

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE
AT KNOXVILLE

Assigned on Briefs May 20, 2026

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STATE OF TENNESSEE v. NICHOLAS ALBERTS

**Appeal from the Criminal Court for Knox County
No. 125872 Steven W. Sword, Judge**

No. E2025-00860-CCA-R3-CD

Defendant, Nicholas Alberts, appeals his convictions for three counts of possession with intent to sell, deliver, or manufacture a controlled substance; seven counts of various firearm offenses; and one count of failure to maintain his lane of travel—convictions for which he received an effective sentence of thirty-two years. On appeal, Defendant’s sole challenge is to the trial court’s denial of his motion to suppress evidence seized during a traffic stop, arguing that police lacked reasonable suspicion to initiate the traffic stop. After review, we conclude that the traffic stop was supported by reasonable suspicion and affirm Defendant’s convictions.

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

MATTHEW J. WILSON, J., delivered the opinion of the court, in which ROBERT W. WEDEMEYER, P.J., and JILL BARTEE AYERS, J., joined.

Nella Robin Vargas, Blaine, Tennessee, for the appellant, Nicholas Alberts.

Jonathan Skrmetti, Attorney General and Reporter; Kelly M. Telfeyan, Assistant Attorney General; Charme P. Allen, District Attorney General; and Ta Kisha M. Fitzgerald, Assistant District Attorney General, for the appellee, State of Tennessee.

OPINION

Factual and Procedural Background

A Knox County Sheriff’s Office (“KCSO”) narcotics detective conducted a traffic stop of a pickup truck driven by Defendant for crossing the center yellow line. A search

of the truck revealed illegal drugs and a handgun. Following his arrest, a Knox County grand jury returned a fourteen-count indictment, charging Defendant with:

No.	Offense	Tenn. Code Ann. §
Count 1	unlawful possession of a firearm after having been convicted of a felony crime of violence	39-17-1307
Count 2	possession with intent to sell, deliver, or manufacture less than fifteen grams of heroin	39-17-417
Count 3	possession with intent to sell, deliver, or manufacture less than fifteen grams of fentanyl	39-17-417
Count 4	possession with intent to sell, deliver, or manufacture more than one-half gram of methamphetamine.	39-17-434
Count 5	unlawful possession of a firearm with the intent to go armed during the commission of a dangerous felony, to wit Count 2	39-17-1324
Count 6	unlawful possession of a firearm with the intent to go armed during the commission of a dangerous felony, to wit Count 2, after having been convicted of a dangerous felony	39-17-1324
Count 7	unlawful possession of a firearm with the intent to go armed during the commission of a dangerous felony, to wit Count 3	39-17-1324
Count 8	unlawful possession of a firearm with the intent to go armed during the commission of a dangerous felony, to wit Count 3, after having been convicted of a dangerous felony	39-17-1324
Count 9	unlawful possession of a firearm with the intent to go armed during the commission of a dangerous felony, to wit Count 4	39-17-1324
Count 10	unlawful possession of a firearm with the intent to go armed during the commission of a dangerous felony, to wit Count 4, after having been convicted of a dangerous felony	39-17-1324
Count 11	simple possession of marijuana	39-17-418
Count 12	possession of drug paraphernalia	39-17-425
Count 13	driving on a revoked or suspended license	55-50-504
Count 14	failure to maintain a single lane of traffic	55-8-123

Before trial, Defendant moved to suppress the evidence seized during the traffic stop, arguing that the stop was unconstitutional because the detective lacked either reasonable suspicion or probable cause. Following a suppression hearing, the trial court entered a written order finding that the traffic stop was constitutional because the detective had reasonable suspicion that Defendant had committed a traffic offense. The trial court accordingly denied Defendant's motion to suppress. Because our review is limited to the constitutionality of the stop, we summarize only the portions of the record relevant to that issue.

I. Suppression Hearing

KCSO Detective Khristian Pickett testified that he had been employed by the KCSO since 2013 and had received special training in narcotics investigations and identifying controlled substances. On October 20, 2022, he and other detectives were conducting daytime surveillance at the Clarion Inn on Central Avenue Pike in Knoxville. They were watching a black minivan in the hotel parking lot. Detective Pickett identified a man seated in the driver's seat as a "conspirator with [their] main target" in an ongoing drug trafficking investigation.

