

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE
AT JACKSON

Assigned on Briefs June 2, 2026

FILED

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Clerk of the
Appellate Courts

STATE OF TENNESSEE v. CORDERRO MORTEZ LEE

Appeal from the Circuit Court for Gibson County
No. H10867 Clayburn Peeples, Judge

No. W2025-00670-CCA-R3-CD

The Defendant, Corderro Mortez Lee, was convicted in the Gibson County Circuit Court of assault, a Class A misdemeanor, and received a sentence of eleven months, twenty-nine days to be served as four months in jail and the remainder on supervised probation. On appeal, he claims that the evidence is insufficient to support the conviction and that his four-month jail sentence is excessive. Based upon our review, we affirm the judgment of the trial court.

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

JOHN W. CAMPBELL, SR., J., delivered the opinion of the court, in which CAMILLE R. MCMULLEN and JILL BARTEE AYERS, JJ., joined.

Rachele Gibson, District Public Defender, and Jason C. Scott, Assistant Public Defender, Trenton, Tennessee, for the appellant, Corderro Mortez Lee.

Jonathan Skrmetti, Attorney General and Reporter; Julia A. Johnson, Assistant Attorney General; Frederick Agee, District Attorney General; and Scott G. Kirk and Jacob London, Assistant District Attorneys General, for the appellee, State of Tennessee.

OPINION

FACTS

In April 2024, the Gibson County Grand Jury indicted the Defendant for aggravated domestic assault resulting in serious bodily injury. By agreement of the parties, the trial court subsequently amended the indictment to aggravated assault resulting in serious bodily injury because no domestic relationship ever existed between the Defendant and the victim. The Defendant went to trial in September 2024.

Nikita Jennings, the victim, testified at trial that in August 2023, she was dating Frank Bonds. Mr. Bonds was the Defendant's cousin. On the night of August 27, the victim "met up" with Mr. Bonds at a party at the Defendant's apartment. The victim said she and the Defendant had been friends for "a long time" and were on good terms.

The victim testified that she arrived at the party first, followed by Mr. Bonds. Mr. Bonds was talking to other women at the party, which angered the victim. The victim left the party but decided to return because she wanted Mr. Bonds to go home with her. However, when she pulled up outside the Defendant's apartment in the early morning hours of August 28, she saw Mr. Bonds "in another girl's face." The victim began yelling through her car window at Mr. Bonds, so the Defendant came outside and told them to be quiet. The victim told the Defendant, "Okay, boy. I'm fixing to go anyway."

The victim testified that she had driven Mr. Bond's Kia SUV to the party and that she was sitting in the Kia with the ignition on and the vehicle in reverse gear. The victim was still angry with Mr. Bonds but wanted to be respectful to the Defendant, so she was going to leave. She said that she and Mr. Bonds "had a few more words" and that the Defendant suddenly opened her driver's door. The victim started backing up the Kia, so the Defendant asked her, "[B****], are you going to run me over?" The victim told him, "Yeah. You opened up my car door." The Defendant reached his arm into the vehicle and pushed the victim out of the way by forcing his elbow into her neck. The Defendant took the key out of the ignition and put the vehicle into "Park" to stop the victim from leaving. The victim said that the Defendant was using "[a] lot" of force on her neck, so she bit him. The Defendant stated, "This [b****] just bit me." He "dragged" her out of the Kia and punched her face more than five times. The victim said that the next thing she remembered was being on the passenger side of the Kia with one leg inside the vehicle and her other leg outside the vehicle. A woman was speaking to the victim, but the victim could not see the woman because the victim was crying and one of her eyes was swollen shut. The victim said she did not know if she lost consciousness during the incident.

The victim testified that Mr. Bonds drove her home. The victim looked at her face in a mirror and decided to go to a hospital. She drove herself to Milan Hospital even though she could not see out of her eye but ended up staying at the hospital only for fifteen or twenty minutes because she did not want to answer questions about what happened to her face. Later that day, the victim went to the police department and reported the incident. A police officer took photographs of her face and recommended that she return to the hospital. The victim drove herself to Jackson General Hospital and was diagnosed with an orbital fracture and a blood clot in her eye. The Defendant telephoned the victim while she was there. The victim said that the Defendant apologized and that he stated he "didn't mean to do it." The Defendant also exchanged text messages with the victim.

