

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE
AT JACKSON

Assigned on Briefs August 4, 2026

FILED

09/18/2026

Clerk of the
Appellate Courts

STATE OF TENNESSEE v. RANDY JOHNSON

Appeal from the Criminal Court for Shelby County

No. 23-02892

Carlyn L. Addison, Judge

No. W2025-01328-CCA-R3-CD

The Defendant, Randy Johnson, was convicted by a Shelby County jury of second degree murder and tampering with evidence, and the trial court imposed an effective sentence of fifteen years' incarceration. On appeal, the Defendant argues that the evidence is insufficient to support his convictions and that the trial court erred by denying his request for jury instructions on the lesser included offense of voluntary manslaughter and on the defense of alibi. Following our review, we affirm the convictions but remand this case for entry of corrected judgments of conviction consistent with this opinion.

**Tenn. R. App. P. 3 Appeal as of Right;
Judgments of the Criminal Court Affirmed;
Remanded for Entry of Corrected Judgments**

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

Ernest J. Beasley (on appeal); and Jason Matthews (at trial), Memphis, Tennessee, for the appellant, Randy Johnson.

Jonathan Skrmetti, Attorney General and Reporter; Kelly M. Telfeyan, Assistant Attorney General; Steven J. Mulroy, District Attorney General; and Monica A. Timmerman, Assistant District Attorney General, for the appellee, State of Tennessee.

OPINION

I. FACTUAL AND PROCEDURAL BACKGROUND

On August 1, 2023, a Shelby County grand jury returned a two-count indictment charging the Defendant with second degree murder and tampering with evidence. The Defendant proceeded to trial on June 3, 2025.

Memphis Police Department (MPD) Officer Sidney Joiner testified that, in the early morning hours of February 4, 2023, there was a call for “shots fired,” but the call was upgraded to “someone struck” by the time she was dispatched to the scene in front of the Defendant’s residence. Video footage from Officer Joiner’s body camera was played for the jury and depicted her arriving at the scene between midnight and 2:00 a.m. Officer Joiner observed a black Ford Focus in front of the Defendant’s residence with its engine running and the driver’s side door open. An unresponsive woman, identified as Jazmin Jones, lay on the ground near the vehicle. A Jaguar vehicle was parked in an adjacent driveway, and when Officer Joiner walked over to inspect it, she saw that it had bullet holes in its driver’s side window. She did not see any glass on the ground near the Jaguar. Officer Joiner testified that the bullet holes in the Jaguar were not immediately visible from where the victim’s body was found because the vehicle had been backed into the driveway. Officer Joiner later spoke with the Defendant’s mother, who told Officer Joiner that the Defendant owned the Jaguar and was asleep inside their home.

Laquita Campbell testified that she was the mother of the victim’s ex-boyfriend, with whom the victim shared a child, and that she talked with the victim almost every day. She testified that she spoke with the victim on February 3, 2023, and that she missed a phone call from the victim around midnight that evening. She later discovered the victim had died. Ms. Campbell testified that the victim had been dating the Defendant for about one year at the time of her death, and she identified the Defendant in a photographic lineup. She also testified that the victim had inherited money when her mother passed away and that the victim had helped the Defendant financially.

MPD Sergeant Geymone Butler testified that he also responded to the scene in front of the Defendant’s residence. Video footage from Sergeant Butler’s body camera was played for the jury and depicted him speaking with the Defendant’s mother at approximately 4:00 a.m. on her porch. The Defendant’s mother told Sergeant Butler the Defendant’s name and phone number and stated that he lived with her but was at his sister’s house when the victim was shot.

MPD Sergeant Christopher Davenport testified that he responded to the scene in front of the Defendant’s residence on February 4, 2023, at approximately 4:00 a.m. There,

Sergeant Davenport took photographs of the Defendant's Jaguar, including the window with apparent bullet holes and the lack of glass around the vehicle. He testified that he collected bullet fragments at the scene. He stated that he did not check to see whether the Defendant's vehicle was locked. He also stated that the Defendant's vehicle, which was covered in frost, was towed from the scene, and that no prints were taken from the Defendant's vehicle at the scene.

