

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE
AT JACKSON

Assigned on Briefs August 4, 2026

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Clerk of the
Appellate Courts

STATE OF TENNESSEE v. TERRANCE TERRELL HOWARD

Appeal from the Circuit Court for Chester County
No. 23-CR-119-A Donald H. Allen, Judge

No. W2025-01089-CCA-R3-CD

The Defendant, Terrance Terrell Howard, was convicted by a Chester County jury of attempted first degree murder and employment of a firearm during the commission of a dangerous felony. Following a sentencing hearing, the trial court imposed an effective sentence of thirty years' incarceration, as a Range I, standard offender, with no release eligibility. On appeal, the Defendant argues that the evidence is insufficient to support his conviction of attempted first degree murder and that his twenty-four-year sentence for that conviction is excessive. Discerning no error, we affirm.

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

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

Kendall Stiver Jones, Assistant Public Defender – Appellate Division, Tennessee District Public Defenders Conference (on appeal); Jeremy Epperson, District Public Defender; and Patrick Niblock, Assistant District Public Defender (at trial), for the appellant, Terrance Howard.

Jonathan Skrmetti, Attorney General and Reporter; Julia A. Johnson, Assistant Attorney General; Jody S. Pickens, District Attorney General; and David Prescott, Assistant District Attorney General, for the appellee, State of Tennessee.

OPINION

I. FACTUAL AND PROCEDURAL HISTORY

On October 4, 2023, a Chester County grand jury returned a four-count indictment charging the Defendant with attempted first degree murder, employment of a firearm during the commission of a dangerous felony, simple possession of marijuana, and possession of drug paraphernalia. The Defendant proceeded to trial by jury on July 24, 2024.

A. TRIAL

Patrol Officer Carson Naylor of the Henderson Police Department (HPD) testified that, at approximately 1:42 p.m. on March 26, 2023, he responded to a harassment call on Mifflin Avenue, where he spoke to an individual; after speaking with the individual and discovering that the Defendant was not present at the Mifflin Avenue address, Officer Naylor proceeded to the Defendant's residence on Hill Avenue in Chester County to speak with him concerning the call and to "get [the Defendant's] side of the story." When he contacted dispatch to inform them that he was driving to the Defendant's residence, dispatch informed him that there was an active warrant for the Defendant's arrest, which listed the same Hill Avenue address. Officer Naylor and his partner, Officer Jonathan Menzie, arrived at the Defendant's residence at the same time. Officer Naylor testified that Officer Menzie secured the rear exit of the residence while he knocked on the front door. Officer Naylor testified that Jordynne Barham, the Defendant's wife, answered the door and told him that she was alone at the house with her two-year-old child, who was sleeping in a bedroom. She told Officer Naylor that the Defendant was in Georgia "handling some tickets," but he found her statement "strange" because it had been reported during the response to the harassment call that the Defendant was seen at the Mifflin Avenue address earlier that same day. Ms. Barham did not allow the officers entry into the residence until Deputy Abraham Redman brought a warrant.

Officer Naylor testified that, after Deputy Redman arrived with the warrant, he and Deputy Redman entered the Defendant's residence. Officer Naylor stated that he was wearing his police uniform and protective vest. Ms. Barham requested that the officers be quiet because her child was sleeping; they agreed, stating that they were searching the residence to determine whether the Defendant was present. Officer Naylor testified that they checked the living room, the kitchen, and the laundry room before proceeding down the hallway, where all the doors were closed. They proceeded down the hallway, opening one door at a time. The first door opened into a closet. Officer Naylor testified that the next door he opened led to what appeared to be an empty bathroom. As he entered the bathroom, he noticed another door, which he opened, believing it would lead to another closet. Upon opening the door, Officer Naylor saw that the door led into an "open[,] dark room." Officer Naylor shined his flashlight into the room and saw the Defendant "standing there with a shotgun leveled at [him]." Officer Naylor testified that he closed the door,

began calling out “hey, put it down, drop it,” and unholstered his service weapon. Then, a shot came through the wall, and Officer Naylor “felt an impact on his left side.”

