

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE
AT JACKSON

Assigned on Briefs July 9, 2026

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Clerk of the
Appellate Courts

STATE OF TENNESSEE v. ROY JONES, SR.

Appeal from the Criminal Court for Shelby County

No. 22-02531

Carlyn L. Addison, Judge

No. W2025-01537-CCA-R3-CD

Defendant, Roy Jones, Sr., was indicted by a Shelby County grand jury for first degree murder for the shooting death of his wife. After a jury trial, Defendant was convicted of second degree murder and sentenced to twenty-five years of incarceration. In this timely appeal, Defendant challenges the sufficiency of the evidence, the trial court's refusal to give a jury instruction on voluntary manslaughter, the trial court's jury instruction on flight, and his sentence. After a thorough review, we affirm the judgment of the trial court.

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

TIMOTHY L. EASTER, J., delivered the opinion of the court, in which ROBERT W. WEDEMEYER, P.J., and MATTHEW J. WILSON, J., joined.

Jerri Green, District Public Defender; Mark Renken and Angela Sanders, Assistant Public Defenders (at trial); Barry W. Kuhn, Assistant Public Defender (on appeal), for the appellant, Roy Jones, Sr.

Jonathan Skrmetti, Attorney General and Reporter; Julia A. Johnson, Assistant Attorney General; Steven J. Mulroy, District Attorney General; and Angela Hennig and Monica Timmerman, Assistant District Attorneys General, for the appellee, State of Tennessee.

OPINION

Juanita Jones, the victim, and Defendant were married. Andrea Owens, the younger sister of the victim, recalled that Defendant and the victim had "been together" for about twenty years and had been married for about ten years. Ms. Owens characterized her relationship with the victim as "close," explaining that they talked every day. She never

saw Defendant be violent to the victim. Defendant and the victim had one child together, R.J., who was twelve years old.

On January 3, 2022, Ms. Owens spoke with the victim on the phone. There was no indication that the victim was in any danger. At some point that day, R.J. called Ms. Owens. He spoke in a “whisper” and sounded “scared.” When the phone call ended, Ms. Owens “left work immediately, and . . . headed toward [the victim’s] house.” She called 911 on the way there.

R.J. was at home with Defendant on January 3. He “wasn’t really doing much other than playing video [games]” because he was on winter break from school. R.J. remembered that someone came to the house that day and sat with Defendant at the table in the dining room. R.J. did not know the person who came to the house. The victim was at work in the cafeteria at Shelby Oaks Elementary School. The victim got off work “around 3” p.m. After the victim arrived home from work, R.J. was in his room, located “pretty much next to” his parent’s room, playing on his “Virtual Reality headset.” He “heard yelling” for what he described as “like a minute or so.” R.J. said it was unusual to hear his parents yelling. The next thing he heard was “a loud bang” and then silence. Next, his “dad tried to go into [his] room.” R.J. had locked the door and was “holding [himself] against [the door]” because he was “scared.” R.J. eventually let Defendant in the room. Defendant told him that he “did something bad” and to call 911. Defendant looked “sad” and walked out of the room. R.J. called 911 on his own phone. He could not remember his home address. At some point, Defendant “walked back in [to R.J.’s room] and he grabbed [R.J.’s] phone, hung it up, and threw it to the floor.” When Defendant left, he told R.J. that he loved him and “he had to go.” R.J. got into his closet and called both his aunt, Ms. Owens, and his sister, Kameshia Davis. He could not recall who he called first.

When the police arrived, R.J. let them into the house and helped them unlock the bedroom door using his fingernail. R.J. knew that Defendant owned “two or three” handguns that were typically stored in the closet.

Ms. Owens arrived to a “[c]haotic” scene at the house. Ms. Owens’s “niece [Ms. Davis] was coming out of the house completely breaking down with [R.J.]” and her children. An officer was “trying to console her.” Ms. Owens parked her car and ran to help.

