

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE  
AT NASHVILLE

Assigned on Briefs December 9, 2025

FILED

01/30/2026

Clerk of the  
Appellate Courts

**STATE OF TENNESSEE v. LAWRENCE DARRELL PATTON**

**Appeal from the Circuit Court for Lewis County  
Nos. 2019-CR-63A, 2020-CR-1 Michael E. Spitzer, Judge**

---

**No. M2024-01634-CCA-R3-CD**

---

Lawrence Darrell Patton, Defendant, claims that the trial court erred by ordering him to serve the balance of his sentence in confinement following the revocation of his probation. Defendant also claims that the trial court erred in partially denying his Rule 36 motion seeking pretrial jail credits. Following a thorough review of the record and applicable law, we affirm the revocation of Defendant's probation and the trial court's award of pretrial jail credits. We reverse the trial court's judgment requiring Defendant to serve the balance of his sentence in confinement and remand for a new sentencing hearing.

**Tenn. R. App. P. 3 Appeal as of Right; Judgment of the Circuit Court Affirmed in  
Part, Reversed in Part; Case Remanded**

ROBERT L. HOLLOWAY, JR., J., delivered the opinion of the court, in which ROBERT H. MONTGOMERY, JR., and J. ROSS DYER, JJ., joined.

Seth C. Chapman, Spring Hill, Tennessee, for the appellant, Lawrence Darrell Patton.

Jonathan Skrmetti, Attorney General and Reporter; Ryan P. Dugan, Assistant Attorney General; Hans Schwendimann, District Attorney General, for the appellee, State of Tennessee.

**OPINION**

**Procedural History**

The Lewis County Grand Jury indicted Defendant in Case 2019-CR-63A with theft over \$2,500 but under \$10,000; reckless endangerment with a deadly weapon; evading arrest while operating a motor vehicle; driving with a cancelled, suspended, or revoked

license; and two counts of failure to stop at a stop sign. Defendant was charged in Cases 2019-CR-65 and 2019-CR-66 with various misdemeanor offenses and in Case 2019-CR-67 with failure to appear.<sup>1</sup> In Case 2020-CR-1, Grand Jury indicted him with evading arrest while operating a motor vehicle; driving with a cancelled, suspended, or revoked license; and driving with a cancelled, suspended, or revoked license second offense.

At the February 2, 2022 plea submission hearing, the State presented a factual basis for the plea. After the trial court advised Defendant of his rights, Defendant entered guilty pleas to multiple charges and was sentenced pursuant to a global plea agreement as follows:<sup>2</sup>

Case Number and Conviction Offense	Sentence	Alignment	Manner of Service
2019-CR-65 (Count 1) Joyriding	11 months and 29 days at 75% service	Concurrent with 2019-CR-66	Released upon time served
2019-CR-66 (Count 3) Driving on revoked license	6 months at 75% service	Concurrent with 2019-CR-65 and Count 5 of 2019-CR-66	Released upon time served
2019-CR-66 (Count 5) Leaving the scene of an accident with damage	11 months and 29 days at 75% service	Concurrent with 2019-CR-65	Released upon time served
2019-CR-67 (Count 1) Failure to appear	6 months at 75% service	Consecutive to 2019-CR-65, 66	Released upon time served

---

<sup>1</sup> Cases 2019-CR-65, 2019-CR-65, and 2019-CR-67 are not included in this appeal. We only address the jail credits in those cases because they impact the jail credits applicable to Cases 2019-CR-63A and 2020-CR-1.

<sup>2</sup> A nolle prosequi was entered in all counts not listed in the chart.

2019-CR-63A (Count 1) Class C felony Theft over \$2,500	6 years as Range II Offender	Consecutive to 2019- CR-66 (Count 5) and 2019-CR-67; Concurrent with 2019- CR-65 and 2019-CR- 66 (Count 3)	Suspended to supervised probation, required to attend and complete the 21st District Recovery Court Program
2019-CR-63A (Count 3) Class D felony Evading arrest	6 years as Range II Offender	Concurrent with 2019- CR-63A (Count 1)	Suspended to supervised probation, required to attend and complete the 21st District Recovery Court Program
2020-CR-1 (Count 1) Class D felony Evading arrest	4 years as Range II Offender	Consecutive to 2019- CR-63A	Suspended to supervised probation, required to attend and complete the 21st District Recovery Court Program

The total effective sentence was ten years and eighteen months. The effective sentence for Cases 2019-CR-63A and 2019-CR-1 was ten years in the Tennessee Department of Correction, suspended to supervised probation.

