

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE
AT JACKSON

Assigned on Briefs August 4, 2026

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Clerk of the
Appellate Courts

STATE OF TENNESSEE v. SUSAN ESCOBAR

Appeal from the Circuit Court for Dyer County
Nos. 24-CR-260, 21-CR-24 Mark L. Hayes, Judge

No. W2025-01524-CCA-R3-CD

While serving a probated sentence, the Defendant, Susan Escobar, was arrested and charged with one count of evading arrest while operating a motor vehicle, creating a risk of death or serious bodily injury. The Defendant entered a best interest guilty plea and, following a combined probation revocation and sentencing hearing, the trial court revoked her probation in full and imposed a sentence of seven years' incarceration. On appeal, the Defendant argues that the trial court erred in imposing her sentence because it failed to place sufficient findings on the record regarding the applicable enhancement factors. Discerning no error, we affirm.

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

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

Joshua V. Lehde, Assistant Public Defender – Appellate Division, Tennessee Public Defenders Conference (on appeal); Sean Day, District Public Defender; and Martin L. Howie (in case number 21-CR-24) and Jeremy T. Armstrong (in case number 24-CR-260), Assistant District Public Defenders, for the appellant, Susan Escobar.

Jonathan Skrmetti, Attorney General and Reporter; G. Kirby May, Assistant Attorney General; Danny H. Goodman, Jr., District Attorney General; and Tim Boxx, Assistant District Attorney General, for the appellee, State of Tennessee.

OPINION

I. FACTUAL AND PROCEDURAL HISTORY

On April 12, 2021, a Dyer County grand jury returned a two-count indictment charging the Defendant with theft of property valued at more than \$10,000 and possession of marijuana with the intent to sell or deliver in case number 21-CR-24. The Defendant pled guilty to theft of property valued at more than \$10,000, and her charge of possession of marijuana was dismissed. Pursuant to a negotiated plea agreement, the trial court imposed a sentence of four years and six months' incarceration.

On March 22, 2022, the trial court granted the Defendant's request for furlough to complete a six-month program at Fresh Start Memphis, a rehabilitation facility in Brighton. On September 27, 2022, the trial court entered an order finding that the Defendant had successfully completed her rehabilitation program. Pursuant to the Defendant's negotiated plea agreement, the trial court suspended the Defendant's sentence and ordered her to serve the remainder of her sentence on supervised probation. The Defendant's signed probation order was filed on October 3, 2022.

On September 3, 2024, the trial court issued a probation violation warrant that alleged that the Defendant violated the terms of her probation by being arrested and charged with aggravated assault and felony evading arrest. On October 14, 2024, a Dyer County grand jury returned an indictment charging the Defendant with one count of evading arrest while operating a motor vehicle, creating a risk of death or serious bodily injury, in case number 24-CR-260. The trial court appointed counsel.

On August 18, 2025, the Defendant entered a best interest guilty plea. At the guilty plea submission hearing, the State submitted that its proof at trial would have shown that at around 8:30 a.m. on August 27, 2024, Newbern Police Department (NPD) Investigator Danny Tippit¹ received a call from the Dyersburg Police Department (DPD) advising him that a driver in a gray Dodge Charger had fled from DPD officers. The DPD further advised that officers had pursued the vehicle but terminated their pursuit out of concern for their safety. Investigator Tippit thereafter "picked up what [he] believed to be the same Dodge Charger." After checking the vehicle's license plate and confirming that it was the same vehicle, Investigator Tippit activated his emergency lights and attempted to initiate a traffic stop. The vehicle did not stop and "ran at least one vehicle off the road." Investigator Tippit was ultimately unable to stop the vehicle and terminated his pursuit out of concern for public safety; however, he saw the driver and identified her as the Defendant. The Defendant was ultimately arrested by an officer from the Dyer County Sheriff's Office.

¹ The record and transcripts in this case alternatively spell this witness's surname as "Tippit" and "Tippet." For consistency, we adopt the former spelling.

The Defendant testified that she understood her right to a jury trial and that she intended to waive that right by pleading guilty. She testified that she believed it was in her best interest to plead guilty, that she was satisfied with counsel's representation, and that she had signed a plea agreement and a waiver of her right to a jury trial. The trial court accepted the Defendant's guilty plea and scheduled a sentencing hearing.