Ms. Owens gained access to the victim’s email, debit card, and Ring doorbell camera footage. The debit card was used at a “liquor store and a food place” after the victim’s death. There was no Ring doorbell camera footage from the day of the victim’s death. Ms. Owens saw earlier Ring camera footage that depicted the victim and Defendant “walking in the house,” footage of Defendant “covering up the camera,” and footage of

Defendant “standing on the porch on the phone speaking to someone saying that he needed to remove the camera off of the house.” When Ms. Owens tried to retrieve this footage again a “day or so” later, it was “deleted.” At that time, Defendant had not turned himself in to the police. Besides the victim, Defendant was the only other person Ms. Owens knew had access to the Ring camera footage.

Ms. Davis recalled that her stepfather, Defendant, had more than one gun. He kept them in the bedroom – one in the mattress, one in the dresser, and one in the closet. Ms. Davis last saw the victim on January 2 when she went to the victim’s house to pick up her children. She spoke with the victim on January 3 at around 12:00 p.m. There was no indication that there was anything wrong.

Ms. Davis got a call from R.J. on the day of the victim’s death. When he explained what happened, she told him to get to a safe place and call 911. When Ms. Davis got off the phone with R.J., she called her aunt, Ms. Owens. Ms. Davis drove to the victim’s house. When she arrived at the house, she went inside and entered the victim’s bedroom where she saw the deceased victim, lying “on the bed, [and she] looked like she was watching TV and eating, because the food was on the tray that she usually eats on.” Ms. Davis did not recall seeing either car in the driveway when she arrived.

Ms. Davis did not recall any physical violence between the victim and Defendant during the “almost 25 years” they were together. Ms. Davis knew Defendant had fired the guns before but had never known him to fire the guns in the house.

After his mother’s death and father’s arrest, R.J. went to live with Ms. Owens, her husband, and their children. R.J. experienced “night terrors” and would “wake up in a panic.” He eventually improved after seeing a psychologist for about a month and a half.

Ms. Owens helped to clean out the victim’s house after her death. They did not find any weapons or shell casings.

Officer Michael Meija of the Memphis Police Department and his partner, Officer Northcott,¹ were the first officers on the scene. Sergeant Lisa Mathis interviewed R.J. after the incident. As a result of the interview, Defendant was charged in connection with the death of the victim. Police were initially unable to locate Defendant. He turned himself in on January 10.

¹ Officer Northcott’s first name does not appear in the transcript.

Sergeant Jason Bledsoe of the Memphis Police Department testified as an expert in digital forensics. He was able to extract text messages to Defendant from the victim's phone. On December 24, 2021, the victim sent the following text to Defendant:

You know I go through this with you every year. If you don't want me then just leave me. . . . You know I should . . . always go through this. If you go -- got another woman, just go to her and leave me alone. I have enough going on trying to get over losing my mom. I'm not going to let you keep putting me through this sh[*]t, excuse me. I don't have to go through this -- through the -- I don't have to go through, and if you think I'm cheating, and that was the key word I typed in cheating, that would really disrespect my family. You got me f[***]ked up, excuse me, and you really don't need me -- don't know me.

About ten minutes later, the victim sent another text to Defendant:

and for you to try to disrespect my sister and her husband's house like that, to actually think I would have someone there is out of line, and at a place with all they do. We know questions as hell we still got they car, and it's been a year. You really is an a[**], excuse me. You must be at yo b[**]ch house, excuse me again, now go to hell.

In reviewing the text messages, Sergeant Bledsoe did not see any threats of violence between the victim and Defendant. Sergeant Bledsoe did not find any text messages to indicate the victim was seeing someone else.

Dr. Erica Curry testified as an expert in forensic pathology. According to the autopsy, the victim suffered from a single gunshot wound to the head, fired from an indeterminate range. The entrance wound was behind the left ear, and the bullet was recovered from the victim's mouth. Dr. Curry testified that the victim could have survived with "prompt medical attention" and may have "lingered" a few minutes rather than dying instantly.

