

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE
AT JACKSON
Assigned on Briefs October 3, 2023

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STATE OF TENNESSEE v. CHAUNCY BLACK

**Appeal from the Criminal Court for Shelby County
No. 20-02549, C2004163 Glenn Ivy Wright, Judge**

No. W2021-01435-CCA-R3-CD

The defendant, Chauncy Black, was found guilty by a Shelby County jury of reckless endangerment of Kaleb Wakefield and reckless endangerment with a deadly weapon of Isabella Edwards for discharging a firearm into an occupied habitation. The trial court imposed a six-and-a-half-year sentence. On appeal, the defendant contends the evidence presented at trial was insufficient to support his conviction of reckless endangerment with a deadly weapon of Isabella Edwards. The defendant also argues the trial court erred in failing to instruct the jury as to a presumption of reasonableness in the use of deadly force within his residence. Following our review, we affirm the defendant's convictions.

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

J. ROSS DYER, J., delivered the opinion of the court, in which CAMILLE R. MCMULLEN, P.J., and ROBERT H. MONTGOMERY, JR., J., joined.

Rosalind E. Brown, Memphis, Tennessee (on appeal); Benjamin Israel, Memphis, Tennessee (at trial), for the appellant, Chauncy Black.

Jonathan Skrmetti, Attorney General and Reporter; Katharine K. Decker, Senior Assistant Attorney General; Steve Mulroy, District Attorney General; and Austin Scofield, Assistant District Attorney General, for the appellee, State of Tennessee.

OPINION

Facts and Procedural History

On January 4, 2020, Chauncy Black, the defendant, and members of his family argued with Tyreek Edwards, a visitor at the defendant's home. The defendant's home is

located on LaGrange Circle. The argument escalated and the defendant asked Tyreek Edwards to leave the defendant's property. Tyreek Edwards left the property and the area.

A short time later, Tyreek Edwards returned to the defendant's residence accompanied by his brother, Jaylin Edwards. During this second encounter, the Edwards brothers remained near their vehicle on LaGrange Circle. The defendant and several members of his family approached the Edwards brothers in the street. The argument continued to escalate. The defendant, again, asked the Edwards brothers to leave. The Edwards brothers left the area a second time.

Later in the night, the Edwards brothers, Tyreek and Jaylin, returned a third time to the Blacks' residence accompanied by three unknown men. The Edwards brothers and the other men exited their vehicle. Jaylin Edwards and the unknown men remained in the street. Tyreek Edwards, however, walked into the defendant's yard past a "wall" constructed of a trailer and a cooler. Tyreek Edwards did not enter or attempt to enter the defendant's residence. In response, the defendant and several members of his family exited their residence to confront the Edwards brothers. The defendant and his family were prepared to engage in a fight. During the confrontation, the Edwards brothers and other men gestured several times to indicate they were armed.

Meanwhile, Isabella Edwards¹, a neighbor of the defendant, arrived home after participating in a local running event. Isabella Edwards resided on LaGrange Circle with her boyfriend, Kaleb Wakefield. Her residence is directly across the street from the defendant's residence. After observing ten to fifteen people arguing in the street, Isabella Edwards called Mr. Wakefield, who was inside the home, to help her get their dogs inside. Mr. Wakefield exited the home and remained outside in the yard while Isabella Edwards put the two dogs inside.

While Mr. Wakefield remained outside of the home, Jaylin Edwards, standing in the street, discharged a 9mm handgun twice. According to Jaylin Edwards, who testified at trial for the defense, he fired once into the air and once into the ground in order to "calm everything down." The defendant provided contradictory testimony that Jaylin Edwards discharged his weapon in the direction of the defendant's home which was occupied by several members of his family.

After Jaylin Edwards fired his 9mm handgun, the defendant and his family retreated into their residence. The Edwards brothers and the unidentified men then returned to their vehicle and drove along LaGrange Circle, away from the defendant's residence.

¹ Isabella Edwards is of no relation to either Tyreek Edwards or Jaylin Edwards. To avoid confusion, we will refer to her by her full name.

Approximately eight seconds after retreating into the house, the defendant and his brother, Timothy Black, exited the front door together. The defendant walked along a path towards his driveway. When he reached the end of the path, he turned toward the street and discharged a .40-caliber Smith & Wesson pistol.

