

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE  
AT JACKSON

Assigned on Briefs July 9, 2026

**FILED**

08/06/2026

Clerk of the  
Appellate Courts

**STATE OF TENNESSEE v. NOCOMUS HARRIS**

**Appeal from the Criminal Court for Shelby County**  
**No. 23 01570 Carlyn L. Addison, Judge**

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**No. W2025-01069-CCA-R3-CD**

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After being convicted of first degree murder and tampering with the evidence, Nocomus Harris, Defendant, appealed. On appeal, he challenges the sufficiency of the evidence and the trial court's denial of a jury instruction on voluntary manslaughter. After a review, we determine Defendant has waived his challenge to the sufficiency of the evidence for inadequate briefing. Additionally, we determine that the trial court did not abuse its discretion in refusing an instruction on voluntary manslaughter. Accordingly, the judgments of the trial court are affirmed.

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

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

Ernest J. Beasley (on appeal), and Jason Matthews (at trial), Memphis, Tennessee, for the appellant, Nocomus Harris.

Jonathan Skrmetti, Attorney General and Reporter; Lacy E. Wilber, Senior Assistant Attorney General; Steven J. Mulroy, District Attorney General; and Alyssa Hennig, Assistant District Attorney General, for the appellee, State of Tennessee.

**OPINION**

Defendant was indicted by the Shelby County Grand Jury for one count of first degree murder and one count of tampering with the evidence for his role in the stabbing death of Carlotta Wilson, the victim.

At trial, Jeffrey Wilson, the victim's brother, testified that the victim was forty-five years old at the time of her death. Mr. Wilson lived with the victim and testified that the victim started dating Defendant about six months prior to her death. Defendant was unemployed and did not own a car. The victim owned a black Ford Fusion, drove for DoorDash, and ran a home daycare.

On April 15, 2023, Mr. Wilson's dad picked him up and drove him to his job at a Goodwill store in Memphis at 9:15 a.m. While he was getting ready for work, he heard Defendant and the victim arguing in their room, "back and forth" for about seventy-five minutes. Mr. Wilson heard the victim tell Defendant to "get out." Mr. Wilson was not concerned because the couple "normally" argued.

The victim normally picked Mr. Wilson up from work at 6:00 p.m. Mr. Wilson sent a text to the victim at 5:45 p.m., and she did not respond. He continued to text and call her and sent her a message via Facebook messenger, with no response. Mr. Wilson stated it was unusual for the victim not to reply. He eventually got his manager to drive him halfway to the apartment and then he walked the rest of the way home.

When Mr. Wilson arrived at home, he did not see the victim's car. He assumed she was out driving for DoorDash. When Mr. Wilson got to the door, the deadbolt was locked, which was unusual. As he entered the apartment, he heard running water. He did not think anyone was home, so he went into the bathroom connected to the victim's bedroom to turn off the water. As he exited the room, he saw his sister face down on the floor on the right side of the bed in a pool of blood. There was a belt fastened "real tight" around her neck.

The bedroom was in disarray, with clothes strewn everywhere. Mr. Wilson called 911. The dispatcher told him to turn the victim over and remove the belt from her neck. Mr. Wilson complied and attempted to perform CPR, but the victim was deceased. When police and paramedics arrived, they discovered a baby in the apartment. Mr. Wilson testified that the victim was supposed to be babysitting on the day of her death.

Shakeyvia Gauldin testified that the victim was her son's babysitter on Saturdays for about seven months prior to the victim's death. Ms. Gauldin's son was one year old. Ms. Gauldin knew Defendant. Defendant answered the door and took Ms. Gauldin's son when she dropped him off at the victim's house around 9:30 the morning of the victim's murder. Ms. Gauldin did not see the victim that morning.

