

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE
AT JACKSON

Assigned on Briefs September 2, 2026

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Clerk of the
Appellate Courts

STATE OF TENNESSEE v. CALANDRA CARINA CLARK

Appeal from the Circuit Court for Madison County
No. 24-214 Joseph T. Howell, Judge

No. W2025-01265-CCA-R3-CD

The defendant, Calandra Carina Clark, was convicted by a Madison County jury of theft of property greater than \$10,000, but less than \$60,000, for which she received a nine-year sentence suspended to supervised probation. She appeals the judgment of the trial court based on the admission of hearsay evidence, the sufficiency of the evidence, improper argument by the State, and cumulative error. Upon our review of the record and the parties' briefs, we affirm the judgment of the trial court.

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

J. ROSS DYER, J., delivered the opinion of the court, in which TIMOTHY L. EASTER and TOM GREENHOLTZ, JJ., joined.

Drew Farmer, Jackson, Tennessee, for the appellant, Calandra Carina Clark.

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

OPINION

Facts and Procedural History

On August 28, 2023, a 2018 Dodge Challenger (“the Challenger”), a dealer license plate, and a key were stolen from the Peppers Automotive Group dealership in McKenzie,

Tennessee (“Peppers Ford”).¹ The Challenger was listed for sale for \$21,995. Ryan Peppers, the general manager and corporate accountant for Peppers Ford, reported the theft to law enforcement upon discovery on the morning of August 29, 2023. McKenzie police officers took the report and later that same day notified Mr. Peppers that the Challenger had been recovered. Mr. Peppers retrieved the Challenger from a towing and salvage yard in Jackson, Tennessee, and confirmed that the vehicle was the Challenger stolen from Peppers Ford the night before.

On the evening of August 29, 2023, Jackson Police Department Officers Benjamin Greer and Ezra Tillett were patrolling east Jackson when they were notified that there was a “Flock hit”² for a reportedly stolen vehicle, a Challenger bearing the reported-stolen dealer plate, in the area. Officer Tillett observed the vehicle in the drive-through of a Walgreens pharmacy, so he and Officer Greer proceeded to effect a traffic stop of the vehicle and make contact with the driver, later identified as the defendant, Calandra Carina Clark.

The Challenger bore the “dealer tag” which the officers confirmed was reported as stolen that morning. When the officers approached the defendant to inquire into her ownership of the vehicle, she explained that she came into possession of the vehicle at eight o’clock that morning as part of a trade, where she was to give “this girl” and “the girl’s boyfriend” a 2015 Chevrolet Impala and a set of rims worth \$6,000 in return for the Challenger. The defendant claimed that she had already given the couple the rims when they met earlier that day and that they had provided her with the Challenger and its key. However, she had not yet given them the 2015 Impala and was still awaiting any paperwork to substantiate her ownership of the Challenger, which “the boyfriend” would provide upon receiving the Impala.

The defendant contended that “the girl,” later identified as someone named “Christie,” was the rightful owner of the Challenger, but that the defendant had been the sole driver of the vehicle since she received it from the couple during the trade that morning. The defendant then called her own boyfriend, Brandon Forbes, to help clarify details of the trade. After speaking with Mr. Forbes, the defendant reiterated the story of the trade to the officers with the additional detail that Christie’s boyfriend, Brandon Russell, facilitated the trade.

¹ Per the testimony of Ryan Peppers, Peppers Automotive Group operates a number of car dealerships throughout Tennessee, including the Peppers Ford dealership in McKenzie, Tennessee, that was burglarized on August 28, 2023.

² Per Officer Greer’s testimony at trial, “Flock is a license plate reading system that the City of Jackson, and [he] believe[s] Madison County utilizes, and it’s cameras throughout the city that take pictures of license plates, and if they show up for stolen or somebody has warrants or whatever it’s entered in that system for, we get an alert through our account on Flock.”

Officers continued attempting to gain more information about Mr. Russell, but the defendant was not able to provide much identifying information, other than his name and that he was a Black male, approximately forty years old, and from Nashville. The defendant stated that she did not know Mr. Russell personally, only through other mutual friends, and that she connected with Mr. Russell through a mutual friend alerting her of the Challenger. However, she could not show the officers any recent communications she had with Mr. Russell via phone call or text message, nor could she provide officers with the phone number she used to contact him; all she could recall was that Mr. Russell's number began with the digits "432" and that he stayed near her home in Jackson.