Officer Naylor testified that he and Deputy Redman exited the residence and took positions behind their patrol vehicles while they waited for backup. Officer Naylor then performed a “blood sweep” on himself to determine if he had any injuries, but he was not bleeding, and a later medical evaluation determined he was bruised underneath his Kevlar vest. Officer Naylor’s body-worn camera recording, which was entered into evidence along with several screen captures from the video recording, depicted the events that had occurred at the residence, including the shooting. This video demonstrated that eight to nine seconds elapsed from the time Officer Naylor encountered the Defendant until the shot.

On cross-examination, Officer Naylor stated that he and Officer Menzie remained outside the Defendant’s residence for five to ten minutes while waiting for Deputy Redman to arrive with the warrant allowing them to enter the home. Officer Naylor testified that he did not know if the Defendant was home when they went to the Hill Avenue address, and they did not announce they were police because they were attempting not to wake the child. He stated that he did not recall inspecting his vest at the scene because he had been more concerned with checking for any injuries. While testifying, Officer Naylor examined his vest cover, which was introduced as evidence at trial, and stated that he observed “white chalky debris” that he assumed to be drywall, “holes” in addition to those already present due to the vest’s “perforated material,” and some tearing. He also testified that he was not merely hit with debris, but that “something had struck [him].” He admitted he could not independently recall what he said to other officers around the timeframe of the shooting because of the adrenaline at the time; however, after seeing the video recording from his body camera, he agreed that he had stated that if he had been hit with buckshot, then he “would have been dead.”

On redirect examination, Officer Naylor stated that the Defendant was no more than fifteen feet away when he opened the bathroom door. Officer Naylor opined that he would have been clearly identifiable as a police officer but said that he did not have his weapon drawn.

Deputy Abraham Redman of the Chester County Sheriff’s Office (CCSO) testified that he was working patrol in March 2023 when he received a call to pick up an outstanding warrant for the Defendant and to deliver it to the Hill Avenue address. He testified that after he arrived at the residence, dressed in his CCSO uniform, he and Officer Naylor showed a woman the warrant. The woman allowed them to enter the home, stating that the Defendant was not there because “he was out of state dealing with something.” The woman

also told him to be quiet because there was a two-year-old child sleeping in a back bedroom. Deputy Redman stated that, when he entered, he observed a pair of boots that appeared to belong to a man and a bowie knife sitting out on a table. He testified that he and Officer Naylor then proceeded to clear the residence. After clearing the front part of the residence, they proceeded down a hallway; the first door led to a closet. Officer Naylor proceeded into the bathroom while Deputy Redman remained in the hallway to watch the closed hallway doors. Deputy Redman recalled that Officer Naylor stated there was another door within the bathroom that he was going to open. Afterward, Deputy Redman heard “something to the effect of, no, put it down, stop, put it down.” Deputy Redman testified that Officer Naylor told him that the person had a firearm, and then Deputy Redman heard the door slam and what he believed to be a loud gunshot. He testified that he and Officer Naylor exited the residence and took cover behind their patrol vehicles to avoid any conflict inside the residence and to avoid any harm coming to the child they had been informed was inside. They advised dispatch that shots had been fired and waited for other units to respond. Deputy Redman stated that he remained at the scene for several hours before being relieved. He admitted he never saw who fired the shot from the room inside the home.

HPD Patrol Officer Danielle Cook testified that she was called to assist in the execution of a search warrant at the Defendant’s residence after he was arrested. She stated that while searching the residence, she discovered a bag containing “a green leafy substance” in a jewelry box drawer in the room where the Defendant had been. The substance was collected as evidence. She further testified that they located a grinder used to grind up marijuana into smaller pieces in the kitchen of the Defendant’s residence.

Special Agent Carter Depew of the Tennessee Bureau of Investigation’s Forensic Chemistry Unit testified as an expert in the field of drug identification and analysis. Agent Depew testified that she tested the green leafy substance recovered by Officer Cook. Although the substance presumptively tested positive for marijuana, Agent Depew could not determine whether it was illegal marijuana or legal hemp without additional testing. Agent Depew testified that she did not perform any additional testing.

