

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE
AT NASHVILLE

Assigned on Briefs October 20, 2026

FILED

10/28/2026

Clerk of the
Appellate Courts

STATE OF TENNESSEE v. AMANDA R. MOBLEY HENRY

Appeal from the Circuit Court for Dickson County
No. 22CC-2022-CR-232 Suzanne Lockert-Mash, Judge

No. M2025-02071-CCA-R3-CD

Defendant, Amanda R. Mobley Henry, appeals the trial court's order revoking her six-year probationary sentence for financial exploitation of an elderly person and ordering her to serve the balance of her sentence in confinement. Defendant argues that the trial court abused its discretion by finding that she absconded from supervision and by fully revoking her probation. Following our review of the entire record, the briefs of the parties, and the applicable law, we affirm the judgment of the trial court.

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

JILL BARTEE AYERS, J., delivered the opinion of the court, in which TIMOTHY L. EASTER and JOHN W. CAMPBELL, SR., JJ., joined.

Matthew Mitchell, District Public Defender; Zachary Talbot, Assistant District Public Defender, for the appellant, Amanda R. Mobley Henry.

Jonathan Skrmetti, Attorney General and Reporter; Caroline Weldon, Assistant Attorney General; Ray Crouch, Jr., District Attorney General; and Sarah Wojnarowski, Assistant District Attorney General, for the appellee, State of Tennessee.

OPINION

Factual and Procedural Background

On July 19, 2024, Defendant pled guilty to financial exploitation of an elderly person. Pursuant to the plea agreement, the trial court imposed a six-year sentence suspended to supervised probation. As special conditions of probation, Defendant was ordered to pay \$7,126.38 in restitution at a rate of \$100 per month and to have no contact with the victim.

On September 25, 2024, Defendant's probation officer, Kristina Bright, submitted a probation violation report alleging that Defendant had violated four conditions of probation by: failing to provide documentation of employment (Rule 4); changing her residence without permission and failing to provide a current address (Rule 5); failing to report and absconding from supervision (Rule 6); and failing to pay restitution (Rule 10). A probation violation warrant was issued, and Defendant was arrested over a year later on November 1, 2025.

At the November 24, 2025 revocation hearing, Officer Bright testified that she met with Defendant at the probation office for intake on July 19, 2024, and later conducted a successful home visit at the Quality Inn where Defendant was residing. Officer Bright last saw Defendant during that visit on August 13, 2024. When Officer Bright returned to the hotel on September 4, 2024, Defendant was no longer there. Officer Bright testified that Defendant had not provided another address or another person through whom she could be located. Although Defendant had a cell phone, she did not answer Officer Bright's calls. Officer Bright heard nothing further from Defendant after August 13, 2024. Officer Bright also testified that she had not received documentation showing that Defendant had paid any restitution.

On cross-examination, Officer Bright acknowledged that this was Defendant's first probation violation in this case. During the August 13 home visit, Defendant was candid about difficulties involving her housing, finances, access to services, and treatment. When Officer Bright asked whether Defendant would enter substance-abuse treatment if a placement could be arranged, Defendant initially agreed. Officer Bright then located an available bed at Freeman Recovery Center and called Defendant to tell her she could enter treatment that day. Defendant seemed hesitant and Officer Bright told Defendant to call her back that day with a decision. That was the last communication Officer Bright had with Defendant; Defendant did not call Officer Bright back and did not report to the treatment center.

In response to questions from the trial court, Officer Bright confirmed that Defendant had been told to notify her probation officer if she changed residences. The hotel and Defendant's cell phone number were the only means Officer Bright had to locate her. Defendant had completed intake at the probation office in Charlotte, so she knew the location of the office and the identity of her probation officer. Defendant did not testify or present other proof.

The State argued that Defendant had absconded for more than one year and was not a suitable candidate for continued probation. Defendant responded that the proof showed only that she was not at her reported address and had fallen out of contact with her probation officer. Defendant maintained that she had committed, at most, a technical

violation and asked the trial court to reinstate probation after a short period of confinement.

The trial court found that Defendant's conduct constituted absconding rather than a mere failure to report. The court noted that Defendant had supplied only the hotel address and a cell phone number, that she was no longer at the hotel, and that she did not answer or return Officer Bright's calls. The court also found that Defendant knew the rules of probation, the location of the probation office, and how to contact Officer Bright. In considering the appropriate consequence, the trial court observed that Officer Bright had arranged an immediate treatment placement, but Defendant declined the help and thereafter ceased all contact. The court concluded that Defendant's actions showed her unwillingness to comply with the court's directions, revoked probation, and ordered Defendant to serve the remainder of her sentence. Defendant filed a timely notice of appeal.

Analysis

Defendant argues the trial court abused its discretion by finding that she absconded because the State did not prove that she intentionally avoided supervision or that she knew when and how she was required to report. She maintains that her conduct amounted only to a first technical violation for which full revocation was unavailable. Defendant also argues that ordering service of the balance of her sentence was excessive and inconsistent with the principle that a sentence should be the least severe measure necessary. The State responds that Defendant's departure from her reported residence, failure to provide a new address, failure to respond to her probation officer, and absence from supervision for more than one year established absconding and supported full revocation. We agree with the State.

