

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE
AT JACKSON

Assigned on Briefs August 4, 2026

FILED

09/23/2026

Clerk of the
Appellate Courts

STATE OF TENNESSEE v. CHRISTINA N. POWELL

Appeal from the Circuit Court for Henry County
No. 16523 Bruce Irwin Griffey, Judge

No. W2025-01242-CCA-R3-CD

The Defendant, Christina N. Powell, appeals the trial court's denial of her motion filed pursuant to Tennessee Rule of Criminal Procedure 35 for reduction of the sentence imposed following the revocation of her community corrections for possession with intent to deliver methamphetamine. She argues that the trial court failed to make sufficient findings on the record to support its denial of her Rule 35 motion and that this court should reinstate her community corrections sentence. Because the record sufficiently supports the trial court's denial of Rule 35 relief, we conclude that the trial court did not abuse its discretion and affirm.

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

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

Joshua V. Lehde, Franklin, Tennessee (on appeal); and Kaylee Houston, Camden, Tennessee (at revocation), for the appellant, Christina N. Powell.

Jonathan Skrmetti, Attorney General and Reporter; Benjamin L. Barker, Assistant Attorney General; J. Neil Thompson, District Attorney General; and Marcus Murdaugh and Morgan F. Greer, Assistant District Attorneys General, for the appellee, State of Tennessee.

OPINION

This appeal arises from the trial court's denial of the Defendant's motion to reduce her sentence, filed following the revocation of the community corrections sentence for the Defendant's methamphetamine possession conviction.

Factual and Procedural Background

The Defendant was charged by criminal information with one count of possession of methamphetamine with intent to deliver. *See* T.C.A. § 39-17-434(a)(4). The Defendant pleaded guilty¹ as charged on August 27, 2021, and received an effective ten-year sentence, with one year to be served in confinement and the remaining nine years to be served on community corrections.²

On February 9, 2023, the Defendant was transferred from community corrections supervision to probation supervised by the Tennessee Department of Correction (TDOC). On January 30, 2024, she was transferred back to community corrections supervision.

On December 23, 2024, a probation violation warrant issued after the Defendant tested positive for amphetamines and methamphetamine on November 19, 2024. At the May 12, 2025 revocation hearing, the Defendant admitted the violation. The Defendant requested a return to community corrections, or, alternatively, permission to enter the Hope Center Rehabilitation Program. The Defendant also noted that she had maintained full-time employment at Sonic for several years. The trial court reviewed the Defendant's criminal and supervision history, including her multiple prior convictions, eight prior probation violations involving drug use, and her previous participation in rehabilitation.

In considering the appropriate disposition, the trial court observed that individuals struggling with addiction sometimes require "hard, firm" consequences. The court also noted that it had recently addressed similar cases involving repeated probation violations and positive drug screens for methamphetamine and stated that it "ha[d] to try to be consistent and fair to everybody." The trial court acknowledged that the Defendant admitted the violation, then stated that it would undermine the seriousness of the offense and the importance of complying with court orders to allow anything besides full revocation. The court fully revoked the Defendant's community corrections sentence and

¹ The Defendant acknowledges that the transcript of the guilty plea hearing is not included in the record. The record indicates that the transcript was lost due to complications arising from emergency protocols implemented during the COVID-19 pandemic. However, the record is sufficient to permit meaningful review of the issue raised in this appeal. *See State v. Holley*, No. W2024-00748-SC-R11-CD, 2026 WL 2149085 (Tenn. July 27, 2026).

² The Defendant's sentence was ordered to be served consecutively to a sentence imposed in a separate Henry County case.

ordered the Defendant to serve the original sentence in TDOC, with credit for the time served on community corrections.

On July 16, 2025, the Defendant filed a motion for reduction of sentence and notice of hearing, asking the trial court to “consider granting an amended sentence ordering a partial revocation . . . and releasing [the Defendant] to supervised probation with stricter probation terms”. On July 21, 2025, the trial court entered an order denying the Defendant’s motion. The court noted that the Defendant had admitted that she failed a drug screen and that she had more than one prior felony conviction. It further explained that the court’s decision to fully revoke the Defendant’s community corrections sentence was “based upon her past criminal history and her failure to comply with conditions of probation.” Concluding that a hearing was unnecessary, the trial court denied the motion without a hearing. The Defendant timely appealed.

Analysis

On appeal, the Defendant argues that the trial court failed to make sufficient findings on the record to support its denial of her Rule 35 motion. The Defendant contends that, because the record is insufficient, this court should reinstate her community corrections sentence or, alternatively, remand the case for the trial court to make sufficient findings on the record. The State responds that the trial court did not abuse its discretion by denying the Defendant’s Rule 35 motion.

