

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE
AT NASHVILLE

Assigned on Briefs October 21, 2025

FILED

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Clerk of the
Appellate Courts

STATE OF TENNESSEE v. VICTOR CURTELL SCRUGGS

Appeal from the Criminal Court for Davidson County
No. 2024-A-596 Angelita Blackshear Dalton, Judge

No. M2025-00382-CCA-R3-CD

The Defendant, Victor Curtell Scruggs, was indicted by a Davidson County Grand Jury for the attempted first degree murder of his wife, the victim in this case. Pursuant to a plea agreement, the Defendant entered a guilty plea to attempted second degree murder, with the length and manner of service to be determined by the trial court. Following a hearing, the trial court imposed a sentence of eleven years to be served in the Tennessee Department of Correction. In this appeal, the Defendant argues the trial court abused its discretion in imposing sentence and in ordering confinement. Upon review, we affirm the judgment of the trial court.

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

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

Timothy Carter, Nashville, Tennessee, for the appellant, Victor Curtell Scruggs.

Jonathan Skrmetti, Attorney General and Reporter; Elizabeth Evan, Assistant Attorney General; Glenn Funk, District Attorney General; and Lody Powers, Assistant District Attorney General, for the appellee, State of Tennessee.

OPINION

On August 30, 2024, the Defendant stipulated to the following factual basis provided in support of his guilty plea:

Your Honor, as to case 2024-A-596, the State of Tennessee versus Victor Scruggs, if this case had proceeded to trial, the State's proof would

have been that on June 6th, 2023, at about 08:50 hours, Metro officers were dispatched to [] Hill Road in a response to a report of a stabbing. Officers made contact with a witness who stated he was at his home when the victim, Mrs. Scruggs, ran to his door. The victim told the witness that her husband, the [D]efendant, stabbed her with a knife. The [D]efendant fled the scene. Officers made contact with the victim and observed multiple stab wounds. She had a laceration to the back of her head, stab wounds to both of her shoulders, forearms, and the front of her neck. She was transported by medics to Vanderbilt University Medical Center with life-threatening injuries. Detectives spoke with her at the hospital. She told them that she was a caretaker for a lady who lived on [] Woodridge Court, and while she was working, the [D]efendant showed up unannounced at the residence. There was an argument, in which the [D]efendant accused her of infidelity, and the [D]efendant went to the kitchen, grabbed a knife, and began to stab her multiple times. The victim tried to defend herself. The assault occurred in the kitchen and in the living room of that residence, and the [D]efendant then went and retrieved a second knife and stabbed himself. The victim then ran to the neighbor's residence for assistance. A search warrant was executed for the residence, and four bloody [knives] were recovered. An additional knife was located on the front lawn, which was bent with no handle. Officers were advised that the [D]efendant, himself, arrived at Vanderbilt for treatment for stab wounds to his abdomen and a large laceration to his right palm.

On December 13, 2024, the trial court conducted a sentencing hearing. The presentence report and certified copies of the Defendant's convictions for misdemeanor child abuse and felony drug possession were admitted as exhibits to the hearing.

Shaticka Scruggs, the victim and the Defendant's wife, testified that she had been married to the Defendant for seventeen years, and that they shared three children together, who were in court that day. On the day of the offense, the victim was sitting with her 94-year-old client at her client's home in Davidson County. As a caregiver, the victim would bathe, clothe, and act as a companion for her elderly clients. She worked in the mornings for her client, and another caretaker would take over in the afternoon. Although the victim was married to the Defendant at the time of the offense, she and the Defendant were not living together. The Defendant had been staying with his mother and father for about a week. The victim and the Defendant had been having "disagreements" about the decisions he had been making, and they were not seeing "eye to eye" about things. The couple were still communicating by phone and seeing each other in person. The victim did not "put [the Defendant] out" of their home; however, she told him he needed to leave "to adjust

himself and get himself better.” The victim said that in the Defendant’s mind he believed this meant she was divorcing and leaving him.