MPD Sergeant Jeramy Cline testified that he worked in the Homicide Division as an investigator and that he went to the crime scene a few days after February 4, 2023, to re-canvass the area, speak with people, and check for any videos. While canvassing, he saw a video camera at a home across the street from the scene and spoke with the homeowner. Sergeant Cline stated that the homeowner's video camera captured footage that showed when the victim was killed. The video recording, timestamped February 4, 2023, at 1:06 a.m., was played for the jury and showed the victim driving up in her vehicle, parking, and then exiting on the driver's side. The victim approached a vehicle parked in the driveway of the Defendant's residence, stopped, walked back to the passenger side of her own vehicle, and then walked back to the driver's side of the vehicle in the driveway. Multiple gunshots were then fired, and the victim fell to the ground. The video timestamp indicated 1:08 a.m. as the time of the shooting, but Sergeant Cline testified that, through comparison with timestamps on the body camera footage, it was determined that the neighbor's video was five minutes and eighteen seconds off from the actual time. The video showed a suspect exiting the passenger side of the vehicle in the driveway and running toward the backyard of the Defendant's residence.

Sergeant Cline also identified a second video recording collected from the same neighbor, timestamped to begin at 1:57 a.m. This video recording showed a person entering the vehicle in the driveway and moving it. Sergeant Cline testified that the video showed that the victim was still on the ground when the person approached the vehicle and that the vehicle's exterior lights activated as they would to indicate the unlocking of the vehicle. The person entered the vehicle and then backed the vehicle out of the driveway and into the driveway next door. After the vehicle was moved, the person exited the vehicle, the lights activated again, and the suspect ran toward the backyard of the residence.

Sergeant Cline also testified that he executed search warrants on the Defendant's vehicle and on the victim's and the Defendant's cell phones. He confirmed that an extraction was later done on the cell phones.

Dr. Marco Ross, Chief Medical Examiner at the West Tennessee Regional Forensic Center, performed the autopsy on the victim and testified as an expert in forensic pathology. During the autopsy, Dr. Ross took photographs of the victim, who was identified by her fingerprints, and recovered from her back the bullets and bullet jacket

fragments that entered the victim's left and right chest. Dr. Ross testified that the victim's cause of death was two gunshot wounds to her chest, one on the left side and one on the right side. Dr. Ross described the multiple small abrasions on the victim's face as pseudo-stippling, which occurs when a gunshot goes through something before reaching its target. He testified that each of the two gunshot wounds was a potentially lethal wound but that if the victim had received medical treatment, she would have had a chance of survival. Dr. Ross stated that the victim could have survived for up to thirty minutes after the shooting.

MPD Officer Jackson Ngien testified that he worked in the Crime Scene Unit and that he processed and photographed the Defendant's and the victim's vehicles. He testified that he collected bullet fragments and DNA swabs from the Defendant's vehicle for testing. He did not process the Defendant's vehicle for fingerprints, and he did not collect any evidence from the victim's vehicle. Officer Ngien testified that there was no blood on the interior of the Defendant's vehicle. He stated that he did not perform a shot trajectory analysis because there were insufficient points to create a bullet trajectory. He did not find a firearm in the vehicle.

Tennessee Bureau of Investigation (TBI) Special Agent Jordan Johnston, a forensic scientist who performed serology testing and DNA analysis, completed the testing of the DNA samples and swabs collected by law enforcement. Special Agent Johnston testified that the DNA profile of the blood on the side of the Defendant's vehicle matched the victim's DNA.

MPD Sergeant Albert Parks testified that he was an investigator in the Homicide Bureau and that he responded to the crime scene on February 4, 2023. He was the lead investigator at the scene. He testified that he saw the victim lying on the ground near a blue vehicle parked in front of the residence with its engine running and the door open. He noted that the temperature outside was about 22 degrees and that the victim was dressed in pajamas. Sergeant Parks testified that he noticed a blood trail from the victim to the Defendant's Jaguar with the damaged windows, windshield, and back glass.