It is within a trial judge's discretionary authority to revoke a defendant's probation upon finding by the preponderance of the evidence that a defendant has violated the conditions of his or her probation. *See* T.C.A. § 40-35-311(d)(1); *State v. Shaffer*, 45 S.W.3d 553, 554 (Tenn. 2001); *see also State v. Harkins*, 811 S.W.2d 79, 82 (Tenn. 1991). A violation of probation need not be established beyond a reasonable doubt; instead, the proof must be sufficient to "allow[] the trial judge to make a conscientious and intelligent judgment." *Harkins*, 811 S.W.2d at 82.

We review the trial court's decision to revoke probation for abuse of discretion with a presumption of reasonableness "so long as the trial court places sufficient findings and the reasons for its decisions as to the revocation and the consequence on the record." *State v. Dagnan*, 641 S.W.3d 751, 759 (Tenn. 2022). When the trial court fails to place its reasons on the record, the reviewing court may either conduct a *de novo* review if the

record is sufficiently developed for the court to do so or remand the case to the trial court to make findings. *Id.* (citing *State v. King*, 432 S.W.3d 316, 327-28 (Tenn. 2014)); *see also State v. Stewart*, No. M2021-00595-CCA-R3-CD, 2022 WL 1236982, at *3 (Tenn. Crim. App. Apr. 27, 2022). “In order for a reviewing court to be warranted in finding an abuse of discretion in a probation revocation case, it must be established that the record contains no substantial evidence to support the conclusion of the trial judge that a violation of the conditions of probation has occurred.” *State v. Farrar*, 355 S.W.3d 582, 586 (Tenn. Crim. App. 2011) (quoting *Harkins*, 811 S.W.2d at 82); *see State v. Delp*, 614 S.W.2d 395, 398 (Tenn. Crim. App. 1980); *see also State v. Phelps*, 329 S.W.3d 436, 443 (Tenn. 2010) (citing *State v. Jordan*, 325 S.W.3d 1, 38-40 (Tenn. 2010)) (“A trial court abuses its discretion when it applies incorrect legal standards, reaches an illogical conclusion, bases its ruling on a clearly erroneous assessment of the proof, or applies reasoning that causes an injustice to the complaining party.”).

A trial court must engage in a “two-step consideration” when determining whether to revoke a defendant’s probation. *Dagnan*, 641 S.W.3d at 757. As explained by the Tennessee Supreme Court “[t]he first [step] is to determine whether to revoke probation, and the second is to determine the appropriate consequence upon revocation.” *Id.* If a trial court finds by a preponderance of the evidence that a defendant violated his or her probation, then it is within the trial court’s discretionary authority to revoke the defendant’s probation. T.C.A. § 40-35-311(d)(1), (2); *Dagnan*, 641 S.W.3d at 756; *State v. Beard*, 189 S.W.3d 730, 734-35 (Tenn. Crim. App. 2005). Once a trial court decides to revoke a defendant’s probation, it must then determine the appropriate consequences of the revocation. *Dagnan*, 641 S.W.3d at 756. The trial court may “impose one of several alternative consequences: (1) order incarceration for some period of time; (2) cause execution of the sentence as it was originally entered; (3) extend the defendant’s probationary period by up to two years; or (4) return the defendant to probation on appropriate modified conditions.” *State v. Daniel*, No. M2021-01122-CCA-R3-CD, 2022 WL 6644369, at *2 (Tenn. Crim. App. Oct. 11, 2022) (quoting *Dagnan*, 641 S.W.3d at 756).

The probation statute provides for two categories of probation violations, technical and non-technical. A non-technical violation allows the trial court to revoke probation and order a defendant to serve his or her sentence when the court finds “by a preponderance of the evidence that the defendant has committed a new felony, new Class A misdemeanor, zero tolerance violation as defined by the department of correction community supervision sanction matrix, or absconding.” T.C.A. § 40-35-311(e)(2). Technical violations include any “act that violates the terms or conditions of probation but does not constitute a new felony, new Class A misdemeanor, zero tolerance violation as defined by the department of correction community supervision sanction matrix, or absconding.” *Id.* § -311(g). For a first technical violation, a trial court may (1) revoke

probation and impose a term of incarceration not to exceed 15 days or (2) resentence the defendant for the remainder of the unexpired term to a probationary sentence that includes a requirement to participate in a community-based alternative to incarceration. *Id.* § -311(e)(1).

The statute does not define absconding. *State v. Rand*, 696 S.W.3d 98, 104 (Tenn. Crim. App. 2024). However, this court has interpreted the term to mean hiding, concealing, or absenting oneself clandestinely with the intent to avoid legal process. *Id.* (quoting *State v. Wakefield*, No. W2003-00892-CCA-R3-CD, 2003 WL 22848965, at *1 (Tenn. Crim. App. Nov. 25, 2003)). Absconding thus requires more than a single missed meeting by a probationer who otherwise continues to report and focuses upon the probationer's intent to avoid supervision generally. *Id.* A defendant's failure to report constitutes a technical violation, while his absconding from probation constitutes a non-technical violation. Tenn. Code Ann. § 40-35-311(e)(2), (g); *Rand*, 696 S.W.3d at 104-05; *see also State v. Butler*, No. W2023-00566-CCA-R3-CD, 2023 WL 8234319, at *7 (Tenn. Crim. App. Nov. 28, 2023) (noting the distinction between absconding, "a non-technical revocable violation," and failure to report, "a technical nonrevocable violation"), *no perm. app. filed*.