HPD Captain Ricky Hardy testified that he oversaw HPD’s criminal investigations and served as the lead investigator and evidence custodian for the shooting on Hill Avenue on March 26, 2023. Captain Hardy was briefed on the situation by dispatch and responded to the scene after the shooting. There, he spoke with Officer Naylor and checked him for injuries. Officer Naylor appeared to be “shaken up” but not injured. Captain Hardy took Officer Naylor to the hospital so that he could be medically cleared. While talking with Officer Naylor in an examination room, Captain Hardy noticed “a yellow piece of plastic” in Officer Naylor’s hair, which he believed was “wadding” from a shotgun shell. Captain

Hardy then collected the material as evidence. After Officer Naylor was discharged, Captain Hardy drove him to the police station and instructed him to go home.

Captain Hardy thereafter returned to the scene on Hill Avenue, where the Jackson Police Department's tactical team was negotiating with the Defendant to peacefully exit the residence. Captain Hardy testified that, approximately seven or eight hours later, the Defendant exited the residence and was taken into custody. Captain Hardy then procured and executed a search warrant for the residence along with other officers. While executing the search warrant, officers discovered a loaded shotgun on the kitchen counter, with a shell in the chamber and an additional five rounds loaded. The officers took photographs of a gunshot hole from both the bathroom and bedroom sides of the wall and of a shattered mirror in the bathroom. Captain Hardy testified that no projectiles were discovered in the bathroom during the initial search; however, he later recovered the spent casing after the Defendant advised him of its location in the residence. Captain Hardy stated the casing appeared to be for a 12-gauge shotgun shell. On cross-examination, Captain Hardy described the Defendant as very forthcoming in his statement to law enforcement after his arrest.

The State rested. Following a *Momon* colloquy, the Defendant elected not to testify and presented no additional evidence. Upon this proof, the jury convicted the Defendant as charged of the offenses of attempted first degree murder and employment of a firearm during the commission of a dangerous felony and acquitted the Defendant of simple possession of marijuana and possession of drug paraphernalia. Following the jury's verdicts, the trial court set the Defendant's two convictions for sentencing.

B. SENTENCING

On July 31, 2024, the State filed its "Notice of Intent to Seek Enhanced Punishment and Enhancement Factors for Sentencing," arguing the Defendant was a Range I, standard offender and requesting that the trial court apply the following enhancement factors to the Defendant's sentences:

- (1) The [D]efendant has a previous history of criminal convictions or criminal behavior, in addition to those necessary to establish the appropriate range;
- (2) The [D]efendant was a leader in the commission of an offense involving two (2) or more criminal actors;

(7) The offense involved a victim and was committed to gratify the [D]efendant's desire for pleasure or excitement;

(9) The [D]efendant possessed or employed a firearm, explosive device, or other deadly weapon during the commission of the offense;

(10) The [D]efendant had no hesitation about committing a crime when the risk to human life was high; [and]

(27) The [D]efendant commit[ed] a violent offense, as classified in [section] 40-35-120(b), against a uniformed law enforcement officer or uniformed member of the armed forces or national guard; and the [D]efendant intentionally selected the person against whom the crime was committed, in whole or in part, because of the person's status as a law enforcement officer or member of the armed forces or national guard[.]

See Tenn. Code Ann. § 40-35-114(1), (2), (7), (9), (10), (27).

On October 22, 2024, the trial court conducted a sentencing hearing on the Defendant's two convictions. The State offered the Defendant's presentence investigation report as its only additional proof.

Danny Terrance Howard, the Defendant's father, testified for the defense. He testified that he served in the military for twenty-seven years and, as a single father, raised the Defendant and his sister during that time. He stated that the Defendant lived with him and did volunteer work until he joined the military at the age of nineteen. The Defendant's father described the Defendant as a "giving person" who was involved in his church; he also noted that the Defendant engaged in volunteer work, including yard work, cleaning up schools and parks, and helping the homeless. He noted that the Defendant received a medical discharge from the military in 2017.

The Defendant's father stated that the Defendant did not inform him of his encounters with law enforcement after his discharge; however, he was aware of an incident when the Defendant was forced out of his vehicle once and arrested for speeding after refusing to exit his vehicle.

The Defendant's father then read a statement he had prepared about the Defendant into the record. He stated that the Defendant "had to grow up fast and handle responsibilities" because he helped care for his sister and their home while his father was in the military. He stated that the Defendant never complained about the responsibilities.