Sergeant Parks testified that he knocked on the door of the Defendant's residence, in front of which the victim's body was located, and spoke with Isaiah Douglas and Maxine Johnson, the Defendant's mother. The Defendant's mother told Sergeant Parks that the Jaguar belonged to the Defendant. Mr. Douglas told Sergeant Parks that he heard two gunshots when he was in bed, and the Defendant's mother told Sergeant Parks that she heard four or five gunshots, as well as a loud bang before the shots. Sergeant Parks stated that the Defendant's mother initially told him the Defendant was home, but she "then abruptly" told him he was not home and that "he was at his sister's house and her name was Crystal Johnson." Both Mr. Douglas and the Defendant's mother stated that the Defendant was "in and out" and that they had not seen the Defendant that evening.

Sergeant Parks asked the Defendant's mother to check the house, which she quickly did, but she returned and stated that the Defendant was not there. Sergeant Parks did not speak to the Defendant that evening.

Sergeant Parks testified that on the afternoon of February 4, 2023, Mr. Douglas and the Defendant's mother brought the Defendant to the Homicide Bureau. Sergeant Parks advised the Defendant of his *Miranda* rights, and he waived them before speaking with Sergeant Parks. Sergeant Parks stated that the Defendant said that he had purchased the Jaguar from his sister's husband. The Defendant stated that he was at his home all night on February 3, 2023, and into the following morning. The Defendant told law enforcement that he could not recall when he had last spoken with the victim and that the victim was a friend he met on Facebook about a year or two prior to the shooting. Sergeant Parks stated that the Defendant showed no reaction when he was shown a photograph of the victim. The Defendant then advised Sergeant Parks that he had last seen the victim on Thursday, which would have been days before her murder on Saturday, February 4, 2023. The Defendant "talked around" "what [he and the victim] had going on" and again stated that he was at home asleep in bed on the night of February 3, 2023, and into the early morning on February 4, 2023.

Sergeant Parks testified that he knew the Defendant's vehicle was involved in the victim's death at the time of the Defendant's interview. During the interview, the Defendant stated that he was the only person with keys to his vehicle. Sergeant Parks stated that the Defendant said he heard the car alarm going off at some point from his room on the evening of the shooting.

Sergeant Parks testified that he re-canvassed the scene with Sergeant Cline and was present when they recovered the video recordings from the Defendant's neighbor. He stated that the video recording showed the suspect stepping over the victim to get into the vehicle. In the interview, the Defendant did not state that he had moved his vehicle; instead, he stated that he parked his car where it was because it was closer to his room so that he could hear the alarm better.

Sergeant Parks testified that, while interviewing the Defendant, Sergeant Parks told the Defendant that he knew the Defendant had killed the victim. Sergeant Parks recalled that the Defendant responded something to the effect of, "[Y]eah, but you got to prove I did it." However, after reviewing the interview, Sergeant Parks agreed that the Defendant said, "[W]ell, you got to prove that I didn't do this." Despite this difference, Sergeant Parks said he took that as a confession and ended the interview.

MPD Lieutenant Bobby Johnson testified that while working patrol on March 28, 2022, he responded to a ShotSpotter call; he explained that ShotSpotter was a system in

which microphones were placed in neighborhoods so that, when gunshots were fired, their sounds could be triangulated to approximate their location. When he arrived at the approximate area, he asked the people present what they may have seen or heard. Lieutenant Johnson also collected and tagged nine-millimeter shell casings and entered them into NIBIN, a database for shell casings, for comparison. Lieutenant Johnson testified that no arrests were made related to the March 28, 2022 call.

Tracey Fields, a criminal investigator with the Shelby County District Attorney's Office who previously worked with MPD, testified that she was asked to find any connections between the Defendant's sister and the address and shell casings of the March 28, 2022 shooting. She testified that in July of 2022, the Defendant's sister and her son, Christopher Johnson, lived at the address of the March 28, 2022 shooting.

Collierville Police Department Officers Christopher Raiteri and John Dees testified that in June 2024, they each received a call to respond to the Malco Movie Theatre related to a "suspicious vehicle," which smelled of marijuana. Officer Dees was the primary officer, and Officer Raiteri responded as backup. Officer Raiteri testified that the suspect, Caylum Warren, stepped out of the vehicle and was detained in the back of Officer Raiteri's vehicle. The officers performed a probable cause search of the vehicle, and Officer Raiteri discovered an FMK nine-millimeter firearm under the driver's seat of the vehicle. Officer Dees took possession of the firearm and placed it in an evidence locker. Neither officer could recall what Mr. Warren specifically looked like.