With the parties' agreement, the trial court held a combined probation revocation and sentencing hearing on September 16, 2025. At the outset of the hearing, the parties agreed that the Defendant violated the terms of her probation in case number 21-CR-24 by committing the offenses to which she pleaded guilty in case number 24-CR-260. The Defendant also conceded that she qualified as a Range II, multiple offender.

NPD Investigator Danny Tippit testified that he was "familiar with" the Defendant from prior interactions. On August 27, 2024, Investigator Tippit heard via "radio traffic" that DPD officers unsuccessfully attempted to stop a black Dodge Charger which had fled from them. The officers described the vehicle as a black Dodge Charger and stated that it was being driven toward Newbern. Soon thereafter, while Investigator Tippit drove his patrol vehicle along Williams Street, he saw a vehicle which fit the description he had been provided. After confirming that the vehicle was the black Dodge Charger the DPD officers had described, Investigator Tippit activated his emergency lights and attempted to initiate a traffic stop. The vehicle pulled over, and Investigator Tippit exited his patrol vehicle. He drew his weapon, pointed it toward the vehicle, and instructed the driver to roll the window down and exit the vehicle. The driver partially rolled down the vehicle's window before driving away.

Investigator Tippit testified that he reentered his patrol vehicle and pursued the Dodge Charger along Williams Street. During the pursuit, the driver turned at the intersection of Williams Street and Biffle Road and stopped the vehicle again. Investigator Tippit exited his patrol vehicle and commanded the driver to "stop." The driver rolled down her window, and Investigator Tippit recognized the Defendant. Investigator Tippit recalled that the Defendant yelled at him, put her hands out the window, "flipp[ed him] off," and drove away toward Highway 77.

Investigator Tippit stated that he reentered his patrol vehicle and continued his pursuit of the Defendant. He estimated that the Defendant drove "well in excess" of seventy-five or eighty miles per hour. During the pursuit, the Defendant made a right-hand turn onto Highway 77, which Investigator Tippit described as a two-lane road. As she turned onto Highway 77, the Defendant briefly drove into oncoming traffic and forced another vehicle off the road. The Defendant then reentered the right lane of traffic and nearly struck another vehicle. Investigator Tippit testified that he radioed Lieutenant Bill

French as the Defendant drove toward the intersection of Highways 77 and 211 and that Lieutenant French advised him to terminate his pursuit of the Defendant for his safety.

On cross-examination, Investigator Tippit agreed that his initial report did not mention that he stopped the Defendant twice, that he drew his weapon, or that the Defendant “flipp[ed him] off.” He stated that he was not wearing a body camera during the stops.

The Defendant testified that she was pulled over by an “undercover car” as she drove along Williams Street. She stated that this vehicle briefly passed her, then pulled up behind her and activated its emergency lights. The Defendant pulled over and parked her car with her window “cracked halfway” open. The Defendant testified that the officer pointed his firearm at her, told her not to exit her vehicle, and directed her to drive back home. Accordingly, the Defendant continued driving along Williams Street before stopping her vehicle again. She then opened the door, raised her hands in the air, and asked the officer what he wanted. The Defendant thereafter closed her door and drove toward Highway 77. She stated that she maintained control of her vehicle and that “[p]eople were pulling over on the side of the road for [her] to get by.” The Defendant testified that she drove her vehicle to Trimble and “waited for the police to come.” The Defendant agreed that she yelled at Investigator Tippit, but she denied that she “flipped him off.” She averred that she did not believe she had done anything wrong.

The Defendant conceded that she had a lengthy criminal record, which included previous convictions for possession of marijuana, driving under the influence, driving on a suspended or revoked license, failure to appear, theft of property valued at \$10,000 or more but less than \$60,000, trespass, and assault. She testified that she had previously had a “drug problem” but that she had been sober for three years and six months. However, she agreed that she informed an official from the Tennessee Department of Correction that she had been “drinking and doing meth” when she was arrested “this most recent time.” She averred that she had a hard time maintaining employment because she got “fire[d]” for “crazy reasons”; she denied that she had been terminated from employment due to her drug use. She stated that she intended to return to one of her previous jobs and that she would live with her grandmother, aunt, and two children in Trimble upon her release from jail. She also stated that she intended to attend church and Alcoholics Anonymous meetings upon her release. She testified that she would be willing to attend a long-term rehabilitation program.

