

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE
AT NASHVILLE
August 11, 2026 Session

FILED

10/15/2026

Clerk of the
Appellate Courts

STATE OF TENNESSEE v. CALEB JAMES FRYFOGLE

Appeal from the Circuit Court for Maury County
No. 31560 Jessica Parrish, Judge

No. M2025-01616-CCA-R3-CD

The defendant, Caleb James Fryfogle, was convicted by a Maury County jury of two counts of driving under the influence and one count of driving without a license for which he received an effective sentence of eleven months and twenty-nine days suspended to probation after service of four days incarceration and suspension of his license for a year. Additionally, as a result of his convictions, the defendant's license was suspended for a year. On appeal, the defendant contends the trial court erred in finding that he voluntarily consented to the warrantless blood draw. Following our review of the record, the applicable law, the parties' briefs, and oral arguments, we affirm the trial court's denial of the defendant's motion to suppress.

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

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

John S. Colley, III, Columbia, Tennessee, for the appellant, Caleb James Fryfogle.

Jonathan Skrmetti, Attorney General and Reporter; William C. Lundy, Assistant Attorney General; Brent A. Cooper, District Attorney General; and Victoria Haywood, Assistant District Attorney General, for the appellee, State of Tennessee.

OPINION

Procedural and Factual Background

On April 15, 2025, a Maury County grand jury charged the defendant with two counts of driving under the influence of an intoxicant ("DUI"), Tennessee Code Annotated

section 55-10-401(1), (2), and one count of driving without a valid license for the type or class of vehicle driven, Tennessee Code Annotated section 55-50-301. The incident arose from a traffic stop for speeding conducted by Columbia Police Officer Jayson Cefali during the early morning hours of September 21, 2024.

A. Suppression Hearing

On May 20, 2020⁵, the defendant filed a motion to suppress “any evidence derived from the illegal drawing of his blood . . . without his valid consent.” The trial court held a hearing concerning the defendant’s motion on June 2, 2025, and Officer Cefali was the only witness to testify at the hearing. In addition to Officer Cefali’s testimony, the State introduced two “video clips” of the incident recorded by Officer Cefali’s body camera.

At the hearing, Officer Cefali testified that he was involved in a DUI investigation relating to the defendant on September 21, 2024. After the defendant failed two field sobriety tests, but prior to Officer Cefali reading the implied consent form to the defendant, Officer Cefali asked if the defendant would consent to providing a blood sample. In response, the defendant stated, “I do not consent to any sort of blood draw.” At that point, the defendant was advised that he was being placed under arrest for suspicion of driving under the influence and was handcuffed and seated in the back of Officer Cefali’s patrol car. Based on the defendant’s refusal and per his training, Officer Cefali then read the implied consent advisory form to the defendant, noting that “since you refused, I’m going to read you this form. And if you still want to refuse, we will go from there.” After reading the form to the defendant and advising him of the consequences of refusing a blood or breath test, Officer Cefali again inquired if the defendant was willing to submit to a blood draw. The defendant did not answer; rather, after repositioning himself in the police car, he began reading the implied consent form himself.¹ After an extended period of the defendant reading the form silently to himself and after Officer Cefali reread a portion of the form to the defendant, Officer Cefali inquired as to whether the defendant would consent to a blood draw to which the defendant stated, “Guess I will go ahead with a blood draw.” To clarify the defendant’s response, Officer Cefali asked directly if the defendant consented to a blood draw, and the defendant said, “[Y]eah.”

On cross-examination, Officer Cefali was questioned extensively regarding the defendant’s initial refusal to consent to a blood draw and Officer Cefali’s actions after that initial refusal. According to Officer Cefali, both his training and Columbia Police

¹ At oral argument before this Court, the defense counsel claimed that the defendant’s statement, “I can’t” was in response to the question by Officer Cefali of whether the defendant would consent to a blood draw. However, after reviewing the body camera footage, it is clear that the defendant’s statement concerned his ability, or inability, to see the form based on his position in the patrol car. The defendant is then seen repositioning himself and reading the form silently without further objection or comment.

