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Appellate Courts

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE
AT JACKSON
Assigned on Briefs October 6, 2026

STATE OF TENNESSEE v. CARLA A. TARAR

Appeal from the Circuit Court for Madison County
No. 19-505 Kyle C. Atkins, Judge

No. W2025-01196-CCA-R3-CD

Defendant, Carla A. Tarar, pleaded guilty to six misdemeanor drug offenses and was sentenced to eleven months and twenty-nine days to serve followed by four consecutive sentences of eleven months and twenty-nine days on supervised probation. After two prior revocations of probation, the trial court revoked Defendant's probation a third time and ordered her to serve the four consecutive sentences of eleven months and twenty-nine days in confinement. Defendant filed a motion for a reduction of sentence pursuant to Tennessee Rule of Criminal Procedure 35, which the trial court denied. On appeal, Defendant argues that the trial court afforded too much weight to her prior criminal record, the terms of her plea agreement, and her probation violations and that the court did not consider Defendant's progress in addressing her addiction or extenuating circumstances surrounding her relapses. Upon review, we affirm the judgment of the trial court.

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

ROBERT L. HOLLOWAY, JR., J., delivered the opinion of the court, in which MATTHEW J. WILSON and STEVEN W. SWORD, JJ., joined.

Joshua V. Jehde, Assistant Public Defender—Appellate Division; Jeremy Epperson, District Public Defender; and John D. Hamilton, Assistant District Public Defender, for the appellant, Carla A. Tarar.

Jonathan Skrmetti, Attorney General and Reporter; Leslie Renee Byrd, Assistant Attorney General; Jody S. Pickens, District Attorney General; and Shaun A. Brown, Assistant District Attorney General, for the appellee, State of Tennessee.

OPINION

I. Factual and Procedural Background

The June 2019 term of the Madison County Grand Jury issued an indictment charging Defendant with possession of methamphetamine with the intent to sell, a Class B felony (Count 3); possession of methamphetamine with the intent to deliver, a Class B felony (Count 4); simple possession of heroin, a Class A misdemeanor (Count 5); simple possession of alprazolam, a Class A misdemeanor (Count 6); simple possession of marijuana, a Class A misdemeanor (Count 7); and possession of drug paraphernalia, a Class A misdemeanor (Count 8).[1] *See* Tenn. Code Ann. §§ 39-17-417, -418, -425, -434.

On July 27, 2020, Defendant pleaded guilty pursuant to a negotiated plea agreement to two counts of simple possession of methamphetamine in Counts 3 and 4, and she pleaded guilty as charged in Counts 5-8. The trial court merged Count 4 into Count 3. The agreed sentence was five consecutive sentences of eleven months and twenty-nine days at 75% service. Defendant was to serve her sentence on Count 3 in confinement, with the remaining four eleven-month-and-twenty-nine-day sentences suspended to probation supervised by Community Corrections.

The plea form noted under "Conditions" that Defendant was subject to random drug and alcohol screens and that she had to maintain full-time employment or be a full-time student. The form noted under "Other" conditions, "Defendant may be released from jail upon admission and direct transportation to a long-term residential A&D treatment program. Upon successful completion, Defendant's sentences shall be suspended to supervised probation." Defendant was also ordered to pay $75 per month toward her court costs and fines.

On the judgments, the trial court noted in the "Special Conditions" box: "For the 11 months and 29 days jail sentence, [D]efendant may be released from jail upon admission and direct transport to a long-term, residential, in-patient A&D abuse recovery and rehabilitation program. Upon successful completion of the LTT program, the 11/29 jail sentence shall also be suspended."

[1] Counts 1 and 2 charged co-defendant David Brent McAlexander separately. Defendant and co-defendant McAlexander were charged jointly in Counts 3 and 4. Defendant was charged separately in Count 5. Defendant, co-defendant McAlexander, and co-defendant Ashley Snider were charged jointly in Counts 6, 7, and 8.

At the plea hearing, the trial court cautioned Defendant that, if she did not complete the rehabilitation program, she would have to serve her sentence in confinement and would not receive credit for the time she spent in the rehabilitation program. Defendant affirmed that she understood.

a. Initial violations

In February 2022, Community Corrections Officer Mica Starr applied for a violation warrant with three subsequent amendments. Taken together, the warrants averred that:

1. Defendant had failed to complete alcohol and drug treatment and that she was discharged from "Fresh Start" on November 2, 2020, for "noncompliance of rules and regulations."
2. Defendant failed to report to Community Corrections after her discharge.
3. Defendant was charged in Gibson County with "Possession of Legend Drug"; possession of a Schedule VI controlled substance; possession of a Schedule I controlled substance; possession of a firearm during the commission of a dangerous felony; possession of drug paraphernalia; driving on a revoked license; and possession of a Schedule II controlled substance with the intent to deliver. The date of the offenses was January 23, 2021.
4. Defendant failed to report to Community Corrections after her release from the Gibson County Jail on January 14, 2022.
5. Defendant was charged in Gibson County with "Meth—Manufacture, Deliver, Sale, Possession With Intent" and possession of drug paraphernalia. The date of the offenses was January 27, 2022.

