

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE
AT JACKSON
July 9, 2026 Session

FILED

09/08/2026

Clerk of the
Appellate Courts

STATE OF TENNESSEE v. CHRISTIAN PITTS

Appeal from the Criminal Court for Shelby County
No. 22-02986 Paula L. Skahan, Judge

No. W2025-00917-CCA-R3-CD

A Shelby County jury convicted the Defendant, Christian Pitts, of second degree murder and of being a convicted felon in possession of a handgun, and the trial court sentenced him to an effective sentence of twenty years. On appeal, the Defendant asserts that the evidence is insufficient to support his convictions and challenges the trial court's self-defense instruction that included the "duty to retreat" language. After review, we affirm the trial court's judgments.

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

ROBERT W. WEDEMEYER, P.J., delivered the opinion of the court, in which TIMOTHY L. EASTER and MATTHEW J. WILSON, JJ., joined.

Joseph S. Ozment, Memphis, Tennessee, for the appellant, Christian Pitts.

Jonathan Skrmetti, Attorney General and Reporter; G. Kirby May, Assistant Attorney General; Steven J. Mulroy, District Attorney General; and Theresa Smith McCusker and Atina Stavropoulos, Assistant District Attorneys General, for the appellee, State of Tennessee.

OPINION
I. Facts

This case arises from the Defendant's shooting and killing a woman who was trying to steal the catalytic converter on his truck. A Shelby County grand jury indicted the Defendant for the first degree premeditated murder of the victim and for being a felon in possession of a gun.

At trial, the parties presented the following evidence: Tamara Stone woke up on the night of January 15, 2022, to the sound of gunfire outside her residence. Ms. Stone lived in a residence that backed up to Winchester Road. Upon hearing the gunfire, Ms. Stone got out of bed and looked out of her bedroom window. Her backyard was fenced and, across Winchester on the opposite side of the street, was a tire shop. She saw a man, wearing dark clothing, with “flashes coming from his hand” and heard more gunfire. She called the police. As she continued to watch, the man took a black bag out of a truck and walked down the road.

Memphis Police Department (“MPD”) Sergeant¹ Jonathan Newport responded to a “shots-fired call.” He first went to the house from which the 911 call was made and then proceeded to Winchester where he found a man, matching the description given, walking down the street with a backpack. The man, later identified as the Defendant, was walking southbound approximately 100 yards from the intersection of Winchester and Castleman. Because Sergeant Newport believed that the Defendant was armed, he waited for back-up while keeping a “visual” on the Defendant.

At some point, the Defendant “ducked off into a little cut,” which caused Sergeant Newport to lose sight of him. Sergeant Newport pursued the Defendant by turning down a side street. He located the Defendant standing by a fence. Once the back-up officer arrived, they gave the Defendant, who was walking, verbal commands to stop, but the Defendant continued walking. The officers then advised what action would be taken if the Defendant continued to walk, and the Defendant stopped and put his hands up.

The officers searched the Defendant for a weapon and did not find one. Sergeant Newport returned to the area where he lost sight of the Defendant briefly in the “little cut.” Sergeant Newport found a silver firearm on the other side of a fence where the Defendant had “hid[den]” briefly. After the gun was photographed, law enforcement found that the magazine in the gun was empty.

MPD Sergeant² John Hawkins located the victim while the other officers pursued the suspect. Sergeant Hawkins arrived at a business located directly across Winchester from Ms. Stone’s back yard. He drove into the parking lot and “saw a shoe underneath the truck.” As he pulled his vehicle closer, he saw the deceased victim’s body lying underneath a white truck. The victim, who wore gloves, was lying at an angle between the driver’s side front tire and the driver’s side rear tire. To the right side of the victim’s body, the

¹ By the time of trial, Jonathan Newport was working for the Tennessee Highway Patrol. We will refer to him by his title at the time of the offense.