At trial, the State and the defense presented contradictory evidence as to the direction in which the defendant had aimed his pistol. The State entered into evidence a surveillance video taken from the defendant's home. The defendant had two cameras on the exterior of his home. The first camera was angled from the front door of the residence to the driveway. The second camera was angled from the roof of the garage, over the driveway, towards the street and Isabella Edwards' residence. Detective Selby with the Shelby County Sheriff's Office testified as to the contents of the video. From the front door camera, the video showed the defendant exit the front door of his residence, walk along the pathway until he was to the left of his driveway, raise his gun and fire. The video shows the muzzle flash from the gunshot. Based upon the direction of the defendant's body and the muzzle flash, the defendant appears to be facing Isabella Edwards' home when he fired his weapon. The driveway camera shows the defendant walk along the pathway and stand to the left of the driveway. From this angle it was not visible which direction the defendant aimed his weapon and fired. Both videos showed that the Edwards brothers' vehicle was no longer at the defendant's residence at time the defendant fired his weapon.

The State introduced additional evidence to support its contention that the defendant discharged his weapon across the street towards the residence of Isabella Edwards. They entered into evidence a .40-caliber casing, collected and photographed at the scene by investigators. Kasia Lynch, an expert in firearm identification and an agent with the Tennessee Bureau of Investigation, examined the casing. Agent Lynch testified that a .40-caliber Smith & Wesson pistol, the weapon fired by the defendant, ejects its casings more than eight feet to the right of the weapon. Detective Greever with the Shelby County Sheriff's Office testified that during their investigation they located one .40-caliber casing underneath a vehicle parked in the defendant's driveway. The State argued the location of the casing was consistent with the defendant aiming his pistol across the street towards the residence of Isabella Edwards when it was discharged.

However, the defendant testified that when he exited his house, he walked along pathway, but turned to his left before he aimed his pistol towards the end of the street. He testified that he fired the pistol towards the Edwards brother's vehicle as it was leaving the area. On cross-examination, the defendant was asked to identify at what moment during the surveillance video did he fire his weapon in relation to the moment he turned to his left. The defendant responded, "I don't recall."

After the defendant discharged his pistol, the defendant's younger brother, Timothy Black, began firing his .22-caliber assault style rifle. He fired multiple shots from the front porch of the defendant's residence. Timothy Black aimed his rifle indiscriminately across the street towards the residence of Kaleb Wakefield and Isabella Edwards. During the gunfire, Kaleb Wakefield reentered his house and told Isabella Edwards that he had been shot. He then collapsed to the floor. Mr. Wakefield went by ambulance to the hospital where he died as a result of a .22-caliber gunshot wound to the back.

Several projectiles also hit the residence of Isabella Edwards, some of which traveled through the front door into the foyer and the extra bedroom. During the gunfire Isabella Edwards was standing in front of the living room window and next to the front door, both of which were pierced by bullets. Agent Lynch testified that several of the projectiles recovered from Isabella Edwards' home could have been shot from the same .22-caliber assault rifle discharged by the defendant's brother. The projectile recovered from Kaleb Wakefield's body conclusively came from the .22-caliber rifle discharged by the defendant's brother.

After discharging their weapons, the defendant and his brother went back inside their home. The defendant placed his .40-caliber pistol inside a suitcase that was in a closet of his bedroom. The defendant's brother placed his assault rifle inside a hole in the wall of his bedroom.

Following the shooting, the defendant was interviewed by Sergeant Grantham and Detective Craven with the Shelby County Sheriff's Office. During the interview the defendant initially told the officers that he was inside his home when Jaylin Edwards discharged his 9mm pistol. The defendant also made several false statements to the officers regarding the location of his .40-caliber pistol. Additionally, the defendant asked, "So, dude got hit with a .40?" after learning that Kaleb Wakefield had died as a result of a gunshot wound.

On August 19, 2020, Chauncy Black was indicted by a Shelby County Grand Jury for murder in the second degree of Kaleb Wakefield (Count 1), employing a firearm during a felony (Count 2), and reckless endangerment of Isabella Edwards by discharging a firearm into an occupied habitation (Count 3).

At trial, the defendant filed a motion to include in the jury instructions a portion of the self-defense instruction that allows for a person to be presumed to have a reasonable fear of bodily harm when using deadly force inside their residence against an unlawful intruder. The trial judge declined to include that instruction. The jury was given a more general instruction on the use of self-defense. The jury was also given an instruction on criminal responsibility.

