

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE
AT JACKSON
September 1, 2026 Session¹

FILED

10/09/2026

Clerk of the
Appellate Courts

STATE OF TENNESSEE v. JARETT WILSON

Appeal from the Circuit Court for Madison County
Nos. 18-727, 18-640 Joseph T. Howell, Judge

No. W2025-01845-CCA-R3-CD

Defendant, Jarett Wilson,² appeals from the Madison County Circuit Court’s denial of his motion to dismiss a violation of probation warrant and subsequent probation revocation. Defendant contends he was denied the right to a speedy trial and the trial court should have dismissed the probation violation warrant; the trial court failed to place adequate findings on the record to support its decision to revoke Defendant’s probation; and one of Defendant’s sentences had expired prior to the revocation and should be removed from the revocation order. After a review, we determine that Defendant’s sentence in case number 18-640 had already expired and was not subject to revocation. Accordingly, we vacate the revocation order in that case. We affirm the judgment of the trial court in case number 18-727, but because the trial court made insufficient findings as to its consequence determination, we remand for further findings.

Tenn. R. App. P. 3 Appeal as of Right; Judgments of the Circuit Court Affirmed in Part; Vacated in Part; Case Remanded

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

Joshua V. Lehde, Assistant Public Defender – Appellate Division (on appeal); Tyler Graham, Assistant Public Defender (at revocation hearing); Anna B. Cash, Jackson, Tennessee (at guilty plea), for the appellant, Jarett Wilson.

¹ Oral argument was heard in this case at the University of Memphis, Cecil C. Humphreys School of Law, Memphis, Tennessee.

² Defendant’s name is spelled both “Jarett” and “Jarrett” throughout the record, including the indictments. We use the spelling “Jarett,” which appears in the judgments and probation violation warrants.

Jonathan Skrmetti, Attorney General and Reporter; G. Kirby May, Assistant Attorney General; Jody Pickens, District Attorney General; and Chad Champine and Lee Sparks, Assistant District Attorneys General, for the appellee, State of Tennessee.

OPINION

Procedural Background

In 2018, Defendant was charged in two separate indictments in Madison County. In case number 18-640, Defendant was indicted for simple possession of marijuana. In case number 18-727, Defendant was indicted for possession of marijuana with intent to sell, possession of marijuana with intent to deliver, two counts of possession of a handgun during the commission of a dangerous felony, unlawful possession of a weapon, theft of property, and violation of the window tint law.

On December 5, 2018, Defendant entered guilty pleas in both cases. In case number 18-640, Defendant pled guilty to misdemeanor possession of marijuana and received a sentence of eleven months and twenty-nine days to be served in custody at seventy-five percent. In case number 18-727, Defendant pled guilty to the merged offenses of possession of marijuana with intent, for which he was sentenced to two years to be served at thirty percent; unlawful possession of a weapon and theft of property, for each of which he received a sentence of eleven months and twenty-nine days at seventy-five percent; and violation of the window tint law, for which he was sentenced to thirty days. Defendant's sentences for unlawful possession of a weapon and violation of the window tint law were to be served in custody, concurrently with case number 18-640. The remaining counts were dismissed. Defendant's total effective sentence was just under four years, including serving 11 months and 29 days in the "local" jail, and the balance on supervised probation.

On June 19, 2019, the trial court issued a violation of probation warrant alleging that Defendant tested positive for marijuana on June 7, 2019. On July 26, 2021, the trial court issued an amended warrant alleging that Defendant had failed to report to Community Corrections since June 21, 2019, and that Defendant was arrested on July 15, 2021, for multiple new drug and weapons offenses. Over four years later, the violation warrants were served on Defendant on September 18, 2025. The next day, Defendant filed a motion to dismiss on the basis that his right to a speedy trial had been violated. Defendant asserted he had been incarcerated "within the boundaries of the State of Tennessee" continuously since August 3, 2021. The State filed a response to Defendant's motion, asserting Defendant's speedy trial right was not triggered until he was served with the violation warrants.