Department protocol require him to read the implied consent advisory form to an individual suspected of DUI in order to ensure they understand the ramifications of refusing a breath test or blood draw. Though Officer Cefali heard the defendant's initial refusal, his training and protocol required him to advise the defendant and make sure the defendant understood the ramifications of his decision.

At the conclusion of the hearing, the trial court took the matter under advisement. On June 12, 2025, the trial court entered a written order denying the defendant's motion to suppress. In its order, the trial court, relying on *State v. Henry*, 539 S.W.3d 223 (Tenn. Crim. App. 2017), noted,

Tenn[essee] Code Ann[otated] section 55-10-406 specifically mandates that prior to the administration of a test or tests for determining the alcohol or drug content of a subject's blood, law enforcement must advise the motorist that refusal to submit to the test will result in suspension of the motorist driver's license and may result in other enumerated consequences. *Henry* also references 55-10-406 and states that if the motorist refuses to submit to the test he must first be advised of the consequences of his refusal.

(emphasis in original). Though the trial court acknowledged that Officer Cefali asked the defendant more than once if the defendant was willing to consent to a blood draw, it did “not consider, nor does it construe [the] same as being badgering of the [d]efendant.” The trial court also noted that the defendant thoroughly read the implied consent form and ultimately consented to provide a blood sample. Finally, the trial court found “based on all of the circumstances of this case that the consent was voluntary” and denied the defendant's motion to suppress.

B. Trial Proceedings

The defendant's trial took place on September 10, 2025, during which the State called two witnesses. The State's first witness was Columbia Police Officer Jason Cefali. Officer Cefali testified that he was on patrol on September 21, 2024, when he observed the defendant, who was operating a motorcycle, traveling 55 mph in a 45 mph zone on “Highway 43 near Nashville Highway” in Maury County. He also observed the defendant swerving within his own lane. While his training suggested the defendant's swerving was indicative of intoxication, Officer Cefali initiated the traffic stop based on the defendant's excessive speed. However, upon approaching the defendant, Officer Cefali immediately noticed the defendant's slurred speech and the odor of alcohol coming from his body.

Based on these observations, Officer Cefali asked if the defendant would agree “to perform standardized field sobriety tests.” The defendant agreed. Officer Cefali had the

defendant perform two field sobriety tests: 1) the walk and turn in which the defendant was required to take nine steps with each foot placing heel to toe along a straight line and 2) the one leg stand in which the defendant was keep one foot on the ground and raise the other six inches above the ground for 30 seconds. When attempting the walk and turn test, the defendant “was unable to stay in the starting position. He took ten steps [with each foot] instead of nine. He also missed the heel to toe steps and stepped off the line twice during the task.” When performing the one leg stand test, the defendant “put his foot down before the 30 seconds” and “raised his arms for balance.” Based on the defendant’s performance on both field sobriety tests, Officer Cefali asked the defendant if he had been drinking that evening to which the defendant admitted that “he had three [T]wisted [T]eas with the last one being about an hour before” Officer Cefali stopped him for speeding. At that point, Officer Cefali asked if the defendant would consent to a blood draw. Initially, the defendant refused to consent to a blood draw; however, after Officer Cefali read the implied consent form to the defendant and allowed him to read it for himself, the defendant consented.

At that point in the trial, the State played several “video clips” recorded by Officer Cefali’s body camera during his interaction with the defendant both from the traffic stop and from the hospital where the blood draw was performed. The video from the scene of the traffic stop corroborated Officer Cefali’s testimony concerning the same. The video from the hospital showed the defendant and Officer Cefali engaged in casual and friendly conversation as well as the defendant signing the blood draw consent form without objection. Each of the videos were entered into evidence.

Next, the State called Agent April Bramlage, a forensic scientist with the Tennessee Bureau of Investigation (“TBI”), who was designated as an expert in forensic toxicology. Agent Bramlage was provided with the defendant’s blood sample and was tasked with testing it for the presence of alcohol. According to Agent Bramlage, the defendant’s blood alcohol level was “0.132 grams percent,” well above the legal limit of 0.08 grams percent. When asked what physical signs one might expect to see from an individual with a similar blood alcohol level, Agent Bramlage stated that the individual would have slurred speech, poor balance, poor coordination, and watery eyes. They would also have “lowered inhibition, so that could be impairing their judgment, impairing their critical thinking.”

