

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE
AT JACKSON

Assigned on Briefs August 4, 2026

FILED

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Clerk of the
Appellate Courts

STATE OF TENNESSEE v. ALEX BERNARD CAMPBELL

Appeal from the Circuit Court for Madison County
No. 24-431 Joseph T. Howell, Judge

No. W2026-00025-CCA-R3-CD

The Defendant, Alex Bernard Campbell, appeals the revocation of his 11-month, 29-day community corrections sentence, arguing that there was no substantial evidence in support of the trial court's finding that he violated the conditions of his probation by committing an aggravated domestic assault. We affirm the judgment of the trial court.

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

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

Drew Farmer, Jackson, Tennessee, for the appellant, Alex Bernard Campbell.

Jonathan Skrmetti, Attorney General and Reporter; Ronald L. Coleman, Assistant Attorney General; Jody S. Pickens, District Attorney General; and Scott G. Kirk, Assistant District Attorney General, for the appellee, State of Tennessee.

OPINION

FACTS

On March 10, 2025, the Defendant pled guilty to theft of property valued under \$1,000, a Class A misdemeanor, contributing to the delinquency of a minor, a Class A misdemeanor, and criminal trespass, a Class C misdemeanor, in exchange for a sentence of 11 months, 29 days on judicial diversion. In August 2025, the trial court terminated the Defendant's judicial diversion and sentenced him to 11 months, 29 days in the county jail, suspended to probation supervised by community corrections. On December 5, 2025, the Defendant's community corrections supervising officer filed an affidavit alleging that the Defendant was in violation of his probation based on his November 22, 2025 arrest for aggravated domestic assault, his failure to abide by his curfew, and his failure to pay court

costs. A warrant was issued, and a probation revocation hearing was held on December 15, 2025, and January 5, 2026.

At the December 15, 2025 setting, Jackson Police Department (“JPD”) Officer Thomas Finnegan testified on direct and cross-examination as follows: He responded at approximately 2:00 a.m. on November 22, 2025, to a domestic disturbance call at a residence in Jackson. He heard what sounded like a woman screaming for help as he approached the front door, and a fellow officer kicked the door in to force entry after officers repeatedly knocked and announced themselves. When Officer Finnegan entered the residence, a woman, Destiny Swift, was emerging from a bedroom. Officer Finnegan did not personally observe Ms. Swift’s injuries, but a fellow officer who spoke with Ms. Swift photographed the injuries. The phone call to the police originated from Ms. Swift’s phone. Based on Ms. Swift’s statement and Officer Finnegan’s observations at the scene, Officer Finnegan charged the Defendant with aggravated domestic assault.

In response to the trial court’s questions, Officer Finnegan testified that Ms. Swift and the Defendant were the only two individuals in the residence. He said that the Defendant told him “that they had got into an argument when he was texting someone, and [Ms. Swift] was going to hit him.”

Madison County Community Corrections Officer Marcus Jones testified on direct and cross-examination as follows: The Defendant came under his supervision on March 10, 2025. The Defendant had not made any of his required \$100 per month payments in court costs and currently owed \$1,237.00. The Defendant was subject to an 11:00 p.m. to 6:00 a.m. curfew, requiring him to be at his home during those hours. Officer Jones filed his affidavit in this case after learning of the Defendant’s November 22, 2025 arrest for aggravated domestic assault, which occurred at approximately 2:18 a.m. at a different address from the home address reported by the Defendant.

During closing arguments, the prosecutor and defense counsel informed the trial court that the JPD officer who spoke with Ms. Swift and photographed her injuries was serving active duty in Memphis with the National Guard, and that they had been unable to secure his presence at the hearing. The parties also agreed that the trial court had terminated the Defendant’s judicial diversion based on the Defendant’s citation for driving on a suspended license.

At the conclusion of the hearing, the trial court found by a preponderance of the evidence that the Defendant violated probation by his failure to pay court costs and by not complying with his curfew. The trial court, therefore, partially revoked the Defendant’s probation by ordering the Defendant to serve sixty days in jail. The trial court reset the

case for a later hearing to address the aggravated domestic assault allegation to “see if the State is able to secure further testimony of other witnesses.”