He stated that, growing up, the Defendant's teachers "loved him" and that he was "an asset in his environments." He spoke of the Defendant's willingness to serve in his church and of his various community service activities. The Defendant's father described the Defendant as "never [knowing] an enemy" and as having a "soft spot" for the homeless. He recalled how the Defendant "never had confrontations or fights in school." He spoke of the Defendant's military service, of those the Defendant had lost, and of the Defendant's medical discharge from the military at the age of twenty-six. He described the Defendant as a good father. The Defendant's father summarized the Defendant as "unselfish, caring, kindhearted, giving, and . . . loyal."

The parties agreed that the Defendant was a Range I, standard offender, and that the employment of a firearm during a dangerous felony statute required a mandatory minimum sentence of six years, at one hundred percent service, to be served consecutively to the sentence for the attempted first degree murder conviction. *See id.* § 39-17-1324(e)(1), (h)(1).

The State and the defense presented arguments concerning the application of the enhancement and mitigating factors. The State argued that the Defendant's misdemeanor convictions and admitted history of drug use supported the application of factor (1), that the Defendant had a previous history of criminal convictions or criminal behavior, in addition to those necessary to establish the appropriate range. The Defendant did not dispute that he had misdemeanor convictions, but he did not address the issue of his history of drug and alcohol use. On factor (2), that the Defendant was a leader in the commission of an offense involving two or more actors, the State argued that the Defendant's wife was a codefendant in the indictment and that she pled guilty to filing a false report. The State submitted that her false statements to law enforcement that the Defendant was not in the residence provided the Defendant with an opportunity to arm himself and "lie in wait" for the officers. The Defendant argued in response that his wife was neither an accomplice nor charged as one; thus, factor (2) did not apply. On factor (7), that the Defendant committed the offense to gratify a desire for pleasure or excitement, the State argued that this factor applied due to the Defendant's desire to commit "suicide by cop."¹ The Defendant argued that the facts did not support a finding that this offense was committed to gratify a desire for pleasure or excitement. On factor (9), that the Defendant employed a firearm in the commission of the offense of attempted murder, the State argued that the use of the firearm was supported by the record, and the Defendant did not make a responsive argument. On factor (10), that the Defendant had no hesitation about committing the offense when the risk to human life was high, the State argued that "but for

¹ The State relied upon the Defendant's pretrial statement to law enforcement that he was attempting "suicide by cop," which was an exhibit at a pretrial hearing but not at trial.

[the Defendant] barely missing where Officer Naylor was standing on the other side of that wall after Officer Naylor shut the door, this would have been a homicide.” Again, the Defendant made no argument as to this factor. Lastly, on factor (27), that the Defendant committed a violent offense, as classified in Tennessee Code Annotated section 40-35-120(b), against a uniformed law enforcement officer, and that he intentionally selected the victim, in whole or in part, because of the victim’s status as a law enforcement officer, the State argued that by the Defendant’s own admission in his pretrial statement he knew he was shooting at a uniformed officer. The Defendant again made no responsive argument on this factor. The State then argued that the Defendant should be sentenced to the upper end of the range of fifteen to twenty-five years to avoid depreciating the seriousness of the offense and due to the Defendant’s repeated failures to utilize opportunities to “get help.”

After considering the purposes and principles of sentencing, the presentence report, the arguments of counsel, the evidence presented at the trial and the sentencing proceedings, the nature and characteristics of the criminal conduct involved, the applicable enhancement and mitigating factors, the relevant statistical information provided by the Administrative Office of the Courts, the Defendant’s statement,² and the Defendant’s potential for rehabilitation and treatment, the trial court made its findings concerning the appropriate sentence. The trial court found that the Defendant qualified as a Range I, standard offender. Therefore, the Defendant’s range of sentence for attempted first degree murder, a Class A felony, was between fifteen and twenty-five years. Tenn. Code Ann. §§ 39-13-202(a)(1), 40-35-112(a)(1).