Around 10:00 a.m., Ms. Gauldin received a series of "weird text messages" from an unknown number on her cell phone. The texts identified the sender as "Darius" and asked her if she was "single." The person claimed they got Ms. Gauldin's number "from a friend" and that they "adored" what they "saw" but that they were not stalking her. Ms. Gauldin

called a friend who helped her “reverse the number on CashApp” to try to find out the owner of the phone number. The app showed Defendant’s picture. Ms. Gauldin immediately called the victim at what she believed was around 10:50 a.m. She told the victim that Defendant reached out to her via text and heard Defendant in the background saying, “you’re trying to set me up, you’re trying to set me up.” Ms. Gauldin finished her conversation with the victim, hung up, and went back to work.

Around 4:20 p.m., Ms. Gauldin texted the victim to check on her son. The victim usually texted Ms. Gauldin throughout the day, so she found it unusual that the victim had not texted her with an update. Ms. Gauldin received a one-word text response. Again, Ms. Gauldin found this unusual because the victim normally texted several sentences at a time. Ms. Gauldin began to worry so she called a few other people to tell them about the victim’s unusual response.

Ms. Gauldin clocked out of work around 6:05 p.m. When she left work, she called the victim’s cell phone and it went directly to voicemail. When she arrived at the victim’s apartment, no one answered the door. She again called people who knew the victim. Ms. Gauldin went to her car to wait. About forty-five minutes later, she saw police. An officer told her he was responding to a call about a stab wound. She told officers her son was supposed to be with the victim and that she had not heard from the victim for quite some time. Officers located her son unharmed inside the victim’s apartment. Ms. Gauldin and Mr. Wilson later both identified Defendant in a photographic lineup.

Donna Chavez of Clarkton, Missouri testified that she dated Defendant from 2009 to 2012. They kept in touch after they broke up. Defendant showed up unannounced at her house on the afternoon of April 15, 2023. He was driving the victim’s car. Defendant told Ms. Chavez he “caught a body” which she interpreted to mean that he killed someone. Ms. Chavez asked Defendant what man he killed, and Defendant told her he killed his girlfriend by slitting her throat. He even made a motion with his hand moving from one side of his neck to the other. Ms. Chavez thought Defendant was making the story up.

Defendant told Ms. Chavez that the victim thought he was “messing around with somebody” so the victim threatened to bring a man home. Defendant told Ms. Chavez he was mad and he started arguing with the victim when things “got physical” and he “just lost it” and “ended up slitting her throat.” Ms. Chavez testified that Defendant was calm, did not seem upset, and tried to blame the victim for what happened. Defendant told Ms. Chavez he needed to get rid of the victim’s car and asked her to meet him somewhere so she could give him a ride back to her house. Ms. Chavez still did not think Defendant was serious and thought he was going to return the car to the victim. Defendant drove the victim’s car to Tennessee, leaving it near Exit 2. Ms. Chavez picked Defendant up on the exit ramp and drove him to her sister’s house in Poplar Bluff, Missouri, where they stayed

the night. Ms. Chavez still did not believe Defendant's story and performed a Google search for murders in Memphis but could not find anything.

The next morning, one of Defendant's friends sent a text to Ms. Chavez asking her if she had seen Defendant because he murdered his girlfriend. Ms. Chavez saw a story on Facebook about the victim's murder. Ms. Chavez testified that this changed "everything." Ms. Chavez went to the police station and told them Defendant was at her sister's house and that he was wanted for murder. Ms. Chavez was afraid of Defendant's reaction, so she and the police created a plan to get Defendant in the car and have the police stop her car and arrest Defendant. The plan worked and Defendant was arrested. When Defendant was arrested, he had a small mark on his left hand and a "superficial scratch" on the left side of his neck. The victim's car was located by police near Exit 2 on April 16, 2023, at 8:29 a.m.

Ms. Chavez initially did not tell police about her involvement with disposing of the victim's car or Defendant's confession. Ms. Chavez eventually told police about Defendant's confession after he called her from jail and told her that there was no evidence against him. In one call, Defendant asked Ms. Chavez to tell police she picked him up in Memphis at a certain time. She did not think Defendant "should be able to just walk away from" a murder charge.