TBI Special Agent Shandra Lynch, who worked in the Firearm and Tool Mark Identification Unit, testified as an expert in firearm examination. She testified that she received a firearm recovered during an unrelated arrest on June 8, 2024, which she tested against various shell casings, bullet fragments, and bullets. As a result of her testing, she determined that the firearm recovered on June 8, 2024, fired 1) the bullet jacket recovered from the crime scene on February 4, 2023; 2) the bullet jacket fragments recovered from the Defendant's vehicle when it was processed by law enforcement; and 3) the bullet jacket fragments recovered from the victim's chest. She also determined that the firearm fired the five shell casings recovered by law enforcement on March 28, 2022, in the parking lot of a residential complex where the Defendant's sister and nephew lived.

MPD Officer Lee Walker testified that, as part of his work in the Crime Scene Investigation Unit, he used a gunshot residue (GSR) kit to take samples from the Defendant's fingers on February 4, 2023, at the Homicide Bureau Office. Officer Walker stated that while he collected the samples, the Defendant said he had not fired a weapon or been around one. He stated that the samples were later sent to the TBI for testing.

TBI Special Agent Lindsey Anderson, a forensic scientist with the Microanalysis Unit, testified that she analyzed the samples collected from the Defendant's February 4, 2023 gunshot residue test. Special Agent Anderson confirmed the presence of antimony, barium, and lead in the samples, which she stated indicated that the Defendant "could have handled a firearm, discharged a firearm, been near a firearm when it was discharged or had [gunshot residue] transferred to him in some other way." Special Agent Anderson testified that the "average time from shooting to getting a negative [GSR] kit would be somewhere between [four] to [eight] hours [after firing or handling a firearm], but there are outliers."

On cross-examination, Special Agent Anderson testified that if a firearm was fired inside a vehicle, then she would expect to find GSR inside the vehicle; this would also mean that if a person entered the vehicle and drove it, the person would possibly get GSR on them. Special Agent Anderson also stated that forty minutes after firing a weapon inside a vehicle was enough time for the GSR to settle in the vehicle. On redirect examination, Special Agent Anderson testified that clothing generally retains GSR "a lot longer" than hands and that gunshot residue can transfer from clothing to hands if touched. In addition, Special Agent Anderson stated that six gunshots release more particles than one gunshot and that even if a person showers, the person can still test positive for GSR if he or she touches clothing with GSR on it. On recross-examination, Special Agent Anderson testified that there was a sixteen-hour lapse between the shooting of the victim and the GSR kit collection.

MPD Sergeant Jason Bledsoe, an officer in the Digital Forensic Unit, testified that he performed a digital extraction on the Defendant's cell phone on February 9, 2023. He stated that the digital extraction showed that between 1:00 a.m. and 2:00 a.m. on February 4, 2023, the Defendant traveled approximately 378 meters: 266 meters at 1:23 a.m., 78 meters at 1:37 a.m., and 33 meters at 1:49 a.m. The maximum speed of the Defendant's cell phone during these times was 1.37 meters per second, which Sergeant Bledsoe described as greater than a walking speed and possibly more equivalent to a running pace. The Defendant's cell phone data further showed that he was at his residence at 1:06 a.m. but that at 1:23 a.m., he was just south of a nearby location on the same street. No location data was available between 4:31 a.m. and 9:08 a.m. Sergeant Bledsoe testified that the lack of location data during that timeframe could have been due to the device being in airplane mode, turned off, or set to stop sharing location data in the device's settings. He also stated that the device's battery could have died.

Sergeant Bledsoe further testified that the victim was saved in the Defendant's contacts as "Suga" and that the two exchanged text messages on the night of February 3, 2023. At 8:16 p.m., the Defendant texted the victim, "I love you bae. You soo tuff"; at 8:17 p.m., the victim texted the Defendant, asking, "Is you coming tonight or no?" The Defendant then responded, "Tomorrow baby." At 8:21 p.m., the victim texted, "You know

what, don't worry about it!! I'm done Randy.” Sergeant Bledsoe also testified that the extraction showed a text exchange between the Defendant and an unknown individual between 12:25 a.m. and 12:57 a.m. on February 4, 2023.