The victim testified that she was able to heal with “the Lord and Vaseline.” However, she could not see out of her eye for two and one-half weeks, suffered extreme physical pain, and could not go to work. At the time of trial, her eye was still sensitive to light. She said that she ended up having a permanent scar on her face, that the nerves in her face were permanently damaged, and that she never returned to work.

The victim identified photographs of her face for the jury. The photographs showed her right eye swollen shut and what appeared to be dried blood under her eye. She also identified the text messages she exchanged with the Defendant. In a message sent by the victim, the victim told the Defendant that he “fractured [her] face and eye.” She also told him that she was not angry with him but that he “hurt” her feelings because he said he was her friend. The Defendant responded, “I love u in real life... do u honestly think that I was aiming to do that u?? If u truly believe that I was trying to do it then u are wrong. I can’t fix it but I called to truly apologize[.]”

On cross-examination, the victim acknowledged that she and the Defendant had been friends for years and that she was upset with Mr. Bonds at the party, not the Defendant. The victim also acknowledged that the incident would not have occurred if she had not returned to the party. The Defendant was not angry with the victim on the night of the party and did not have a reason to assault her. The victim said that he also did not have a reason to open her car door, take the key, and put the vehicle into Park. The victim said that she bit him one time but that she did not know where she bit him. The victim acknowledged that she had been drinking alcohol prior to the incident and that she was able to drive herself to the hospital and the police department despite her injuries. The victim did not spend the night in the hospital, and she did not need surgery or stitches. She said she still did not look or feel normal.

Sergeant Jonathan Stewart of the Humboldt Police Department testified that in August 2023, the victim came to the police department and reported the incident. Sergeant Stewart saw that the victim’s eye was swollen shut and that she had a small laceration under her eye. He said he suggested that she return to the hospital to determine the extent of her injuries, which “looked pretty serious.” The next day, the victim brought her medical records to Sergeant Stewart.

On cross-examination, Sergeant Stewart acknowledged that he never spoke with the Defendant, Mr. Bonds, or any other witnesses and that he did not refer the victim’s case to detectives for further investigation. All of the information he received about the incident was provided by the victim. At the conclusion of Sergeant Stewart’s testimony, the State rested its case.

Guelda Lewis, the Defendant's cousin and Mr. Bonds's sister, testified that she attended the party and that Mr. Bonds told the Defendant to take the key out of Mr. Bonds's Kia, drive the victim home, and drop off the Kia at Mr. Bonds's residence. The Defendant reached across the victim to take the key out of the ignition, and the victim bit the Defendant's arm. Ms. Lewis said the Defendant "got upset" and "got [the victim] out" of the Kia. Ms. Lewis stated that the Defendant and the victim were "tussling" and that the Defendant hit the victim one time. Ms. Lewis heard the victim say, "My eye -- my eye -- you hit me in my eye." Ms. Lewis saw scratches and bite marks on the Defendant and saw that one of the victim's eyes was starting to swell. Ms. Lewis also saw a laceration on the victim, but the victim was not unconscious. The victim got into Mr. Bonds's truck on her own accord, and left with Mr. Bonds. On cross-examination, Ms. Lewis acknowledged that one punch by the Defendant could have caused the victim's injuries.

The Defendant testified that he was thirty-three years old and that he and the victim had been friends about ten years. On the night of August 27, 2023, the Defendant had a party at his apartment in which more than fifteen people were present. The Defendant did not invite the victim to the party, but another woman invited her. During the party, the Defendant's property manager sent him a text message, complaining about the noise at the party. Mr. Bonds and the victim were arguing outside, so the Defendant went outside and told them that they needed to come inside. The victim told the Defendant that she was going to leave. Mr. Bonds told the Defendant that the victim was driving Mr. Bonds's vehicle and told the Defendant to drive the victim home and bring Mr. Bonds's vehicle back to the party. The victim refused to give the Defendant the keys to the Kia and started backing up the vehicle. The Defendant reached through the driver's window, reached across the victim, and put the Kia into Park. The victim began hitting the Defendant and bit him. The Defendant told Mr. Bonds, "This [b****] is biting me. Get her." Mr. Bonds separated the Defendant and the victim. The victim broke a necklace the Defendant was wearing, and the Defendant grabbed the victim. The victim got out of the Kia, and the Defendant hit her one time. The Defendant said he heard the victim say, "Oh, my God, my face -- my face. I can't see."

The Defendant testified that he also sustained injuries. In addition to being bitten, he later learned he had been stabbed. He tried to file charges against the victim, but the police would not allow him to do so. The Defendant acknowledged that he texted an apology to the victim but said that he did so before he knew she had accused him of dragging her out of the Kia and beating her unconscious. The Defendant said he grabbed the victim's arm during the altercation but denied dragging or pulling her out of the Kia. He maintained that he hit the victim only one time.

