

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE
AT JACKSON

Assigned on Briefs August 4, 2026

FILED

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Clerk of the
Appellate Courts

STATE OF TENNESSEE v. FELIX TATE, III

Appeal from the Criminal Court for Shelby County
No. 24 01773 Carlyn L. Addison, Judge

No. W2025-01071-CCA-R3-CD

The Defendant, Felix Tate, III, appeals his Shelby County Criminal Court jury convictions of attempted first degree murder and employment of a firearm during the commission of a dangerous felony. The Defendant received an effective thirty-one-year sentence. On appeal, the Defendant argues that the evidence was insufficient to support his convictions. We affirm the judgments of the trial court.

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

STACY L. STREET, J., delivered the opinion of the court, in which JOHN W. CAMPBELL, SR., and STEVEN W. SWORD, JJ., joined.

Ernest J. Beasley (on appeal) and John L. Dolan (at trial), Memphis, Tennessee, for the appellant, Felix Tate, III.

Jonathan Skrmetti, Attorney General and Reporter; Benjamin L. Barker, Assistant Attorney General; Steven J. Mulroy, District Attorney General; and Alyssa Hennig and Monica Timmerman, Assistant District Attorneys General, for the appellee, State of Tennessee.

OPINION

This appeal arises from the Defendant's shooting of his longtime girlfriend, Adrienne Hardin (the victim), on January 29, 2024. The proof at trial established that the Defendant shot the victim multiple times, causing life-threatening injuries.

Factual and Procedural Background

The Shelby County Grand Jury charged the Defendant with one count of attempted first degree murder, *see* T.C.A. §§ 39-12-101, -13-202, and one count of employing a firearm during the commission of a dangerous felony, *see* T.C.A. § 39-17-1324. The case proceeded to trial on both counts.

The victim testified at trial that she had been in a relationship with the Defendant for eight years. She described the relationship as physically abusive and recounted instances when the Defendant had struck her in the face and head with his hands and a two-by-four board and had headbutted her. Approximately four months before the offenses, the Defendant shot her in the leg during an altercation involving a firearm.

On January 29, 2024, the Defendant accused the victim of removing his keys from his vehicle while they were stopped at a gas station. When she denied taking them, the Defendant reached for his gun and asked, “[B****], you don’t think I’ll shoot you?” He then shot her in the right leg. Afterward, the Defendant told her that she needed to go home and change her clothes, and he drove her to their apartment. The victim remembered little of what occurred after the Defendant shot her. She recalled only that the Defendant told her that he was going to “[d]rop [her] mother f[*****] body off somewhere.”

The victim’s daughter, H.H.,¹ was living at the apartment with her mother and the Defendant, whom she called “dad” although he is not her biological father. During a forensic interview conducted by Patricia Lewis, a Forensic Interview Program Manager at the Memphis Child Advocacy Center, H.H. stated that she entered her mother’s bedroom on January 29 and saw the Defendant holding a gun to her mother’s head. After the victim told her to go back to her room, she heard nearby gunshots.

H.H. remained alone at the apartment for two days before leaving and going to a downstairs neighbor’s residence to use a telephone. After unsuccessfully attempting to contact her mother and the Defendant, H.H. called Donald Ruffin and his wife, friends from her church, who picked her up from the apartment. Mr. Ruffin testified that H.H. told him that the Defendant had shot her mother, and that, while alone in the apartment, she had covered the blood stains on the victim’s bed. Mr. Ruffin went to the apartment and photographed blood on the walls, the floor, the bed, and in the bathroom. He then contacted the police and met officers at the apartment.

Ashraf Alhrout testified that he was working at the Nite-N-Day store on Chelsea Avenue on January 29, 2024. Through the store’s surveillance system, Mr. Alhrout observed the Defendant and the victim fighting outside and saw the Defendant holding a

¹ Because the victim’s daughter is a minor, we will refer to her by her initials to protect her identity.

gun. He also heard the victim say that she was hurt. Believing that a robbery might be in progress, Mr. Alhrout called 911. The Defendant then drove away in a white vehicle.

Officer Charles Townsend of the Memphis Police Department (MPD) responded to the area and pursued the Defendant's white vehicle until it stopped. Officer Townsend encountered the Defendant and the victim near the Nite-N-Day store on Chelsea Avenue. Officer Townsend observed a bullet hole in the vehicle and found the victim unconscious with her eyes swollen shut in the passenger seat, gravely injured from an apparent gunshot wound.

Emergency medical personnel described the victim's condition as critical. She was unconscious and having difficulty breathing when she was transported to Regional One Health. She had sustained multiple gunshot wounds; fractures to her nose, cheekbone, mandible, and femur; and injuries to her lungs. She suffered cardiopulmonary arrest and required cardiopulmonary resuscitation and defibrillation.