Officers, apparently hesitant to believe the story, then attempted to gain more information about the vehicle itself. The officers asked the defendant to exit the vehicle so they could run the VIN, which she encouraged them to do. After running the VIN, officers confirmed that the vehicle and dealer license plate were both reported as stolen from Peppers Ford the night before. The defendant appeared shocked upon hearing this, and the officers reassured her that they would figure everything out as she continued supplying her identifying information, including her name, driver's license number, and Social Security number.

During the traffic stop and after receiving a call from the defendant, the defendant's boyfriend, Mr. Forbes, arrived on the scene and provided the officers with a photo of Mr. Russell, identifying him as the man who traded the car with the defendant. While officers were able to confirm that Mr. Russell was the man in the photo, Officer Tillett also discovered that Mr. Russell died at 3:57 a.m. on August 28, 2023, over 24 hours before the defendant claimed Mr. Russell gave her the Challenger.

At trial, the State's evidence consisted of the testimony of Officer Greer, Officer Tillett, and Mr. Peppers; the body-camera footage of the traffic stop and arrest; a Tennessee Department of Correction ("TDOC") photo of Mr. Russell; and Mr. Russell's death certificate. Officers Greer and Tillett both testified as to the events of the traffic stop. Each time the officers spoke of reports that the car was stolen (Flock alert, NCIC³ report after running VIN), either on the stand or in the body-camera footage being reviewed, the defendant objected on the basis of hearsay. The trial court overruled the objection on the basis that the testimony was not being offered for its truth, but for its effect on the witnesses (the officers).

At the conclusion of the trial, the jury found the defendant guilty of theft of property greater than \$10,000 but less than \$60,000, for which the defendant received an effective

³ National Crime Information Center database.

sentence of nine years. The defendant filed a timely motion for a new trial which was denied by the trial court. This timely appeal followed.

Analysis

On appeal, the defendant argues that: (1) the trial court abused its discretion in admitting hearsay testimony regarding reports that the car was stolen; (2) the trial court abused its discretion in admitting, over the defendant's objection, body-camera footage of a discussion amongst officers on the scene; (3) the trial court committed plain error in admitting Mr. Russell's TDOC photo and death certificate; (4) the evidence is insufficient to sustain her conviction; (5) the State's improper argument affected the judgement, entitling her to plain error relief; and (6) the cumulative effect of the errors warranted a new trial.

I. Evidentiary Issues

A. Reports the Car was Stolen

On appeal, the defendant argues that the trial court erred in admitting hearsay testimony and statements recorded by the body-camera footage showing that the Challenger was reported stolen in NCIC.

Hearsay is defined as "a statement, other than one made by the declarant while testifying at the trial or hearing, offered in evidence to prove the truth of the matter asserted." Tenn. R. Evid. 801(c). Whether a particular statement is hearsay is subject to a three-part inquiry:

(1) the statement must be made out-of-court; (2) the statement must qualify as an assertion; and (3) the statement must be offered to prove the truth of the matter asserted therein. Stated another way, [d]oes the purpose of the offer require the out-of-court statement to be taken as true?

State v. McCoy, 459 S.W.3d 1, 11 (Tenn. 2014) (internal citations and quotation marks omitted).

In general, hearsay statements are inadmissible. Tenn. R. Evid. 802. However, when a statement is not offered for its truth, it is not hearsay, and therefore, is admissible. For example, this Court has held that statements used to prove the effect on a listener are not hearsay:

[A]ny time the statement is used to prove the hearer or reader's mental state upon hearing the declaration, words repeated from the witness chair do not fall within the hearsay exclusion. The statement fails the test of hearsay because it is not used to prove the truth of the matter asserted in the statement.

State v. Jones, No. W2008-02584-CCA-R3-CD, 2010 WL 3823028, at *14-15 (Tenn. Crim. App. Sept. 30, 2010), *perm. app. denied* (Tenn. Mar. 9, 2011).