² John Hawkins was an analyst for the Millington Navy base at the time of trial. We will refer to his title at the time of the offense.

officer found a yellow tool that appeared to be something used to saw through metal. Near the victim's head, the officer found a small black flashlight.

MPD Crime Scene Officer Eric Moore reported to the scene to photograph and collect evidence. Officer Moore found eleven nine-millimeter spent casings. Officer Moore photographed a "camo bag" containing six saw blades, a yellow flashlight and a black and yellow battery. Officer Moore also photographed a yellow saw that was partially suspended in the air because the blade was caught "in between the metal" of the catalytic converter. MPD Crime Scene Officer Lakendus Cole reported to the location where Sergeant Newport had found the weapon approximately a half mile from the shooting. He photographed and collected the weapon.

Juliette Scantlebury, Assistant Medical Examiner for Shelby County, reviewed the autopsy report related to this case. The victim sustained several gunshot wounds to her torso and extremities. The most severe and fatal injury was related to the gunshot entrance wound on the right side of the victim's back. The bullet entered the victim's body cavity, injuring the right lung and the heart. The victim sustained another serious bullet entry wound on the left side. This bullet injured the victim's left kidney and her large intestine. Less serious in nature were the three gunshot entry wounds to the victim's left shoulder, another to the left knee, two gunshot wounds on her left arm, and a gunshot wound to the right hand.

The medical examiner collected three bullets from the victim's body, which were sent for further analysis. Two bullets were found in the victim's exterior clothing. The toxicology report indicated the presence of methamphetamine and marijuana in the victim's blood. Dr. Scantlebury said that the cause of death was multiple gunshot wounds and the manner of death was homicide. Based on the medical findings, Dr. Scantlebury believed there were at least twelve entry wounds.

Tennessee Bureau of Investigation ("TBI") Special Agent forensic scientist Alex Major processed the gun shot residue kit associated with this case. The presence of gunshot residue is an indication that the person either handled or fired a gun, they were near a gun being fired, or they touched an item with gunshot residue. From the sample collected from the Defendant's right hand, Special Agent Major confirmed three particles of gunshot residue. On the sample collected from the Defendant's left hand, Special Agent Major confirmed one particle of gunshot residue.

TBI Firearms and Tool Mark Identification supervisor Joseph Kennedy examined the gun and shell casings recovered in this case. The gun, a semiautomatic pistol, had a magazine that held twelve rounds. Mr. Kennedy confirmed that a muzzle flash occurred every time the gun was fired; noting that it would be easier to see the muzzle flash when it

was dark. Mr. Kennedy examined the eleven cartridge cases recovered at the scene and found that the casings all had “the same class characteristics and some similar individual characteristics with the test fires to the gun.” His analysis revealed that the casings were all fired from the same gun, but he was unable “to conclusively determine if they were fired from the gun [the police recovered].”

Mr. Kennedy also examined the bullets and bullet fragments recovered during the autopsy. One of the bullets had sufficient characteristics to determine that it had been fired from the recovered pistol. With respect to the remaining bullets and fragments, they all shared similar class and individual characteristics with the pistol, but they were insufficient for a conclusive determination.

MPD officer³ Eric Carlisle processed the white Ford F150. He photographed the underside of the truck. The photograph depicted the exhaust pipe near the catalytic converter that was cut. While processing the truck, Officer Carlisle found an empty magazine from a handgun.

MPD Lieutenant Eric Dobbins interviewed the Defendant at the police headquarters. Consistent with Covid protocol in effect at the time, Lieutenant Dobbins wore a body camera, and the Defendant was interviewed in the parking garage. The Defendant waived his *Miranda* rights and agreed to speak with the police about the shooting.

When asked if he wanted an attorney, the Defendant declined and said that he had attended law school. Upon further questioning, the Defendant clarified that he had gone to school to be a paralegal. The Defendant told the officers that his Pontiac G6 was involved in a car accident on January 10, 2022. The Defendant took the contents of his Pontiac and put them in his truck, which was disabled at the time, on the morning of January 14, 2022. According to the Defendant, on the afternoon of January 14, he found several bags missing that contained items such as tools, jacks, and a gun. Upon learning of the theft, he instructed his girlfriend to report the gun stolen.