The trial court applied enhancement factor (1), that the Defendant had “a previous history of criminal convictions or criminal behavior, in addition to those necessary to establish the appropriate range,” based upon his prior convictions for speeding, driving without a valid license, and unlawful use of a telecommunication device and his admitted drug use; the Defendant admitted to his use of alcohol and his “long history of use of marijuana” and synthetic marijuana or “K-spice.” *See id.* § 40-35-114(1). The trial court proceeded to weigh this enhancement factor, according “slight weight” to the Defendant’s traffic convictions and great weight to his drug use. The trial court also applied enhancement factor (2), finding that the Defendant was a leader in the commission of an offense involving two or more criminal actors based upon his and his wife’s actions in attempting to conceal his presence from law enforcement. *See id.* § -114(2). The trial court accorded great weight to this factor. The trial court also applied enhancement factor (9), finding that the record supported that the Defendant employed a firearm during his

² The trial court indicated that although the Defendant did not testify at trial, he did provide a statement to law enforcement after he was arrested, which was an exhibit to a pretrial hearing.

commission of attempted first degree murder. *See id.* § -114(9). The trial court accorded great weight to this factor. The trial court also applied enhancement factor (10), finding that the Defendant had no hesitation about committing a crime when the risk to human life was high when multiple persons were in the residence. *See id.* § -114(10). Finally, the trial court applied enhancement factor (27), finding that the record established that the Defendant committed a violent offense, as classified in Tennessee Code Annotated section 40-35-120(b), against a uniformed law enforcement officer, and that he intentionally selected the victim, in whole or in part, because of the victim's status as a law enforcement officer. *See id.* § -114(27). The trial court found that the record did not indicate that the Defendant committed the offense to gratify a desire for pleasure or excitement and, therefore, did not support the State's request to apply enhancement factor (7). *See id.* § -114(7).

The trial court noted that the presentence report indicated that the Defendant was a father of three girls and that he suffered from some mental health issues for which he had received both inpatient and outpatient treatment, but he had stopped taking his mental health medication for several years. The trial court found these facts, considered together, did not support mitigation. The trial court also considered the Defendant's father's testimony concerning the Defendant's background and military history. The trial court also found that it saw no basis for the Defendant's reference in his presentence report to his status as "100% disabled" other than his medical discharge from the military. The trial court gave "moderate" weight to the Defendant's military history as a mitigating factor. The trial court also considered the Defendant's risk of violence, his lack of potential for rehabilitation, and the seriousness of the charges.

Accordingly, the trial court sentenced the Defendant as a Range I, standard offender, to twenty-four years' incarceration for attempted first degree murder and six years' incarceration for employment of a firearm during the commission of a dangerous felony, to be served consecutively, yielding an effective sentence of thirty years' incarceration, at one hundred percent service.

Defendant filed a timely, but unsuccessful, motion for a new trial. This timely appeal followed.

II. ANALYSIS

On appeal, the Defendant argues that the evidence was insufficient to support his conviction of attempted premeditated first degree murder and that his twenty-four-year sentence for that conviction is excessive. The State contends that the evidence is sufficient

and that the trial court acted within its discretion in sentencing the Defendant. We will address each issue in turn.

A. SUFFICIENCY

The Defendant first argues that the evidence is insufficient to support his conviction of attempted premeditated first degree murder. He claims that the State failed to prove premeditation; therefore, the evidence only supports a conviction of attempted second degree murder. The State responds, and we agree, that the Defendant is not entitled to relief because the evidence of premeditation is sufficient to support his conviction.

“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 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).

“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); *see also State v. Thomas*, 687 S.W.3d 223, 249 (Tenn. 2024) (citing *State v. Carruthers*, 35 S.W.3d 516, 557-58 (Tenn. 2000)). “On appeal, the State is entitled to the strongest legitimate view of the evidence and all reasonable and legitimate inferences which may be drawn therefrom.” *State v. Wilson*, 211 S.W.3d 714, 718 (Tenn. 2007) (citing *State v. Hall*, 8 S.W.3d 593, 599 (Tenn. 1999)). “We do not reweigh the evidence . . . because questions regarding witness credibility, the weight to be given the evidence, and factual issues raised by the evidence are resolved by the jury as the trier of fact.” *State v. Curry*, 705 S.W.3d 176, 183 (Tenn. 2025) (citations omitted). The same standard of review applies “whether the conviction is predicated on direct or circumstantial evidence, or a combination of both.” *Williams*, 558 S.W.3d at 638 (first citing *State v. Dorantes*, 331 S.W.3d 370, 379 (Tenn. 2011); and then citing *State v. Brown*, 551 S.W.2d 329, 331 (Tenn. 1977)).