Where a defendant challenges a ruling on hearsay evidence, the standard of review “has multiple layers.” *Kendrick v. State*, 454 S.W.3d 450, 479 (Tenn. 2015). Generally, issues regarding the admissibility of evidence “rest within the sound discretion of the trial court and [appellate courts] will not interfere with the exercise of this discretion in the absence of a clear showing of abuse on the record.” *State v. Lewis*, 235 S.W.3d 136, 141 (Tenn. 2007). However, the threshold question of whether a statement constitutes hearsay is a “question[] of law subject to de novo review.” *Kendrick*, 454 S.W.3d at 479.

Upon our review, the trial court did not abuse its discretion in finding that none of the objected to evidence regarding reports that the car was stolen, either from the body-camera footage or the live testimony of the officers, constitutes hearsay. First, the defendant objected to Officer Greer's statement that he and his partner were patrolling the area when he was advised that there was a Flock hit on a vehicle nearby. The State responded that the testimony was not being offered for its truth, and the trial court agreed. Rather, the statement was made in response to the question, “What gave rise with [the officers] having contact with Ms. Clark,” and, as such, was clearly offered to show effect on the listener. Officer Greer's statement, therefore, was not offered for its truth and was properly admitted.

Second, the defendant objected to Officer Tillett's testimony that he and Officer Greer had received a Flock alert on a stolen plate. The court overruled the objection without further discussion but based on the trial court's ruling concerning Officer Greer's testimony, it is clear that the testimony was offered to prove effect on the listener; i.e., to show how Officer Tillett came into contact with the defendant. Therefore, Officer Tillett's testimony was not hearsay and was properly admitted.

The defendant's final hearsay objection along this line concerned the body-camera footage in which Officer Tillett discussed his NCIC search which revealed that the vehicle was stolen. While the NCIC report may have been an out-of-court statement authored by an unknown declarant, the statement, once again, was not offered for its truth and, therefore, does not constitute hearsay. As the court explained, Officer Tillett was “just testifying to what he determined.” The State's questions leading to the statement were akin

to those asked of both officers earlier when contextualizing the series of events leading to the stop. Here, Officer Tillett did not discuss the NCIC results to prove that the car was stolen, but rather to explain his actions during the traffic stop. He explained that he received a VIN, then explained what he did with that VIN to contextualize his participation in the arrest, not to prove the car was stolen.

The discussions of the Flock alerts tended to show the circumstances that led the officers to conduct the traffic stop, and the discussion of the NCIC report contextualized Officer Tillett's participation. None of the objected to evidence was intended to serve as confirmation that the Challenger was stolen, and, thus, none of the objected to evidence constitutes hearsay. As such, the evidence was properly admitted, and the defendant is not entitled to relief on this issue.

B. Body-Camera Footage

The defendant also contends that the trial court abused its discretion in permitting the jury, over her objection, to see portions of the body-camera footage in which the officers expressed their skepticism as to the defendant's explanation of her possession of the Challenger. The defendant contends, because her credibility was central to the determination of whether she knew that her possession was unconsented to, allowing jurors to view a video where the police officers appear not to believe her story presented a substantial risk of prejudice. In the State's view, "the record does not support the defendant's characterization[;]" the State concedes that the officers might appear confused but rejects the notion that their behavior amounted to substantially prejudicial outward skepticism warranting inadmissibility. We agree with the State.

The trial court possesses the sound discretion to determine the admissibility of evidence, and this Court reviews those decisions for an abuse of discretion. *State v. Banks*, 271 S.W.3d 90, 116 (Tenn. 2008). "Reviewing courts will find an abuse of discretion only when the trial court applied incorrect legal standards, reached an illogical conclusion, based its decision on a clearly erroneous assessment of the evidence, or employed reasoning that causes an injustice to the complaining party." *Id.* (citing *Konvalinka v. Chattanooga-Hamilton County Hosp. Auth.*, 249 S.W.3d 346, 358 (Tenn. 2008)).