About the shooting, the Defendant told the officers that he was sleeping in his vehicle and had taken medication. He heard noise and felt the truck shaking. He got out of the vehicle, saw “something” and blacked out. He later clarified that he walked to the back of the truck and saw someone with a gun underneath the truck. There was a struggle over the gun, and he did not remember what happened after that.

³ At the time of trial, Eric Carlisle worked as a Hardeman County Sheriff’s Department. We will refer to him by the title associated with his role at the time of this offense.

Lieutenant Dobbins searched the police databases to try and verify this information. He was able to verify a car crash on January 10, 2022. He then searched for a January 14 theft report related to the Defendant's truck. He did not find one. When Lieutenant Dobbins searched by the Defendant's name and the Defendant's girlfriend's name, he found that the Defendant's girlfriend had reported that a gun had been stolen from her apartment on January 13, 2022.

MPD Sergeant Darius Shabazz transported the Defendant from police headquarters to the Criminal Justice Center after the interview. At the jail, officers recovered three cell phones from the Defendant: a black Samsung cell phone, a larger black Samsung cell phone, and a blackish/gray LG cell phone. The Defendant also had a camouflage backpack. Inside the backpack, officers found a binder, a tablet, and a "whole bunch of papers."

After hearing this evidence, the jury convicted the Defendant of the lesser-included offense of second degree murder. During the second part of the trial, addressing the charge for felon in possession of a handgun, the State presented evidence of a prior felony conviction. The jury convicted the Defendant of being a convicted felon in possession of a handgun. After a sentencing hearing, the trial court imposed an effective sentence of twenty years. It is from these judgments that the Defendant appeals.

II. Analysis

On appeal, the Defendant asserts that the evidence was insufficient to support his conviction for second degree murder and that the trial court erred when it instructed the jury that he had a duty to retreat. The State responds that the evidence sufficiently supported the Defendant's convictions and that the Defendant has waived the issue related to the jury instruction.

A. Sufficiency of the Evidence

The Defendant asserts that the evidence is insufficient to sustain his conviction for second degree murder because he acted in self-defense. The State responds that there was sufficient evidence that the Defendant knowingly shot and killed the victim. We agree with the State.

When an accused challenges the sufficiency of the evidence, this court's standard of review is whether, after considering the evidence in the light most favorable to the State, "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* Tenn. R. App. P. 13(e); *State v. Goodwin*, 143 S.W.3d 771, 775 (Tenn. 2004) (citing *State v. Reid*, 91 S.W.3d 247, 276 (Tenn. 2002)). This standard applies to findings of guilt based 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) (citing *State v. Dykes*, 803 S.W.2d 250, 253 (Tenn. Crim. App. 1990)). In the absence of direct evidence, a criminal offense may be established exclusively by circumstantial evidence. *Duchac v. State*, 505 S.W.2d 237, 241 (Tenn. 1973). “The jury decides the weight to be given to circumstantial evidence, and ‘[t]he inferences to be drawn from such evidence, and the extent to which the circumstances are consistent with guilt and inconsistent with innocence, are questions primarily for the jury.’” *State v. Rice*, 184 S.W.3d 646, 662 (Tenn. 2006) (quoting *Marable v. State*, 313 S.W.2d 451, 457 (Tenn. 1958)). “The standard of review [for sufficiency of the evidence] ‘is the same whether the conviction is based upon direct or circumstantial evidence.’” *State v. Dorantes*, 331 S.W.3d 370, 379 (Tenn. 2011) (quoting *State v. Hanson*, 279 S.W.3d 265, 275 (Tenn. 2009)).