Sergeant Jason Bledsoe of the Digital Forensics Unit of the Memphis Police Department ("MPD") testified as an expert in call detail record analysis. According to Sergeant Bledsoe the last time Defendant's phone and the victim's phone contacted each other was on the date of the victim's death at 12:51 p.m. The call lasted five minutes and twenty-one seconds. Both phones pinged off a tower north of the victim's apartment at 2:25 p.m. and the phones appeared to be traveling together. Defendant's phone made an outgoing call at 4:19 p.m. from a location near Henning, Tennessee. Someone tried to call the victim at 4:08 p.m., and her phone was in the same vicinity as Defendant's phone. Someone tried to call the victim at 5:09 p.m., and her phone pinged a tower in Caruthersville, Missouri.

Defendant's phone recorded text messages to and from Ms. Gauldin on the day of the victim's death from 10:19 a.m. to 10:43 a.m. Ms. Gauldin called the victim at 10:51 a.m., then exchanged a text message with the victim's phone at 4:20 p.m. Ms. Gauldin called and texted the victim around 6:24 p.m., 6:44 p.m., 6:48 p.m., 7:06 p.m., and 7:13 p.m. The calls went unanswered. The last communication from the victim's phone was a text sent to Ms. Gauldin at 4:21 p.m.

The crime scene was processed by the Homicide Unit of the MPD. Sergeant Catherine Scruggs described the apartment as very clean except for the victim's bedroom

that had a mess that “didn’t match the rest of the . . . apartment.” There was blood on the interior doorknob. In the victim’s bedroom there was a bloody belt near the victim’s body, a pair of red shorts and other clothes covered in blood, and a watch in an ashtray with blood on it. The water in the victim’s bathroom had been left running and there were blood smears on the sink and faucet handles. There was a knife in the toilet covered with toilet paper. There were bloody footprints in the apartment.

The blood from the bathroom faucet and the interior front doorknob belonged to the victim. Blood found in the back car mat of the victim’s car indicated a mixture. The victim was a major contributor, and Defendant could not be excluded as a minor contributor. A cigar in the car contained Defendant’s DNA. The soles of Defendant’s shoes tested positive for blood, which matched the victim’s DNA. Defendant was excluded as a contributor.

The victim’s cause of death was multiple sharp force injuries. In total, the victim had three stab wounds to her neck, four stab wounds to her face, five incised wounds on her neck, six incised wounds on her left hand, and five incised wounds on her right hand. The medical examiner testified that the knife found in the toilet was likely to be the murder weapon.

At the conclusion of the proof, Defendant asked the trial court to instruct the jury on multiple lesser included offenses, including voluntary manslaughter. The State did not oppose the request. The trial court denied, stating, “I don’t think the proof is raised as to voluntary manslaughter [from] what I’ve heard.” The trial court found there was “no proof about adequate provocation which would have given rise to vol man -- voluntary manslaughter.” Further the trial court noted that there was nothing on Defendant’s body to suggest that “there was some sort of physical altercation which caused adequate provocation which I think would be necessary.”

The jury convicted Defendant of both offenses as charged in the indictment. After a sentencing hearing, the trial court sentenced Defendant to life in prison for the first degree murder conviction and fifteen years for the tampering with the evidence conviction. The trial court ordered the sentences to run consecutively to each other and to a sentence from a Missouri conviction. Defendant appealed.

### *Analysis*

On appeal, Defendant argues that the evidence was insufficient because “[t]hese convictions were based on non-credible witnesses and circumstantial evidence, which were incriminating to [Defendant]” and did “not rise to the level required for a conviction.” The State counters that the evidence was sufficient to prove Defendant committed first degree

murder “when he inflicted 23 knife wounds on the unarmed victim, tied a belt tightly on her neck, he seemed calm shortly after the murder, and he confessed to murdering the victim.” The State insists Defendant waived his challenge to his argument on sufficiency of the evidence for tampering with the evidence for failing to make an argument.

