

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE
AT NASHVILLE

Assigned on Briefs October 21, 2025

FILED

11/07/2025

Clerk of the
Appellate Courts

STATE OF TENNESSEE v. CHRISTIAN DESHAWN HYDE

**Appeal from the Circuit Court for Robertson County
No. 74CC4-2022-CR-567 Robert Bateman, Judge**

No. M2024-01755-CCA-R3-CD

The Defendant, Christian Deshawn Hyde, appeals the Robertson County Circuit Court's order revoking his probation and requiring him to serve the original three-year sentence for his aggravated assault conviction in confinement. The Defendant contends the trial court abused its discretion in fully revoking his probation and ordering him to serve his sentence in confinement and in failing to consider any other alternative to incarceration. After review, we affirm the judgment of the trial court.

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

CAMILLE R. MCMULLEN, J., delivered the opinion of the court, in which ROBERT H. MONTGOMERY, JR. and STEVEN W. SWORD, JJ., joined.

Brennan M. Wingerter, Franklin, Tennessee (on appeal); Dan W. Dalrymple, Assistant Public Defender (at trial), for the appellant, Christian Deshawn Hyde.

Jonathan Skrmetti, Attorney General and Reporter; Ryan W. Davis, Assistant Attorney General; Robert J. Nash, District Attorney General; and Jason White, Assistant District Attorney General, for the appellee, State of Tennessee.

OPINION

On May 12, 2023, the Defendant entered a guilty plea to aggravated assault with a deadly weapon and received a three-year sentence, which was suspended to supervised probation with the special condition that he “have no violent contact” with the victim of that case. On March 4, 2024, the State issued a warrant alleging that the Defendant had violated his probation by incurring a new criminal charge of aggravated domestic assault

on February 21, 2024. The probation violation report issued by the Tennessee Department of Correction listed the Defendant's probation violations as follows:

Offender is in violation of Rule No. 1, which states: "I will obey the laws of the United States, or any State in which I may be, as well as any municipal ordinances." On 02/21/2024 a warrant was issued by Montgomery County, W-24-00417, for Aggravated Domestic Assault. Offender arrested by Dickson County Sherriff's Office on 03/05/2024.

Offender is in violation of Rule No. 14, which states: "I will not engage in any assaultive, abusive, threatening, or intimidating behavior. Nor will I participate in any criminal gang related activities as defined by TCA 40-35-121. I will not behave in a manner that poses a threat to others or myself." On 02/21/2024 a warrant was issued by Montgomery County, W-24-00417, for Aggravated Domestic Assault. Offender arrested by Dickson County Sherriff's Office on 03/05/2024.

A revocation hearing was held on November 1, 2024. Kaitlin Keanedistesano, the mother of the Defendant's son and the victim in the new offense, testified that on February 21, 2024, she and her son met the Defendant at the restaurant where he was employed. The purpose of the meeting was for her son to spend time with his father. She arrived while the restaurant was open, but the victim, the Defendant, and their son stayed after it closed. Later in the evening, the Defendant became "triggered" by a television show and asked the victim whether she had ever cheated on him. Because they had discussed this topic many times, the victim refused to talk about it. The Defendant became upset and began slapping her in the face. On the third slap, the Defendant hit the victim's right ear "pretty hard," which caused her ear to ring and to begin to bleed. The Defendant then punched her in the head with a closed fist, which caused her to lose consciousness.

The victim stated the next thing she remembered was the Defendant leading her to the bathroom, then she lost consciousness again. When she regained consciousness, she was back in the room she had previously been in, and the Defendant was "slapping her around." The Defendant grabbed a knife and held it to her abdomen. The victim pleaded with the Defendant, stating, "[I]f you are going to do something, don't do it in front of my son." The Defendant began choking her to the point that she could not breathe. Ultimately, the victim ended up in the bathroom naked, and the Defendant poured water on her face to clean off the blood. After the altercation, the victim called her sister to pick her up from the restaurant. Her sister took her to Tennova Medical Center, where the victim spoke to a police officer about what had occurred.

Multiple photographs of the victim's injuries were admitted into evidence. The victim stated the first photograph, exhibit one, was taken at the hospital within a few hours of the assault and showed a "knot" on the side of her face. The second photograph, exhibit two, also taken at the hospital, showed a knot on the side of her face, blood on her ear, and markings on her neck. A third photograph, exhibit three, was taken once the victim returned home and showed blood, bruising, and swelling on the victim's ear. The fourth photograph, exhibit four, was also taken at the victim's home and showed the Defendant's "handprint on the left side of [the victim's] face, as well as marking on [her] neck and swelling on [her] ear." Another photograph, exhibit five, was taken the day after the attack and showed bruising, handprint marks, and fingerprint marks. Although the victim could not remember whether the Defendant bit her, exhibit five also showed visible bite marks on the victim's body. Exhibit six was another photograph displaying the extent of the injuries the Defendant inflicted upon the victim.