Upon our review of the complained-of footage, we are further inclined to accept the State's characterization of the footage and the trial court's determination as to its admissibility. *See, e.g., State v. Harbison*, 539 S.W.3d 149, 159 (Tenn. 2018) (internal citations omitted) ("Under [the abuse of discretion] standard, an appellate court will uphold a trial court's ruling if reasonable minds can disagree with the propriety of the decision and will not substitute its judgement for that of the trial court."). Though the officers did appear

confused while confirming the details of the purported trade, this Court does not interpret the footage as “clearly convey[ing] incredulousness,” as purported by the defendant.

According to the trial court, upon its review of the body-camera footage, the complained-of portions did not contain any unduly prejudicial information. Rather, in a discussion with State and defense counsel immediately prior to voir dire, the trial court judge stated that “the officers did everything they could possibly do to give the defendant the benefit of the doubt. . . . I think they were trying to find corroboration to her statement.” Our review yields the same results. As such, we are disinclined to accept the defendant’s argument that the body-camera footage was unfairly prejudicial or misleading.

The defendant also argues that the professional status of law enforcement officers would prejudice the jury to give their statements more weight and, thus, adopt the officers’ dissatisfaction with the defendant’s story when making their own guilt determination. However, many procedural safeguards throughout the trial prevented such an occurrence.

First, defense counsel questioned potential jurors concerning this issue during voir dire, and the jurors repeatedly confirmed they would not credit the testimony of a law enforcement officer any more than any other witness. In addition to measures taken by defense counsel, the trial court also took effective measures to cure any prejudicial effect the officers’ statements and expressions might have had. During the preliminary jury instructions, the trial court instructed the jury as follows: “As jurors, it is your exclusive duty to determine all questions of fact submitted to you, and for that purpose, to determine the effect and value of the evidence.” Moreover, the trial judge advised the jurors that they were “the exclusive judges of the credibility of the witnesses and the weight to be given to their testimony.” The trial court judge repeated the same instructions once more when giving final jury instructions. The trial court judge reminded the jurors that “it is [their] exclusive duty to decide all questions of fact submitted to [them] and for that purpose to determine the effect and value of the evidence.”

During the final jury instructions, the trial judge explicitly addressed the jury’s purview over determining whether the defendant’s explanation of her possession was sufficient, stating:

The correctness of the inference and the weight to be given to any explanation that may be shown by the evidence are matters that must be determined *by you*, and you are not bound to accept either. You must weigh all the evidence presented as to the defendant’s alleged possession of the property in question and decide in light of all the facts and circumstances present whether any inference is warranted.

(emphasis added). The trial court also reiterated to jurors that they “must decide the case for [themselves],” and that they cannot “allow anything but the law and the evidence to have any influence on [the] verdict.”

The jurors were repeatedly instructed that they alone were tasked with determining the weight and credibility of the evidence. Juries are presumed to follow the instructions they are given. *State v. Knowles*, 470 S.W.3d 416, 426 (Tenn. 2015). Where the jury found that the defendant’s explanation did not outweigh the inference of guilt, “[t]his [C]ourt is not entitled to displace, substitute or nullify any such inferences the jury may have drawn.” *State v. Davis*, No. E2002-005110-CCA-R3-CD, 2003 WL 649113, at *5 (Tenn. Crim. App. Feb. 28, 2003), *perm. app. denied* (Tenn. Jun. 30, 2003).

Based on our review of the record in its entirety, this Court is disinclined to accept the defendant’s assertion that the statements in the footage were unfairly prejudicial. Even if they were, though, the procedural safeguards in place would have limited any such prejudice such that it would not be unfair to the defendant and would not outweigh the footage’s probative value. As such, the trial court did not abuse its discretion, and the defendant is not entitled to relief on this issue.

C. TDOC Photo and Death Certificate

The defendant also contends that she is entitled to plain error relief based on the trial court’s erroneous admission of a TDOC photo and death certificate of Brandon Russell. Though the defendant did originally object to the introduction of the TDOC photo, in her brief, she concedes that she did not make a precise contemporaneous objection, limiting her relief to plain error review.