Lieutenant Jamal Saulsberry of the MPD also responded to the shooting and assisted in taking the Defendant into custody. Lieutenant Saulsberry later obtained and reviewed the Nite-N-Day's surveillance footage. The footage showed the Defendant striking the victim while they were inside the vehicle. It also showed the Defendant exit the vehicle and place a handgun in his jacket. Lieutenant Saulsberry and Lieutenant Byron Willis interviewed the Defendant. During the interview, the Defendant gave multiple differing accounts of the events. Lieutenant Willis testified that he did not find the Defendant's accounts credible.

Memphis Police Department officers collected evidence from the apartment and the Defendant's vehicle. They found blood throughout the apartment and multiple spent shell casings inside a container in the primary bedroom. They also found blood inside the passenger area of the Defendant's vehicle and a bullet hole on the passenger side of the windshield.

Based upon this evidence, the jury convicted the Defendant as charged. Following a sentencing hearing, the trial court imposed a twenty-five-year sentence for the attempted first degree murder conviction and a consecutive six-year sentence for employing a firearm during the commission of a dangerous felony, resulting in an effective sentence of thirty-one years to be served in the Tennessee Department of Correction. The Defendant filed a timely motion for new trial, which was denied by the trial court. The Defendant filed a timely notice of appeal.

Analysis

On appeal, the Defendant asserts that the evidence was insufficient to support his convictions and argues that the victim and H.H. were unreliable and untrustworthy witnesses. This appeal presents two sufficiency questions: (1) whether the evidence supports the conviction for attempted first degree murder, and (2) whether the evidence supports the conviction for employment of a firearm during the commission of a dangerous felony. The State responds that the Defendant is not entitled to relief.

We first review the governing sufficiency standard, then outline the statutory elements of attempted first degree murder and employing a firearm during the commission of a dangerous felony and finally assess whether the evidence is sufficient to uphold the jury's convictions.

As an appellate court, our role is not to reassess witness credibility, re-weigh the proof, or resolve the factual disputes raised by the evidence because these considerations lie solely within the purview of the trier of fact. *See State v. Miller*, 638 S.W.3d 136, 157 (Tenn. 2021) (first citing *State v. Bland*, 958 S.W.2d 651, 659 (Tenn. 1997); and then citing *State v. Pruett*, 788 S.W.2d 559, 561 (Tenn. 1990)); *see also State v. Dorantes*, 331 S.W.3d 370, 379 (Tenn. 2011) (citing *State v. Campbell*, 245 S.W.3d 331, 335 (Tenn. 2008)). Instead, we examine “the evidence in the light most favorable to the” State, granting the State “the strongest legitimate view of the evidence as well as all reasonable and legitimate inferences which may be drawn therefrom,” to determine whether “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) (citations omitted); *State v. Davis*, 354 S.W.3d 718, 729 (Tenn. 2011) (citations omitted); Tenn. R. App. P. 13. Our review “is identical whether the conviction is predicated on direct or circumstantial evidence, or a combination of both.” *State v. Williams*, 558 S.W.3d 633, 638 (Tenn. 2018) (citing *Dorantes*, 331 S.W.3d at 379).

As charged in this case, first degree murder is “[a] premeditated and intentional killing of another[.]” Tenn. Code Ann. § 39-13-202(a)(1). 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); *see also State v. Page*, 81 S.W.3d 781, 788 (Tenn. Crim. App. 2002). “Premeditation” is defined 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).

Premeditation is a question of fact that the jury may determine from “all of the circumstances surrounding the killing.” *State v. Davidson*, 121 S.W.3d 600, 614 (Tenn. 2003). “Tennessee cases have long recognized that premeditation may be proved by circumstantial evidence” because “premeditation involves the defendant’s state of mind, concerning which there is often no direct evidence.” *Id.* at 614-15. Circumstances supporting a finding of premeditation may include but are not limited to “the use of a deadly weapon upon an unarmed victim, the particular cruelty of the killing, declarations by the defendant of an intent to kill, evidence of procurement of a weapon, preparations before the killing for concealment of the crime, and calmness immediately after the killing” in addition to “a lack of provocation on the victim’s part and a defendant’s failure to render aid to a victim.” *State v. Clayton*, 535 S.W.3d 829, 845 (Tenn. 2017) (first citing *Davidson*, 121 S.W.3d at 614-15; and then citing *State v. Anderson*, 835 S.W.2d 600, 605 (Tenn. Crim. App. 1992)).

As relevant here, a person commits criminal attempt when,

acting with the kind of culpability otherwise required for the offense... [a]cts with intent to cause a result that is an element of the offense, and believes the conduct will cause the result without further conduct on the person's part

T.C.A. § 39-12-101(a)(2).