As charged in this case, first degree murder is statutorily defined as a “premeditated and intentional killing of another[.]” Tenn. Code Ann. § 39-13-202(a)(1). A premeditated act “is an act done after the exercise of reflection and judgment.” *Id.* § -202(e). Further,

“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 to be capable of premeditation.

Id. As relevant here, a person acts intentionally when it is the person’s conscious objective or desire to cause the death of the alleged victim. *Id.* § -11-302(a). “The existence of premeditation is a question of fact to be determined by considering all of the evidence.” *State v. Reynolds*, 635 S.W.3d 893, 916 (Tenn. 2021) (first citing *State v. Clayton*, 535 S.W.3d 829, 845 (Tenn. 2017); and then citing *State v. Dickson*, 413 S.W.3d 735, 746 (Tenn. 2013)). “Because premeditation involves the defendant’s state of mind, of which there is often no direct evidence,” premeditation may be sufficiently proven through circumstantial evidence, and a jury may reasonably infer premeditation from the manner and circumstances of the killing. *Reynolds*, 635 S.W.3d at 916 (first citing *State v. Davidson*, 121 S.W.3d 600, 614-15 (Tenn. 2003); and then citing *State v. Kiser*, 284 S.W.3d 227, 268 (Tenn. 2009)).

The Tennessee Supreme Court has discussed the types of evidence which may be indicative of premeditation as follows:

- (1) The use of a deadly weapon on an unarmed victim;
- (2) The particular cruelty of the killing;
- (3) Threats or declarations of intent to kill;
- (4) The procurement of a weapon;
- (5) Any preparations to conceal the crime undertaken before the crime was committed;
- (6) The destruction or secretion of evidence of the killing;
- (7) Calmness after the killing;
- (8) Evidence of motive;
- (9) The use of multiple weapons in succession;
- (10) The infliction of multiple wounds or repeated blows;
- (11) Evidence that the victim was retreating or attempting to escape when killed;
- (12) The lack of provocation on the part of the victim; and
- (13) The failure to render aid to the victim.

Reynolds, 635 S.W.3d at 916-17 (internal citations omitted). This list is not exhaustive, and because the trier of fact “is not limited to any specific evidence” in determining

premeditation, “premeditation may be established by any evidence from which a rational trier of fact may infer that the killing was done after the exercise of reflection and judgment.” *Id.* at 917 (first citing *Davidson*, 121 S.W.3d at 615; and then citing *State v. Leach*, 148 S.W.3d 42, 53 (Tenn. 2004)) (internal quotation marks omitted).

Our statutes define criminal attempt as follows:

- (a) A person commits criminal attempt who, acting with the kind of culpability otherwise required for the offense:
 - (1) Intentionally engages in action or causes a result that would constitute an offense, if the circumstances surrounding the conduct were as the person believes them to be;
 - (2) Acts 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; or
 - (3) Acts with the intent to complete a course of action or cause a result that would constitute the offense, under the circumstances surrounding the conduct as the person believes them to be, and the conduct constitutes a substantial step toward the commission of the offense.

Tenn. Code Ann. § 39-12-101(a). “Conduct does not constitute a substantial step under subdivision (a)(3), unless the person's entire course of action is corroborative of the intent to commit the offense.” *Id.* § -101(b).

The Defendant argues that there is no evidence of 1) motive, 2) an intent to kill Officer Naylor, 3) the procurement of a shotgun specifically for this offense, 4) the concealment or destruction of evidence after the offense, or 5) multiple shots. The Defendant contends that the evidence instead supports that he aided law enforcement in locating the shotgun shell, that he fired only one shot, and that he was not calm after the shooting.