While watching the minivan, Detective Pickett observed an unknown black pickup truck driven by Defendant enter the parking lot and park near the minivan. The minivan's driver left his vehicle and entered Defendant's truck. A short time later, the minivan's driver returned to his vehicle, and Defendant drove away. The detective could not see what occurred inside the truck, but he followed the truck in his unmarked police vehicle.

Detective Pickett testified that he followed Defendant from the hotel parking lot, first onto Central Avenue Pike and then left onto Cedar Lane. Shortly after the turn, the detective observed Defendant's truck drift "over the double yellow" line on Cedar Lane. He testified that Defendant's crossing of the yellow line occurred "roughly" fifty feet from the intersection, that it happened only once, and that Defendant was not speeding. Defense counsel attempted to introduce a virtual map of Cedar Lane. It appears counsel encountered technical difficulties, but the trial court assisted by pulling up the map on its computer. Although the map was not exhibited, both counsel and the trial court questioned the detective using the map. The detective identified a location on the map and testified that there was "a traffic infraction within this area for failure to maintain lane." Because he was in plain clothes and driving an unmarked police vehicle, neither the detective nor his vehicle was equipped with a recording device.

Detective Pickett waited until he was out of sight of the hotel before activating his blue emergency lights. Once he initiated the traffic stop, Defendant pulled into a nearby Citgo gas station, where the detective parked behind him. KCSO Captain Mark Webber

arrived shortly thereafter to assist. Upon approaching the driver's side window, Detective Pickett observed in plain view "a powder substance tied off in the center-dash area under the radio, [and] a handgun in the passenger seat." Defendant was the sole occupant in the truck. The detective ordered Defendant out of the truck, Captain Webber retrieved and secured the handgun, and then the detective asked Defendant whether he had any prior felony convictions. Defendant answered yes. Further investigation by Detective Pickett revealed that Defendant had absconded from parole and had an outstanding warrant for his arrest.

Detective Pickett then searched Defendant's truck and found two packets of a heroin-fentanyl mixture, a small amount of methamphetamine rolled inside a dollar bill, a digital scale, and \$830 in cash. At the suppression hearing, the State introduced a photograph depicting the truck's interior. The photograph shows a small bag of white powder sitting just under the radio, a stack of cash beside the bag, and a rolled dollar bill stuffed into the cigarette lighter. The detective testified that the officers never drew their service weapons during the interaction with Defendant.

Defendant testified at the hearing. According to Defendant, there was never a traffic stop. He said Detective Pickett pulled in front of his truck while he was stopped for gas. He said the detective approached him at gunpoint and told him to "get the f*** out of the truck." Once outside the truck, he said he saw the detective retrieve the handgun from a compartment underneath the truck's rear bench seat rather than from the front passenger seat. Defendant acknowledged that his parole violation subjected him to both search and arrest. He testified that once the detective "found out that [he] had a warrant . . . the paddy wagon showed up, and [he] left." When asked whether he remembered driving over the yellow line on Cedar Lane, Defendant responded: "I mean, I don't—it was only a quarter mile. I don't think I crossed over any lines . . . I mean, I don't know for sure, but I don't think I did."

In a written order, the trial court denied Defendant's motion to suppress, finding Detective Pickett's account credible. The trial court noted that Defendant could not remember whether he crossed the yellow line and found that Defendant's testimony about the traffic stop was not credible given Detective Pickett's competing testimony. The trial court found that Detective Pickett "stopped the Defendant only after he observed the Defendant cross the yellow line dividing the lane of travel [from] the center turn lane of Cedar Lane." The trial court acknowledged that the "basis for the stop may have been pretextual," but concluded that pretext alone was "irrelevant in conducting a constitutional analysis of the stop." The trial court found that the detective's observation of Defendant crossing the center yellow line established reasonable suspicion that a traffic violation—the failure to maintain a lane—had occurred, thereby justifying a brief investigatory stop under *State v. Smith*, 484 S.W.3d 393 (Tenn. 2016). The trial court further found that once

Detective Pickett approached the driver's side window, he "observed in plain sight a baggie which, based upon his training and experience, contained an illegal narcotic sitting in the center dash near the radio," and a handgun "sitting on the passenger seat of the truck"

II. Jury Trial

Before trial commenced, the State moved the trial court to dismiss Count 11, simple possession of marijuana, and Count 12, possession of drug paraphernalia, and proceeded on the remaining counts. The proof commenced as follows:

The State called Detective Pickett as a witness, and the trial court credited the detective as an expert in street-level narcotic sales. The detective testified consistently with his testimony at the suppression hearing. He testified that he and other officers were conducting surveillance in connection with a previous drug investigation. Based on his training and experience, Detective Pickett opined that the person in the black minivan was engaged in drug sales and that the brief interaction between the minivan's driver and Defendant indicated a possible drug transaction.