On cross-examination, the victim acknowledged that this was not her first time visiting the restaurant and that she went there "pretty often." The victim also stated that she and the Defendant had been drinking that evening and that she had two glasses of wine. She asserted that she was not "tipsy or drunk[.]" and that the alcohol did not contribute to her losing consciousness. When asked why she did not leave the restaurant, the victim said that initially she and the Defendant were on "good terms[.]" and "were trying to work things out" in their relationship. She also stated that she "wanted [the Defendant] to be able to spend time with his son, so [she] stayed so [the Defendant] could have time with his son." The victim admitted that, at that time, she was interested in continuing a relationship with the Defendant, but she was unsure whether he was "in the same place." When asked why she did not leave after the Defendant began hitting her, the victim stated that she "couldn't stand up and just leave" because he was beating her. She "left as soon as [she] was able to leave safely with [her] child."

The victim stated that when the Defendant began choking her, she was lying on her back on the ground, and the Defendant was on top of her. When asked whether he was choking her with both hands, she stated that she was not sure. The victim also said that, at the time of the altercation, they were in the "back area" of the restaurant where meals are prepared, which was where the Defendant got the knife he used to threaten her. The victim stated that she called her sister to pick her up between 3:00 a.m. and 4:00 a.m. The victim admitted that she did not call the police immediately after the altercation.

On redirect examination, the victim stated that when the Defendant finished assaulting her, he "snapped out of it" and started apologizing to her. The Defendant stated that he loved her and did not want to go to jail. On recross examination, defense counsel asked if the victim had told the Defendant that he would be going to jail because of the

altercation. She replied, “Not that I remember. It would be believable, though, if I did since this isn’t [the Defendant’s] first rodeo.”

Officer Randy Cox of the Clarksville Police Department testified that he was called to Tennova Medical Center around 5:26 a.m. because the victim wanted to report the assault that had occurred earlier that morning. When he arrived, Officer Cox observed that the victim was “very upset” and “very scared” and that she had “clear, visible injuries” on her face and neck. Officer Cox noted that the victim had a bruise on the left side of her neck and a thumbprint shaped bruise on the center of her neck. He opined that these markings indicated the victim had been strangled. Based on the conversation he had with the victim and her physical injuries, Officer Cox sent officers to detain and question the Defendant, but they were unable to locate him. Officer Cox then obtained a warrant for the Defendant’s arrest for aggravated domestic assault.

Joe Harbour, a probation officer with the Tennessee Department of Correction, testified that he supervised the Defendant on probation and that the Defendant passed all drug screenings, complied with home visits, and maintained verified employment. Harbour stated that, while on probation, the Defendant was required to report to the probation office every other month and had reported as instructed. Harbour confirmed that the underlying offense for which the Defendant was placed on probation was a felony aggravated assault “that was domestic in nature.” Harbour received the warrant for the Defendant’s arrest on March 4, 2024, and the Defendant was arrested the next day at the probation office. Harbour submitted a violation report for the new offense of felony domestic aggravated assault that same day.

At the close of the proof, the trial court determined by the preponderance of the evidence that the Defendant had been arrested for aggravated domestic assault and that he committed the new offense of aggravated domestic assault; accordingly, the court found that the Defendant had violated the terms and conditions of his probation by incurring a new non-technical violation. The State then argued that the Defendant’s probation should be revoked in full because he had been placed on probation “for aggravated assault, for beating a former girlfriend, []. He ended up pleading under the threat with a deadly weapon, because he also used a deadly weapon, but he beat her up pretty badly and she ended up in the hospital.” The State maintained that the Defendant was “back again with another significant other, beating her brutally, holding a knife to her and threatening her life.” In urging the court to fully revoke the Defendant’s sentence the State said, “So, the worst way to violate probation in my humble opinion is by committing the same offense.” In response, defense counsel stated he was not present for the Defendant’s original conviction and urged the court not to consider or compare the severity of the victim’s injuries in that case to the injuries of the victim in the instant case.