On the morning of the offense, the victim arrived at her elderly client’s home and spoke with her client’s daughter. Shortly after the client’s daughter left, the Defendant arrived at her client’s home unexpectedly. The Defendant told the victim that he brought her some breakfast and that he was there to see her. The victim knew the Defendant wanted to talk about their living situation, and she told the Defendant she did not want to discuss it while she was at work. The victim believed the Defendant wanted “closure,” and he proceeded to tell the victim’s client that “he loved [the victim] and that it was nice knowing [the client], but he won’t see [the client] anymore, because [they] were getting a divorce[.]” The client tried to ignore the Defendant, but he insisted on speaking with the victim at that moment. After the victim ensured the client was “okay” in another room, the victim sat down on the couch in her client’s den to speak with the Defendant. As the Defendant approached the victim, he attacked her.

During the attack, the Defendant accused the victim of infidelity, told her that he knew she was leaving him and getting a divorce, and said that they were going to have to die. He then proceeded to stab the victim with a knife from her client’s kitchen. The victim described the Defendant’s actions during the attack in detail as follows:

Well, the fight started in the living room, and I tried to leave out of the house, but he drug me into the kitchen and threw me against the counter, and he got another knife, because the knife that he was stabbing me with, I grabbed and it broke into my hand, and so he didn’t have a knife anymore. So we was just fighting, and he was just punching me, and I was just trying to keep talking to him, reasoning him, and bringing him back because when he had walked in the house, I noticed that it wasn’t him. He was -- when he kissed me, his lips and his hands and his body was cold, and his eyes was black. So I could tell that he was not himself. He was out of it, and I was asking him what was wrong and saying his name, but he wasn’t really answering me that way. He -- his other -- his other personality had already taken over at the time, so there was nothing that we could do, because his other personality is strong. So he proceeded to fight me, and once we got into the kitchen area, he grabbed another little knife and started to stick me more, and I had -- the knife that was in my hand, I was trying to stick him, too, but I guess I wasn’t doing a good enough job, and he was like, “That’s not hard enough.” And he proceeded to stab himself, and then once he stopped stabbing himself, he stated that he was going to pass out, and he collapsed on the ground, and that’s when I stepped over him to try to go get the phone and dial 911. But I couldn’t, because my left hand -- that I didn’t

know at the time -- I had a wrist drop, and I couldn't dial, so I just ran out the -- unlocked the front door and ran across the street.

The victim said the Defendant's "other personality" is triggered when the Defendant is depressed or when he has "a loss of sleep, [a] lack of [being] able to care for his family, [or] not being able to be the man that he wants to be and provide how he wants to provide." She said "other people" in his life also triggered his other personality. The victim was shown a series of photographs, which were admitted as exhibits. She described one photograph as the home she ran to on the day of the offense, which was located across the street from her client's home. The other photographs were of her client's home after the offense. She described the home as being in disarray with a lot of blood on the furniture and walls from the attack. She said the photographs showed damage to the microwave, which occurred when she tried to pull up on it as the Defendant attacked her. She clarified that she saw the Defendant leave her client's home a few minutes after she left to go across the street to the neighbor's home. Three short recordings from a Ring camera were admitted into evidence and showed the neighbor's front door, the back door of the client's home, and the Defendant entering the client's home. The victim confirmed her client's neighbor called the police for help.

The victim was taken to the hospital and suffered from seventeen stab wounds to her head, arm, back, and shoulders. She said one of the cuts to her arm "messed up a nerve," which caused "wrist drop," and required additional treatment to her nerves. She said this injury left a permanent scar, which was displayed for the court. She also showed the court various other scars on her neck, shoulders, back, and head, which were from the Defendant's attack. The victim was in the hospital for about seven days. She had spoken with the Defendant after the offense, and he told her that he did not remember some of the things that happened. At the time of sentencing, the victim remained married to the Defendant. She did not return to work for her elderly client because "when the incident occurred, the family got the insurance company out, and they sold the house immediately."

The victim was asked about the mental health section of the presentence report. She confirmed that the Defendant had a history of mental health and substance abuse issues. She said the Defendant struggled with powder cocaine. Although she could not recall the exact date, the victim remembered when the Defendant checked himself into the hospital because he was having a mental health breakdown and he was committed to Skyline. The victim also recalled that on June 4, 2023, she called 911 because the Defendant was upset and tried to block her from leaving. She explained that the Defendant has "low self-esteem. He's not confident in himself, in that -- he don't believe that he has a love like me that's pure and loyal to him, so with his mental state, he is in disbelief." The victim witnessed two other incidents noted in the presentence report involving the Defendant. She was present on April 5, 2020, when the police responded to a domestic call, and upon arrival,

the Defendant tried to run and was tased as he attempted to jump off a balcony. The victim explained that the Defendant was not taking his medication, and she had called the police so that he could get “mental help.” She also was involved in an argument with the Defendant on December 5, 2020, when the police were called. She said the Defendant had been using cocaine and had not slept in over three days. She explained the argument was about the “same old thing. Me wanting him to stop and get himself together.” She denied that the Defendant had previously received mental health and substance abuse treatment. The victim explained that although the Defendant went to a mental health co-op, they only provided medicine and not treatment.