The Defendant thus appears to argue that the evidence is insufficient to establish premeditation because certain of the factors outlined by our supreme court in *Reynolds* were not present in his case. However, as noted above, the *Reynolds* factors are a non-exhaustive list of examples from which a jury may infer a defendant’s premeditation. *See Leach*, 148 S.W.3d at 54. Moreover, the record, when viewed in the light most favorable to the State, is sufficient to establish premeditation. The evidence adduced at trial showed that after a knock at the door of his residence, the Defendant armed himself with a loaded

shotgun and hid in a dark room. Circumstantially, the evidence of the Defendant's wife's false statements to the officers and the Defendant's actions in secreting and arming himself indicated that the Defendant was aware that law enforcement officers were attempting to enter his home and search for and potentially arrest him. The Defendant stood hidden with the shotgun leveled toward Officer Naylor when Officer Naylor opened the door. Officer Naylor was wearing his uniform, which clearly indicated he was a law enforcement officer, and had his weapon holstered. There was no evidence of provocation by Officer Naylor. Eight to nine seconds passed from the moment when Officer Naylor encountered the Defendant to the time when the Defendant fired his shotgun toward Officer Naylor's voice through the wall. Officer Naylor attempted to deescalate the situation by ordering the Defendant to put the shotgun down. After the shooting, the Defendant hid the spent shell casing, despite eventually advising law enforcement of where he had secreted it. Based upon the record, we conclude that the evidence was sufficient to establish the Defendant acted with premeditation. The Defendant is not entitled to relief on this issue.

B. SENTENCING

The Defendant next argues that the trial court erred when it sentenced him to serve twenty-four years for his attempted first degree premeditated murder conviction. He argues that the length of this sentence is not supported by the proof, that the trial court erroneously applied or weighed enhancement factors (1) and (2), and that the length of the sentence does not comport with the purposes and principles of sentencing because the twenty-four-year sentence in this case was "greater than that deserved for the offense committed" and was not "the least severe measure necessary to achieve the purposes for which the sentence [was] imposed." The Defendant does not dispute that the trial court properly applied enhancement factors (9), (10), and (27) in determining his sentence. The State responds, and we agree, that the trial court did not abuse its discretion by imposing a within-range sentence or by applying enhancement factors (1) and (2).

We review a trial court's sentencing determinations for abuse of discretion. *State v. Bise*, 380 S.W.3d 682, 707 (Tenn. 2012). Additionally, the trial court imposes a within-range sentence, "and the record demonstrates that the sentence is otherwise in compliance with the purposes and principles" of the Sentencing Act, we afford its sentencing determinations a presumption of reasonableness. *Id.* A trial court abuses its discretion in the context of sentencing determinations by applying an incorrect standard of law or reaching a decision contrary to logic or reasoning which causes prejudice to the complaining party. *State v. Bonds*, 502 S.W.3d 118, 166 (Tenn. Crim. App. 2016) (citing *State v. Shuck*, 953 S.W.2d 662, 669 (Tenn. 1997)).

Included among the purposes and principles of the Sentencing Act is the balancing consideration that “the sentence imposed should be the least severe measure necessary to achieve the purposes for which the sentence is imposed” while also acting as an effective deterrent to future violations of the law. *See* Tenn. Code Ann. §§ 40-35-102(3)(A), -103(4). The trial court must also consider the following factors:

- (1) The evidence, if any, received at the trial and the sentencing hearing;
- (2) The presentence report;
- (3) The principles of sentencing and arguments as to sentencing alternatives;
- (4) The nature and characteristics of the criminal conduct involved;
- (5) Evidence and information offered by the parties on the mitigating and enhancement factors set out in [Tennessee Code Annotated sections] 40-35-113 and 40-35-114;
- (6) Any statistical information provided by the administrative office of the courts as to sentencing practices for similar offenses in Tennessee;
- (7) Any statement the defendant wishes to make on the defendant’s own behalf about sentencing; and
- (8) The result of the validated risk and needs assessment conducted by the department and contained in the presentence report.

Id. § -210(b). Although the trial court is not required to make particularly lengthy or detailed findings on the record in its consideration of these factors, it must nevertheless “set forth enough to satisfy the appellate court that [it] has considered the parties’ arguments and has 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)).