A February 23, 2022 revocation order reflected that Defendant had admitted the violations and that, after a hearing, the trial court found that Defendant had violated her probation "in a substantial way." The court partially revoked Defendant's probation and ordered her to serve eleven months and twenty-nine days, with the remainder of her probation reinstated. As a special condition, the order stated, "May only be released to long-term inpat. treatment of one year or more. Must complete treatment as a condition of probation."

In August and September 2022, Community Corrections Deputy Director Marcus Jones applied for a violation warrant with one amendment. Taken together, the warrants averred that:

1. Defendant failed to complete alcohol and drug treatment and she was "administratively discharged" from Aspell Recovery Center ("Aspell") on July 18, 2022, for "non[]compliance of rules and regulations."
2. Defendant failed to report and had absconded from supervision; she had last reported to Community Corrections on July 25, 2022.

A September 26, 2023 revocation order reflected that Defendant had admitted the violations and that, after a hearing, the trial court found that Defendant had violated her probation in a substantial way. The court partially revoked Defendant's probation and ordered her to serve eleven months and twenty-nine days, with the remainder of her probation reinstated. The order stated, "After serving 11/29 in jail, reinstate probation for remaining four (4) sentences of 11/29 running consecutively."

b. Current violation

On December 31, 2024, Community Corrections Officer Melissa Estep applied for a violation warrant with one amendment. Taken together, the warrants averred that:

1. Defendant had failed to remain drug free and tested positive for methamphetamine on December 20, 2024. West Tennessee Healthcare confirmed on December 26, 2024, that Defendant tested positive for methamphetamine, amphetamine, and THC.
2. Defendant failed to pay court costs and fees. She had a balance over $5,000 and her last payment was made on July 12, 2022.
3. Defendant also tested positive for oxycodone and hydrocodone on January 22, 2025.

At the February 10, 2025 revocation hearing, defense counsel was appointed and stated that Defendant admitted to the violations and requested that the trial court "consider evaluation perhaps for DRC and she really probably needs long-term treatment." Counsel noted that Defendant was taking responsibility and asking for help. The trial court found, based upon Defendant's admission and a preponderance of the evidence, that she had violated her probation in a substantial way. The court found that Defendant had a criminal history "on top of this" and that she had "two other opportunities at probation and has failed to complete that." The court found that "[th]ose both would weigh against probation." The court stated that Defendant had committed another crime while on probation, that her probation had been revoked twice previously, and that this was her third probation violation. The court found that "it doesn't appear [Defendant] can be rehabilitated."

The trial court noted that Defendant previously had the opportunity to serve her eleven-month, twenty-nine-day sentence in a long-term treatment facility and that she either did not complete it, "or if she did, we're right back in the same spot." The court found that Defendant would not abide by the terms of probation and that measures less restrictive than confinement had frequently and recently been applied unsuccessfully, which both weighed against granting probation. The court revoked Defendant's probation and ordered that she serve her four remaining sentences in confinement.

c. Rule 35 proceedings[2]

On June 9, 2025, appointed defense counsel filed a Rule 35 motion to reduce sentence, in which Defendant argued that serving five years for nonviolent misdemeanors was "excessive" and that it was in the interests of justice to modify her sentence. Defense counsel averred that he had met with Defendant several times, that she was serious about recovery, and that she wanted to be evaluated for recovery court. Defense counsel stated that, in the alternative, Defendant requested a partial or total suspension of her remaining sentence to probation with any treatment or therapy the trial court ordered.

At the July 22, 2025 motion hearing, Defendant testified that this case arose from an incident in which she and co-defendant McAlexander were visiting one of Defendant's family members at his home and 5.7 grams of methamphetamine, other drugs, and paraphernalia were found by police. She stated that her family member was on federal probation and that Defendant "was out of [her] mind a little bit and [she] made a mistake and . . . said [she would] take all the charges in the house." Defendant noted that co-defendant McAlexander died of an overdose in jail.