The victim knew that the Defendant had been previously on probation and that she was involved with some of his convictions. She said the child abuse conviction involved her son being “disrespectful to [her], and like a man and a father’s supposed to do, [the Defendant], corrected that situation by popping [their] son in the mouth.” A friend called the police in that situation. She explained that not all of the domestic abuse charges were physical and “[a] lot of it was verbal.” Asked to explain the two different knives shown in the photographs, the victim said, “Well, the one outside was probably from me, ‘cause that was the first one that he used to attack me with, and then that’s when I broke it, so that’s probably from me. The other two in the house was when he took me in the kitchen, and he grabbed those two.” She confirmed that she was stabbed with two different knives.

On cross-examination, the victim clarified that she was advocating for the Defendant’s release. Although they were not living together at the time of the offense, they had lived together for most of their sixteen-year marriage. She agreed that one of the incidents involving the police occurred a few days prior to the instant offense. She said this was after she had told the Defendant he needed to leave and get his mind straight. She needed the police to come and get the Defendant out of the home. She believed the Defendant’s behavior was due to his not being medicated and not getting enough sleep. She said he was also under a lot of stress and pressure and was using drugs. The victim said the Defendant replaced his medication with drugs because the medication made him feel sick, dizzy, and sleepy.

The victim testified that when the Defendant was stable or on his medication, he provided for their family and maintained employment. They would have family bingo night, family game night, movie night, and go shopping. They would cook, sing, and dance together. She said their family, “had a good thing . . . and we really enjoyed ourselves.” She said the Defendant was a good husband and father, who had a good heart. She said he just got “messed up, and he’s mental, because when he did seek help, nobody was helping him[.]” She urged the court to require the Defendant to undergo intensive mental health treatment. She and her family were willing to attend meetings with the Defendant and to participate in any way to help make him better.

The Defendant's mother, Sarah Scruggs, testified that she observed the Defendant's mental health "problem" in his teen years. His mother confirmed that several members of their family were present in court in support of the Defendant and that other individuals had sent letters in support of the Defendant. His mother confirmed that he was living with her at the time of the instant offense and that he was "restless" and "on drugs." She attempted to get help for her son with the mental health co-op; however, she believed "the system" had failed her son. She said the Defendant had one other son and that the Defendant's employer supported his release. Defense counsel admitted as evidence a mental health history report of the Defendant conducted by Wendy Davenport, a social worker. Letters of support from the Defendant's family, friends, and employer were also admitted as evidence. Various certificates of completion of rehabilitative programs that the Defendant had participated in were also admitted as evidence.

On February 25, 2025, the trial court issued a written sentencing order and eight-page memorandum of law. In imposing an eleven-year sentence, the trial court considered the testimony and evidence offered at the sentencing hearing, the Defendant's presentence investigation report and Strong-R assessment, and all exhibits presented at the sentencing hearing, including the report of Wendy Davenport. The trial court determined that the Defendant was a Range I, standard offender and found that the following enhancement factors applied: that the Defendant has a previous history of criminal convictions or behavior, in addition to those necessary to establish the appropriate range; that the offense involved more than one (1) victim; that the personal injuries inflicted upon the victim were particularly great; that the Defendant, before trial or sentencing, failed to comply with a condition of a sentence involving release into the community; and that the Defendant possessed or employed a deadly weapon during the commission of the offense. See Tenn. Code Ann. §§ 40-35-114(1), (3), (6), (8), (9). The trial court applied mitigating factor (13) based on the testimony of the Defendant's wife that although she suffered injuries in this event, she supported an alternative sentence to incarceration given the Defendant's history of mental illness. The court rejected mitigating factor (8), that the defendant was suffering from a mental or physical condition that significantly reduced his culpability for the offense, reasoning that there was no "causal link between the mental health condition and the conduct in the offense." The court credited the testimony of the Defendant's mother and his wife regarding the Defendant's history of mental issues. However, the court noted its concern that the Defendant previously had received mental health treatment but failed to maintain treatment for his condition by "voluntary consumption of controlled substances and alcohol in place of prescribed medication, which significantly contributed to his culpable conduct in this case."