In order to establish plain error, the defendant must show all the following criteria are satisfied: (1) the record clearly establishes what occurred in the trial court, (2) a clear and unequivocal rule of law was breached, (3) a substantial right of the accused was adversely affected, (4) the issue was not waived for tactical reasons, and (5) consideration of the error is necessary to do substantial justice. *State v. Martin*, 505 S.W.3d 492, 504 (Tenn. 2016). “If a defendant fails to establish any of these criteria, an appellate court must deny relief under the plain error doctrine, and an appellate court need not consider all criteria when the record demonstrates that one of them cannot be established.” *State v. Vance*, 596 S.W.3d 229, 254 (Tenn. 2020) (quoting *State v. Minor*, 546 S.W.3d 59, 67 (Tenn. 2018)).

The defendant contends that the clear and unequivocal rule of law violated in the admission of the TDOC photo and death certificate was Tennessee’s Rules of Evidence. Specifically, she argues that the photo and death certificate did not meet the relevance

standard for admissibility under Rule 401, which requires that evidence have some “tendency to make the existence of any fact that is of consequence to the determination of the action more probably or less probable than it would be without the evidence.” Tenn. R. Evid. 401. The defendant asserts that, because the TDOC photograph and death certificate do not meet this standard, they were inadmissible under Rule 402. Tenn. R. Evid. 402 (“Evidence which is not relevant is not admissible.”). In the alternative, the defendant argues that “at minimum” the trial court should have excluded the evidence under Rule 403, because, even if marginally relevant, “its probative value [was] substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury[.]” Tenn. R. Evid. 403.

The State, on the other hand, contends that the trial court properly exercised its discretion in finding both the photograph and death certificate relevant and admitting them into evidence. The State argues that the photo and death certificate were relevant in establishing the identity of the person from whom the defendant claimed she obtained possession of the Challenger, and we agree the photograph did, in fact, serve such a purpose.

Initially, the defendant concedes that she did not preserve this issue by properly objecting to the admission of the photograph at trial. As such, she has waived plenary review of this issue and would be entitled to relief only under the plain error doctrine. *See, e.g., State v. Jones*, 568 S.W.3d 101, 131 (Tenn. 2019) (concluding that defendant waived a jury instruction issue because “the [d]efendant did not object to this instruction and, in fact, appeared to be in agreement with the trial court’s resolution of the issue”); *State v. Crocker*, 697 S.W.2d 362, 365 (Tenn. Crim. App. 1985) (concluding that defendant waived issue because “defense counsel interposed no objection to the trial court’s actions regarding these matters [the jury instructions], and in fact, affirmatively agreed to them”).

However, for two reasons, we conclude that the defendant is not entitled to plain error relief. First, relief under the plain error doctrine is unavailable when a defendant’s actions or omissions result from a trial choice that fits within a broader defense strategy. *State v. Smith*, 24 S.W.3d 274, 283 (Tenn. 2000). “This limitation reflects the principle that plain error review functions as a corrective doctrine, not a strategic safeguard.” *State v. Pewitte*, 739 S.W.3d 240, 251 (Tenn. Crim. App. 2025).

The defendant argues that although she might have identified Brandon Russell by name, she never “pointed out” his face. However, a complete reading of the record shows that this is not the case as “[d]efense counsel provided” the TDOC photo entered into evidence by the State. Because the defendant affirmatively offered the evidence, it is clear that her actions were part of a defense strategy. We decline to grant plain error relief on the basis of an alleged error that the Defendant invited. *See Pewitte*, 739 S.W.3d at 252;

Tenn. R. App. P. 36(a) (“Nothing in this rule shall be construed as requiring relief be granted to a party responsible for an error or who failed to take whatever action was reasonably available to prevent or nullify the harmful effect of an error”).

Second, the defendant has not shown a breach of a clear and unequivocal rule of law. *Vance*, 596 S.W.3d at 254. Despite the defendant’s waiver, the photograph was relevant. Though the photograph presented at trial was not the same picture shown to officers by Mr. Forbes on the day of the arrest, Officer Tillett confirmed that the person in the TDOC photograph was the same individual from the picture he was shown on the scene. Moreover, the individual in the TDOC photograph matched the description endorsed by the defendant on the scene, and again, the photograph was provided to the State by the defendant. Undoubtedly, the photograph made the identity of “Brandon Russell,” who the defendant repeatedly named as the person who gave her the vehicle, more or less probable. And, as earlier stated, this Court rejects the defendant’s argument that the photograph she provided to the State was prejudicial.