Defendant did not present any proof. At the conclusion of the trial, the jury found Defendant guilty of second degree murder. At a sentencing hearing, the trial court sentenced Defendant to twenty-five years.

The trial court denied a motion for new trial, and Defendant timely filed a notice of appeal. On appeal, he challenges the sufficiency of the evidence, the jury instructions, and his sentence.

Analysis

Sufficiency of Evidence

Defendant argues that the evidence is insufficient to support the conviction of second degree murder. Specifically, Defendant argues there is “no evidence of malice in this case” that would “indicate a knowing killing.” The State disagrees, arguing that there was sufficient proof that Defendant “knowingly killed the victim.”

“Because a verdict of guilt removes the presumption of innocence and raises a presumption of guilt, the criminal defendant bears the burden on appeal of showing that the evidence was legally insufficient to sustain a guilty verdict.” *State v. Hanson*, 279 S.W.3d 265, 275 (Tenn. 2009) (citing *State v. Evans*, 838 S.W.2d 185, 191 (Tenn. 1992)). When a defendant challenges the sufficiency of the evidence, the standard of review applied by this Court is “whether ‘any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt.’” *State v. Parker*, 350 S.W.3d 883, 903 (Tenn. 2011) (quoting *Jackson v. Virginia*, 443 U.S. 307, 319 (1979) (emphasis in original)). When this Court evaluates the sufficiency of the evidence on appeal, the State is entitled to the strongest legitimate view of the evidence and all reasonable inferences that may be drawn from that evidence. *State v. Davis*, 354 S.W.3d 718, 729 (Tenn. 2011) (citing *State v. Majors*, 318 S.W.3d 850, 857 (Tenn. 2010)).

Guilt may be found beyond a reasonable doubt where there is direct evidence, circumstantial evidence, or a combination of the two. *State v. Sutton*, 166 S.W.3d 686, 691 (Tenn. 2005); *State v. Hall*, 976 S.W.2d 121, 140 (Tenn. 1998). The standard of review for sufficiency of the evidence “‘is the same whether the conviction is based upon direct or circumstantial evidence.’” *State v. Dorantes*, 331 S.W.3d 370, 379 (Tenn. 2011) (quoting *Hanson*, 279 S.W.3d at 275). Circumstantial evidence alone may be sufficient to sustain a conviction. *State v. Sisk*, 343 S.W.3d 60, 65 (Tenn. 2011). The jury as the trier of fact must evaluate the credibility of the witnesses, determine the weight given to witnesses’ testimony, and reconcile all conflicts in the evidence. *State v. Campbell*, 245 S.W.3d 331, 335 (Tenn. 2008) (citing *Byrge v. State*, 575 S.W.2d 292, 295 (Tenn. Crim. App. 1978)). When considering the sufficiency of the evidence, this Court shall not substitute its inferences for those drawn by the trier of fact. *Id.*

Second degree murder, as charged in this case, is the “knowing killing of another” and is a result of conduct offense. T.C.A. § 39-13-210(a)(1). A person acts knowingly “when the person is aware that the conduct is reasonably certain to cause the result.” T.C.A. § 39-11-302(b). “[T]he ‘nature of the conduct’ that causes death is inconsequential.” *State v. Page*, 81 S.W.3d 781, 787 (Tenn. Crim. App. 2002) (quoting

State v. Ducker, 27 S.W.3d 889, 896 (Tenn. 2000)). Thus, a knowing mens rea is shown if the defendant acts with an awareness that his conduct is reasonably certain to cause the victim's death. *See id.* at 790-93. Whether a defendant acted "knowingly" is a question of fact for the jury. *State v. Inlow*, 52 S.W.3d 101, 104-105 (Tenn. Crim. App. 2000). "A person can act knowingly irrespective of his or her desire that the conduct or result will occur." *State v. Gray*, 960 S.W.2d 598, 604 (Tenn. Crim. App. 1997) (citing *State v. Rutherford*, 876 S.W.2d 118, 120 (Tenn. Crim. App. 1993)). In assessing whether the Defendant acted knowingly, the jury may rely on "the character of the assault, the nature of the act and [on] all the circumstances of the case in evidence." *Inlow*, 52 S.W.3d at 105 (citing *State v. Holland*, 860 S.W.2d 53, 59 (Tenn. Crim. App. 1993)).