On August 23, 2021, after a three-day trial, the jury found the defendant guilty on Count 1, the lesser-included offense of reckless endangerment of Kaleb Wakefield and on Count 3, reckless endangerment with a deadly weapon of Isabella Edwards by discharging a firearm into an occupied habitation pursuant to Tenn. Code Ann. § 39-13-103(b)(3). The defendant was found not guilty on Count 2, employing a firearm during a dangerous felony.²

After a sentencing hearing, the trial court sentenced the defendant to an effective sentence of six and a half years. The defendant filed a Motion for New Trial which the trial court denied. This timely appeal followed.

Analysis

On appeal, the defendant argues that the evidence presented at trial was insufficient to support his conviction for reckless endangerment of Isabella Edwards by discharging a firearm into an occupied habitation. The defendant also contends the trial court erred in failing to include in the jury instructions the presumption that a person acting with deadly force within his residence had a presumed reasonable fear of imminent bodily harm. The State contends the evidence at trial was sufficient for the jury to convict the defendant of reckless endangerment with a deadly weapon and that the trial court did not err in finding that no factual basis to support the jury instruction was presented. We agree with the State on both issues.

I. Sufficiency of Evidence

a. Standard of Review

When the sufficiency of the evidence is challenged, the relevant question of the reviewing court is “whether, after viewing the evidence in the light most favorable to the prosecution, *any* rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt.” *Jackson v. Virginia*, 443 U.S. 307, 319 (1979); *see also* Tenn. R. App. P. 13(e) (“Findings of guilt in criminal actions whether by the trial court or jury shall be set aside if the evidence is insufficient to support the findings by the trier of fact of guilt beyond a reasonable doubt.”); *State v. Evans*, 838 S.W.2d 185, 190–92 (Tenn. 1992); *State v. Anderson*, 835 S.W.2d 600, 604 (Tenn. Crim. App. 1992). All questions involving the credibility of witnesses, the weight and value to be given the evidence, and

² The defendant’s brief lists an issue on appeal as to whether the jury had sufficient evidence to find the defendant guilty of Count 2, employing a firearm during the commission or attempt to commit a dangerous felony. The record indicates that the defendant was found not guilty of Count 2 at trial. Therefore, we will not address this issue upon appeal.

all factual issues are resolved by the trier of fact. *See State v. Pappas*, 754 S.W.2d 620, 623 (Tenn. Crim. App. 1987). “A guilty verdict by the jury, approved by the trial judge, accredits the testimony of the witnesses for the State and resolves all conflicts in favor of the theory of the State.” *State v. Grace*, 493 S.W.2d 474, 476 (Tenn. 1973). Our Supreme Court has stated the rationale for this rule:

This well-settled rule rests on a sound foundation. The trial judge and the jury see the witnesses face to face, hear their testimony and observe their demeanor on the stand. Thus, the trial judge and jury are the primary instrumentality of justice to determine the weight and credibility to be given to the testimony of witnesses. In the trial forum alone is there human atmosphere and the totality of the evidence cannot be reproduced with a written record in this Court.

Bolin v. State, 405 S.W.2d 768, 771 (Tenn. 1966) (citing *Carroll v. State*, 370 S.W.2d 523 (1963)). “A jury conviction removes the presumption of innocence with which a defendant is initially cloaked and replaces it with one of guilt, so that on appeal a convicted defendant has the burden of demonstrating that the evidence is insufficient.” *State v. Tuggle*, 639 S.W.2d 913, 914 (Tenn. 1982).

Guilt may be found beyond a reasonable doubt where there is direct evidence, circumstantial evidence, or a combination of the two. *State v. Matthews*, 805 S.W.2d 776, 779 (Tenn. Crim. App. 1990) (citing *State v. Brown*, 551 S.W.2d 329, 331 (Tenn. 1977); *Farmer v. State*, 343 S.W.2d 895, 897 (Tenn. 1961)). The standard of review for sufficiency of the evidence “is the same whether the conviction is based upon direct or circumstantial evidence.” *State v. Dorantes*, 331 S.W.3d 370, 379 (Tenn. 2011) (quoting *State v. Hanson*, 279 S.W.3d 265, 275 (Tenn. 2009)). Moreover, the jury determines the weight to be given to circumstantial evidence and the inferences to be drawn from this evidence, and the extent to which the circumstances are consistent with guilt and inconsistent with innocence are questions primarily for the jury. *See id.* at 379. Circumstantial evidence alone may be sufficient to support a conviction. *State v. Richmond*, 7 S.W.3d 90, 91 (Tenn. Crim. App. 1999) This Court, when considering the sufficiency of the evidence, shall not reweigh the evidence or substitute its inferences for those drawn by the trier of fact. *Id.* This Court will not exchange its’ “inferences for those drawn by the trier of fact from circumstantial evidence.” *State v. Matthews*, 805 S.W.2d 776, 779 (Tenn. Crim. App. 1990).