The death certificate was also properly admitted as it was relevant because it made a fact at issue—whether the defendant had purchased the car from Mr. Russell on the morning of August 29—more or less probable than it would have been without that evidence. The death certificate was highly probative, and, as such, we also reject the defendant’s argument that its admission violated Rule 403 of the Tennessee Rules of Evidence. Finally, the death certificate was admissible against any hearsay objection as both a public record and a record of vital statistics. Tenn. R. Evid. 803(8), (9).

Both the TDOC photo and death certificate were thus properly admitted. Because the defendant cannot show the breach of a clear and unequivocal rule of law in admitting Mr. Russell’s TDOC photo and death certificate, she is not entitled to plain error review on these issues.

II. Sufficiency

The defendant argues the evidence was insufficient to support her conviction for theft of property over \$10,000. The State insists that viewing the evidence in the light most favorable to the State, a reasonable jury could find beyond a reasonable doubt that the vehicle driven by the defendant was the stolen Challenger and conclude that the defendant knowingly obtained or exercised control over the Challenger. We agree with the State.

When the sufficiency of the evidence is challenged, the relevant question of the reviewing court 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); *see also* Tenn.

R. App. P. 13(e) (“Findings of guilt in criminal actions whether by the trial court or jury shall be set aside if the evidence is insufficient to support the findings by the trier of fact of guilt beyond a reasonable doubt.”); *State v. Evans*, 838 S.W.2d 185, 190-92 (Tenn. 1992); *State v. Anderson*, 835 S.W.2d 600, 604 (Tenn. Crim. App. 1992). All questions involving the credibility of witnesses, the weight and value to be given the evidence, and all factual issues are resolved by the trier of fact. *State v. Pappas*, 754 S.W.2d 620, 623 (Tenn. Crim. App. 1987). As such, this Court may not reweigh or reevaluate the evidence, nor may it substitute its own inferences for those drawn by the trier of fact from the evidence. See *State v. Matthews*, 805 S.W.2d 776, 779 (Tenn. Crim. App. 1990); *State v. Buggs*, 995 S.W.2d 102, 105 (Tenn. 1999). “A guilty verdict by the jury, approved by the trial judge, accredits the testimony of the witnesses for the State and resolves all conflicts in favor of the theory of the State.” *State v. Grace*, 493 S.W.2d 474, 476 (Tenn. 1973). Our Supreme Court has stated the following rationale for this rule:

This well-settled rule rests on a sound foundation. The trial judge and the jury see the witnesses face to face, hear their testimony and observe their demeanor on the stand. Thus, the trial judge and jury are the primary instrumentality of justice to determine the weight and credibility to be given to the testimony of witnesses. In the trial forum alone is there human atmosphere and the totality of the evidence cannot be reproduced with a written record in this Court.

Bolin v. State, 405 S.W.2d 768, 771 (Tenn. 1966) (citing *Carroll v. State*, 370 S.W.2d 523 (Tenn. 1963)). “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).

The defendant was convicted of theft of property over \$10,000. As charged in this case, a person commits theft of property when the person “with the intent to deprive the owner of property . . . knowingly obtains or exercises control over the property without the owner’s effective consent.” Tenn. Code Ann. § 39-14-103(a). As such, “three elements must be proven to establish theft under our statute: ‘(1) the defendant knowingly obtained or exercised control over property; (2) the defendant did not have the owner’s effective consent; and (3) the defendant intended to deprive the owner of the property.’” *State v. Gentry*, 538 S.W.3d 413, 422 (Tenn. 2017) (quoting *State v. Amanns*, 2 S.W.3d 241, 244-45 (Tenn. Crim. App. 1999)). “[A] person who acts knowingly with respect to the conduct or to circumstances surrounding the conduct when the person is aware of the nature of the conduct or that the circumstances exist. A person acts knowingly with respect to a result of the person’s conduct when the person is aware that the conduct is reasonably certain to cause the result.” Tenn. Code Ann. § 39-11-302(b).