At the conclusion of Agent Bramlage’s testimony, the State rested its case. The defendant did not present any witnesses, and the case was submitted to the jury, who after deliberation, found the defendant guilty of all counts as charged in the indictment. After a sentencing hearing, the trial court imposed an effective sentence of eleven months and twenty-nine days all suspended to probation except for four days and suspension of his driver’s license for a year.

This timely appeal followed.

Analysis

On appeal, the defendant contends the trial court erred in denying his motion to suppress. More specifically, he insists that he did not voluntarily consent to the blood draw and that his will was overborn by the actions of Officer Cefali. The State contends the trial court “properly concluded that the defendant validly consented to having his blood drawn” and that the evidence does not preponderate against that finding. Upon reviewing the record and the applicable law, we agree with the State.

A trial court’s findings of fact at a suppression hearing are binding on an appellate court unless the evidence preponderates against them. *State v. Bell*, 429 S.W.3d 524, 528 (Tenn. 2014). “The credibility of the witnesses, the weight and value of the evidence, and the resolution of conflicts in the evidence are matters entrusted to the trial court as the trier of fact.” *Id.* at 529 (citing *State v. Echols*, 382 S.W.3d 266, 277 (Tenn. 2012)). “The prevailing party in the trial court is entitled to the strongest legitimate view of the evidence adduced at the suppression hearing as well as all reasonable and legitimate inferences that may be drawn from that evidence.” *State v. Odom*, 928 S.W.2d 18, 23 (Tenn. 1996). However, this Court reviews the trial court’s application of the law to the facts de novo with no presumption of correctness. *See State v. Montgomery*, 462 S.W.3d 482, 486 (Tenn. 2015) (citing *State v. Walton*, 41 S.W.3d 75, 81 (Tenn. 2001)). “Further, appellate courts, when evaluating the correctness of the ruling by the trial court on a motion to suppress, may consider the entire record, including not only the proof offered at the hearing, but also the evidence adduced at trial.” *State v. Williams*, 368 S.W.3d 468, 473 (Tenn. 2012).

Both the Fourth Amendment to the United States Constitution and article I, section 7 of the Tennessee Constitution provide protections from unreasonable searches and seizures. U.S. const. amend. IV; Tenn. const. art. 1, § 7. It is well established that Article 1, section 7 is identical in intent and purpose to the Fourth Amendment. *State v. Reynolds*, 504 S.W.3d 283, 312-13 (Tenn. 2016); *State v. Binette*, 33 S.W.3d 215, 218 (Tenn. 2000). The collection of a blood sample is a search and seizure subject to constitutional limitations. *See Skinner v. R. Labor Executives’ Assn.*, 489 U.S. 602, 616 (1989); *State v. Scarborough*, 201 S.W.3d 607, 616 (Tenn. 2006). “An accused’s blood cannot be taken or analyzed unless the search is reasonable pursuant to the Fourth Amendment.” *State v. Henry*, 539 S.W.3d 223, 234 (Tenn. Crim. App. 2017) (citing *Birchfield v. North Dakota*, 579 U.S. 438, 455 (2016)). “[T]he physical intrusion occasioned by a blood draw ‘infringes an expectation of privacy’ and “[t]he ensuing chemical analysis of the sample . . . is a further invasion of the tested [individual’s] privacy interests.”” *Scarborough*, 201 S.W.3d at 616 (quoting *Skinner*, 489 U.S. at 616).

Generally, a warrantless search is considered presumptively unreasonable, and thus, violative of constitutional protections. *See State v. Walker*, 12 S.W.3d 460, 467 (Tenn. 2000). However, “one of the exceptions to the warrant requirement is a search conducted pursuant to consent.” *State v. Bartram*, 925 S.W.2d 227, 230 (Tenn. 1996) (citing *Schneckloth v. Bustamonte*, 412 U.S. 218, 219 (1973)).