Following this proof, the State argued that the Defendant’s criminal history and her commission of the offense in case number 24-CR-260 while serving her probated sentence in case number 21-CR-24 warranted an enhanced sentence. The State further argued that the Defendant was not an appropriate candidate for alternative sentencing because she had

previously violated the terms of her probation and had her probation revoked. The State also noted that the Defendant had not accepted responsibility for the wrongfulness of her actions. Accordingly, the State requested that the trial court impose a sentence of six years' incarceration.

The Defendant conceded that she had a lengthy criminal record and that she committed the offense in case number 24-CR-260 while she was serving her probated sentence in case number 21-CR-24. As mitigating proof, the Defendant argued that no one was injured during the offense. She also opined that she was "terrified" of Investigator Tippit and noted that he pointed his firearm toward her vehicle and did not inform her that she had been driving recklessly or speeding. The Defendant also argued that her presentence report indicated that she needed "support systems" to avoid reoffending and to treat her drug addiction. Accordingly, the Defendant requested that the trial court either place her on community corrections or impose a split confinement sentence.

After considering the purposes and principles of sentencing, the presentence report, the arguments of counsel, the evidence presented at the hearing, the nature and characteristics of the criminal conduct involved, the applicable enhancement and mitigating factors, the relevant statistical information provided by the Administrative Office of the Courts, the Defendant's testimony, and her potential for rehabilitation, the trial court made the following findings. It concluded that the Defendant qualified as a Range II, multiple offender. The trial court applied enhancement factor (1), finding that the Defendant had "a previous history of criminal convictions or criminal behavior, in addition to those necessary to establish the appropriate range." Tenn. Code Ann. § 40-35-114(1). The trial court found that the Defendant had previously been convicted of sixty-three misdemeanors and three felonies, noting that the Defendant had "probably the lengthiest criminal record" it had "seen in three and a half years." The trial court also applied enhancement factor (8), finding that the Defendant, "before trial or sentencing, failed to comply with the conditions of a sentence involving release into the community." *Id.* § -114(8). The trial court found that the Defendant had violated the terms of her probated sentences ten times in twenty-three years, including her conceded violation in case number 21-CR-24. The trial court also applied enhancement factor (13), finding that the Defendant committed the offense in case number 24-CR-260 while released on probation in case number 21-CR-24. *Id.* § -114(13). The trial court applied mitigating factor (1), finding that the Defendant's "criminal conduct neither caused nor threatened serious bodily injury." *Id.* § -113(1). However, the trial court noted that it afforded mitigating factor (1) "little weight" because "the nature of [the] offense lends itself to the threat of serious bodily injury."

The trial court denied the Defendant's request for alternative sentencing. The trial court accepted the Defendant's concession that she violated her probation in case number

21-CR-24 and revoked her probation in full. The trial court imposed a sentence of seven years' incarceration in case number 24-CR-260, aligned concurrently with the Defendant's sentence in case number 21-CR-24. This timely appeal followed.

II. ANALYSIS

On appeal, the Defendant argues that the trial court erred in imposing her sentence because it failed to place sufficient findings on the record regarding the applicable enhancement factors. She requests that this court either remand for further findings of fact or review her sentence de novo and impose a sentence of four years' incarceration. The State responds, and we agree, that the trial court placed sufficient findings of fact on the record and did not err by imposing a within-range sentence of seven years' incarceration.

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

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

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

(8) The result of the validated risk and needs assessment conducted by the department and contained in the presentence report.

Id. § -210(b). Although the trial court is not required to make particularly lengthy or detailed findings on the record in its consideration of these factors, it must nevertheless “set forth enough to satisfy the appellate court that [it] has considered the parties’ arguments and has a reasoned basis” for imposing the sentence. *Bise*, 380 S.W.3d at 706 (citing *Rita v. United States*, 551 U.S. 338, 356-57 (2007)).