On May 16, 2022, Judge James G. Martin, III, issued an order finding that Defendant had absconded and that his whereabouts were unknown and terminating Defendant's participation in the Recovery Court Program effective May 10, 2022.

### **Probation Violation Warrant**

On May 18, 2022, the trial court issued a Probation Violation Warrant in Cases 2019-CR-63A and 2019-CR-1 based on an alleged violation of Rule 10, which required Defendant "to complete Recovery Court." The affidavit of Defendant's probation officer, Jack Scott, stated that Defendant "has been non-compliant with the requirements expected of him and absconded from the Morgan County facility on May 9, 2022. His whereabouts are unknown." The "History of Supervision" section of the Probation Violation Report provided:

03/03/2022 - The offender was released from the Williamson County Jail and transported to the Morgan County Residential Recovery Court in Wartburg, TN.

03/30/2022 - The offender was found to be in violation of the Morgan County Recovery Court rules, placed in the Anderson County Jail and terminated from the Morgan County program.

04/12/2022 - The offender was transported from the Anderson County Jail to the Lewis County Jail.

04/18/2022 - Dr. Jobe, Director of the Morgan County facility, agreed to take him back and give him another chance.

04/29/2022 - The offender was transported from the Lewis County Jail to the Williamson County Jail to be returned to Morgan County.

05/03/2022 - The offender was present in court and addressed by Judge Martin as to his attitude and his return to Morgan County.

05/05/2022 - The offender was transported back to the Morgan County Recovery Court facility.

05/08/2022 - While at the Morgan County facility, the offender was found with a cell phone, considered contraband under the Recovery Court rules.

05/09/2022 - The offender absconded from the Morgan County facility between 12:00-12:45 A.M. His whereabouts are currently unknown.

05/10/2022 - The offender was terminated from the 21st District Recovery Court by Judge [James G.] Martin, who ordered that a VOP warrant be issued as soon as possible for his termination from Recovery Court and absconding.

On March 14, 2023, an amended warrant was issued alleging that on December 12, 2022, Defendant “committed the offense of joyriding.”

### **Revocation and Sentencing Hearing**

On September 3, 2024, the trial court conducted a revocation hearing at which Defendant announced that he was “pleading true” to the violation. Defendant then made the following allocution:

I have no problem with the violation, Your Honor. I did violate probation. I'm just asking to please help me get my time fixed. I told you whenever I accepted my plea that I didn't want to sign if I wasn't getting all of my credit and now I'm missing like a year-and-a-half of jail credit. I'm not asking for any special treatment but I've been in jail pretty much since March of 2020 except for a month, give or take, and I'm asking you to please give me that time. I never would have signed a plea bargain if I was told that I wouldn't be getting my credit and I mentioned that it was wrong two or three times; once to you in open [c]ourt. And I really appreciate your time and I just hope that you have read the transcript from where I was, took my plea so that you can see it's clear that I told you and my attorney time was missing and you told me yourself that I would get it if I had done it.

Concerning the consequence of the violation, counsel for Defendant then stated:

The [c]ourt has three options really in this scenario anyways which is a full revocation, reinstate or reinstate with conditions. I'd ask the [c]ourt to consider all three options in light of the fact that it's undisputed that at least, since July 7[,] 2022, which is when this warrant was actually served on [Defendant].

The District Attorney General then responded: "I suppose this is the argument on sentencing. I don't know that anything is really in question here. I think that it sounds like we're here on jail credits but the State would ask for a full revocation on this." The remainder of the sentencing hearing consisted of arguments and discussions concerning pretrial jail credits. The State presented no testimony or proof concerning the appropriate sentence for the violation.

### **Rule 36 Motion to Correct Clerical Mistakes**

On May 12, 2023, Defendant filed a "Motion to Correct Clerical Mistakes in Judgments" in Cases 2019-CR-63A and 2020-CR-1. In Case 2019-CR-63A, Defendant claimed that the omission of his pretrial jail credits from August 2, 2019, through November 22, 2019; January 23, 2020, through February 4, 2020; and from March 10, 2020, through April 23, 2021, were clerical mistakes. In Case 2020-CR-1, Defendant claimed that the omission of his pretrial jail credits from January 23, 2020, through February 4, 2020, and from March 10, 2020, through February 1, 2022, were clerical mistakes.