Defendant acknowledged that she had two opportunities to complete a rehabilitation program. She stated that she was in Fresh Start for five months and Aspell for five months and one week. Defendant stated that, although she did not finish the programs, they were beneficial and taught her coping skills and more about herself and her addiction.

Defendant testified that Fresh Start discharged her at Thanksgiving. She stated that she "went into . . . overkill" and was "just scared," so she began taking drugs again and had a serious car wreck on January 22, 2021. Defendant said that she went through the windshield, broke her back in three places, and had a brain bleed and traumatic brain injury. Defendant stated that her brain injury caused ongoing memory issues. After her car wreck in 2021, she informed Aspell of the incident. When she went to her community corrections

[2] The record reflects that, in March and April 2025, Defendant filed three pro se motions to modify her sentence, all of which the trial court denied. Those motions are not the subject of this appeal.

appointment, the police arrested her, prompting her first Madison County violation of probation.

Defendant testified that she was sober for a while, but in December 2024, she needed "extensive" dental work, took prescribed pain medication, and relapsed. When asked whether the dental work was the sole cause of her relapse, she responded negatively and added that "it was Christmastime and . . . [she] had a lot going on about [her] kids." Defendant stated that she had five children, three of whom were adults and the youngest of whom was sixteen years old. She also stated that she was married, that her husband did not use drugs, and that she was estranged from her family. Defendant said that she was "in [her] feelings, feeling sorry for [her]self," and that she "just fell" into drug abuse and "didn't mean to."

Defendant testified that she had been in jail since January 2025, that she had completed several prison programs and classes, that she had been one of six inmates on the litter pickup crew since May 2025, and that she had been allowed to live in the "honors pod" because she had a positive attitude and stayed out of trouble. She agreed that she had trustee status.

Defendant testified that the Oxford House halfway house was willing to accept her if the trial court permitted her release and that she was also willing to complete drug recovery court in Madison County or Haywood County. Defendant said that her previous employer at a sod farm drove her to meetings with her probation officer and that Defendant's daughter could also transport her to appointments.

Defendant testified that she was tired of drugs, that she was "too old for this stuff," and that she knew she had to stay away from drugs and not take prescription pain medication. She agreed that she had served a little more than two years of her five-year sentence. Defendant said that she was "determined" and wanted to go home to her family.

On cross-examination, Defendant testified that she was discharged from Aspell when she failed a drug screen after visiting a friend's house. Defendant subsequently served a year in jail and was released in early 2024.

When asked what would be different this time, Defendant testified that she had had a lot of time to think, that she had seen how much her addiction hurt her family, and that she had come back to jail "right at" her children's birthdays, which had been humiliating for her. She stated that she was tired of "living like this" and of "the people that [she] put herself around" when she was using drugs. Defendant stated that her husband was supportive and willing to rebuild trust with her when she went home.

Defense counsel argued that Defendant had served more than two years for misdemeanor convictions and that, based upon how well she had done in jail, he believed it would be proper to modify or reduce her sentence.

The trial court noted that Defendant's "file" reflected that she had twenty prior convictions, two of which were felonies, and that "almost every year since 2000 she's been in trouble for something." The court noted that Defendant pleaded down from two Class B felonies to Class A misdemeanors in this case and was given three opportunities at probation before the court revoked her probation and ordered her to serve her sentence. The court stated that it did not "see any change in circumstances that would necessitate changing [its] original ruling" and denied the motion. Defendant timely appealed.

II. Analysis

On appeal, Defendant contends that the trial court erred by denying her Rule 35 motion, arguing that the court afforded too much weight to her prior criminal history, favorable plea agreement, and probation violations while "ignor[ing] the significant strides [Defendant] had taken to address her addiction issues" and the mitigating circumstances of her relapses. Defendant avers that this court should conduct a de novo review because the trial court "did not place findings on the record considering all the relevant information." The State responds that the trial court did not abuse its discretion.

Tennessee Rule of Criminal Procedure 35 provides,

> (a) Timing of Motion. The trial court may reduce a sentence upon motion filed within 120 days after the date the sentence is imposed or probation is revoked. No extensions shall be allowed on the time limitation. No other actions toll the running of this time limitation.
>
> (b) Limits of Sentence Modification. The court may reduce a sentence only to one the court could have originally imposed.
>
> (c) Hearing Unnecessary. The trial court may deny a motion for reduction of sentence under this rule without a hearing.
>
> (d) Appeal. The defendant may appeal the denial of a motion for reduction of sentence but shall not be entitled to release on bond unless already under bond. If the court modifies the sentence, the state may appeal as otherwise provided by law.