Sergeant Bledsoe testified that the Defendant locked and unlocked his cell phone several times between 12:17 a.m. and 1:38 a.m. on February 4, 2023, and that he turned his cell phone's flashlight on and off several times between midnight and 2:42 a.m. Sergeant Bledsoe testified that the cell phone's flashlight could be turned on or off only manually.

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 second degree murder and tampering with evidence. Following the jury's verdicts, the trial court set the Defendant's two convictions for sentencing on July 30, 2025. The trial court imposed an effective Range I sentence of fifteen years' incarceration at one hundred percent service. The Defendant filed an unsuccessful motion for a new trial, and this timely appeal followed.

II. ANALYSIS

On appeal, the Defendant argues that the evidence is insufficient to support his convictions and that the trial court erred by denying his request for jury instructions on the lesser included offense of voluntary manslaughter and on the defense of alibi. The State responds that the evidence is sufficient and that the trial court did not err. We will consider these issues in turn.

A. SUFFICIENCY

The Defendant argues that because the State presented no eyewitness accounts of “what happened” and the video evidence of the offenses was unclear, there is insufficient evidence to sustain his convictions of second degree murder and tampering with evidence. The State disagrees.

“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 relevant here, second degree murder is a “knowing killing of another.” Tenn. Code Ann. § 39-13-210(a). Tampering with evidence, as charged here, occurs when “any person, knowing that an investigation . . . is . . . in progress, . . . conceal[s] any . . . thing with intent to impair its . . . availability as evidence in the investigation[.]” *Id.* § -16-503(a)(1).

The Defendant’s challenges to the sufficiency of the convicting evidence fall into two categories: first, a challenge to the weight of the evidence, and second, a challenge to the credibility of the witnesses. Both claims target questions of fact entrusted to the jury rather than the legal sufficiency of the evidence. The jury resolves conflicts in the evidence, determines the weight of the evidence, and evaluates witness credibility as the trier of fact at trial, not the appellate court. *Curry*, 705 S.W.3d at 183. The jury was presented with the Defendant’s challenges to witness credibility and to the weight of the evidence at trial during the Defendant’s cross-examinations and rejected them, as was its prerogative as the trier of fact. We may not disturb these conclusions.

The Defendant does not allege that the State failed to prove any essential element of either offense for which he was convicted. The Defendant argues that there were no eyewitnesses and that the quality of the video evidence was not clear enough to identify the shooter. Nevertheless, the evidence adduced at trial, viewed in the light most favorable to the State, supports the Defendant’s convictions. The State introduced evidence that at the time of the shooting, the victim and the Defendant had been dating for approximately a year. The State also introduced video proof that in the early morning hours of February 4, 2023, the victim arrived at the Defendant’s residence and approached the Defendant’s vehicle in the driveway of the residence where he lived. The victim was then shot twice in

the chest while facing the Defendant's car, and these gunshot wounds were the victim's cause of death. After the shooting, the shooter exited the Defendant's vehicle on the passenger side and ran toward the back of the residence. Approximately forty-five minutes later, a person walked from the direction of the Defendant's residence, appeared to unlock the Defendant's vehicle, got into the vehicle, and moved the vehicle to the neighboring driveway, backing the vehicle into the driveway to place the driver's window facing away from the where the victim was shot. Thus, the window damage from the shots and the victim's DNA on the driver's side of the vehicle were not visible from the scene of the homicide. The Defendant told authorities that he was the only person with a key to his vehicle. Although the Defendant told authorities he was asleep in the residence all evening, his mother and Mr. Douglas told authorities he was not home all evening. The extraction from the Defendant's phone showed not only that he was at his residence or in the area, but also that he was on the phone and moving within the neighborhood when he claimed to have been sleeping. The phone showed text messages between the victim and the Defendant, including one that evening in which the victim told the Defendant that she was "done" with the Defendant. The phone also showed the Defendant texting someone very close in time to the shooting and that he was both manually turning his phone on and off, as well as using his flashlight on his phone, during the time he claimed to have been sleeping. Evidence established a connection between the firearm used to commit the homicide and the Defendant. This proof is sufficient to establish each element of the Defendant's conviction of second degree murder.