In this appeal, the defendant does not contest that she obtained or exercised control over the Challenger as alleged in the indictment, nor does she challenge the jury's finding regarding the value of the property taken. Instead, she asserts that the evidence presented at trial did not sufficiently identify the Dodge Challenger she exercised control over on August 29, 2023, as the same vehicle taken from Peppers Ford on August 28, 2023. She also contends that the State failed to prove that she knew Mr. Peppers did not consent to her possession. The State contends that the evidence is sufficient. For its part, the State argues that the evidence presented at trial establishes that the defendant committed theft because the record, viewed in the light most favorable to the State, supports a finding that the Challenger the defendant possessed was the same one stolen from Peppers Ford.

The defendant is correct that the testimony establishing that the VIN on the Challenger driven by the defendant matched the VIN of the vehicle stolen from Peppers Ford was admitted for the non-hearsay purpose of proving effect on the listener. However, additional evidence in the record, when viewed in its entirety and in the light most favorable to the State, supports the jury's finding that the defendant was in possession of Mr. Peppers' property.

The evidence established that during the night of August 28, 2023, a 2018 Dodge Challenger, a dealer plate, and a car key were stolen from Peppers Ford without Mr. Peppers' knowledge or consent. According to Mr. Peppers' testimony, the vehicle's value was \$21,995. The morning after the theft, the defendant was stopped an hour away in Jackson driving the stolen 2018 Dodge Challenger with the stolen dealer plate. The defendant could not provide proof of ownership of the vehicle, could not identify the owner of the vehicle until consulting with her boyfriend, and admitted that she came into possession of the vehicle early in the morning and had been the only person driving it that day. It was later established that the vehicle identification number on the Challenger found in the defendant's possession matched the vehicle identification of the stolen vehicle, and Mr. Peppers' testimony confirmed that the vehicle he retrieved from the salvage yard, the same vehicle the defendant was driving, was the same vehicle stolen from Peppers Ford the night before. Accordingly, the evidence linking the stolen Challenger to the Challenger driven by the defendant is more than sufficient.

The defendant also contends that no rational fact finder could find that she possessed the requisite mens rea and knowingly deprived Mr. Peppers of the vehicle without his consent. We disagree. As the defendant states in her brief, the State *permissively* asked the jury to infer that the defendant knew Mr. Peppers did not consent to her possession of the vehicle. And, finding the defendant's explanation as to her ownership to be unsatisfactory, the jury made that inference, as allowed by the law. *See, e.g., State v. Lankford*, 298 S.W.3d 176, 183 (Tenn. Crim. App. 2008) ("Unsatisfactorily explained

possession of recently stolen goods, in light of the surrounding circumstances, permits an inference that the individual in possession . . . knew that [the property] was stolen” and “[t]he jury may choose to apply the inference, even in the face of contradictory evidence or the defendant’s contrary explanation”) (citations omitted).

The defendant, however, asks this Court to accept her explanation as satisfactory, and come to what she describes as “the only legitimate interpretation of the evidence,” to find that she was “duped.” In essence, the defendant’s argument is an invitation to reweigh the evidence or to disturb the jury’s determinations on appeal. We respectfully decline to do so, particularly in light of the standard of appellate review. When we review the legal sufficiency of the convicting evidence, the law requires us to consider all evidence and to accredit the testimony of the State’s witnesses. *State v. Curry*, 705 S.W.3d 176, 183 (Tenn. 2025) (citations omitted). This standard is intentionally deferential, as it seeks to “impinge[] upon ‘jury’ discretion only to the extent necessary to guarantee the fundamental protection of due process of law.” *Jackson*, 443 U.S. at 319.

The jury, instructed that it was the sole judge of credibility in the case and provided with factors to consider in making its determinations, reconciled inconsistencies in favor of the State. By its verdict, the jury discredited the defendant’s statements that she obtained the Challenger from a person the State proved was deceased at the time she claimed the transaction occurred, and this Court accepts that it is the purview of the trier of fact to “resolve conflicts in the testimony, to weigh the evidence and to draw reasonable inferences from basic facts to ultimate facts.” *Id.* As such, it is not part of our role, properly conceived, to “reevaluate the credibility of the witnesses or to revisit inconsistencies in the testimony.” *State v. Murray*, No. M2021-00688-CCA-R3-CD, 2022 WL 17336522, at *5 (Tenn. Crim. App. Nov. 30, 2022), *perm. app. denied* (Tenn. Mar. 8, 2023).