Tenn. R. Crim. P. 35. According to the Advisory Commission Comments to Rule 35, "[t]he intent of this rule is to allow modification only in circumstances where an alteration of the sentence may be proper in the interests of justice." Tenn. R. Crim. P. 35, Advisory Comm'n Cmts.

When a defendant enters an open guilty plea, "Rule 35 does not require the defendant to make any particular showing in support of the motion and affords the trial court broad discretion to determine whether reduction of the initial sentence is appropriate in the interest of justice." *State v. Patterson*, 564 S.W.3d 423, 433-34 (Tenn. 2018). When a defendant pleads guilty in exchange for a specific sentence, however, modification is available only in "exceptional circumstances," such as "where unforeseen, post-sentencing developments would permit modification of the sentence in the interest of justice." *Id*. at 432 (quoting *State v. McDonald*, 893 S.W.2d 945, 947 (Tenn. Crim. App. 1994)). Because Defendant's plea agreement specified her sentences, the more restrictive *McDonald* standard governs her request for relief. *Id.* at 434.

Defendant argues that this court should review the denial of her Rule 35 motion de novo because the trial court failed to place sufficient findings on the record. We disagree. Unlike a revocation of probation and other sentencing decisions, "Rule 35 contains no express requirement that the trial court make specific findings when denying a motion for reduction of sentence." *State v. Powell*, No. W2025-01242-CCA-R3-CD, 2026 WL 2861076, at *3 (Tenn. Crim. App. Sept. 23, 2026). Accordingly, we review the denial of a Rule 35 motion for an abuse of discretion. *Patterson*, 564 S.W.3d at 429 (citing *State v. Irick*, 861 S.W.2d 375, 376 (Tenn. Crim. App. 1993)). "An abuse of discretion occurs when the trial court applies incorrect legal standards, reaches an illogical conclusion, bases its decision on a clearly erroneous assessment of the evidence, or employs reasoning that causes an injustice to the complaining party." *West v. Schofield*, 460 S.W.3d 113, 120 (Tenn. 2015) (citing *State v. Banks*, 271 S.W.3d 90, 116 (Tenn. 2008)).

Defendant relies upon *Mattino v. State*, 539 S.W.2d 824, 829 (Tenn. Crim. App. 1976), for the proposition that the trial court's discussion of Defendant's favorable plea agreement was improper. Her reliance is misplaced. *Mattino* addressed the denial of probation when the trial court initially imposed a sentence following a guilty plea; it did not involve a Rule 35 proceeding. Defendant cites no other authority to support her argument, and we cannot conclude that the court's consideration of the plea agreement was an abuse of discretion.

In this case, the trial court sufficiently articulated its reasoning for the denial—Defendant's criminal history, the benefit she obtained from pleading guilty to two

misdemeanor[3] offenses rather than two Class B felonies, and her repeated failure to abide by the conditions of her probation. The court concluded that it did not "see any change in circumstances that would necessitate changing [its] original ruling."

The record supports the court's findings. Defendant's participation in programs while incarcerated and her willingness to pursue treatment do not establish an unforeseen, post-sentencing development warranting modification of these negotiated sentences. *See State v. Hall*, No. M2018-00096-CCA-R3-CD, 2019 WL 451368, at *2 (Tenn. Crim. App. Feb. 5, 2019) (stating that a defendant's willingness to enter a rehabilitation program is not the type of "unforeseen, post-sentencing" development contemplated by Rule 35 as the basis to modify a sentence) (citation omitted). The trial court explained that Defendant had an extensive criminal history, had received a favorable plea agreement, and had repeatedly failed to comply with probation. It found no change in circumstances warranting modification. The trial court did not abuse its discretion in denying the motion.

III. Conclusion

For these reasons, we affirm the judgment of the trial court.

s/Robert L. Holloway, Jr.
ROBERT L. HOLLOWAY, JR., JUDGE

[3] Defendant asserts that her plea agreement was not beneficial because she will serve more time in confinement than she potentially could have served for two Class B felonies as a Range I offender with a 30% release eligibility. However, Defendant ignores numerous other, significant consequences of felony convictions beyond time served in confinement. *See, e.g.*, Tenn. Code Ann. §§ 39-17-1307 (loss of the right to possess firearms); 40-20-112 (loss of the right to vote); 40-20-114 (loss of the right to seek or hold public office); 40-20-115 (loss of the right to serve as a fiduciary); 40-35-105, et seq. (setting out enhanced offender classifications based upon prior felony convictions); Tenn. R. Evid. 609(a) (stating that a witness may be impeached by any felony conviction, whereas impeaching misdemeanor convictions must involve dishonesty or false statement).