The proof is also sufficient to support the Defendant's conviction for tampering with evidence. As previously stated, the evidence introduced established that approximately forty-five minutes after the shooting, a person walked from the direction of the Defendant's residence, appeared to unlock the Defendant's vehicle, entered the vehicle, and moved the vehicle to the neighboring driveway, backing the vehicle into the driveway in such a manner as to place the driver's window facing away from the where the victim was shot, thereby concealing the window damage from the shots and the victim's DNA on the driver's side of the vehicle. The Defendant told authorities that he was the only person with a key to his vehicle. Extraction data from the Defendant's phone indicated he was using it and moving within the general area surrounding his residence when he claimed he was asleep. This proof is sufficient to establish each element of the Defendant's conviction of tampering with evidence.

B. JURY INSTRUCTIONS

The Defendant also contends that the trial court erred by denying his motions for jury instructions on the lesser included offense of voluntary manslaughter and on the defense of alibi. The State responds that the trial court did not err because neither instruction was fairly raised by the evidence.

A criminal defendant has a constitutional right to a trial by jury. *See* U.S. Const. amend. VI (“In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed[.]”); Tenn. Const. art. I, § 9 (providing “[t]hat in all criminal prosecutions, the accused hath the right . . . in prosecutions by indictment or presentment, a speedy public trial, by an impartial jury of the county in which the crime shall have been committed[.]”). A criminal defendant’s right to a jury trial includes the right to have the jury fully and accurately charged with the applicable law. *Cauthern v. State*, 145 S.W.3d 571, 600 (Tenn. Crim. App. 2004). Trial courts have an affirmative duty to safeguard this right by providing, without request, “proper jury instructions as to the law governing the issues raised by the nature of the proceeding and the evidence introduced at trial.” *State v. Hawkins*, 406 S.W.3d 121, 129 (Tenn. 2013). As the correctness of jury instructions is a mixed question of law and fact, the standard of review is de novo with no presumption of correctness. *State v. Smiley*, 38 S.W.3d 521, 524 (Tenn. 2001).

1. Voluntary Manslaughter

The Defendant argues that he requested the lesser included instruction of voluntary manslaughter and that the facts presented could lead a reasonable person to believe that circumstances for voluntary manslaughter were present, thus supporting the lesser included instruction. The State responds, and we agree, that the facts at trial did not fairly raise the issue of provocation by the victim, so the trial court did not err in declining to instruct the jury on voluntary manslaughter.

“Voluntary manslaughter is the intentional or knowing killing of another in a state of passion produced by adequate provocation sufficient to lead a reasonable person to act in an irrational manner.” Tenn. Code Ann. § 39-13-211(a). The essential element that distinguishes voluntary manslaughter from second degree murder, both of which are “knowing” killings, is whether the killing was committed “in a state of passion produced by adequate provocation sufficient to lead a reasonable person to act in an irrational manner.” *State v. Williams*, 38 S.W.3d 532, 538 (Tenn. 2001) (quoting Tenn. Code Ann. § 39-13-211(a)). Upon written request by either party, “the trial judge shall instruct the jury as to the law of each offense specifically identified in the request that is a lesser included offense of the offense charged in the indictment[.]” Tenn. Code Ann. § 40-18-110(a). In determining if a requested instruction is required on a lesser included offense, the trial court must first determine if an offense is a lesser included offense; if so, then it must determine whether an instruction on the lesser included offense is supported by the evidence. *See State v. Page*, 184 S.W.3d 223, 228 (Tenn. 2006). In making this determination, the trial court should consider the evidence “in the light most favorable to the existence of the lesser included offense without making any judgment on the credibility

of evidence.” Tenn. Code Ann. § 40-18-110(a). On appeal, this court must determine “(1) whether the offense is a lesser included offense; (2) whether the evidence supports a lesser included offense instruction; and (3) whether the failure to give the instruction is harmless error.” *State v. Howard*, 504 S.W.3d 260, 268 (Tenn. 2016) (citing *State v. Allen*, 69 S.W.3d 181, 187 (Tenn. 2002)).