Thus, to sustain a conviction for attempted first degree murder, the State must prove that a defendant “act[ed] with the intent to commit premeditated first degree murder and ‘[a]ct[ed] with intent to cause a result that is an element of the offense, and believes the conduct will cause the result without further conduct on the person's part.’” *State v. Wooten*, No. W2022-00315-CCA-R3-CD, 2022 WL 16919957, at *6 (Tenn. Crim. App. Nov. 14, 2022), *perm. app. denied* (Tenn. Mar. 8, 2023) (citing *State v. Murphy*, No. W2022-01108-CCA-R3-CD, 2024 WL 512549, at *4 (Tenn. Crim. App. Feb. 9, 2024), *appeal dismissed*, No. W2022-01108-SC-R11-CD, 2024 WL 3102876 (Tenn. June 20, 2024)).

It is an offense to “employ a firearm” during the commission of or attempted commission of a dangerous felony” or during the “[f]light or escape” from the commission or attempted commission of a dangerous felony. T.C.A. § 39-17-1324(b)(1)-(4); *see also State v. Fayne*, 451 S.W.3d 362, 370 (Tenn. 2014). To support a conviction for this offense, the State must establish: “(1) that the defendant employed a firearm; (2) that the employment was during the commission or attempted commission of a dangerous felony, or during the flight or escape from the commission or attempted commission of a dangerous felony; and (3) that the defendant acted intentionally, knowingly, or recklessly.” *Fayne*,

451 S.W.3d at 369-70. The version of the statute in effect at the time of the offenses expressly defined “dangerous felony” to include an attempt to commit first degree murder. *See* T.C.A. § 39-17-1324(i)(1)(A) (2021) (subsequently amended).

Viewed in the light most favorable to the State, the evidence established that the Defendant intentionally and with premeditation attempted to kill the victim. At the gas station, the Defendant reached for his gun and asked whether she thought he would shoot her before shooting her in the leg. This prior incident is relevant not to establish propensity, but because it provides circumstantial evidence of the Defendant’s intent and familiarity with using deadly force against this victim. He then drove her to their apartment rather than obtaining medical assistance. At the apartment, H.H. saw the Defendant holding a gun to the victim’s head. After H.H. returned to her room, she heard multiple gunshots. The victim later recalled the Defendant’s threatening to dispose of her body.

The physical and medical evidence corroborated their accounts. Mr. Ruffin observed blood on the walls, floor, bed, and in the bathroom of the apartment, and law enforcement officers found blood throughout the apartment and spent shell casings in the primary bedroom. The medical proof established that the victim sustained multiple gunshot wounds, numerous fractures, and cardiopulmonary arrest. Rather than seeking medical assistance, the Defendant left the apartment with the victim and drove away with her critically injured in the passenger seat.

The Defendant’s statements, his use of a deadly weapon against an unarmed victim, the multiple gunshots, the severity of the victim’s injuries, and the Defendant’s failure to render aid permitted the jury to find that the Defendant formed the intent to kill after the exercise of reflection and judgment. By repeatedly shooting the victim, the Defendant also acted in a manner from which the jury could reasonably find that he intended to cause the victim’s death and believed that his conduct would cause her death without further conduct on his part. *See* T.C.A. § 39-12-101(a)(2).

The Defendant maintains that the victim and H.H. were unreliable witnesses. Specifically, he relies on the victim’s drug use and the lapse of time between the incident H.H. witnessed and her later observation of blood in the apartment. The jury heard the evidence concerning the victim’s drug use and the chronology of H.H.’s observations but nevertheless accredited their accounts. Those accounts were corroborated by eyewitness testimony, surveillance footage, physical evidence, and medical proof. By its verdict, the jury accredited the State’s proof and rejected the Defendant’s challenges to the witnesses’ credibility. We will not disturb the jury’s credibility determinations on appeal. *See Bland*, 958 S.W.2d at 659. Accordingly, the evidence was sufficient to support the Defendant’s conviction for attempted first degree premeditated murder.

Viewed in the light most favorable to the State, the evidence also established that the Defendant employed a firearm during the attempted first degree murder of the victim. As detailed above, multiple witnesses saw the Defendant with a firearm, the surveillance evidence showed him holding the firearm, and the proof established that he used it to shoot the victim. Moreover, the Defendant concedes that if the evidence was sufficient to support his attempted first degree murder conviction, it was likewise sufficient to support his conviction for employment of a firearm during the commission of a dangerous felony. Having concluded that the evidence sufficiently supported the underlying attempted murder conviction, we also conclude that the evidence was sufficient to support the firearm conviction. Because the State presented legally sufficient evidence of intent, premeditation, and firearm employment, the jury's verdicts are supported by substantial and competent proof.

Conclusion

In consideration of the foregoing and the record as a whole, we affirm the judgments of the trial court.

s/ *Stacy L. Street*

STACY L. STREET, JUDGE