The State filed a supplemental response on September 30, 2024, arguing that Defendant was entitled to the following jail credits:

Case	Count	Jail Credits
2019-CR-65	Count 1	3/10/2020–12/9/2020 (274 days)
2019-CR-66	Count 3	3/10/2020–12/9/2020
2019-CR-66	Count 5	3/10/2020–12/9/2020
2019-CR-67	Count 1	12/9/2020–4/23/2021 (135 days)
2019-CR-63A	Count 1 and Count 3	8/2/2019–11/21/2019 (111 days); 1/24/2020–2/4/2020 (11 days); 4/23/2021–2/1/2022 (284 days); 2/1/2022–5/9/2022 (97 days); 7/7/2022–present
2020-CR-1	Count 1	None

### **Trial Court's Written Order**

The trial court took the matter under advisement. In its September 30, 2024 written order, the trial court made the following findings relative to the consequence of the violation:

6. [D]efendant elected to make an allocution statement at the hearing wherein his only request was that the [c]ourt award him appropriate jail credits on his felony sentences in the above-styled cases.
7. The State of Tennessee argued that the [D]efendant's probation should be fully revoked for his failure to abide by the terms of his probation and complete the 21st District Recovery Court Program.
8. Having heard no argument to the contrary and finding no reasonable alternative in this case, the [c]ourt concludes that the [D]efendant's probation should be fully revoked in the above-styled cases.

The court sentenced Defendant to serve the remainder of his original sentences in 2019-CR-63A and 2020-CR-1 in confinement.

Concerning the Rule 36 motion, the trial court awarded the jail credits outlined in the State's supplemental response. The court found that jail credits from March 10, 2020, to April 23, 2021, were previously applied only to Cases 2019-CR-65, 2019-CR-66, or 2019-CR-67, and did not apply to the consecutively aligned sentences in Cases 2019-CR-63A and 2019-CR-1.

Defendant timely appealed.

## Analysis

On appeal, Defendant claims that there was insufficient proof for the trial court to make a proper sentencing determination; that the court erred in failing to provide sufficient reasoning and findings of fact supporting the consequence of the revocation; and that the court erred in partially denying Defendant's Rule 36 motion. The State claims that the court properly ordered Defendant to serve the balance of his sentence in confinement and acted within its discretion in partially denying Defendant's Rule 36 Motion.

Probation revocation decisions involve "a two-step consideration on the part of the trial court." *State v. Dagnan*, 641 S.W.3d 751, 757 (Tenn. 2022). The first step is for the trial court to determine whether to revoke probation, and the second step is for the court to determine the appropriate consequence. *Id.* In this case, Defendant "pled true" to the violation and admitted that he violated the conditions of his probation. Based on that admission, the trial court revoked Defendant's probation. The consequence upon revocation may include: (1) confinement; (2) execution of the sentence as originally entered; (3) return of a defendant to probation on modified conditions; or (4) extension of a defendant's probationary period by up to one year. *State v. Brawner*, No. W2013-01144-CCA-R3-CD, 2014 WL 465743, at \*2 (Tenn. Crim. App. Feb. 4, 2014) (citing Tenn. Code Ann. §§ 40-35-308(a), -308(c), -310, -311(e); *State v. Hunter*, 1 S.W.3d 643, 648 (Tenn. 1999)). When deciding what consequence to impose upon revocation, the trial court should consider factors such as "the number of revocations, the seriousness of the violation, the defendant's criminal history, and the defendant's character." *Dagnan*, 641 S.W.3d at 759 n. 5.

If a trial court places sufficient findings and the reasons for its decisions as to the consequence on the record, this court's standard of review is abuse of discretion with a presumption of reasonableness. *Id.* at 759. When the trial court fails to place its reasoning for a revocation decision on the record, an "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.*

In its written order revoking probation, the reason articulated by the trial court for ordering Defendant to serve the balance of his ten-year sentence was encapsulated in this single finding: "Having heard no argument to the contrary and finding no reasonable alternative in this case, the [c]ourt concludes that [D]efendant's probation should be fully revoked in the above-styled cases." Obviously, when the court determined the consequences for the violation, it was aware that Defendant had "pled true" to the allegations in the probation violation warrant, including the allegation that Defendant had absconded.