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

In case number 24-CR-260, the Defendant was convicted of evading arrest while operating a motor vehicle, creating a risk of death or serious bodily injury, a Class D felony. See Tenn. Code Ann. § 39-16-603(d)(2)(B). The parties agreed, and the trial court found that the Defendant qualified as a Range II, multiple offender based on her previous convictions, and the record supports that classification. See *id.* § 40-35-106(a). Accordingly, the appropriate sentencing range for the Defendant’s conviction was between four and eight years, and her sentence of seven years’ incarceration was within that range. *Id.* § -112(b)(4).

The Defendant argues that the trial court’s findings of fact regarding the applicable enhancement factors were insufficient to justify its imposition of a sentence of seven years’ incarceration. Relying on this court’s recent opinion in *State v. Strouth*, No. E2024-01790-CCA-R3-CD, 2026 WL 923921, at *17 (Tenn. Crim. App. Apr. 6, 2026), *perm. app. pending*, the Defendant argues that the trial court must “make findings as to how it is using [the enhancement] factors to enhance [a] defendant’s sentence” and that it did not do so in this case. She also notes that the State requested that the trial court impose a sentence of six years’ incarceration and that the trial court “never explained why the State’s recommended sentence would not be sufficient.”

In *Strouth*, the defendant was convicted of first degree murder and conspiracy to commit first degree murder. *Id.* at *1. The trial court imposed a sentence of life for the

defendant's conviction of first degree murder and scheduled a sentencing hearing to determine his sentence for conspiracy to commit first degree murder. *Id.* at *11. At the sentencing hearing, the trial court "found applicable five enhancement factors and one mitigating factor" and imposed a sentence of twenty-five years' incarceration, which it aligned consecutively to the defendant's life sentence. *Id.* On appeal, the defendant argued his sentence was excessive and contended that the trial court "misapplied" the enhancement factors. *Id.* at *17. Upon review, this court reversed, concluding that the trial court "failed to place on the record its reasoning with respect to the application of the enhancement factors" and "offered no findings as to the application of these factors." *Id.* Accordingly, we vacated the defendant's sentence and remanded the case with instructions to the trial court to place its findings of fact regarding each applicable enhancement factor upon the record. *Id.*

We similarly vacated a defendant's sentence and remanded for further sentencing proceedings in *State v. Luster*, No. M2025-00841-CCA-R3-CD, 2026 WL 2350268, at *1 (Tenn. Crim. App. Aug. 13, 2026), *no perm. app. yet filed*. In that case, the State requested that the trial court apply enhancement factors (1) and (14) following the defendant's conviction of rape of a child. *Id.* The State elicited proof during the defendant's sentencing hearing in support of its request. *Id.* at *6. Following arguments, the trial court imposed a sentence of thirty years' incarceration but made no findings regarding the applicable enhancement or mitigating factors. *Id.* at *7. However, in a "preprinted standard written sentencing order, entered the same day as the sentencing hearing," the trial court indicated that enhancement factors (1) and (14) applied and that no mitigating factors applied. *Id.* at *13. On appeal, the defendant argued that the trial court erred by failing to place sufficient findings of fact on the record in support of its sentencing determination. *Id.* at *12. We agreed, concluding that the trial court erred by failing to identify any facts in support of its application of enhancement factors (1) and (14) and by failing to explain how those enhancement factors "supported the court's findings and . . . led to the sentencing determination in relation to the purposes and principles of the Sentencing Act." *Id.* at *13.

This case is distinguishable. In contrast to the perfunctory identification of the applicable enhancement factors without further analysis in *Luster* and *Strouth*, the trial court in this case both identified the applicable enhancement factors and explained the factual basis for its application of those factors:

Enhancement factors: [t]he [c]ourt finds [n]umber [o]ne applies; the defendant has a previous history of criminal convictions or criminal behavior in addition to those necessary to establish the appropriate range. I think it may be the lengthiest criminal record the [c]ourt has seen in three and a half years, although not the most serious, but probably the lengthiest criminal record.