Regarding the disposition of the Defendant's probation violation, the trial court stated as follows:

The Court notes as to disposition, as it stated earlier on the record, that [the Defendant] pled guilty back in May of 2023 to aggravated assault by the use or display of a deadly weapon. The Court notes that as a special condition of that settlement was he have no contact with [victim of original offense]. The Court has no independent recollection as to the factual basis of the plea and the Court is not going to consider the argument in making its decision, by the State, about the severity of injuries to [victim of original offense]. But the Court does note that a special condition was that he have no violent contact with [victim of original offense], so it indicates that there was -- had been violent contact. The Court notes this alleged - this incident, the Court has found by a preponderance of the evidence that it occurred. This incident, this attack on this victim occurred on February 21st of 2024, about nine months after we settled the first case. Considering the severity of the injuries as to this victim that is outlined in Exhibits 1 through 9, including Exhibit 7, which shows significant injury to her right ear. Exhibit 5, which appears to show a bite mark and to which she testified to and Exhibit 4, that shows a hand print on her left upper cheek, the Court finds that probation -- continued probation is not an appropriate means of supervision and based upon all the facts, including the severity of this second injury of this victim, that revocation is, by a preponderance of the evidence, the only remedy or disposition that the Court can impose, so he will be revoked.

The trial court ordered the Defendant to serve the remainder of his effective three-year sentence in confinement. The trial court gave the Defendant jail credit for June 21-24, 2022, and September 3 to November 11, 2022. The Defendant filed a timely notice of appeal.

ANALYSIS

On appeal, the Defendant does not contest the trial court's finding that he violated his probation due to his new arrest for felony domestic aggravated assault. Instead, the Defendant confines his argument to the consequence determination of the trial court. The Defendant submits the trial court abused its discretion in ordering full revocation of probation without considering alternative sanctions, particularly given the fact that this was his first probation violation. In response, the State contends the trial court acted within its discretion in revoking probation based on the witness testimony and the severity of the victim's injuries. We agree with the State.

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. State v. Dagnan, 641 S.W.3d 751, 759 (Tenn. 2022). “[P]robation revocation is a two-step consideration on the part of the trial court.” Dagnan, 641 S.W.3d at 757. First, the trial court must determine whether to revoke probation. Id. at 753. Second, the trial court must determine the appropriate consequence to impose upon revocation. Id. While a trial court is required to conduct a probation revocation hearing pursuant to Tennessee Code Annotated section 40-35-311(b), this two-step consideration does not obligate the trial court “to hold an additional or separate hearing to determine the appropriate consequence.” Id. Importantly, these are “two distinct discretionary decisions, both of which must be reviewed and addressed on appeal.” Id. at 757-58. “Simply recognizing that sufficient evidence existed to find that a violation occurred does not satisfy this burden.” Id. at 758.

Once the trial court has determined that a violation of probation occurred, it has the discretionary authority to (1) order confinement; (2) order the sentence into execution as initially entered; (3) return the defendant to probation on modified conditions as necessary; or (4) extend the probationary period by up to one year. See State v. Hunter, 1 S.W.3d 643, 646-47 (Tenn. 1999) (citations omitted); State v. Larry Lee Robertson, No. M2012-02128-CCA-R3-CD, 2013 WL 1136588, at *2 (Tenn. Crim. App. Mar. 19, 2013); State v. Christopher Burress, No. E2012-00861-CCA-R3-CD, 2013 WL 1097809, at *6 (Tenn. Crim. App. Mar. 18, 2013); Tenn. Code Ann. §§ 40-35-308, -310, -311 (Supp. 2021).

In considering the appropriate consequence to impose upon revocation, a trial court may consider, but is not limited to, several factors including: 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. Consideration of past criminal history is only appropriate in the second part of the two-step analysis. Id. A trial court may also consider a defendant's amenability to correction and whether the defendant will comply with orders from the court meant to ensure his or her effective rehabilitation. Tenn. Code Ann. § 40-35-102(3)(C); State v. Owens, No. E2021-00814-CCA-R3-CD, 2022 WL 2387763, at *5 (Tenn. Crim. App. July 1, 2022), no perm. app. filed. Finally, a trial court may consider whether the violation shows that the defendant is a danger to the community or individuals in it. Tenn. Code Ann. § 40-28-302(1) (“Supervised individuals shall be subject to: (1) Violation revocation proceedings and possible incarceration for failure to comply with the conditions of supervision when such failure constitutes a significant risk to prior victims of the supervised individual or the community at large and cannot be appropriately managed in the community[.]”); State v. Rand, 696 S.W.3d 98, 106 (Tenn. Crim. App. 2024).