The trial court’s misapplication of an enhancement or mitigating factor does not serve to invalidate a defendant’s sentence. *Bise*, 380 S.W.3d at 707. So long as it appears from the record that the trial court imposed a within-range sentence that complies with the purposes and principles of the Sentencing Act, we will afford its decision a presumption of reasonableness and will uphold it notwithstanding its erroneous application of an enhancement or mitigating factor. *Id.*; *see also State v. Fusco*, 404 S.W.3d 504, 548 (Tenn. Crim. App. 2012). Additionally, the trial court’s weighing of the applicable enhancement and mitigating factors is discretionary, and a defendant’s disagreement with that discretionary determination is not a valid ground for appeal. *Bise*, 380 S.W.3d at 706; *see also State v. Earley*, 719 S.W.3d 228, 253 (Tenn. Crim. App. 2025).

The Defendant claims that the record does not support the trial court’s application of enhancement factors (1) and (2). First, the Defendant argues that the trial court erred in finding that he had a history of criminal behavior beyond that necessary to establish his

sentencing range to support the application of enhancement factor (1). *See* Tenn. Code Ann. § 40-35-114(1). However, at the sentencing hearing, the trial court found that this factor applied because the Defendant had convictions for speeding, driving without a valid license, and unlawful use of a telecommunication device, as well as other criminal behavior. The trial court gave “slight weight” to the Defendant’s prior convictions, but it gave “great weight” to the Defendant’s admitted use of alcohol, his “long history of use of marijuana,” and synthetic marijuana or “K-spice.” The trial court’s findings are corroborated by the Defendant’s presentence report; accordingly, the record supports the trial court’s application of enhancement factor (1).

The Defendant next argues that the trial court erred in finding that the Defendant was the leader in the commission of an offense involving two or more persons, thereby supporting its application of enhancement factor (2). *See id.* § -114(2). In applying this factor, the trial court found that “common sense says” the Defendant instructed his wife to answer the door and lie about his whereabouts to assist him in avoiding arrest and that her guilty plea to filing a false report supported the application of the factor to his attempted first degree murder conviction. The Defendant submits that his wife was not charged with the attempted murder of Officer Naylor but merely was convicted of a false report for telling officers that the Defendant was not at home. As such, he asserts that the evidence does not support the application of enhancement factor (2) because it shows her attempts to keep the officers from entering the home rather than any complicity in the Defendant’s attempted first degree murder conviction. The State argues that the wife’s “involvement was not extensive, but it afforded the [D]efendant the opportunity he sought to form a plan” in his attempted first degree murder of Officer Naylor.

Based on the record before us, we agree with the Defendant that the trial court’s application of factor (2) was error. While there is certainly proof to support the wife’s conviction for filing a false report, there is no proof in the record to support that she was involved in the attempted first degree murder of Officer Naylor; therefore, as no one else was involved in the specific offense, the Defendant was not a “leader” in its commission. *See State v. Alexander*, 957 S.W.2d 1, 6 (Tenn. Crim. App. 1997); *see also State v. Hayes*, No. W2010-00309-CCA-R3-CD, 2011 WL 3655130, at *6-7 (Tenn. Crim. App. Aug. 19, 2011), *perm. app. denied* (Tenn. Jan. 16, 2015). Under these circumstances, the trial court abused its discretion in applying enhancement factor (2).

However, this conclusion does not support relief for the Defendant. The Defendant does not challenge the trial court’s application of enhancement factors (9), (10), or (27). The sentence imposed by the trial court fell within the statutory range for the Class A felony for which the Defendant was convicted, and the record establishes that the trial court properly considered the purposes and principles of the Sentencing Act. The trial court

thoroughly set forth its reasoning and discussed the seriousness of the offense and the facts of the case in determining that the length of the sentence was appropriate. Therefore, the sentence is presumed reasonable. Moreover, “a trial court’s misapplication of an enhancement or mitigating factor does not remove the presumption of reasonableness from its sentencing decision.” *Bise*, 380 S.W.3d at 709. Thus, the trial court did not abuse its discretion in sentencing the Defendant to a twenty-four-year period of incarceration for attempted first degree murder.

III. CONCLUSION

Following our review of the record and based on the foregoing analysis, we affirm the judgments of the trial court.

/s *STEVEN W. SWORD*

STEVEN W. SWORD, JUDGE