In determining the sufficiency of the evidence, this court should not re-weigh or reevaluate the evidence. *State v. Matthews*, 805 S.W.2d 776, 779 (Tenn. Crim. App. 1990). Nor may this court substitute its inferences for those drawn by the trier of fact from the evidence. *State v. Buggs*, 995 S.W.2d 102, 105 (Tenn. 1999) (citing *Liakas v. State*, 286 S.W.2d 856, 859 (Tenn. 1956)). “Questions concerning the credibility of witnesses, the weight and value to be given the evidence, as well as all factual issues raised by the evidence are resolved by the trier of fact.” *State v. Bland*, 958 S.W.2d 651, 659 (Tenn. 1997). “A guilty verdict by the jury, approved by the trial judge, accredits the testimony of the witnesses for the State and resolves all conflicts in favor of the theory of the State.” *State v. Grace*, 493 S.W.2d 474, 476 (Tenn. 1973). The Tennessee Supreme Court stated the rationale for this rule:

This well-settled rule rests on a sound foundation. The trial judge and the jury see the witnesses face to face, hear their testimony and observe their demeanor on the stand. Thus the trial judge and jury are the primary instrumentality of justice to determine the weight and credibility to be given to the testimony of witnesses. In the trial forum alone is there human atmosphere and the totality of the evidence cannot be reproduced with a written record in this Court.

Bolin v. State, 405 S.W.2d 768, 771 (Tenn. 1966) (citing *Carroll v. State*, 370 S.W.2d 523, 527 (Tenn. 1963)). This court must afford the State of Tennessee the ““strongest legitimate view of the evidence”” contained in the record, as well as ““all reasonable and legitimate inferences”” that may be drawn from the evidence. *Goodwin*, 143 S.W.3d at 775 (quoting *State v. Smith*, 24 S.W.3d 274, 279 (Tenn. 2000)). Because a verdict of guilt against a defendant removes the presumption of innocence and raises a presumption of guilt, the convicted criminal defendant bears the burden of showing that the evidence was legally

insufficient to sustain a guilty verdict. *State v. Carruthers*, 35 S.W.3d 516, 557-58 (Tenn. 2000) (citations omitted).

The Defendant challenges his conviction for second degree murder, asserting that he acted in self-defense. Second degree murder is defined as “the knowing killing of another.” T.C.A. § 39-13-210(a)(1). “A person acts knowingly with respect to a result of the person’s conduct when the person is aware that the conduct is reasonably certain to cause the result.” T.C.A. § 39-11-302(b).

The defense of self-defense is expressly provided for in Tennessee by statute and defined, in relevant part, as follows:

(b)(1) Notwithstanding § 39-17-1322, a person who is not engaged in unlawful activity 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 or serious bodily injury,

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

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

T.C.A. § 39-11-611(b). A defendant’s conduct and mental state must meet an objective standard of reasonableness for the conduct to be justified under this statutory defense. *State v. Bult*, 989 S.W.2d 730, 732 (Tenn. Crim. App. 1998).

It is well established “that whether an individual acted in self-defense is a factual determination to be made by the jury as the sole trier of fact.” *State v. Goode*, 956 S.W.2d 521, 527 (Tenn. Crim. App. 1997) (*citing State v. Ivy*, 868 S.W.2d 724, 727 (Tenn. Crim. App. 1993)). Moreover, “[t]he [S]tate has the burden of proving beyond a reasonable doubt that the defendant did not act in self-defense.” *State v. Belser*, 945 S.W.2d 776, 782 (Tenn. Crim. App. 1996), *overruled on other grounds by State v. Williams*, 977 S.W.2d 101 (Tenn.

1998); T.C.A. § 39-11-201(a)(3). As such, “in the context of judicial review of the jury verdict, in order to prevail, the defendant must show that the evidence relative to justification, such as self-defense, raises, as a matter of law, a reasonable doubt as to his conduct being criminal.” *State v. Clifton*, 880 S.W.2d 737, 743 (Tenn. Crim. App. 1994).