Number [e]ight applies: [t]he defendant before trial or sentencing has failed to comply with the conditions of the sentence involving release in the community. There have been multiple probation violations over the last [twenty-three] years. I think I counted nine probation violations, in addition to the [sixty-three] misdemeanors and three felonies. And that does not include the pending violation that the [D]efendant has conceded today. So, that would make it an even ten violations of probation.

The [c]ourt finds [n]umber [t]hirteen applies as well. At the time the felony was committed, the [D]efendant was released on probation at the time.

We note that there are no “magic words” that trial judges must pronounce on the record” in imposing a sentence. *State v. Trent*, 533 S.W.3d 282, 292 (Tenn. 2017). So long as the trial court sets forth a reasoned and coherent basis for its sentencing decisions to satisfy the appellate court that it has considered the purposes and principles of sentencing, we defer to its determinations and view them as presumptively reasonable. *Id.*; *see also Bise*, 380 S.W.3d at 706. And unlike the trial courts in *Luster* or *Strouth*, which identified the applicable enhancement factors but offered no findings as to their application to the defendants’ sentences, the trial court in this case specifically identified the facts in the record which supported its application of the enhancement factors. *Luster*, 2026 WL 2350268, at *13; *Strouth*, 2026 WL 923921, at *17.

Here, the record is sufficient to establish that the trial court considered the purposes and principles of sentencing in fashioning the Defendant’s sentence. The trial court discussed the Defendant’s lengthy criminal record, her multiple prior probation violations and found that the Defendant committed the offense in case number 24-CR-260 while serving a probated sentence in case number 21-CR-24. These findings are sufficient to support its application of enhancement factors (1), (8), and (13). *See* Tenn. Code Ann. § 40-35-114(1), (8), (13). Although the trial court did not state the precise weight it afforded the enhancement factors, the court implicitly found that they outweighed the single applicable mitigating factor, to which the trial court afforded “little weight.” The trial court emphasized the Defendant’s criminal history throughout its sentencing findings, and the record supports those findings. Thus, the Defendant’s claim that the trial court did not explain how it “used” the applicable enhancement and mitigating factors is unavailing. Moreover, we note that the statutory enhancement and mitigating factors are advisory only, and the weight the trial court affords them is discretionary. *Bise*, 380 S.W.3d at 706; *Earley*, 719 S.W.3d at 253; *see also State v. Taylor*, No. W2024-00560-CCA-R3-CD, 2025 WL 736630, at *8 (Tenn. Crim. App. Mar. 7, 2025), *perm. app. denied* (Tenn. June 20, 2025). Because the trial court imposed a within-range sentence that was consistent with

the purposes and principles of sentencing, its sentencing determination is entitled to a presumption of reasonableness. *Bise*, 380 S.W.3d at 706.

The Defendant also asserts that her seven-year sentence is excessive, noting that the State only requested a six-year sentence. This argument is unavailing as well. Trial courts are not required to accept either party's sentencing recommendations in imposing a defendant's sentence and "may keep [their] own counsel as to the appropriate sentence consistent with the purposes and principles of sentencing." *State v. Reguli*, No. M2022-01143-CCA-R3-CD, 2024 WL 913212, at *11 (Tenn. Crim. App. Mar. 4, 2024), *perm. app. denied* (Tenn. July 18, 2024). Regardless, the Defendant's seven-year sentence was within the appropriate sentencing range and was not excessive. As we have previously noted, under our deferential standard of review, "the minimum sentence can be imposed even if the trial court correctly applies all twenty-five enhancement factors, or the maximum sentence imposed even if no statutory enhancement factors are applicable, as long as the sentence is within the correct range" and is compliant with the purposes and principles of sentencing. *State v. Nichols*, No. W2014-02276-CCA-R3-CD, 2016 WL 3389987, at *5 (Tenn. Crim. App. June 10, 2016), *perm. app. denied* (Tenn. Oct. 21, 2016). Accordingly, we conclude that the trial court did not abuse its discretion in imposing the Defendant's within-range sentence, and the Defendant is not entitled to relief.

III. CONCLUSION

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

s/ *Steven W. Sword*

STEVEN W. SWORD, JUDGE