At the January 5, 2026 setting, JPD Officer John Smith testified on direct and cross-examination as follows: He responded to the domestic disturbance call and spoke with Ms. Swift outside the residence, where he observed “[s]mall, red bruising marks on both sides of her neck.” He identified the photographs he took of the injuries and pointed out where the red marks were on the photographs, testifying, “I think I may have washed it out with the light, but these red marks right here.” He did not witness the altercation between Ms. Swift and the Defendant, and he did not speak with the Defendant.

After summarizing the evidence presented at both settings, the trial court found by a preponderance of the evidence that the Defendant violated the terms of his probation by the aggravated domestic assault, the violation of curfew, and the failure to pay court costs. The trial court fully revoked the Defendant’s probation, ordering that he serve the balance of his sentence in confinement. Thereafter, the Defendant filed a timely appeal to this court.

ANALYSIS

The Defendant contends that the trial court abused its discretion in relying on the alleged assault as the basis for ordering the Defendant to serve the balance of his misdemeanor sentence in confinement, arguing that no substantial evidence supports the trial court’s conclusion that the Defendant assaulted Ms. Swift. In support, the Defendant cites the trial court’s sustaining of his hearsay objection to the State’s attempt to elicit testimony from the officers of Ms. Swift’s statement that the Defendant had strangled her, the State’s failure to produce Ms. Swift as a witness at the hearing, and the fact that the “small marks” the officer testified he saw on Ms. Swift’s neck were “barely (if at all) depicted in the photographs.” The State argues that the record supports the trial court’s finding that the Defendant violated the conditions of his probation by committing the assault.

A trial court has the discretionary authority to revoke probation upon a finding by a preponderance of the evidence that the defendant has violated the conditions of his or her probation. Tenn. Code Ann. §§ 40-35-310(a); -311(e)(1); *State v. Shaffer*, 45 S.W.3d 553, 554 (Tenn. 2001). The trial court also is vested with the discretionary authority to determine the consequences of a defendant’s violation of his or her probation. *See* Tenn. Code Ann. §§ 40-35-310(a); -311(e). Probation revocation is a “two-step” process by the trial court. *State v. Dagnan*, 641 S.W.3d 751, 757 (Tenn. 2022). “The first [step] is to determine whether to revoke probation, and the second [step] is to determine the appropriate consequence upon revocation.” *Id.* Each step is a separate and distinct

decision, although there is no requirement that two separate hearings be held. *Id.* If the trial court places sufficient findings and the reasons for its decisions as to the revocation and the consequences on the record, this court's standard of review is abuse of discretion with a presumption of reasonableness. *Id.* at 759. "An abuse of discretion occurs when the trial court applies an incorrect legal standard or reaches a conclusion that is illogical or unreasonable and causes an injustice to the party complaining." *State v. Lewis*, 235 S.W.3d 136, 141 (Tenn. 2007) (internal quotation and citation omitted).

The Defendant challenges only the first step of the probation revocation process, arguing that because no witness with personal knowledge testified that the Defendant assaulted Ms. Swift, the trial court abused its discretion in relying on the alleged assault as the basis for ordering the Defendant to serve the balance of his sentence in confinement.

We respectfully disagree. The record reflects that the trial court specifically accredited the testimony of the officers, which established that JPD officers responded to a domestic abuse call initiated by Ms. Swift, heard Ms. Swift screaming for help, forced entry into the home, and found Ms. Swift emerging from a bedroom with bruises on her neck and the Defendant the only other occupant of the home. The officer who spoke with Ms. Swift testified about his observation of the red marks on Ms. Swift's neck, identified the photographs he took of the injuries, and pointed to the areas on the photographs where the red marks were located. This was sufficient evidence for the trial court to find by a preponderance of the evidence that the Defendant violated his probation by assaulting Ms. Swift. We, therefore, affirm the judgment of the trial court.

CONCLUSION

Based on our review, we affirm the judgment of the trial court.

s/ JOHN W. CAMPBELL
JOHN W. CAMPBELL, SR., JUDGE