The trial court held a hearing on Defendant's motion and on the violation warrants on October 27, 2025. Teresa Roberson, of the Madison County Sheriff's Office ("MCSO"), testified that when the first violation warrant was issued on June 19, 2019, the MCSO could not place a detainer on Defendant because he was not in custody at that time. When the amended warrant was issued on July 26, 2021, Defendant was in custody in Chester County, Tennessee. The MCSO placed a detainer on Defendant; however, the Chester County Jail released Defendant to federal custody rather than to Madison County. Thus, the MCSO was unable to serve the warrant on Defendant. Deputy Roberson testified, "And the process is, if we've got a detainer, if anybody had a detainer, if the feds step in, they get him before we do." Defendant was eventually brought to Madison County and served with the warrants on September 18, 2025.

At the conclusion of the hearing, the trial court, citing *State v. Moon*, No. M2023-01192-CCA-R3-CD, 2025 WL 1672885 (Tenn. Crim. App. June 13, 2025), *perm. app. granted* (Tenn. Dec. 19, 2025), determined that Defendant's speedy trial right did not attach until he was arrested; however, the court did not apply this holding to Defendant's case. Rather, the court found that the length of delay was four years. The court then considered the reason for the delay, that Defendant was in federal custody, and Defendant's assertion of his right to a speedy trial in just over a month. Finally, the court found that Defendant did not make a showing of prejudice. The court denied Defendant's motion.

The trial court subsequently entered a written order, which elaborated on its oral ruling. Considering the *Barker v. Wingo* factors, the court found that the length of the delay was approximately four years, but the court did "not find this delay to be substantial enough to warrant dismissal and weigh[ed] this factor in favor of the State." The court also weighed the remaining factors in favor of the State. *See Barker v. Wingo*, 407 U.S. 514, 530-32 (1972) (outlining the factors to consider in determining whether a speedy trial violation has occurred).

A probation revocation hearing immediately followed. Lauren Bastable, a probation officer with the Tennessee Department of Correction ("TDOC"), testified Defendant's supervision was transferred to TDOC from Community Corrections in October of 2022 because of his pending violation warrant. Defendant was ultimately convicted of the new charges in Chester County, the basis for the allegation in the amended warrant. Copies of the judgment forms were entered as an exhibit.

Based on this evidence, the trial court found that Defendant "violated his probation in a substantial way." The court ordered Defendant's probation to be fully revoked and his original sentence to be served. Defendant timely appealed.

Analysis

Defendant contends the trial court erred by denying his motion to dismiss because the four-year delay between the issuance of the amended violation warrant and Defendant's arrest was caused by the State and prevented Defendant from serving his revoked sentence concurrently with his other sentences. Additionally, Defendant asserts the trial court's findings regarding its revocation of Defendant's probation were inadequate. Finally, Defendant asserts his sentence in case number 18-640 had expired when the violation warrant was issued. We address Defendant's issues in turn.

Speedy Trial

The right to a speedy trial in all criminal prosecutions is guaranteed by the Sixth Amendment to the United States Constitution and Article I, section 9 of the Tennessee Constitution. *See* U.S. Const. amend. VI; Tenn. Const. art. I, § 9. Furthermore, Tennessee has, by statute, guaranteed the right to a speedy trial: "In all criminal prosecutions, the accused is entitled to a speedy trial[.]" T.C.A. § 40-14-101. "These guarantees were designed 'to protect the accused against oppressive pretrial incarceration, the anxiety and concern due to unresolved criminal charges, and the risk that evidence will be lost or memories diminished.'" *State v. Hudgins*, 188 S.W.3d 663, 667 (Tenn. Crim. App. 2005) (quoting *State v. Utley*, 956 S.W.2d 489, 492 (Tenn. 1997)).