Detective Pickett then followed Defendant's truck as Defendant turned right out of the Clarion Inn and proceeded along Central Avenue Pike to the intersection with Cedar Lane. He testified that Defendant never crossed any lane lines, exceeded the speed limit, or committed any other traffic violations while driving on Central Avenue Pike. He followed Defendant only because of Defendant's suspicious interaction with the minivan's driver. At the intersection, Defendant turned left onto Cedar Lane. The detective said that "[w]hen we made it through the red light . . . we were continuing on Cedar Lane, headed straight," and that was when he "observed the traffic violation, the failure to maintain lane." He recalled that the roadway was straight, and the tires of Defendant's truck "crossed the center line . . . right to left," although he could not remember how long Defendant's tires were outside the lane of travel.

Detective Pickett was shown an aerial Google Earth image showing a stretch of Cedar Lane extending from its intersection with Central Avenue Pike to the Citgo station. The detective marked the image with a "BL" to identify the area in which he first activated his "blue lights." He then testified that he observed Defendant cross the center yellow line near where "there's a smoke shop and a Mexican restaurant, if you're heading east, on the left side . . . it was in between—it's just rough, it's not exact." He agreed that he observed Defendant cross the center yellow line somewhere between the intersection and the area in which he first activated his blue lights. He marked that area with an "X" but cautioned that the marking was "not exact." When asked whether he would have activated his blue lights even if Defendant "hadn't come out of the line," the detective responded, "I wouldn't have—I could have still stopped him for reasonable suspicion of a crime, then done the

investigation, but for the sake of this, I activated my blue lights once I thought I was away from the hotel and after I observed the traffic violation.”

Detective Pickett was then shown a street-level image from Google Maps depicting Cedar Lane looking east from its intersection with Central Avenue Pike. Based on our review of the image, we note that a stretch of Cedar Lane has a double yellow line that extends for several vehicle lengths along the eastbound lanes from the Central Avenue Pike intersection. The remainder of Cedar Lane depicted in the image has a single yellow line dividing the eastbound lanes of traffic from a center left two-way turn lane. The detective agreed that adjacent to the intersection there is a “few feet that’s a double yellow,” but the double yellow then “goes to the broken” line separating the center left turn lane. He testified that the failure to maintain a lane occurred during the stretch of the double yellow line, “after [Defendant] already made the turn and was committed eastbound, there was no more turn to be made, then the traffic violation occurred.”

Captain Webber testified at trial that he had been employed by the KCSO for twenty-four years and, at the time of Defendant’s arrest, he was the captain of the narcotics division to which Detective Pickett was assigned.¹ He testified that he was in the area of Merchants Drive when he noticed Detective Pickett initiating a traffic stop. He followed Detective Pickett into the Citgo station parking lot and parked alongside him. Detective Pickett had already approached the truck’s driver’s side window, so Captain Webber approached on the passenger’s side. Before Captain Webber reached the front passenger’s window, Detective Pickett signaled that there was a weapon in the front seat. Captain Webber testified that “as [he] approached the passenger side, [he] could look in, and [he] saw a gun [lying] on the passenger seat.” Captain Webber “went ahead and pulled the gun out,” but he could not recall whether he reached through the window or opened the passenger door to secure the handgun.

Following the proof, the jury convicted Defendant on Counts 1, 2, 3, 4, 5, 7, 9 and 14. After the jury returned its initial verdicts, the trial court held a bifurcated hearing to determine the nature of Defendant’s prior convictions. *See* Tenn. Code Ann. § 39-17-1324(f) (requiring bifurcated hearing when State seeks enhanced punishment for violations of Code section 1324(a)). The jury heard proof of Defendant’s 2008 conviction for aggravated robbery and his three 2017 convictions for possession with intent to sell, deliver, or manufacture controlled substances. The jury found that Defendant had previously been convicted of a felony crime of violence—an essential element for Count 1—and that Defendant qualified for enhanced punishment on Counts 6, 8, and 10, which merged with Counts 5, 7, and 9. Although the jury also convicted Defendant on Count 13,

¹ At the time of trial, Captain Webber had retired from the KCSO.

driving on a revoked or suspended license, the trial court—acting as the thirteenth juror—entered a judgment of acquittal on that count.