“[A] defendant who absconds commits a non-technical violation of probation and *may* be subject to a full revocation of the suspended sentence even without prior violations or revocations.” *State v. Rand*, 696 S.W.3d 98, 104 (Tenn. Crim. App. 2024) (emphasis added); Tenn. Code Ann. § 40-35-311(e)(2). However, the State presented no proof at the probation violation hearing concerning the circumstances of the violation or the factors mentioned in the footnote in *Dagnan*, such as “the number of revocations, the seriousness of the violation, the defendant’s criminal history, and the defendant’s character.” *Dagnan*, 641 S.W.3d at 759 n. 5.

We determine that the trial court properly revoked Defendant’s probation based on his plea of true to the violation. However, the court failed to place sufficient findings and the reasons for its decisions regarding the consequence of the revocation on the record, and therefore, the abuse of discretion with a presumption of reasonableness standard of review does not apply the court’s decision imposing the consequence of the violation. We also determine that the record before us is not sufficient for this court to conduct a de novo review.

We affirm the revocation of Defendant’s probation, reverse the judgment ordering the execution of the sentence as originally entered, and remand the case to the trial court for a hearing to determine “the appropriate consequences upon revocation.” *Id.* at 757.

### **Pretrial Jail Credits**

Tennessee Rule of Criminal Procedure 36 provides:

After giving any notice it considers appropriate, the court may at any time correct clerical mistakes in judgments, orders, or other parts of the record, and errors in the record arising from oversight or omission. Upon filing of the corrected judgment or order, or upon the court’s denial of a motion filed pursuant to this rule, the defendant or the state may initiate an appeal as of right pursuant to Rule 3, Tennessee Rules of Appellate Procedure.

Tennessee Code Annotated section 40-23-101(c) requires the trial court to award pretrial jail credit “at the time the sentence is imposed and the defendant is committed to jail, the workhouse or the state penitentiary for imprisonment[.]” Pretrial jail credits are mandatory, not discretionary. *Stubbs v. State*, 393 S.W.2d 150, 154 (Tenn. 1965).

“When a defendant has pretrial jail credits to be applied to consecutive sentences, the credits are applied only to the first sentence that is served.” *Truitt v. State*, No. M2013-01848-CCA-R3-HC, 2014 WL 1408301, at \*4 (Tenn. Crim. App. Apr. 10, 2014) (citing

*Dulworth v. Steward*, No. W2012-00314-CCA-R3-HC, 2012 WL 2742210, at \*2 (Tenn. Crim. App. July 9, 2012) (concluding that granting pretrial jail credits to more than one consecutively aligned sentence would essentially result in double jail credits on the sentences); *see also State v. Smartt*, No. E2021-00125-CCA-R3-CD, 2021 WL 6143735, at \*9 (Tenn. Crim. App. Dec. 30, 2021) (citations omitted) (stating that, “where sentences are aligned consecutively, the defendant is typically entitled to credits only on the first sentence because the practical effect of consecutive awards of the full amount of jail credit would be to double the credit”); *State v. Moore*, No. W2016-02601-CCA-R3-CD, 2017 WL 4051268, at \*2 (Tenn. Crim. App. Sept. 13, 2017) (“Only when the trial court orders concurrent alignment of the sentences should the trial court include the award of pretrial jail credits on each judgment in order to provide the full benefit of the credits against the aggregate sentence”); *Ranier v. Mills*, No. W2004-02676-CCA-R3-HC, 2006 WL 156990, at \*5 (Tenn. Crim. App. Jan. 20, 2006) (determining that pretrial jail credits were correctly applied to the petitioner’s first sentence and properly omitted from the consecutive sentence).

We affirm the trial court’s computation of pretrial jail credits and remand for entry of a corrected judgment in Case 2019-CR-63A, providing jail credits of August 2, 2019, to November 21, 2019; January 24, 2020, to February 4, 2020; April 23, 2021, to February 1, 2022; February 1, 2022, to May 9, 2022, and for any time Defendant spent in jail in Case 2019-CR-63A after July 7, 2022.

### **Conclusion**

The judgment of the trial court revoking Defendant’s probation is affirmed; however, the judgment ordering the execution of the ten-year sentence as originally entered is reversed, and the case remanded for a new sentencing hearing on the consequences of the revocation and for the entry of a corrected judgment in Case 2019-CR-63A.

s/ Robert L. Holloway, Jr.

ROBERT L. HOLLOWAY, JR., JUDGE