Viewing the evidence in a light most favorable to the State, the evidence showed that Defendant owned several guns and was heard yelling at the victim for approximately one minute prior to a single gunshot. The victim was shot from behind while sitting on the bed. Defendant entered his son's room next door and told him to call 911 because he "did something bad." Defendant left the room, only to return a few minutes later. When he returned, he took R.J.'s phone, ended the 911 call, threw the phone to the ground, and told his son he loved him and that he "had to go." Defendant fled the home and likely used the victim's debit card and deleted the Ring camera footage. Defendant incorrectly argues that "malice" distinguishes voluntary manslaughter from second degree murder, citing *Wilson v. State*, 574 S.W.2d 52, 55 (Tenn. Crim. App. 1978). This is no longer the law. In 2001, in *State v. Williams*, the Tennessee Supreme Court explained that "[b]ecause 'malice aforethought' is no longer an element of second degree murder, it is now inaccurate to state that the element of malice is the essential distinction between second degree murder and manslaughter." 38 S.W.3d 532, 538 (Tenn. 2001). Instead, the two offenses are distinguished by 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." *Id.* (citations omitted). The evidence was sufficient to show that Defendant knowingly killed the victim. Defendant is not entitled to relief on this issue.

Jury Instructions

Next, Defendant argues that the trial court erred by failing to give a jury instruction on voluntary manslaughter and improperly charged the jury with an instruction on flight. Specifically, Defendant insists that the "violent, emotional confrontation between" Defendant and the victim was sufficient to support an instruction on voluntary manslaughter and the failure to issue the instruction was not harmless. Moreover, Defendant insists that the trial court improperly instructed the jury on flight where "there was no evidence in the case to support that instruction." Defendant admits he "left his house after the incident" but that there "was no evasion from the police" because he turned

himself in on January 10, seven days after the victim's death and three days after a warrant was issued for his arrest. The State disagrees.

A defendant in a criminal case “has a right to a correct and complete charge of the law, so that each issue of fact raised by the evidence will be submitted to the jury on proper instructions.” *State v. Garrison*, 40 S.W.3d 426, 432 (Tenn. 2000). Thus, “[t]he trial court has the duty to provide a complete charge of the law applicable to the facts of a case.” *State v. James*, 315 S.W.3d 440, 446 (Tenn. 2010). “When called upon to review the adequacy of a particular jury instruction, reviewing courts should view the instruction in the context of the charge as a whole.” *State v. Clark*, 452 S.W.3d 268, 295 (Tenn. 2014). A jury instruction is considered prejudicially erroneous only “if it fails to fairly submit the legal issues or if it misleads the jury as to the applicable law.” *James*, 315 S.W.3d at 446 (quoting *State v. Hodges*, 944 S.W.2d 346, 352 (Tenn. 1997)). Because the propriety 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).

Voluntary Manslaughter

As stated above, second degree murder is a “knowing killing.” T.C.A. § 39-13-210(a)(1). Voluntary manslaughter, on the other hand, 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.” T.C.A. § 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[.]” T.C.A. § 40-18-110(a).² The trial court must first determine whether an offense is a lesser included offense and then must determine whether an instruction on the lesser included offense is supported by the evidence. *State v. Page*, 184 S.W.3d 223, 228 (Tenn. 2006). 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.” T.C.A. § 40-18-110(a). Upon review, this Court must determine “(1) whether the offense is a lesser included offense; (2) whether the evidence supports a

² Defendant's written request for voluntary manslaughter instruction states as follows:

Any person who commits voluntary manslaughter is guilty of a crime.
For you to find the defendant guilty of this offense, the state must have proven beyond a reasonable doubt the existence of the following essential elements:
(1) That the defendant unlawfully killed the alleged victim;
and
(2) That the defendant acted intentionally or knowingly.