Tennessee Rule of Criminal Procedure 35 provides that “[t]he trial court may reduce a sentence upon motion filed within 120 days after the date the sentence is imposed or probation is revoked.” Tenn. R. Crim. P. 35(a). The trial court may deny a Rule 35 motion “without a hearing.” Tenn. R. Crim. P. 35(c); *see also* Tenn. R. Crim. P. 35, Advisory Comm’n cmt. (“While the judge may grant a hearing and modify the sentence, there is no requirement that a hearing even be held in the discretion of the court.”). When a trial court grants a Rule 35 motion, the trial court “may reduce a sentence only to one the court could have originally imposed.” Tenn. R. Crim. P. 35(b).

Rule 35 itself provides the right to appeal the denial of a motion for reduction of a sentence. *See* Tenn. R. Crim. P. 35(d) (“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.”). The standard of review in a Rule 35 appeal is whether the trial court abused its discretion when acting upon the motion. *See State v. Ruiz*, 204 S.W.3d 772, 778 (Tenn. 2006); *see also State v. Irick*, 861 S.W.2d 375, 376 (Tenn. Crim. App. 1993). “A trial court abuses its discretion when it applies incorrect legal standards, reaches an illogical conclusion, bases its ruling on a clearly erroneous assessment of the proof, or applies

reasoning that causes an injustice to the complaining party.” *State v. Phelps*, 329 S.W.3d 436, 443 (Tenn. 2010).

“The 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 cmt.; *see also State v. Hodges*, 815 S.W.2d 151, 154 (Tenn. 1991). Consistent with this purpose,

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. In these circumstances, Rule 35 functions simply as a second opportunity for a defendant to make a plea for leniency. It provides the trial court an opportunity to again consider, after reflection or upon receipt of new probationary reports or other information, whether the initial sentence is too severe for any reason.

State v. Patterson, 564 S.W.3d 423, 433-34 (Tenn. 2018).

An appeal from the denial of a Rule 35 motion is “separate and distinct” from an appeal challenging the original judgment, including the sentence imposed. *Ruiz*, 204 S.W.3d at 777 (quoting *State v. Bilbrey*, 816 S.W.2d 71, 75 (Tenn. Crim. App. 1991)). The denial of a Rule 35 motion does not constitute imposition of a new sentence; rather, it leaves the previously imposed sentence in place. *Ruiz*, 204 S.W.3d at 777; *see also Bilbrey*, 816 S.W.2d at 75. Accordingly, a Rule 35 appeal may not be used to relitigate issues concerning the underlying sentencing or revocation determination. *See State v. Click*, No. E2015-01769-CCA-R3-CD, 2017 WL 1189750, at *23 (Tenn. Crim. App. Mar. 30, 2017) (rejecting a Rule 35 argument that sought to relitigate the trial court’s original sentencing determination) *perm. app. denied* (Tenn. Aug. 16, 2017); *see also State v. Sanders*, No. W2016-02191-CCA-R3-CD, 2017 WL 5501349, at *3 (Tenn. Crim. App. Nov. 16, 2017).

Here, the Defendant did not appeal the order revoking her community corrections sentence. Accordingly, neither the propriety of the revocation nor the consequence imposed upon revocation is before this court. Rather, our review is limited to whether the trial court abused its discretion by denying the Defendant’s Rule 35 motion. The Defendant nevertheless argues that the trial court failed to make sufficient findings in denying Rule 35 relief and that, as a result, this court should review the matter de novo. We disagree. Rule 35 expressly permits a trial court to deny a motion for reduction of sentence without hearing, and we review that decision for an abuse of discretion. Tenn. R. Crim. P. 35(c); *Ruiz*, 204 S.W.3d at 777. Rule 35 contains no express requirement that the trial court make specific findings when denying a motion for reduction of a sentence.

Moreover, the basis for the trial court's denial is sufficiently apparent from the record. In ordering full revocation, the trial court considered the Defendant's admission to the violation, her history of prior drug-related violations, and her request for an alternative to incarceration. The court concluded that a sanction short of full revocation would undermine the seriousness of the violation and the importance of complying with court orders. In denying the Defendant's subsequent Rule 35 motion, the trial court again referenced her criminal history and repeated failure to comply with the conditions of supervision. Although the trial court need not make any particular findings, we conclude that these findings were supported by the record and sufficient to support the denial.

To the extent the Defendant argues that those considerations were legally or factually insufficient to justify the underlying revocation, her argument attacks the revocation decision itself rather than the denial of Rule 35 relief. The Defendant's Rule 35 motion largely repeated the same grounds for leniency that she presented at the revocation hearing. The Defendant did not appeal the underlying revocation order, and a Rule 35 appeal does not provide a vehicle for belated review of the propriety of that revocation. *See Sanders*, 2017 WL 5501349, at *3. Thus, the Defendant is not entitled to relief on this claim.

Conclusion

Based upon the foregoing, we hold that the trial court did not abuse its discretion by denying the Defendant's Rule 35 motion, and we affirm the judgment of the trial court.

s/ *Stacy L. Street*

STACY L. STREET, JUDGE