As voluntary manslaughter is a lesser included offense of second degree murder, we must determine whether the evidence at trial supported an instruction on voluntary manslaughter. *See* Tenn. Code Ann. § 40-18-110(g)(2). In addressing the Defendant’s request for a charge on voluntary manslaughter, the trial court found that the record contained no evidence to indicate that the Defendant was in a state of passion produced by adequate provocation. We agree with the trial court. The Defendant’s defense at trial was that he was not the person who committed the murder. On appeal, the Defendant does not reference any specific facts to support his argument that the evidence supported the lesser-included offense instruction, thus risking waiver. *See* Tenn. R. App. P. 27(a)(7) (requiring an appellant to present a brief which sets forth “the contentions of the appellant with respect to the issues presented, and the reasons therefor, including the reasons why the contentions require appellate relief, with citations to the authorities and appropriate references to the record (which may be quoted verbatim) relied on.”); Tenn. R. Ct. Crim. App. 10(b) (“Issues which are not supported by argument, citation to authorities, or appropriate references to the record will be treated as waived in this court.”); *see also State v. Bonds*, 502 S.W.3d 118, 144 (Tenn. Crim. App. 2016) (holding that this court will “refuse to speculate about which pieces of evidence [an appellant] may find objectionable” when the appellant’s brief “fails to specifically identify which evidence he deems improper” and makes only a “general complaint” about the evidence.).

Regardless, as the record is devoid of any evidence of provocation by the victim to support an instruction on the lesser included offense of voluntary manslaughter, and because the offense of voluntary manslaughter requires proof of provocation, the Defendant is not entitled to relief on this issue. *See id.* § 39-13-211(a); *see also, e.g., State v. Jones*, No. W2025-01537-CCA-R3-CD, 2026 WL 2391623, at *4-5 (Tenn. Crim. App. Aug. 17, 2026) (finding no error in the omission of a jury instruction to consider voluntary manslaughter as a lesser-included offense because there was no evidence of provocation); *no perm. app. yet filed*; *State v. Harris*, No. W2025-01069-CCA-R3-CD, 2026 WL 2280856, at *6 (Tenn. Crim. App. Aug. 6, 2026) (same), *no perm. app. yet filed*.

2. Alibi

The Defendant also argues that the trial court erred in denying his request for a jury instruction on the defense of alibi. While conceding that no corroborative evidence supported his alibi claim, the Defendant asserts that evidence showed he was asleep at

home at the time of the offenses. The Defendant asserts that the trial court's failure to include an alibi instruction was not harmless error. The State responds that no alibi instruction was required because the Defendant did not claim he was not at the scene of the homicide by alleging that he was inside his residence asleep, which was the scene of the offense, at the time of the offense. Alternatively, the State submits that any error was harmless because the evidence "overwhelmingly preponderated against the [D]efendant's purported alibi."

This court has defined an "alibi" as "[a] defense based on the physical impossibility of a defendant's guilt by placing the defendant in a location other than the scene of the crime at the relevant time." *State v. Looper*, 118 S.W.3d 386, 416-17 (Tenn. Crim. App. 2003). "When a defendant pursues an alibi defense at trial, the trial court must instruct the jury on the defense when it is 'fairly raised' by the evidence." *State v. Mathis*, No. 03C01-9807-CC-00249, 1999 WL 878261, at *3-4 (Tenn. Crim. App. Oct. 14, 1999) (first citing *Manning v. State*, 500 S.W.2d 913, 916 (Tenn. 1973); and then citing *Poe v. State*, 370 S.W.2d 488, 491 (Tenn. 1963)), *perm. app. denied* (Tenn. Apr. 24, 2000). In *Manning*, our supreme court identified three scenarios when an alibi defense could be fairly raised: "(1) where the defendant's alibi has been corroborated by other credible witnesses; (2) where the victim has been unable to identify the defendant; [or] (3) where the proof against the defendant is wholly circumstantial." *Manning*, 500 S.W.2d at 916 (citations omitted). "Only when the evidence fairly raises the defense by meeting one of the above circumstances does the trial court have an unequivocal duty to instruct the jury." *State v. Love*, No. W2018-02095-CCA-R3-CD, 2020 WL 2301191, at *14-15 (Tenn. Crim. App. May 8, 2020), *perm. app. denied* (Tenn. Sept. 21, 2020). Additionally, an alibi defense cannot be fairly raised by the evidence without proof that it was physically impossible for the defendant to commit the crime. *See Looper*, 118 S.W.3d at 417 (recognizing that "the essence of an alibi is the physical impossibility of a defendant's having been at the scene when the crime was committed"); *see also State v. Gomez*, No. M2018-00529-CCA-R3-CD, 2019 WL 911160, at *4 (Tenn. Crim. App. Feb. 22, 2019), *no perm. app. filed*.