The request fails to mention the element of resulting “from a state of passion produced by adequate provocation from the alleged victim.” (See Tennessee Pattern Instruction Crim. 7.06)

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)).

Here, the trial court considered the evidence presented and concluded that the proof did not support an instruction on voluntary manslaughter. We agree. There was no proof that the victim provoked Defendant. There was no proof that there was any history of violence between the victim and Defendant. The only proof was that there was a short argument between Defendant and the victim, after which the victim was shot once from behind. Defendant is not entitled to relief on this issue.

Flight

As to the instruction on flight, any evidence of flight or attempted flight may bear on the defendant’s intent, purpose, or consciousness of guilt and may connect the accused with the commission of the offense. *Rogers v. State*, 455 S.W.2d 182, 186 (Tenn. Crim. App. 1970). When the jury is presented with such evidence, it may draw an inference of guilt after considering the circumstances of flight in the absence of an explanation of the “‘reasons or motive’” for the flight. *Id.* at 186-87 (quoting 22A C.J.S. Criminal Law § 625). Flight requires both a leaving of the scene and a subsequent act indicative of an intent to flee:

“The law makes no precise distinction as to the manner or method of [a] flight; it may be open, or it may be a hurried or concealed departure, or it may be a concealment within the jurisdiction. However, it takes both a leaving the scene of the difficulty and a subsequent hiding out, evasion, or concealment in the community, or a leaving of the community for parts unknown, to constitute flight.”

Dorantes, 331 S.W.3d at 388 n.16 (quoting *Rogers*, 455 S.W.2d at 187). “Evidence of flight to avoid arrest may be rebutted by a credible explanation of some motive other than guilt, but the conclusion to be drawn from such evidence is for the jury upon proper instructions from the trial court.” *Hall v. State*, 584 S.W.2d 819, 821 (Tenn. Crim. App. 1979). In order for the flight instruction to be warranted, sufficient evidence must exist to support the instruction. *State v. Berry*, 141 S.W.3d 549, 588 (Tenn. 2004) (appendix).

Here, the proof showed that just after shooting the victim, Defendant told his son he did something “bad,” locked the marital bedroom where the victim lay shot, and likely took the victim’s debit card before leaving the scene in one of the family vehicles before the police arrived. The victim’s debit card was used after her death, presumably by Defendant, and the Ring camera footage was deleted, again, presumably by Defendant. Police could

not locate Defendant after the killing. Defendant finally turned himself in seven days after the shooting. In our view, there was sufficient evidence to support the instruction on flight. Defendant is not entitled to relief on this issue.

Sentencing

Defendant complains that the trial court erred in ordering him to serve the maximum sentence in the range “based upon only one enhancement factor” without citing any authority to support his argument. Defendant specifically argues that his criminal history of two DUI offenses from 1988 and weapons offenses from 1988 and 2007 “is not recent enough or serious enough to be pertinent” and that the trial court even commented that his criminal history was “[n]othing significant which would have made any of us think this is where we were go[ing to] end up.” Defendant does not challenge the trial court’s application of enhancement factor (9), that Defendant possessed or employed a firearm. The State disagrees, insisting that the trial court acted within its discretion in selecting an in-range punishment after finding enhancement factors and no mitigating factors.