Actual consent to a warrantless search “must be ‘unequivocal, specific, intelligently given, and uncontaminated by duress or coercion.’” *State v. Cox*, 171 S.W.3d 174, 184 (Tenn. 2005) (quoting *State v. Simpson*, 968 S.W.2d 776, 784 (Tenn. 1998)). “The pertinent question is this: whether the [individual’s] act of consenting is the product of an essentially free and unconstrained choice. If the [individual’s] will was overborne and his or her capacity for self-determination critically impaired, due process is offended.” *Cox*, 171 S.W.3d at 185. The determination of a defendant’s capacity to consent is a question of fact to be determined from the totality of the circumstances. *See id.* at 184.

In *State v. Henry*, this Court explained,

Factors to consider in determining whether consent is voluntary include the time and place of the encounter, whether the encounter was in a public or secluded place, the number of officers involved, the degree of hostility during the incident, whether weapons were displayed, whether consent was requested, and whether the consenter initiated contact with the police.” *Cox*, 171 S.W.3d at 185. In addition, an individual’s “age, education, intelligence, knowledge, maturity, sophistication, experience, prior contact with law enforcement personnel, and prior cooperation or refusal to cooperate with law enforcement personnel” are relevant in determining whether consent is voluntary. *Id.* (internal quotations marks omitted). Also, proof including, but not limited to, evidence regarding the defendant’s physical condition and the adverse effects of medications on a defendant’s judgment and reasoning may establish that a defendant lacks the capacity to voluntarily consent. *Cf. Reynolds*, 504 S.W.3d at 309. Finally, . . . an individual’s “[k]nowledge of the right to refuse consent” “is also a factor in determining the voluntariness of consent.” *Id.* at 307 (quoting *Schneckloth*, 412 U.S. at 235-47).

Henry, 539 S.W.3d 223, 241-42 (Tenn. Crim. App. 2017). “The burden is on the prosecution to prove that the consent was given freely and voluntarily.” *State v. Blackwood*, 713 S.W.2d 677, 680 (Tenn. Crim. App. 1986) (citing *State v. McMahan*, 650 S.W.2d 383 (Tenn. Crim. App. 1983)).

While the argument contained in the defendant's brief is rather cursory, it appears he raises two concerns: 1) that his initial denial of consent should have ended any conversation between him and Officer Celafi and 2) that the totality of Officer Celafi's actions overbore the defendant's will, resulting in the defendant's consent being involuntary. The State, however, contends that the law required Officer Celafi to advise the defendant of the consequences of his refusal to consent and that the defendant's consent was knowing and voluntary. We agree with the State.

A. Initial Refusal

After observing the defendant during the early morning hours of September 21, 2024, driving at a high of speed and swerving within his lane—a fact which Officer Celafi testified was suggestive of intoxication, Officer Celafi initiated a stop, and upon approaching the defendant smelled the odor of alcohol coming from his person. After learning the defendant had been drinking that evening and after the defendant failed two field sobriety tests, Officer Celafi asked if the defendant would be willing to consent to a blood test to which the defendant stated, "I do not consent to any sort of blood draw." (This quote reads differently on Page 2) At that point, Officer Celafi informed the defendant that he was under arrest for suspicion of DUI, handcuffed him, and placed the defendant in the back of the officer's patrol car.

Once the defendant was secured, Officer Celafi presented him with a copy of the implied consent advisory form and stated, "Since you refused, I'm going to read you this form. If you still want to refuse, we will go that route. But I'm going to read you this form that way you know what's going to happen, okay." Officer Celafi then read the implied consent form to the defendant and allowed the defendant to read the form himself. Again, we note that contrary to the defendant's claim that he again denied consent after the form was read to him, the video is clear that the defendant's statement of "I can't" was not a refusal of consent. Rather, the defendant was in such a position that he could not see/read the form. Then, after repositioning himself, the recording reflects that the defendant began reading the implied consent form without further objection or comment. At the conclusion, Officer Celafi again inquired if the defendant wanted to consent to a blood draw, and the defendant agreed.