The Defendant identified two photographs of his injuries, and the trial court allowed defense counsel to introduce the photographs into evidence. The first photograph showed

a scratch or laceration under the Defendant's shirt, and the second photograph showed a bruised bite mark on his left arm.

On cross-examination, the Defendant testified that he put the Kia into Park but that he did not take the keys out of the vehicle. He said that the victim got out of the Kia and that he hit her when she ran up to him. He acknowledged that he was upset because she had broken his necklace, that he "punch[ed]" her face one time, and that his punch caused her injuries.

At the conclusion of the Defendant's testimony, the defense rested its case. Defense counsel argued in closing arguments that the victim was angry and "attack[ed]" the Defendant, and the trial court instructed the jury on self-defense. However, the jury convicted the Defendant of assault, a Class A misdemeanor, as a lesser-included offense of aggravated assault. After a sentencing hearing, the trial court sentenced him to eleven months, twenty-nine days to be served as four months in jail, followed by supervised probation.

ANALYSIS

I. Sufficiency of the Evidence

The Defendant claims that the evidence is insufficient to support his conviction because he hit the victim only one time and did so in self-defense when she bit and scratched him. The State argues that the evidence is sufficient. We agree with the State.

When the sufficiency of the evidence is challenged on appeal, the relevant question of the reviewing court is "whether, after viewing the evidence in the light most favorable to the prosecution, *any* rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt." *Jackson v. Virginia*, 443 U.S. 307, 319 (1979); *see also* Tenn. R. App. P. 13(e) ("Findings of guilt in criminal actions whether by the trial court or jury shall be set aside if the evidence is insufficient to support the findings by the trier of fact of guilt beyond a reasonable doubt."); *State v. Evans*, 838 S.W.2d 185, 190-91 (Tenn. 1992); *State v. Anderson*, 835 S.W.2d 600, 604 (Tenn. Crim. App. 1992).

Therefore, on appeal, the State is entitled to the strongest legitimate view of the evidence and all reasonable inferences that may be drawn from it. *State v. Williams*, 657 S.W.2d 405, 410 (Tenn. 1983). All questions involving the credibility of witnesses, the weight and value to be given the evidence, and all factual issues are resolved by the trier of fact. *State v. Pruett*, 788 S.W.2d 559, 561 (Tenn. 1990). "A jury conviction removes the presumption of innocence with which a defendant is initially cloaked and replaces it

with one of guilt, so that on appeal a convicted defendant has the burden of demonstrating that the evidence is insufficient.” *State v. Tuggle*, 639 S.W.2d 913, 914 (Tenn. 1982).

The guilt of a defendant, including any fact required to be proven, may be predicated upon direct evidence, circumstantial evidence, or a combination of both direct and circumstantial evidence. *State v. Pendergrass*, 13 S.W.3d 389, 392-93 (Tenn. Crim. App. 1999). The standard of review for the sufficiency of the evidence is the same whether the conviction is based on direct or circumstantial evidence or a combination of the two. *State v. Dorantes*, 331 S.W.3d 370, 379 (Tenn. 2011).

The Defendant was charged in the amended indictment with aggravated assault. Relevant to this case, a person commits aggravated assault who “[i]ntentionally or knowingly commits an assault . . . and the assault . . . [r]esults in serious bodily injury to another[.]” Tenn. Code Ann. § 39-13-102(a)(1)(A)(i). “Serious bodily injury” is defined as bodily injury that involves: “(A) A substantial risk of death; (B) Protracted unconsciousness; (C) Extreme physical pain; (D) Protracted or obvious disfigurement; [or] (E) Protracted loss or substantial impairment of a function of a bodily member, organ or mental faculty[.]” *Id.* § 39-11-106(a)(37). The jury convicted him of assault, which occurs when a person intentionally, knowingly, or recklessly causes bodily injury to another. *Id.* § 39-13-101(a)(1). “‘Bodily injury’ includes a cut, abrasion, bruise, burn or disfigurement, and physical pain or temporary illness or impairment of the function of a bodily member, organ, or mental faculty[.]” *Id.* § 39-11-106(a)(3).

The self-defense statute provides that:

(1) . . . a person who is not engaged in conduct that would constitute a felony or Class A misdemeanor and is in a place where the person has a right to be has no duty to retreat before threatening or using force against another person when and to the degree the person reasonably believes the force is immediately necessary to protect against the other’s use or attempted use of unlawful force.