“[S]entences imposed by the trial court within the appropriate statutory range are to be reviewed under an abuse of discretion standard with a ‘presumption of reasonableness.’” *State v. Bise*, 380 S.W.3d 682, 708 (Tenn. 2012). Stated differently, this Court is “bound by a trial court’s decision as to the length of the sentence imposed so long as it is imposed in a manner consistent with the purposes and principles set out” in the Sentencing Act. *State v. Carter*, 254 S.W.3d 335, 346 (Tenn. 2008). “A trial court abuses its discretion when it applies incorrect legal standards, reaches an illogical conclusion, bases its ruling on a clearly erroneous assessment of the proof, or applies reasoning that causes an injustice to the complaining party.” *State v. Gevedon*, 671 S.W.3d 537, 543 (Tenn. 2023) (quoting *State v. Phelps*, 329 S.W.3d 436, 443 (Tenn. 2010)). The party challenging a sentence bears the burden of demonstrating its impropriety. T.C.A. § 40-35-101, Sentencing Comm’n Cmts.; *see also State v. Ashby*, 823 S.W.2d 166, 169 (Tenn. 1991).

In reaching its decision, the trial court must 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 enhancement and mitigating factors; (6) any statistical information provided by the administrative office of the courts as to sentencing practices for similar offenses in Tennessee; (7) any statement made by the defendant on his own behalf; and (8) the results of the validated risk and needs assessment conducted by the department and contained in the presentence report. *See* T.C.A. §§ 40-35-102, -103, -210(b). Additionally, the sentence imposed “should be no greater than that deserved for the offense committed”

and “should be the least severe measure necessary to achieve the purposes for which the sentence is imposed.” *Id.* § 40-35-103(2), (4).

While a trial court should consider enhancement and mitigating factors, they are advisory only. *Id.* § 40-35-113, -114; *see also Bise*, 380 S.W.3d at 701. A trial court’s misapplication of an enhancement or mitigating factor does not invalidate the presumption of reasonableness so long as the trial court articulates reasons consistent with the purposes and principles of sentencing. *Bise*, 380 S.W.3d at 705-06. “The application of a single enhancement factor can justify an enhanced sentence.” *State v. Rollins*, No. E2022-00890-CCA-R3-CD, 2023 WL 4078700, at *5 (Tenn. Crim. App. June 20, 2023) (quoting *State v. Banks*, No. M2019-00017-CCA-R3-CD, 2020 WL 5015888, at *10 (Tenn. Crim. App. Aug. 25, 2020)), *perm. app. denied* (Tenn. Oct. 13, 2023).

Defendant was convicted of second degree murder, a Class A felony. T.C.A. § 39-13-210(c)(1). As a Range I offender, he was subject to a sentence of not less than fifteen years but not more than twenty-five years. *See* T.C.A. § 40-35-112(a)(1). The trial court considered the relevant factors as set forth above and imposed a twenty-five-year sentence, which was within-range.

Defendant argues that the trial court improperly applied enhancement factor (1), that the defendant had a criminal history beyond that necessary to establish his range, *see* T.C.A. § 40-35-114(1), but relies only on the fact that there were “no offenses within ten years of the offense in question” so his “criminal history is not recent enough or serious enough to be pertinent.” He also points to the trial court’s statement that Defendant’s prior convictions were “[n]othing significant which would have made any of us think this is where we were go[ing to] end up.” Defendant cites no authority to support his argument. We disagree that the trial court misapplied enhancement factor (1). While Defendant’s prior criminal history was not extensive, and he had not been convicted of any crimes recently, Defendant had a prior criminal history in addition to those necessary to establish the range. Moreover, the enhancing statute does not require that criminal history be serious or recent. Additionally, the trial court also properly applied enhancement factor (9), for employing a firearm during the commission of the offense. As this Court has previously stated, “the use of a firearm is not an element of murder in the second degree, and, if the accused commits murder in the second degree by shooting the victim with a firearm, this sentencing factor can be used to enhance the accused’s sentence.” *State v. Raines*, 882 S.W.2d 376, 385 (Tenn. Crim. App. 1994). This enhancement factor alone would have justified the enhanced sentence. *Rollins*, 2023 WL 4078700, at *5. Defendant is not entitled to relief.

Conclusion

For the foregoing reasons, the judgment of the trial court is affirmed.

s/Timothy L. Easter

TIMOTHY L. EASTER, JUDGE