Here, the Defendant does not challenge the court's finding of a probation violation on appeal. See Dagnan, 641 S.W.3d at 753 (holding that a trial court must “find[] by a

preponderance of the evidence that the defendant violated the conditions of his or her probation”). Therefore, the only issue for our review is whether the trial court erred in its consequence determination.

The Defendant contends that his first probation violation does not “justify the harshest punishment available[,]” and that the trial court abused its discretion by “ordering full revocation without weighing [the Defendant’s] prior successful performance and without considering any alternative sanction.” The Defendant further asserts that, considering the circumstances of this violation, it would be more beneficial to receive “anger management training, relationship counseling, or other rehabilitative programming in lieu of incarceration.” The Defendant cites State v. Penny and argues that the trial court failed to consider the Defendant’s compliance history and potential for intermediate sanctions. No. W2023-00912-CCA-R3-CD, 2024 WL 1803264, at *4-5 (Tenn. Crim. App. Apr. 25, 2024).

We begin our analysis by noting that when any probationer commits a non-technical violation, as in this case, “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.” State v. Rand, 696 S.W.3d 98, 103-04 (Tenn. Crim. App. 2024) (citing Tenn. Code Ann. § 40-35-311(e)(2) (Supp. 2021)). Moreover, Tennessee Code Annotated Section 40-35-311(e)(2) explicitly allows full revocation of probation for violations involving new felonies, Class A misdemeanors, or other serious conduct, such as absconding or contacting the victim in violation of probation conditions. In determining the appropriate consequence to impose for the Defendant’s violation of probation, the trial court considered the nature and seriousness of the violation and determined that “continued probation [was] not an appropriate means of supervision.” The record shows the violent nature of the Defendant’s probation violation and the severity of injuries to the victim. Indeed, the record shows, and the Defendant does not dispute, that he slapped the victim multiple times, causing her ear to bleed and leaving a visible “knot,” hand, fingerprint, and bite marks, and bruising about the victim’s face. He also punched the victim in the head with a closed fist, causing her to lose consciousness. When the victim regained consciousness, the Defendant choked the victim leaving visible marks on her neck, and he held a knife to her abdomen. Multiple photographs were admitted into evidence reflecting the extent of the victim’s injuries. The record more than demonstrates the seriousness of the probation violation based on the nature of the offense and the severity of the victim’s injuries. It also demonstrates that the Defendant was a danger to the community or individuals in it.

The trial court also observed that the Defendant’s new criminal conduct was similar to his original offense because both offenses involved “violent contact,” and that the

“attack on this victim” occurred only nine months after the Defendant was placed on probation. Full revocation of probation may be justified when a defendant is arrested for a new offense similar to their prior offense, even if they have otherwise complied with the terms and conditions of probation. See e.g. State v. Banning, No. E2022-00188-CCA-R3-CD, 2022 WL 10225186, at *5 (Tenn. Crim. App. Oct. 18, 2022)(“a trial court is not required to order substance-use treatment before fully revoking a suspended sentence where the court also finds that community-based efforts are no longer appropriate or are unlikely to be successful” (emphasis omitted)). This is a significant factor for courts to consider because it may be indicative of a pattern of behavior which is inconsistent with rehabilitation. See State v. Tobin, No. E2022-00604-CCA-R3-CD, 2023 WL 176108, at *4 (Tenn. Crim. App. Jan. 9, 2023) (recognizing that repeated criminal conduct of a similar nature “shows that the Defendant cannot or will not abide by the first rule of probation: maintaining lawful conduct” (citations omitted)), no perm. app. filed. The Defendant’s repeated violent conduct for an offense similar to the offense for which he was placed on probation nine months earlier was certainly an appropriate consideration by the trial court. This not only demonstrated a pattern of violent behavior but also that the Defendant was unable to comply with the terms and conditions of his probation.

In this case, the Defendant committed a non-technical violation of probation by committing a new felony offense and full revocation of his probation was within the broad range of consequences that the trial court could impose. Based on our review, the trial court properly considered the similarity of the Defendant’s new offense to his original offense, the recency of the new offense to the date the Defendant was placed on probation, the violent nature of the probation violation, and the severity of injuries to the victim. Giving a presumption of reasonableness to the trial court’s determination, we conclude that the trial court did not abuse its discretion in fully revoking Defendant’s probation. The Defendant is not entitled to relief.

CONCLUSION

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

s/ Camille R.
McMullen
CAMILLE R. MCMULLEN, JUDGE