In ordering the Defendant to serve his sentence in confinement, the trial court determined that "[c]onfinement is necessary to protect society by restraining a defendant

who has a long history of criminal conduct,” that “[c]onfinement is necessary to avoid depreciating the seriousness of the offense[, and that] confinement is particularly suited to provide an effective deterrence to others likely to commit similar offenses.” Id. § 40-35-103(1)(A). The trial court observed that the Defendant had a lengthy history of convictions for criminal offenses, including for possession of a schedule II controlled substance with intent to sell, domestic assault, criminal trespass, resisting arrest, unlawful use of drug paraphernalia, simple possession of a controlled substance, and evading arrest. The court expressed concern that at least three of the Defendant’s prior convictions were for domestic assault. The court further noted that the facts of this case were “particularly egregious” and “of an excessive or exaggerated degree.” The court emphasized that the Defendant stabbed his wife multiple times and created significant destruction to the home of his wife’s elderly client. Finally, the court noted that measures less restrictive than confinement have been unsuccessfully applied to the Defendant recently or frequently. Id. § 40-35-103(1)(C). The court noted that the Defendant had been placed on some form of alternative to incarceration on at least seven occasions, with at least one violation of probation. Based on the above statutory concerns, the court ordered the Defendant’s eleven-year sentence to be served in confinement.

It is from this order that the Defendant now appeals.

ANALYSIS

The Defendant argues the trial court imposed a sentence that was inconsistent with the purposes and principles of the Sentencing Act. He specifically contends that the trial court “intentionally gave him a sentence that would severely limit options for release, and [the court] did not take into account the testimony and facts presented at the hearing for mitigation of the sentence range, or in the alternative did not properly explain the reasoning for the sentence.” He also argues the trial court “did not make an affirmative showing in the record that it considered the sentencing principles and all relevant facts and circumstances in accordance with [State v. Ashby, 823 S.W.2d 166 (Tenn. 1991)].” The Defendant asserts the trial court did not explicitly weigh or contrast the enhancement and mitigating factors nor explicitly provide reasoning in support or rejection thereof; accordingly, he contends appellate review is de novo. Finally, the Defendant argues the trial court’s order of confinement was “set arbitrarily, and contradictory to Tenn. Code Ann. section 40-35-103 and related statutes.” The State contends the trial court acted within its discretion in imposing the length and manner of service of the Defendant’s sentence. We agree with the State.

Ordinarily, this court reviews a trial court’s sentencing decisions for an abuse of discretion, with a presumption of reasonableness granted to within-range sentences that reflect a proper application of the purposes and principles of sentencing. State v. Bise, 380

S.W.3d 682, 707 (Tenn. 2012). Moreover, “a trial court’s misapplication of an enhancement or mitigating factor does not invalidate the sentence imposed unless the trial court wholly departed from the 1989 Act, as amended in 2005.” Id. “So long as there are other reasons consistent with the purposes and principles of sentencing, as provided by statute, a sentence imposed by the trial court within the appropriate range should be upheld.” Id. Pursuant to the 2005 amendments to the Sentencing Act, a trial court must consider the following when determining a defendant’s specific sentence and the appropriate combination of sentencing alternatives:

- (1) The evidence, if any, received at the trial and the sentencing hearing;
- (2) The presentence report;
- (3) The principles of sentencing and arguments as to sentencing alternatives;
- (4) The nature and characteristics of the criminal conduct involved;
- (5) Evidence and information offered by the parties on the mitigating and enhancement factors set out in §§ 40-35-113 and 40-35-114;
- (6) Any statistical information provided by the administrative office of the courts as to sentencing practices for similar offenses in Tennessee; and
- (7) Any statement the defendant wishes to make in the defendant’s own behalf about sentencing.