To determine whether a speedy trial violation has occurred, the trial court must balance the factors outlined in *Barker v. Wingo*, which include: the length of delay, the reasons for delay, the defendant's assertion of the right to a speedy trial, and the prejudice resulting from the delay. *Barker*, 407 U.S. 514, 530-32 (1972); *see State v. Simmons*, 54 S.W.3d 755, 759 (Tenn. 2001) (adopting the *Barker* test in Tennessee). Dismissal is warranted if the trial court finds a defendant has been denied a speedy trial. *Barker*, 407 U.S. at 522. The review of whether a defendant's right to a speedy trial has been violated involves a mixed question of law and fact. *State v. Moon*, 644 S.W.3d 72, 78 (Tenn. 2022). Appellate courts should give deference to the trial court's findings of fact unless the evidence preponderates against them. *Id.* However, the trial court's interpretation and application of the law to the facts is reviewed de novo. *Id.*

The first consideration, the length of the delay in the prosecution, triggers the inquiry under the remaining *Barker* factors. *Utley*, 956 S.W.2d at 494. Generally, a delay of one year or longer is "presumptively prejudicial" and will trigger a speedy trial inquiry. *Id.* Unless the defendant can show that the length of the delay is presumptively prejudicial, "there is no necessity for inquiry into the other factors that go into the balance." *Barker*, 407 U.S. at 530.

There is currently a split of authority in the opinions of this Court regarding when a defendant's right to a speedy trial attaches in the context of a probation violation. Defendant relies on our supreme court's decision in *State v. Allen*, in which our supreme court held that the right to a speedy trial was triggered at the issuance of a warrant for violation of probation. *Allen*, 505 S.W.2d 715, 717 (Tenn. 1974). Subsequent opinions of this Court followed this holding. See, e.g., *State v. Hutchings*, No. M2008-00814-CCA-R3-CD, 2009 WL 1676057, at *6 (Tenn. Crim. App. Jun. 16, 2009) (holding that probation revocation proceedings are commenced upon the issuance of the warrant), *no perm. app. filed*.

The State cites to the more recent opinion of this Court in *State v. Moon*, holding that a defendant's right to a speedy trial in probation revocation proceedings is triggered once the defendant is arrested on the revocation warrant. No. M2023-01192-CCA-R3-CD, 2025 WL 1672885 (Tenn. Crim. App. June 13, 2025), *perm. app. granted* (Tenn. Dec. 19, 2025)³; see also *State v. Hollingsworth*, No. W2025-00442-CCA-R3-CD, 2026 WL 719422 (Tenn. Crim. App. Mar. 11, 2026), *perm. app. delayed*; *State v. Goldsberry*, No. W2025-00111-CCA-R3-CD, 2025 WL 3633824 (Tenn. Crim. App. Dec. 15, 2025), *perm. app. delayed*; *State v. Tillery*, No. E2000-01996-CCA-R3-CD, 2001 WL 921754 (Tenn. Crim. App. Aug. 16, 2001).

We agree with the State that Defendant's right to a speedy trial attached upon the service of the violation of probation warrant, and we follow the minority view of panels of this Court as articulated in *Moon*. These more recent decisions reconcile the holding in *Allen* with our supreme court's holding in *Utley*. Although the issue addressed in *Utley* concerned a speedy trial on original criminal charges and not a probation violation warrant, our supreme court held that "the issuance of an arrest warrant alone does not trigger a speedy trial analysis and that the right to a speedy trial is not implicated until there is an arrest or a formal grand jury accusation." *Utley*, 956 S.W.2d at 493. The panel in *Moon*, while acknowledging that probationers are entitled to constitutional speedy trial protections, concluded that the right does not attach until the probationer is arrested for the revocation warrant and is "formally accused" of the violation. *Moon*, 2025 WL 1672885, at *11; see also *Goldsberry*, 2025 WL 3633824, at *8. The panel found that, although the "issuance of a probation violation warrant serves as a type of accusation," it was not a formal accusation as defined by *Utley*. *Moon*, 2025 WL 1672885, at *11 (citing *Utley*, 956

³ We note that on December 19, 2025, our supreme court granted the application for permission to appeal in order to answer the questions: whether a constitutional right under the Tennessee Constitution to a speedy trial exists in a probation revocation proceeding, when would that right attach, should the supreme court revisit the holding in *Allen v. State*, 505 S.W.2d 715 (1974), and whether a probationer is entitled to any due process protections provided under federal or state constitutions. *Moon*, 2025 WL 3707677 (Tenn. 2025) (order granting permission to appeal).