In this case, the State introduced evidence that the Defendant told law enforcement that he was asleep inside his residence in the early morning hours of February 4, 2023, when the victim was fatally shot in front of his residence. The State asserts that this does not qualify as an alibi because the Defendant was at the location of the homicide. We agree. Here, the Defendant told authorities that he was at home asleep at the time of the homicide; however, while the Defendant's mother initially told Sergeant Parks that the Defendant was home, she abruptly changed her statement and indicated that the Defendant was at his sister's home. Both the Defendant's mother and Mr. Douglas, with whom the Defendant lived, then told authorities that the Defendant was not at home that evening and that they had not seen him that night. The Defendant's mother even checked the residence in the early morning hours of February 4, 2023, to confirm for officers that the Defendant

was not home. The Defendant's statements, as well as those of his mother and Mr. Douglas, were also contradicted by evidence extracted from the Defendant's cell phone, which showed the phone was in use and mobile while the Defendant claimed to have been asleep. The Defendant also stated to officers that he was the only person with keys to his vehicle, which was moved after the victim was shot. Under these circumstances, the Defendant's claim that he was inside the residence at the time of the offenses is not corroborated by other credible witnesses, which the Defendant concedes. Although other circumstances may fairly raise the defense of alibi, none are relevant here. Thus, the trial court did not err in declining to instruct the jury on the defense of alibi.

Even assuming that the trial court should have instructed the jury on the defense of alibi, any error was harmless. A trial court's erroneous failure to instruct a jury may be subject to harmless error analysis. *See Manning*, 500 S.W.2d at 916. When applying harmless error analysis, "[r]eversal is required if the error affirmatively appears to have affected the result of the trial on the merits, or in other words, reversal is required if the error more probably than not affected the judgment to the defendant's prejudice." *State v. Williams*, 977 S.W.2d 101, 105 (Tenn. 1998); *see also State v. Hamm*, 611 S.W.2d 826 (Tenn.1981) (applying harmless error analysis and concluding that the trial court's failure to instruct upon the lesser offense constituted prejudicial error); *Manning*, 500 S.W.2d at 916 (applying harmless error analysis to alibi instruction). We agree with the State that the evidence introduced at trial did not support the Defendant's purported alibi that he was asleep inside his residence. As previously addressed, the evidence was sufficient for each offense, and the jury was presented with the Defendant's challenges to witness credibility and the weight of the evidence at trial during the Defendant's cross-examinations and rejected them, as was its prerogative as the trier of fact. Thus, the failure to charge alibi did not affect the outcome of the trial, and the Defendant is not entitled to relief on this issue.

III. CLERICAL ERRORS

On our own motion, we note an issue with the judgments of conviction. *See Tenn. R. Crim. P. 36*. Each judgment lists an incorrect offense date and fails to note the jury's verdict. The second degree murder judgment also does not note the offender status as "Range I, standard offender." Accordingly, we remand this case for entry of corrected judgments of conviction to correct the offense date and note the jury's verdict; the judgment for second degree murder shall also be corrected to indicate the offender status as Range I, standard offender.

IV. CONCLUSION

Following our review of the record and based on the foregoing analysis, we affirm the convictions but remand this case for entry of corrected judgments of conviction consistent with this opinion.

s/ STEVEN W. SWORD

STEVEN W. SWORD, JUDGE