(2) . . . a person who is not engaged in conduct that would constitute a felony or Class A misdemeanor and is in a place where the person has a right to be has no duty to retreat before threatening or using force intended or likely to cause death or serious bodily injury, if:

(A) The person has a reasonable belief that there is an imminent danger of death, serious bodily injury, or grave sexual abuse;

(B) The danger creating the belief of imminent death, serious bodily injury, or grave sexual abuse is real, or honestly believed to be real at the time; and

(C) The belief of danger is founded upon reasonable grounds.

Tenn. Code Ann. § 39-11-611(b). When self-defense is fairly raised by the evidence, the State carries the burden of proof to negate the defense beyond a reasonable doubt. *See* Tenn. Code Ann. § 39-11-201(a)(3) (2014); *State v. Benson*, 600 S.W.3d 896, 903 (Tenn. 2020) (citation omitted). However, whether a defendant acted in self-defense is a question of fact for the jury to determine. *See State v. Goode*, 956 S.W.2d 521, 527 (Tenn. Crim. App. 1997); *State v. Ivy*, 868 S.W.2d 724, 727 (Tenn. Crim. App. 1993).

Taken in the light most favorable to the State, the evidence established that the victim was angry at Mr. Bonds and that she was going to leave the party in his Kia. The Defendant tried to stop her and leaned into the driver's window to take the key out of the ignition and put the vehicle into Park. In doing so, he reached across her and pushed his elbow into her neck. The victim bit the Defendant's arm, which angered him. The Defendant then dragged the victim out of the Kia and punched her face. Whether he punched her one time or five times, he acknowledged that he hit her with enough force to break her orbital bone and cause her eye to swell shut. Although the Defendant claims he acted in self-defense, a jury could have found that he used force that was not "to the degree" or "immediately necessary" to protect him from the victim's use of force. We note that at sentencing, defense counsel advised the trial court, "It was a one-punch *retaliation*." (Emphasis added.) Likewise, the Defendant states in his appellate brief that he "proceeded to trial under a theory of self-defense and argued that he only struck [the victim] one time *in retaliation* after she bit him and scratched him." (Emphasis added.) We conclude that the evidence is sufficient to support his conviction of misdemeanor assault.

II. Sentencing

The Defendant claims that his four-month sentence in confinement is excessive because he had no prior felony convictions; most of his prior misdemeanor convictions were more than ten years old; his prior assaults involved males, not females; he apologized to the victim; and he expressed remorse in court. The Defendant contends that the trial court made no findings in support of its sentencing decision and failed to consider mitigation. He requests that we remand the case to the trial court for additional findings or that we grant full probation. The State argues that the trial court properly sentenced the Defendant. We agree with the State.

Before trial, the State filed a notice to seek enhanced punishment. According to the notice, the Defendant failed to appear in court in 2020, violated two orders of protection in 2019, and committed four misdemeanors from 2011 to 2015.

The trial court held a sentencing hearing on December 9, 2024. No witnesses testified for the State, but the State introduced the Defendant's presentence report into evidence. The report reflected the following misdemeanor criminal history for the Defendant: a 2015 conviction of vandalism, a 2014 conviction of domestic violence, a 2012 conviction of assault, a 2012 conviction of criminal impersonation, and a 2010 conviction of theft.

The Defendant testified that he graduated from Humboldt High School in 2009 and that he worked as a certified hairstylist. He said he helped take care of his grandmother by taking her to doctor appointments, making sure "her potty is changed," and administering her medication. He said he also helped his mother take care of his sister and his nephew and that he was the only person in the family to pay the bills. The Defendant said he was worried about what would happen to his family if the trial court ordered confinement. He stated that he wished the incident with the victim never happened and that it was not in his character to hit the victim. The Defendant acknowledged that he had a prior conviction of misdemeanor assault but said that the incident involved a male victim and that his past behavior "has nothing to do with who I am today." The Defendant requested that the trial court place him on full probation.