When questioned during the suppression hearing as to why he read the implied consent form to the defendant after his initial refusal, Officer Celafi testified that his training and police department policy required officers to advise defendants of the consequences of refusing to consent to a blood draw. His purpose in reading the form and allowing the defendant to read the form was 1) to follow his training and procedure and 2) to ensure that the defendant was aware of the consequences of his refusal to consent.

As found by the trial court, Officer Celafi's actions were in line with the applicable statutory law. Pursuant to Tennessee Code Annotated section 55-10-406(d)(2),

(2) Any law enforcement officer who requests that the operator of a motor vehicle submit to breath tests, blood tests, or both tests, authorized pursuant to subsection (a), shall, prior to conducting the test, advise the operator that refusal to submit to the tests:

(A) Will result in the suspension by the court of the operator's driver license; and

(B) May result, depending on the operator's prior criminal history, in the operator being required to operate only a motor vehicle equipped with a functioning ignition interlock device, if the operator is convicted of a violation of § 55-10-401, as described in § 55-10-405.

Furthermore, section 55-10-406(d)(3) states that "[i]f the operator is not advised of the consequences of the refusal to submit to breath tests, blood tests, or both tests, the court having jurisdiction over the offense for which the operator was placed under arrest shall not have the authority to suspend the license of an operator or require the operator to operate only a motor vehicle equipped with a functioning ignition interlock device pursuant to § 55-10-417 for a violation of this subsection (d)." Accordingly, based on a plain reading of the statute, Officer Celafi was required by Code section 55-10-406(d)(2)(A) to advise the defendant of the consequences of refusing to consent to a blood draw despite the fact the defendant refused when initially asked because at that time the defendant had not been informed of the consequences of his decision. However, the parameters of whether the defendant waived his right to be free of an unreasonable search and seizure is defined by constitutional principles. *See* U.S. const. amend. IV; Tenn. const. art. 1, § 7; *see also State v. Henry*, 539 S.W.3d 233, 241 (Tenn. Crim. App. 2017).

B. Voluntariness of Consent

Having determined that constitutional, not statutory principles, control the question of whether a defendant's consent to a blood draw is valid for purposes of obtaining evidence for prosecution for DUI, we now turn our attention to the totality of the circumstances surrounding the stop and the defendant's consent to a blood draw to determine whether Officer Celafi's actions taken as a whole overbore the defendant's will.

In his brief, the defendant spends a great deal of his argument focused on the fact that Officer Celafi asked for consent more than once. However, he also contends that totality of Officer Celafi's actions overbore his will and prevented him from making and knowing and voluntary decision to consent to the blood draw. However, a review of the record supports the decision of the trial court.

Despite extensive questioning at the hearing by defense counsel and the defendant's claims on appeal, Officer Celafi's actions during the initial interaction and after the defendant's initial refusal were measured and reasonable. Officer Celafi was calm and even friendly with the defendant. He made small talk with the defendant, never raised his voice toward the defendant, and made no action that would be seen as intimidating. Moreover, the defendant's encounter with Officer Celafi was on a public highway, and while another officer appears on the scene, he had very little, if any, dealings with the defendant, and the interaction was limited to Officer Celafi and the defendant. The video also revealed that the defendant, an "advanced-level master technician with under-car specialty," appeared to be a man of normal intelligence and maturity and did not appear nervous or intimidated by Officer Celafi. Rather, as noted above, the defendant and Officer Celafi's conversation was friendly and cordial. Furthermore, Officer Celafi did not express or press a position regarding whether the defendant should consent to the blood test. As a matter of fact, Officer Celafi informed the defendant, "I'm going to read you this form. If you still want to refuse, we will go that route. But I'm going to read you this form that way you know what's going to happen, okay."

Contrary to the defendant's claim, the evidence presented at the suppression hearing and at trial supports the trial court's finding that the defendant's will was not overborne and that his consent was voluntary. Accordingly, the defendant is not entitled to relief.

s/ J. ROSS DYER
J. ROSS DYER, JUDGE