At the outset, we feel compelled to address the inadequacies in Defendant’s brief as noted by the State. We observe that the argument section of Defendant’s brief contains no citations to the record. The basic rules of this Court require an appellant to present a brief which sets forth “the contentions of the appellant with respect to the issues presented, and the reasons therefor, including the reasons why the contentions require appellate relief, *with citations to the authorities and appropriate references to the record* (which may be quoted verbatim) relied on.” Tenn. R. App. P. 27(a)(7)(A) (emphasis added). Rule 10(b) of the Rules of the Court of Criminal Appeals similarly provides that “[i]ssues which are not supported by . . . appropriate references to the record will be treated as waived.” Tenn. Ct. Crim. App. R. 10(b).

Specifically, with regard to the conviction for first degree murder, the entirety of Defendant’s argument is as follows:

Here, we have a situation where no rational trier of facts could conclude that [Defendant] has committed first degree murder, rather, the facts lend themselves more to either a 2nd degree murder or even a voluntary manslaughter, even though voluntary manslaughter was not included in the argument (as discussed below). In addition, [Defendant] argues that the [S]tate put forward no eyewitness accounts of what happened, further placing doubt on the convictions. Appellant also asks t<sup>1</sup>

Appellant argues that no rational juror could have found [Defendant] guilty of first degree murder or tampering with evidence as it goes against the weight of the evidence.

With regard to Defendant’s challenge to the conviction for first degree murder, we find Defendant’s brief severely lacking. Ordinarily, we would have no hesitation finding Defendant waived appellate review of this issue. However, based on the severity of the offense and the length of punishment Defendant received, we will briefly address the issue despite the thoroughly inadequate brief. “Findings of guilt in criminal actions . . . shall be set aside if the evidence is insufficient to support the findings by the trier of fact of guilt beyond a reasonable doubt.” Tenn. R. App. P. 13(e). The standard of appellate review on

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<sup>1</sup> We have reproduced this section exactly as it appears in Defendant’s brief. This sentence is incomplete.

a challenge to the sufficiency of the evidence 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) (emphasis in original) (citations omitted); *see also State v. Williams*, 558 S.W.3d 633, 638 (Tenn. 2018). First degree premeditated murder is defined as “[a] premeditated and intentional killing of another[.]” T.C.A. § 39-13-202(a)(1) (2025). A person acts intentionally “when it is the person’s conscious objective or desire to engage in the conduct or cause the result.” *Id.* § 39-11-302(a) (2025). “Premeditation” is defined by statute as:

an act done after the exercise of reflection and judgment. “Premeditation” means that the intent to kill must have been formed prior to the act itself. It is not necessary that the purpose to kill preexist in the mind of the accused for any definite period of time. The mental state of the accused at the time the accused allegedly decided to kill must be carefully considered in order to determine whether the accused was sufficiently free from excitement and passion as to be capable of premeditation.

*Id.* § 39-13-202(e). The evidence here reflects multiple recognized indicators of premeditation, including Defendant’s procurement of a weapon, use of a deadly weapon on the unarmed victim, calmness after the killing, the infliction of multiple wounds, and the destruction or sequestration of evidence of the murder. *See State v. Nichols*, 24 S.W.3d 297, 302 (Tenn. 2000). Defendant was the last person to see the victim alive, she was found dead with twenty-three stab wounds and a belt around her neck, the soles of Defendant’s shoes had blood on them, and he told Ms. Chavez that he killed the victim. The evidence was sufficient.

With regard to Defendant’s challenge to the conviction for tampering with the evidence, Defendant’s entire argument is that “the [S]tate did not meet either of it’s [sic] charges against [Defendant] for tampering with evidence.” Defendant did not even file a reply brief after the State put forth its waiver argument. Simply raising an issue does not preserve it for appellate review. Defendant has waived consideration of the sufficiency of the evidence because his brief prevents this Court from exercising meaningful review.