Because intent may be proven circumstantially, relevant considerations include a probationer's failure to make reasonable efforts to report changes in contact information or residence; failure to return contact or submit to supervision despite knowing that supervision is attempting contact; the length of time the probationer knowingly remains out of contact; and whether other violations support an inference that the probationer is avoiding supervision. *Rand*, 696 S.W.3d at 104-05. The considerations identified in *Rand* are nonexclusive, and the State need not establish each of them. *See id.*

Here, the evidence supports the trial court's finding that Defendant absconded. Defendant reported to her initial probation intake meeting and was advised of the rules of probation, including her obligation to notify Officer Bright if she changed her residence. Nevertheless, within approximately one month of beginning probation, Defendant left her only reported address without providing another address or means of locating her. When Officer Bright attempted to visit Defendant at the hotel, Defendant was not there. Officer Bright then attempted to call Defendant at the only telephone number she had, but Defendant did not answer and did not return the calls. Defendant also failed to follow Officer Bright's express instruction to call back regarding the treatment placement. Most significantly, Defendant made no contact with supervision for more than fourteen months and remained out of contact until the violation warrant was served. This was not a single missed appointment followed by continued reporting. The duration and completeness of Defendant's absence, combined with her failure to provide updated contact information or respond to the officer's efforts, support the reasonable inference that Defendant

intentionally avoided supervision. *See Rand*, 696 S.W.3d at 104-05; *State v. Everett*, No. E2022-00189-CCA-R3-CD, 2022 WL 16643628, at *4 (Tenn. Crim. App. Nov. 3, 2022).

Defendant emphasizes that the State presented no direct statement from her admitting an intent to avoid supervision and no evidence that she left the trial court's jurisdiction or evaded law enforcement. However, such proof is not required. *Rand* identifies multiple, nonexclusive circumstances from which intent may be inferred, and several are present here. *See Rand*, 696 S.W.3d at 104-05. Defendant did not offer any evidence explaining her extended absence or rebutting the inference arising from the State's proof. Officer Bright's acknowledgment that Defendant faced housing and financial instability does not compel a different conclusion. The trial court was entitled to weigh those circumstances against Defendant's complete failure to communicate for more than a year.

Defendant also relies on a dissenting opinion in *State v. Sokolosky* for the proposition that the State was required to prove a specific reporting schedule and Defendant's knowledge of that schedule. *See* No. M2022-00873-CCA-R3-CD, 2025 WL 2438438, at *10 (Tenn. Crim. App. Aug. 21, 2025) (Greenholtz, J., dissenting), *no perm. app. filed*. A dissenting opinion is not controlling authority. In any event, the record here established that Defendant signed the probation order requiring her to report as instructed, completed intake at the probation office, participated in a home visit, was told to notify Officer Bright of a change in residence, and was directed to return Officer Bright's call. Thus, even under the reasoning Defendant invokes, the State established that Defendant knew her supervision obligations and knew how to contact her probation officer. The trial court did not abuse its discretion by finding that Defendant absconded and therefore committed a non-technical violation.

We likewise conclude that the trial court acted within its discretion in ordering Defendant to serve the balance of her sentence. The trial court's findings addressed both the violation and the consequence. *See Dagnan*, 641 S.W.3d at 757 (explaining that the steps need not be addressed in separate hearings). After finding Defendant had absconded, the court emphasized that Defendant knew the requirements of probation, failed to respond to the officer's efforts, declined an immediately available treatment placement, and demonstrated that she would not comply with the court's directions. These findings reflect the court's assessment that Defendant was not amenable to continued supervision. *See Rand*, 696 S.W.3d at 106 (recognizing that the consequence determination examines whether probation's beneficial aspects are being served and whether the defendant is amenable to continued probation). The trial court was not required to use particular terminology or make lengthy findings, and its reasoning permits meaningful appellate review. *See Dagnan*, 641 S.W.3d at 759.

Defendant's reliance on the principle that a sentence should be the least severe measure necessary does not establish an abuse of discretion. Once the trial court found that Defendant committed the non-technical violation of absconding, it had statutory authority to order execution of the original sentence. *See* T.C.A. § 40-35-311(e)(2). Defendant's sustained absence from supervision, failure to respond to Officer Bright, and rejection of the officer's effort to secure treatment support the trial court's conclusion that continued probation would not serve its rehabilitative purpose. Based on this record, the trial court did not abuse its discretion by fully revoking Defendant's probation and ordering her to serve the balance of her sentence in confinement. Defendant is not entitled to relief.

CONCLUSION

For the foregoing reasons, the judgment of the trial court is affirmed.

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