We conclude that the evidence is sufficient to support the jury’s finding that the defendant committed theft of property. Shortly after the vehicle went missing, the defendant was in possession of it. Her explanation as to why she possessed the stolen vehicle was not credited by the jury. Thus, the evidence was sufficient to support the jury’s finding beyond a reasonable doubt that the defendant knowingly obtained or exercised control over property owned by Peppers Ford, that the property had a value greater than \$10,000, that the defendant did not have the owner’s consent, and that the defendant intended to deprive the owner of the property. *See* Tenn. Code Ann. § 39-14-103(a). The defendant is not entitled to relief on this issue.

III. Improper Argument

The defendant contends that the State made an improper comment during closing argument when it referred to the defendant as an “accomplished liar.” While the defendant

included this claim in her motion for new trial, she did not lodge a contemporaneous objection at trial; therefore, we must evaluate her claim for plain error, as she requests. *State v. Enix*, 653 S.W.3d 692, 700-701 (Tenn. 2022) (“[P]lain error review is the appropriate standard of review to apply to claims of alleged prosecutorial misconduct during closing argument when no contemporaneous objection was lodged at the time of the alleged misconduct but the claim is raised in the motion for a new trial.”). As outlined *supra*, to establish plain error, a defendant must meet all five criteria, including a showing that a clear and unequivocal rule of law was breached.

The defendant is not entitled to relief because she cannot establish a breach of a clear and unequivocal rule of law. The defendant asserts that the State’s characterization of her as an “accomplished liar” violated Tennessee Rule of Evidence 404(b) and the rule established in *Goltz* that “arguments must be temperate, based upon the evidence introduced at trial, relevant to the issues being tried, and not otherwise improper under the facts or law.” *State v. Goltz*, 111 S.W.3d 1, 5 (Tenn. Crim. App. 2003). In the defendant’s view, such a statement points to the existence of *other* prior lies and violates a clear and unequivocal law prohibiting references to facts not contained in the record.

However, this conclusion is predicated on a misunderstanding of what constitutes “facts outside of the record” in a case such as this. The Tennessee Supreme Court has held that “remarks of counsel making reference to ‘lying’ defendants or defense witnesses are allowed if based upon evidence in the record.” *State v. Beasley*, 536 S.W.2d 328, 330 (Tenn. 1976). There was clearly evidence of dishonesty in this case. Officer Tillett explicitly testified that it appeared as though the defendant had lied to him about her interactions with Mr. Russell. Where the evidence in the record does, in fact, indicate some lying by the defendant, the State’s reference to her as an “accomplished liar” is not pointing to facts outside of the record and thus, is allowable, and not a violation of law.

Moreover, even if the evidence did not support a finding that the defendant was an “accomplished liar,” any prejudicial effect of such statement was cured by the trial court judge’s repeated instruction to the jury that “remarks of counsel are intended to help you in understanding the evidence and applying the law, but they are not evidence. If any statements were made that you believe are not supported by the evidence, you should disregard them.” Accordingly, the defendant is not entitled to relief on this issue.

IV. Cumulative Error

The defendant argues that she is entitled to relief based on the cumulative errors committed at trial. The State responds that the defendant is not entitled to relief under the cumulative error doctrine because she failed to show any errors. We agree with the State.

The cumulative error doctrine applies when multiple errors were committed during trial, each of which alone would have constituted harmless error, but in the aggregate have a cumulative effect on the proceedings so great the defendant's right to a fair trial can only be preserved through reversal. *State v. Hester*, 324 S.W.3d 1, 76 (Tenn. 2010). Circumstances warranting reversal of a conviction under the cumulative error doctrine "remain rare." *Id.* "To warrant assessment under the cumulative error doctrine, there must have been more than one actual error committed in the trial proceedings." *Id.* at 77. Because the defendant has not established any error, she is not entitled to relief under the cumulative error doctrine.

Conclusion

Based on the foregoing authorities and reasoning, we affirm the judgment of the trial court.

s/ ***J. ROSS DYER***
J. ROSS DYER, JUDGE