, No. M2022-01665-CCA-R3-CD, 2024 WL 370105, at *3 (Tenn. Crim. App. Jan. 31, 2024), *perm. app. denied* (June 20, 2024) (quoting *State v. Dagnan*, 641 S.W.3d 751, 759 (Tenn. 2022)) (alterations in original); *see also State v. Johnson*, 15 S.W.3d 515, 517 (Tenn. Crim. App. 1999), *holding modified by State v. Hensley*, No. E2012-00812-CCA-R3-CD, 2013 WL 793579 (Tenn. Crim. App. Mar. 4, 2013), *no perm. app. filed*. "A trial court abuses its discretion when it applies an incorrect legal standard, reaches an illogical conclusion, bases its decision on a clearly erroneous

assessment of the evidence, or employs reasoning that causes an injustice to the complaining party.” *State v. Davis*, 466 S.W.3d 49, 61 (Tenn. 2015).

Although a new arrest or pending charges can form the basis on which a trial court revokes judicial diversion, the court’s revocation decision cannot “rely on the mere fact of an arrest or an indictment to revoke a defendant’s probation.” *State v. Winn*, No. M2009-00094-CCA-R3-CD, 2010 WL 2516855, at *2 (Tenn. Crim. App. June 22, 2010), *no perm. app. filed*. Instead, the State must provide testimony establishing the defendant committed a crime while on probation. *Id.* “If the trial court, following a hearing, determines by a preponderance of the evidence that the defendant has indeed violated the conditions of probation, the trial court may revoke the defendant’s probation.” *Alder v. State*, 108 S.W.3d 263, 266 (Tenn. Crim. App. 2002).

B. Judicial Diversion

“Judicial diversion is a form of ‘legislative largess’ available to qualified defendants . . . who have entered a guilty or nolo contendere plea or have been found guilty of an offense without the entry of a judgment of guilt.” *State v. King*, 432 S.W.3d 316, 323 (Tenn. 2014) (citing *State v. Schindler*, 986 S.W.2d 209, 211 (Tenn.1999); *see also* T.C.A. § 40-35-313(a)(1)(A), (B); *State v. Turco*, 108 S.W.3d 244, 248 (Tenn.2003)) (footnote omitted). If the court determines the defendant is qualified for judicial diversion, “[t]he court may defer further proceedings against a qualified defendant and place the defendant on probation upon such reasonable conditions as it may require without entering a judgment of guilty and with the consent of the qualified defendant.” T.C.A. § 40-35-313(a)(1)(A).

If the defendant successfully completes the diversion period without violating the terms of their probation, the trial court will discharge the defendant and dismiss the proceedings against them. T.C.A. § 40-35-313(a)(2). The defendant may then seek expungement of their record. T.C.A. § 40-35-313(b). If, however, the defendant violates the terms of their probation and is unsuccessful in completing their judicial diversion, the court may revoke diversion, enter an adjudication of guilt, and sentence the defendant accordingly. T.C.A. § 40-35-313(a)(2). Importantly, the court may only sentence the defendant upon finding they violated the terms of their diversion. *King*, 432 S.W.3d at 323 (citing *Hensley*, 2013 WL 793579, at *4).

C. Pending Criminal Charges

The Defendant contends that the sole basis of the trial court’s revocation decision was the criminal charges he received during the diversion period. He argues the court abused its discretion in revoking his judicial diversion based on those charges because they

were still pending at the time of the violation of probation hearing. The State responds that the court did not abuse its discretion when it revoked the Defendant's diversion because pending criminal charges can form the basis for revocation of judicial diversion. The State further responds that the pending criminal charges did not form the sole basis for the revocation of judicial diversion.

As explained earlier in this opinion, a new arrest or pending criminal charges can form the basis for the revocation of judicial diversion if the State produces testimony, at the hearing, that establishes to the court, by a preponderance of the evidence, that the Defendant committed the violation while on probation. *See Winn*, 2010 WL 2516855, at *2; *see also Alder*, 108 S.W.3d at 266.