Viewing the evidence in the light most favorable to the State, the evidence was sufficient for a rational jurors to determine that the Defendant did not act in self-defense. The Defendant was sleeping in his car when the victim woke him up. A witness heard the gunfire and then witnessed the Defendant fire and shot at the victim two more times. The Defendant then went to his truck, removed his belongings, and walked down the road where the police later found him. The Defendant disposed of the weapon once he was out of the police officer’s line of sight. At the time of the shooting, the victim was underneath the truck, while the Defendant stood over the victim firing at her and shooting her up to twelve times. The unarmed victim had only a flashlight and a saw that was still hanging from the pipe connected to the catalytic converter. The Defendant claimed he was in fear for his safety and struggled over the gun with the victim; however, the positioning of the victim underneath the truck supports the jury’s finding otherwise. Further, the Defendant, who had three cell phones and a tablet, made no attempts to seek help from law enforcement for his safety or medical help for the victim. The jury was instructed about self-defense, and the jury clearly rejected this claim, as was its prerogative. *Bland*, 958 S.W.2d at 659. The evidence was sufficient for a rational jurors to decide that the Defendant did not act in self-defense when he stood over the victim who was under his truck and shot her multiple times before walking away from the crime scene with his bag and disposing of the weapon. The Defendant is not entitled to relief on this issue.

B. Jury Instruction

For the first time on appeal, the Defendant challenges the trial court’s instruction to the jury that the Defendant had a duty to retreat. The State responds that the Defendant has waived this claim because he did not object but agreed to the applicability of the case law the trial court relied upon to include the instruction, did not raise the claim in his motion for new trial or at the hearing, and did not raise the issue in his brief on appeal. The State further argues that this court should not conduct plain error review because the Defendant has not requested it. We agree that the Defendant did not properly preserve this issue for review and has not asserted that he is entitled to plain error relief.

When necessary to do substantial justice, an appellate court may consider an error that has affected the substantial rights of a party at any time, “under plain error review.” Tenn. R. App. P. 36(b). Plain error review, however, is discretionary and should be sparingly exercised. *State v. Banks*, 271 S.W.3d 90, 119 (Tenn. 2008); *State v. Bledsoe*, 226 S.W.3d 349, 354 (Tenn. 2007). Importantly, the defendant requesting relief on an

unpresented or unpreserved issue has the burden of persuading the appellate court that plain error relief is warranted to correct the trial court's obvious error. *Bledsoe*, 226 S.W.3d at 355; *State v. Maddin*, 192 S.W.3d 558, 562 (Tenn. 2005). Considering this burden of persuasion, a defendant's failure to request plain error review weighs against consideration of an unpresented or unpreserved issue. *State v. Thompson*, No. W2022-01535-CCA-R3-CD, 2023 WL 4552193, at *5 (Tenn. Crim. App. July 14, 2023) (citing *State v. Cornwell*, No. E2011-00248-CCA-R3-CD, 2012 WL 5304149, at *18 (Tenn. Crim. App. Oct. 25, 2012), *perm. app. denied* (Tenn. Mar. 5, 2013)), *no perm. app. filed*.

In *State v. Maxwell*, No. M2024-00786-CCA-R3-CD, 2026 WL 592500 (Tenn. Crim. App. Mar. 3, 2026), *no perm. app. filed*, we noted that "This is especially true where, as here, a defendant requests relief on an unpresented or unpreserved issue, the State responds that such a claim is waived but, regardless, does not merit plain error relief, and the defendant nevertheless neglects to respond to the State's waiver argument via a responsive filing." (citing *Thompson*, 2023 WL 4552193 at *5) "Where a defendant fails to respond to a waiver argument, only particularly compelling or egregious circumstances could typically justify our *sua sponte* consideration of plain error relief.")). Here, the Defendant failed to respond to the State's argument as to either waiver or plain error. Accordingly, the Defendant has failed to establish that this court should consider the unpreserved jury instruction issue for plain error. He 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