### *Jury Instruction*

Defendant also challenges the trial court’s refusal to give a jury instruction on voluntary manslaughter. He argues that the “jury instruction should have been provided” and that the “facts in this case as similar enough to the definition of voluntary manslaughter that an instruction on the offense should have been included in his jury instructions. Counsel for [D]efendant objected to the exclusion of this, but was overruled by the court.”

He contends the facts in his case are such that a “reasonable person [could] believe that circumstances for voluntary manslaughter were present.” The State argues there was “no proof introduced at trial of any provocation by the victim that would have supported a jury instruction on voluntary manslaughter.”

Again, the argument section of Defendant’s brief does not contain any citations to the record and the argument provided to support his issue is meager, at best. Consequently, this issue, like the sufficiency issue, could be waived for inadequate briefing. Nonetheless, we will briefly address the issue. A defendant is entitled to a complete and correct charge of the law. *State v. Teel*, 793 S.W.2d 236, 249 (Tenn. 1990). Accordingly, trial courts have the duty to give “a complete charge of the law applicable to the facts of the case.” *State v. Davenport*, 973 S.W.2d 283, 287 (Tenn. Crim. App. 1998) (citing *State v. Harbison*, 704 S.W.2d 314, 319 (Tenn. 1986)). “However, the trial judge shall not instruct the jury as to any lesser included offense unless the judge determines that the record contains any evidence which reasonable minds could accept as to the lesser included offense.” T.C.A. § 40-18-110(a). While the trial court “shall view the evidence liberally in the light most favorable to the existence of the lesser included offense without making any judgment on the credibility of evidence,” it “shall also determine whether the evidence, viewed in this light, is legally sufficient to support a conviction for the lesser included offense.” *Id.*

Whether the trial court should have given a particular lesser included offense instruction is a mixed question of law and fact subject to de novo review. *State v. Banks*, 271 S.W.3d 90, 124 (Tenn. 2008) (citing *State v. Hatfield*, 130 S.W.3d 40, 41 (Tenn. 2004); *Carpenter v. State*, 126 S.W.3d 879, 892 (Tenn. 2004)). A “reviewing court considers the following three questions: (1) whether the offense is a lesser included offense; (2) whether the evidence supports a lesser included offense instruction; and (3) whether the failure to give the instruction is harmless error.” *Id.* (citing *State v. Allen*, 69 S.W.3d 181, 187 (Tenn. 2002)). There is no dispute that voluntary manslaughter is a lesser included offense of first degree murder. *See State v. Williams*, 977 S.W.2d 101, 106 (Tenn. 1998).

As to the second prong of the inquiry, voluntary manslaughter is the “intentional or knowing killing of another in a state of passion produced by adequate provocation sufficient to lead a reasonable person to act in an irrational manner.” T.C.A. § 39-13-211(a). In order to support a jury instruction on voluntary manslaughter, the proof has to support findings that the accused committed the killing while in a “state of passion” and that the passion resulted from “adequate provocation.” *State v. Henderson*, No. M1999-00547-CCA-R3-CD, 2002 WL 537042, at \*6 (Tenn. Crim. App. Apr. 11, 2002), *no perm. app. filed*. Despite Defendant’s blanket statement that “the facts in this case [are] similar enough to the definition of voluntary manslaughter that an instruction on the offense should have been included,” he does not point to what facts support his argument. Moreover, the

evidence here does not support that conclusion. As highlighted by the trial court, the photographs of Defendant showed no injuries to provide proof of provocation and the victim was stabbed twenty-three times. Defendant is not entitled to relief on this issue.

#### Conclusion

For the foregoing reasons, the judgments of the trial court are affirmed.

*S/Timothy L. Easter*

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TIMOTHY L. EASTER, JUDGE