At the Defendant's violation of probation hearing, the State elicited testimony from a variety of individuals regarding the Defendant's conduct in relation to selling cocaine to active-duty soldiers and to SA Rusher during the four controlled buys. After considering their testimony and the arguments set forth by counsel for both parties, the trial court found, by a preponderance of the evidence, that the Defendant engaged in criminal conduct related to drug charges and the sale of cocaine and that he had violated the requirements of the sex offender registry.

Because the State elicited testimony at the Defendant's violation of probation hearing regarding his pending criminal charges and because the court found by a preponderance of the evidence that the Defendant engaged in criminal conduct related to drug charges and the sale of cocaine, we conclude the court did not abuse its discretion by revoking the Defendant's judicial diversion with his new criminal charges still pending. As further support for this holding, we note that the trial court also found that the Defendant had violated the terms of the sex offender registry, which is also a valid ground for revoking his judicial diversion. The Defendant is not entitled to relief on this issue.

D. Entrapment Defense

The Defendant argues that the trial court abused its discretion by revoking his judicial diversion because an argument could be made for entrapment in that SA Rusher reached out to the Defendant to purchase cocaine; he never reached out to SA Rusher to sell him cocaine. The State counters that the evidence presented at the hearing did not support an entrapment defense because there was no evidence of inducement, nor was there evidence that the Defendant was an unwilling participant in the drug sale transactions.

"It is a defense to prosecution that law enforcement officials, acting either directly or through an agent, induced or persuaded an otherwise unwilling person to commit an unlawful act when the person was not predisposed to do so." T.C.A. § 39-11-505.

“Solicitation requests or approach by law enforcement officers to engage in criminal activity standing alone is not an inducement.” *State v. Nelson*, No. M2023-00176-CCA-R3-CD, 2024 WL 1192985, at *9 (Tenn. Crim. App. Mar. 20, 2024); *see also State v. Jones*, 598 S.W.2d 209, 225 (Tenn. 1980). “[W]here a person is predisposed to commit an offense, that is, ready and willing to violate the law, the fact that government officials or their agents merely afford opportunities for him to do so does not constitute entrapment.” *Jones*, 598 S.W.2d at 225.

At the Defendant’s violation of probation hearing, defense counsel contended that an argument could be made for entrapment because SA Rusher was the one reaching out to the Defendant to purchase drugs. The State did not assert any argument in response and the court did not address entrapment in its oral ruling.

After a review of the record, we conclude the Defendant’s entrapment argument fails. Neither party presented evidence of inducement at the hearing. The State elicited testimony establishing that SA Rusher merely approached the Defendant via text message about purchasing cocaine. Testimony also established that the Defendant was a willing participant in the crime given that he participated in three controlled buys preceding the “buy bust.” The Defendant is not entitled to relief on this issue.

E. Tampering with Evidence

Although the Defendant raises issue with the tampering with evidence charge, he does not actually assert any argument regarding this charge in his appellate brief. Instead, he states only that Ms. Wright was not fully searched incident to arrest because a female officer was not at the scene, and that both he and Ms. Wright were charged with tampering because the State could not determine who committed the crime. The State responds that the evidence supports the Defendant’s tampering charge because the Defendant had already participated in three controlled buys with SA Rusher in which he sold cocaine to SA Rusher before the drug bust. Therefore, the State contends, the Defendant’s challenge to the tampering charge is without merit.

“Issues which are not supported by argument, citation to authorities, or appropriate references to the record will be treated as waived in this court.” Tenn. R. Ct. Crim. App. 10(b). Because the Defendant fails to support his challenge to his tampering with evidence charge with any argument, we deem the issue as waived. The Defendant is not entitled to relief on this issue.

III. Conclusion

After a thorough review of the record and relevant authorities, we affirm the trial court's judgments.

S/ ROBERT W. WEDEMEYER
ROBERT W. WEDEMEYER, PRESIDING JUDGE