S.W.2d at 492). Instead, in the context of a probation revocation proceeding, “the arrest or restraints of an arrest” meet the definition of formal accusation. *Id.*

Accordingly, we agree that a probationer’s right to a speedy trial is triggered upon the arrest on the revocation warrant, which date is used to calculate the length of the delay in prosecution for purposes of the *Barker* analysis. Here, the revocation warrant was served on Defendant on September 18, 2025, and a hearing was held on October 27, 2025, shortly over one month later. Because the delay between the formal accusation and the hearing on the accusation was less than one year, Defendant has failed to show the delay was “presumptively prejudicial.” See *Utley*, 956 S.W.2d at 494. Without proof that the delay is “presumptively prejudicial,” there is no need to consider the remaining *Barker* factors. *Barker*, 407 U.S. at 530. We therefore conclude that Defendant’s right to a speedy trial was not violated.

Sufficiency of Trial Court’s Findings

Defendant next contends the trial court erred by revoking his probation in full. He argues the trial court “failed to place any findings on the record whatsoever to support a full revocation” and requests this Court remand for a new revocation hearing. The State acknowledges the court’s “consequence findings were lacking,” but argues the record supports a full revocation. We conclude that the record supports a finding of a non-technical violation; however, we agree with Defendant that the trial court failed to sufficiently articulate its findings concerning the consequence imposed for the revocation. Because the record is not sufficiently developed for this Court to conduct a meaningful review of the consequence determination, we vacate the revocation order and remand the case to the trial court for further findings.

Appellate courts review a trial court’s revocation of a defendant’s probationary sentence under an abuse of discretion standard with a presumption of reasonableness, “so long as the trial court places sufficient findings and the reasons for its decisions as to the revocation and the consequence on the record.” *State v. Dagnan*, 641 S.W.3d 751, 759 (Tenn. 2022). “It is not necessary for the trial court’s findings to be particularly lengthy or detailed but only sufficient for the appellate court to conduct a meaningful review of the revocation decision.” *Id.* (citing *State v. Bise*, 380 S.W.3d 682, 705-06 (Tenn. 2012)). Sufficient findings serve “to promote meaningful appellate review and public confidence in the integrity and fairness of our judiciary.” *Id.* (quoting *State v. King*, 432 S.W.3d 316, 322 (Tenn. 2014)). However, if the trial court fails to place such reasoning on the record, “the appellate court may conduct a de novo review if the record is sufficiently developed for the court to do so, or the appellate court may remand the case to the trial court to make such findings.” *Id.*

A trial court may revoke probation upon finding by a preponderance of the evidence that a defendant violated a condition of probation. *See* T.C.A. § 40-35-311(d)(1); *State v. Shaffer*, 45 S.W.3d 553, 554 (Tenn. 2001); *State v. Harkins*, 811 S.W.2d 79, 82 (Tenn. 1991). Under *Dagnan*, a trial court must make findings addressing two steps: whether to revoke probation and, if so, what consequence to impose. *Dagnan*, 641 S.W.3d at 757. Once revocation is determined, the court must articulate on the record its reasoning for the sanction selected. *Id.* at 758. These two considerations are separate and distinct, “both of which must be reviewed and addressed on appeal.” *Id.* at 757-58.

Here, the trial court found, based on Defendant’s new felony convictions, that Defendant “violated his probation in a substantial way.” The State introduced certified copies of judgments of conviction for several new felony offenses, and Defendant does not specifically contest the court’s finding that he committed a non-technical violation of probation. Accordingly, we conclude the trial court complied with the first *Dagnan* consideration, and the record supports its finding.