The trial court sentenced Defendant to an effective sentence of thirty-two years' imprisonment. Defendant filed a motion for new trial, which the court denied. This timely appeal followed.

Analysis

On appeal, Defendant's sole challenge is to the constitutionality of the traffic stop, specifically arguing that Detective Pickett lacked reasonable suspicion to conduct the stop. He contends that because the stop was unconstitutional, all evidence discovered as a result should have been suppressed as fruit of the poisonous tree.² The State argues that Defendant's single crossing of the center yellow line was a proper basis to support the traffic stop. We agree with the State.

When reviewing a motion to suppress, any questions related to witness credibility, the weight and value of the evidence, and the resolution of conflicting evidence are matters entrusted to the trial court as the trier of fact. *See State v. Odom*, 928 S.W.2d 18, 23 (Tenn. 1996). "The party prevailing in the trial court is entitled to the strongest legitimate view of the evidence adduced at the suppression hearing as well as all reasonable and legitimate inferences that may be drawn from that evidence." *Id.* Accordingly, the trial court's findings of fact are conclusive on appeal unless the evidence preponderates otherwise. *Id.* However, we review the trial court's conclusions of law de novo with no presumption of correctness. *See State v. Yeargan*, 958 S.W.2d 626, 629 (Tenn. 1997); *State v. Black*, 607 S.W.3d 832, 836 (Tenn. Crim. App. 2020).

The Fourth Amendment of the United States Constitution and article I, section 7 of the Tennessee Constitution each prohibit "unreasonable searches and seizures." Tennessee's constitutional provision is "identical in intent and purpose with the Fourth Amendment." *State v. Binette*, 33 S.W.3d 215, 218 (Tenn. 2000) (citing *Sneed v. State*, 423 S.W.2d 857, 860 (Tenn. 1968)). A seizure occurs when a police officer activates his or her blue emergency lights to initiate a traffic stop. *Id.* (citing *State v. Pulley*, 863 S.W.2d 29, 30 (Tenn. 1993)); *see also Whren v. United States*, 517 U.S. 806, 809-10 (1996) ("Temporary detention of individuals during the stop of an automobile by the police, even if only for a brief period and for a limited purpose, constitutes a 'seizure' of 'persons' within the meaning of [the Fourth Amendment]."). Under both constitutions, warrantless searches and seizures are presumed unreasonable, and "evidence discovered as a result thereof is subject to suppression unless the State demonstrates that the search or seizure

² *See Wong Sun v. United States*, 371 U.S. 471 (1963).

was conducted pursuant to one of the narrowly defined exceptions to the warrant requirement.” *Black*, 607 S.W.3d at 837 (quoting *Yeargan*, 958 S.W.2d at 630).

Police may conduct a warrantless traffic stop when they have probable cause that a traffic violation has occurred, even if the traffic violation is a mere pretext for the stop. *See State v. Watson*, 354 S.W.3d 324, 329 (Tenn. Crim. App. 2011) (citing *Whren*, 517 U.S. at 813-15). Police may also conduct a warrantless traffic stop “when the officer has a reasonable suspicion, supported by specific and articulable facts, that a criminal offense has been or is about to be committed.” *Black*, 607 S.W.3d at 837 (quoting *State v. Bridges*, 963 S.W.2d 487, 492 (Tenn. 1997)); *see also Terry v. Ohio*, 392 U.S. 1, 21 (1968) (authorizing warrantless seizures, limited in scope, when based on reasonable suspicion and supported by specific and articulable facts). “Reasonable suspicion is a particularized and objective basis for suspecting the subject of a stop of criminal activity, and it is determined by considering the totality of the circumstances surrounding the stop.” *Binette*, 33 S.W.3d at 218 (citation modified). “The level of reasonable suspicion required to support an investigatory stop is lower than that required for probable cause.” *Smith*, 484 S.W.3d at 401 (quoting *State v. Day*, 263 S.W.3d 891, 902 (Tenn. 2008)). We review the constitutionality of traffic stops from a “purely objective perspective,” and we may consider “relevant circumstances demonstrated by the proof even if not articulated by the testifying officer as reasons for the stop.” *Id.* at 402.