Tenn. Code Ann. § 40-35-210(b). The defendant has the burden of showing the impropriety of the sentence on appeal. Id. § 40-35-401(d), Sentencing Comm’n Cmts. In determining the proper sentence, the trial court must consider the defendant’s potential for rehabilitation or treatment. Id. §§ 40-35-102(3)(C), -103(5). In addition, the court must impose a sentence “no greater than that deserved for the offense committed” and “the least severe measure necessary to achieve the purposes for which the sentence is imposed.” Id. §§ 40-35-103(2), (4). Because the record shows that the trial court carefully considered the evidence, the enhancement and mitigating factors, and the purposes and principles of sentencing prior to imposing a sentence of confinement, the Defendant has failed “to either establish an abuse of discretion or otherwise overcome the presumption of reasonableness afforded sentences which reflect a proper application of the purposes and principles of our statutory scheme.” State v. Caudle, 388 S.W.3d 273, 280 (Tenn. 2012).

Tennessee Code Annotated Section 40-35-103(1) further provides that sentences involving confinement should be based on the following considerations:

- (A) Confinement is necessary to protect society by restraining a defendant who has a long history of criminal conduct;

(B) Confinement is necessary to avoid depreciating the seriousness of the offense or confinement is particularly suited to provide an effective deterrence to others likely to commit similar offenses; or

(C) Measures less restrictive than confinement have frequently or recently been applied unsuccessfully to the defendant[.]

We note that the trial court's determination of whether the defendant is entitled to an alternative sentence and whether the defendant is a suitable candidate for full probation are different inquiries with different burdens of proof. State v. Boggs, 932 S.W.2d 467, 477 (Tenn. Crim. App. 1996). The defendant has the burden of establishing suitability for full probation, even if the defendant is considered a favorable candidate for alternative sentencing. See id. (citing Tenn. Code Ann. § 40-35-303(b)).

A defendant is eligible for probation if the actual sentence imposed upon the defendant is ten years or less and the offense for which the defendant is sentenced is not specifically excluded by statute. Tenn. Code Ann. § 40-35-303(a). The trial court shall automatically consider probation as a sentencing alternative for eligible defendants; however, the defendant bears the burden of proving his or her suitability for probation. Id. § 40-35-303(b). In addition, "the defendant is not automatically entitled to probation as a matter of law." Id. § 40-35-303(b), Sentencing Comm'n Comments. Rather, the defendant must demonstrate that probation would "subserve the ends of justice and the best interest of both the public and the defendant." State v. Carter, 254 S.W.3d 335, 347 (Tenn. 2008) (quoting State v. Housewright, 982 S.W.2d 354, 357 (Tenn. Crim. App. 1997)).

As a Range I standard offender, the Defendant entered a guilty plea to attempted second degree murder, a Class B felony, which carries a statutory sentencing range of not less than eight nor more than twelve years. See id. §§ 39-13-210, 40-35-112. In determining the length of the Defendant's sentence, the record reflects the trial court properly considered the purposes and principles of sentencing. The Defendant does not contest any of the enhancement or mitigating factors considered by the court and applied to his sentence. Instead, the Defendant argues generally that the trial court failed to consider the proof at the sentencing hearing and failed to explicitly provide the court's reasoning for imposing sentence. We disagree. As evidenced by the written sentencing order and eight-page memorandum of law, the record shows the trial court engaged in an extensive analysis of the evidence offered at the sentencing hearing as well as the enhancement and mitigating factors applicable to the Defendant's case. The court also provided reasoning for rejecting two enhancement factors urged by the State as well as why it declined to apply one of the mitigating factors offered by the defense. After weighing the enhancement and mitigating factors, which are not disputed on appeal, the trial court imposed a within-range sentence of eleven years. Because the Defendant

received a sentence greater than ten years, he was not eligible for probation. See id. § 40-35-303(a).

In determining the manner of service, the trial court observed that the Defendant had a long history of criminal conduct, and the court was especially concerned with the Defendant's prior domestic assault related convictions. The court also expressly noted that confinement was necessary to avoid depreciating the seriousness of the offense and that measures less restrictive than confinement have frequently or recently been applied unsuccessfully to the Defendant. The record fully supports the trial court's application of these statutory considerations. Because the record shows that the trial court carefully considered the evidence, the enhancement and mitigating factors, and the purposes and principles of sentencing prior to imposing a sentence of confinement, the Defendant has failed to either establish an abuse of discretion or otherwise overcome the presumption of reasonableness afforded sentences which reflect a proper application of the purposes and principles of our statutory scheme. Accordingly, we conclude that the trial court properly imposed an eleven-year sentence to be served in confinement. The Defendant is not entitled to relief.

CONCLUSION

Based on the foregoing reasoning and authority, we affirm the judgment of the trial court.

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