When a probationer commits a non-technical violation, as is the case here, a trial court’s authority to impose a consequence for that violation is broad. Indeed, the trial court may fully revoke a suspended sentence for a non-technical violation, even if the probationer has not previously violated the terms and conditions of the suspended sentence. *See generally* T.C.A. § 40-35-311(e)(2). In determining the appropriate consequence to impose, a trial court may consider factors relevant to the nature and seriousness of the present violation, the defendant’s previous history on probation, and the defendant’s amenability to future rehabilitation. *See Dagnan*, 641 S.W.3d at 759 n.5.

Regarding the consequence determination, the trial court’s findings consist entirely of its statement, “Ordered to serve as originally imposed.” When a trial court merely establishes a probation violation occurred and offers no additional findings, the second step of *Dagnan* fails. *Id.* at 758 (“Simply recognizing that sufficient evidence existed to find that a violation occurred does not satisfy [a trial court’s] burden.”); *see State v. Koontz*, ___ S.W.3d ___, 2026 WL 1741395 at *3 (Tenn. Crim. App.) (“[S]ome articulation of the basis for the sanction is required before appellate courts may defer to the trial court’s discretion.”); *see, e.g., State v. Martin*, No. M2024-00876-CCA-R3-CD, 2025 WL 574301, at *4 (Tenn. Crim. App. Feb. 21, 2025) (When a trial court fails to make the required findings of fact in a probation revocation hearing, this Court is “constrained to remand for the trial court to place on the record its reasoning for the consequence imposed.”), *no perm. app. filed*.

Defendant does not assert that the trial court lacked authority to fully revoke his suspended sentences, only that the court’s findings were insufficient and remand is appropriate. We affirm the trial court’s finding that Defendant committed a non-technical

violation of probation. However, we decline to conduct a de novo review of the trial court's consequence determination as the record is not sufficiently established to allow for a meaningful review. Accordingly, we remand for further findings.

Expired Sentence

Finally, Defendant contends, and the State concedes, the trial court erred by including in its revocation order Defendant's sentence in case number 18-640, which expired before Defendant was released to Community Corrections.⁴ It is well-established that a trial court has no jurisdiction to revoke a defendant's probation after the sentence has expired. "[I]f a defendant successfully completes a probationary sentence, the trial court is without authority to revoke probation and order service of the original sentence." *State v. Hunter*, 1 S.W.3d 643, 646 (Tenn. 1999) (citing T.C.A. § 40-35-310). "When a defendant is serving consecutive suspended sentences on probation, the trial court may only revoke those suspended sentences that have not already been served in full." *State v. Bryant*, No. M2005-02467-CCA-R3-CD, 2006 WL 2738107, at *2 (Tenn. Crim. App. Sept. 26, 2006) (citing *State v. Anthony*, 109 S.W.3d 377, 380-81 (Tenn. Crim. App. 2001)).

We agree with Defendant and the State that Defendant fully served the sentence in case number 18-640 before the probation violation warrant issued. Because no suspended sentence remained in that case, case number 18-640 was not subject to revocation and should not have been included in the revocation order. Therefore, the trial court lacked jurisdiction to revoke probation in case number 18-640.

CONCLUSION

Based on the foregoing, we vacate the trial court's revocation order in case number 18-640. We affirm the trial court's determination that Defendant committed a non-technical violation of probation in case number 18-727; however, because the trial court failed to make sufficient findings to support a full revocation and the record lacks sufficient findings for this Court to conduct a meaningful de novo review, we remand this case to the trial court to make specific findings regarding its consequence determination.

S/Timothy L. Easter

TIMOTHY L. EASTER, JUDGE

⁴ Defendant acknowledges he failed to raise the issue at the revocation hearing and requests plain error relief. The State agrees the error should be corrected.