Regarding whether Defendant crossed the center yellow line, Detective Pickett testified, and the parties agree, that the basis for the traffic stop was Defendant’s failure to drive “as nearly as practicable” within a single lane of travel in violation of Tennessee Code Annotated section 55-8-123(1). This provision provides that “[a] vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from that lane until the driver has first ascertained that the movement can be made with safety[.]” The detective further testified Defendant crossed the center yellow line and the trial court found that Defendant did. We see nothing in the record that preponderates against that finding, and as such, we treat the trial court’s finding on this issue as conclusive on appeal. *See Odom*, 928 S.W.2d at 23. The State argues that the detective had probable cause and reasonable suspicion to conduct the stop based on Defendant’s traffic violation. However, when the only basis for a traffic stop is the driver’s failure to maintain his lane, the standard for analyzing the constitutionality of the stop is reasonable suspicion. *See, e.g., State v. Thomas*, No. E2017-01859-CCA-R3-CD, 2018 WL 3769411, at *4 (Tenn. Crim. App. Apr. 24, 2018) (applying *Smith* and reasonable suspicion standard to violation of Code section 55-8-123(1)).

In *Smith*, our supreme court interpreted Code section 55-8-123(1), holding that it “does not create an offense that always may be discerned simply by observation.” *Smith*, 484 S.W.3d at 404. Rather, a violation occurs only when a driver strays from his lane and

either (1) it was “practicable” for him to remain in his lane *or* (2) he “fail[ed] to first ascertain that the maneuver can be made with safety.” *Id.* at 408 (citing Tenn. Code Ann. § 55-8-123(1)). “[E]ven minor lane excursions may establish a violation . . . whether or not the excursion creates a specific, observed danger.” *Id.* Accordingly, “as nearly as practicable” means that a driver may not leave his lane except to the extent necessitated “by the circumstance requiring the lane excursion.” *Id.* at 409. When it is not apparent to the officer whether the driver had a valid reason for the lane excursion or first ascertained the safety of the maneuver, further investigation is required. *Id.* at 410. “In such cases, the officer would not have probable cause to stop the motorist but might have sufficient reasonable suspicion to do so.” *Id.* “If the officer observes circumstances rendering it practicable for the motorist to remain in her lane of travel, that observation will weigh in favor of reasonable suspicion.” *Id.* at 411.

Once Detective Pickett activated his blue lights, Defendant was “seized” within the meaning of our federal and state Constitutions. *See Binette*, 33 S.W.3d at 218. For the seizure to be lawful, Detective Pickett must have formed reasonable suspicion, supported by specific and articulable facts, by the time he activated his lights. *See Smith*, 484 S.W.3d at 401. The trial court found the detective observed Defendant drift across the center yellow line on Cedar Lane before activating his blue lights. Detective Pickett testified that he was directly behind Defendant’s truck, that it was daylight, and that the roadway was straight. There is nothing in the record to suggest that some “circumstance requir[ed] the lane excursion.” *Smith*, 484 S.W.3d at 409.

Defendant relies on *State v. Binette* to argue that a “small imperfection” in his driving is not enough for reasonable suspicion. *See* 33 S.W.3d at 218. Yet *Binette* is distinguishable from the facts of this case. For example, *Binette* involved only slight or occasional weaving within a driver’s own lane of travel, which is not per se prohibited by our traffic laws.³ *See Smith*, 484 S.W.3d at 401. Unlike *Binette*, Defendant crossed the center yellow line, leaving his lane of travel and thereby triggering Detective Pickett’s brief investigatory stop for a possible violation of Code section 55-8-123(1). Given these facts, we conclude that Detective Pickett had reasonable suspicion that Defendant violated Code section 55-8-123(1) and thus the traffic stop was warranted.

The trial court properly found that Detective Pickett had reasonable suspicion to initiate the traffic stop and then found that the illegal drugs and handgun were in plain view when Detective Pickett approached the driver’s window of the truck. Nothing in the record preponderates otherwise, and Defendant does not challenge the plain view finding on

³ This is not to say that weaving within one’s lane along with other specific and articulable facts would never give rise to reasonable suspicion.

appeal. Accordingly, the trial court did not err in denying the motion to suppress. Defendant is not entitled to relief.

Conclusion

We affirm the judgments of the trial court.

s/ Matthew J. Wilson
MATTHEW J. WILSON, JUDGE