At the conclusion of the hearing, the trial court asked if the State wanted the trial court to consider the Defendant's criminal history as an enhancement factor, and the State said yes, noting that the Defendant had five prior misdemeanor convictions. *See* Tenn. Code Ann. § 40-35-114(1) (providing that "[t]he defendant has a previous history of criminal convictions or criminal behavior, in addition to those necessary to establish the appropriate range"). The trial court asked defense counsel about mitigating factors, and defense counsel requested that the trial court consider the Defendant's lack of felony convictions, his young age, his remorse, and that his conduct did not cause harm to the public or the community. The trial court ruled as follows:

All right. I think the [D]efendant committed a crime of violence and has a history of two violated -- two Orders of Protection violated, a Vandalism, and a Domestic Assault and an Assault. I find that to be an aggravating factor. I set the [D]efendant's sentence at four years in the county -- four months in the County Jail.

Subsequently, the trial court clarified that the Defendant was to serve eleven months, twenty-nine days with “all suspended but four months.” The judgment reflects a service percentage of seventy-five percent. *See id.* § 40-35-302(d).

A sentence imposed for a misdemeanor offense must be specific and in accordance with the principles, purposes, and goals of the Sentencing Act. *Id.* §§ 40-35-104, -302(b); *State v. Cooper*, 336 S.W.3d 522, 524 (Tenn. 2011); *State v. Palmer*, 902 S.W.2d 391, 394 (Tenn. 1995). The trial court is granted considerable latitude in misdemeanor sentencing, and a defendant convicted of a misdemeanor has no presumption of entitlement to a minimum sentence. *State v. Johnson*, 15 S.W.3d 515, 518 (Tenn. Crim. App. 1999) (citations omitted); *see also State v. Lambert*, No. E2018-02282-CCA-R3-CD, 2020 WL 2036651, at *10 (Tenn. Crim. App. Apr. 28, 2020) (noting that a trial court has “considerable flexibility in setting the length and manner of service of the misdemeanor sentence.”), *no perm app. filed*. Nor is a defendant convicted of a misdemeanor entitled to a presumption regarding an alternative sentence to incarceration. *State v. Troutman*, 979 S.W.2d 271, 273 (Tenn. 1998) (citation omitted). The defendant bears the burden of proving that the sentence is improper. Tenn. Code Ann. § 40-35-401, Sentencing Comm’n Cmts. This court has held that the abuse of discretion with a presumption of reasonableness standard of review announced in *State v. Bise*, 380 S.W.3d 682, 707 (Tenn. 2012), applies to our review of misdemeanor sentencing determinations. *See, e.g., Lambert*, 2020 WL 2036651, at *10; *State v. Miller*, No. M2019-00214-CCA-R3-CD, 2020 WL 526094, at *12 (Tenn. Crim. App. Feb. 3, 2020), *no perm. app. filed*; *State v. Hampton*, No. W2018-00623-CCA-R3-CD, 2019 WL 1167807, at *12 (Tenn. Crim. App. Mar. 12, 2019), *no perm. app. filed*. “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.” *State v. Phelps*, 329 S.W.3d 436, 443 (Tenn. 2010).

Sentences involving confinement should be based on the following considerations:

(A) Confinement is necessary to protect society by restraining a defendant who has a long history of criminal conduct;

(B) Confinement is necessary to avoid depreciating the seriousness of the offense or confinement is particularly suited to provide an effective deterrent to others likely to commit similar offenses; or

(C) Measures less restrictive than confinement have frequently or recently been applied unsuccessfully to the defendant[.]

Tenn. Code Ann. § 40-35-103(1). In addition, “[t]he sentence imposed should be no greater than that deserved for the offense committed[]” and “should be the least severe measure necessary to achieve the purposes for which the sentence is imposed[.]” *Id.* § 40-35-103(2), (4).

Here, the trial court imposed a sentence of eleven months, twenty-nine days to be served as four months in confinement, followed by supervised probation. The record reflects that the trial court complied with the requirements of misdemeanor sentencing, so we afford the trial court wide latitude in its ruling. The trial court found enhancement factor (1) regarding the Defendant’s criminal history applicable to his conviction. The trial court did not find any mitigating factors applicable. In determining the length and manner of service of the sentence, the trial court’s questions to counsel and comments in pronouncing the Defendant’s sentence, although brief, demonstrate that it “considered the parties’ arguments and [had] a reasoned basis for imposing the sentence.” *Bise*, 380 S.W.3d at 706 (citing *Rita v. United States*, 551 U.S. 338, 356-57 (2007)). Therefore, we conclude that the trial court did not abuse its discretion by ordering that the Defendant serve four months in jail.

III. Conclusion

Upon review of the record and the parties’ briefs, we affirm the judgment of the trial court.

s/ JOHN W. CAMPBELL
JOHN W. CAMPBELL, SR., JUDGE