b. Reckless Endangerment under Tenn. Code Ann. § 39-13-103(b)(3)

The defendant asserts the evidence at trial was insufficient because no .40-caliber fragments were found inside Isabella Edwards’ home, and thus, there was no evidence the

defendant discharged his firearm in the direction of Isabella Edwards' home. The State contends that the jury could have reasonably concluded from several points of evidence that the defendant fired his .40-caliber gun in the direction of Isabella Edwards' home. Additionally, the State argues that the jury could have reasonably concluded that the defendant was guilty of reckless endangerment with a deadly weapon under the theory of criminal responsibility. We agree with the State.

A person "who recklessly engages in conduct that places or may place another person in imminent danger of death or serious bodily injury" commits reckless endangerment. Tenn. Code Ann. § 39-13-103(a). If the reckless conduct is committed by discharging a firearm into an occupied habitation, the reckless endangerment is a Class E felony. Tenn. Code Ann. § 39-13-103(b)(3).

At trial, the State introduced evidence to indicate the defendant discharged his firearm in the direction of Isabella Edwards' residence. A surveillance video showed the defendant exit his home, walk along the path, raise his arm and fire his weapon. Agent Lynch testified that the defendant's weapon ejected its casings over eight feet to the right. Detective Greever testified that a .40-caliber casing was found in the driveway under a vehicle consistent with the defendant firing his weapon straight ahead in the direction of Isabella Edwards' home. Lastly, the State introduced the defendant's statement to Shelby County Sheriff's Office where he asked if Kaleb Wakefield had been shot by a .40-caliber weapon.

Considering this evidence in the light most favorable to the State, the State presented sufficient evidence at trial to support the defendant's conviction for reckless endangerment with a deadly weapon under Tennessee Code Annotated section 39-13-103(b)(3). Though the defendant testified that he aimed his gun down the street towards the Edwards brothers' vehicle, determining credibility and weight of the testimony of the witnesses belongs to the province of the jury, and the jury resolves all conflicts in the testimony. The testimony credited by the jury establishes the defendant discharged his pistol across the street and into the home of Isabella Edwards. The evidence adduced at trial was sufficient to support a rational trier of fact in finding the defendant guilty of reckless endangerment with a deadly weapon by discharging his firearm into an occupied habitation. Tenn. Code Ann. § 39-13-103(b)(3). The defendant's challenge to the sufficiency of the evidence is without merit.

Additionally, at trial the State presented the jury with the theory that even if the defendant did not directly discharge his firearm into Isabella Edwards' home, the defendant was guilty of the crime under a theory of criminal responsibility. Under Tennessee law, a person may be charged with an offense if "he or she is criminally responsible for the perpetration of the offense." Tenn. Code Ann. § 39-11-401. A person is criminally

responsible for the conduct of another if, “[a]cting with intent to promote or assist the commission of the offense, or to benefit in the proceeds or results of the offense, the person solicits, directs, aids, or attempts to aid another person to commit the offense[.]” *Id.* § 39-11-402(2). Criminal responsibility is not a separate crime; rather, it is “solely a theory by which the State may prove the defendant’s guilt of the alleged offense, ..., based upon the conduct of another person.” *State v. Lemacks*, 996 S.W.2d 166, 170 (Tenn.1999).

“Under a theory of criminal responsibility, an individual’s presence and companionship with the perpetrator of a felony before and after the commission of an offense are circumstances from which his or her participation in the crime may be inferred.” *State v. Caldwell*, 80 S.W.3d 31, 37-38 (citing *State v. Ball*, 973 S.W.2d 288, 293 (Tenn. Crim. App. 1998)). To be criminally responsible for the acts of another, the defendant must “in some way associate himself with the venture, act with the knowledge that an offense is to be committed, and share in the criminal intent of the principal in the first degree.” *Id.* (citing *State v. Maxey*, 898 S.W.2d 756, 757 (Tenn. Crim. App. 1994)).

The evidence presented at trial showed that during the third confrontation with the Edwards brothers, the defendant and his brother, Timothy Black, both retreated into their residence together. When they returned together approximately eight seconds later, they were both armed. The defendant then discharged his .40-caliber pistol. It was only after the defendant discharged his weapon that Timothy Black discharged his .22-caliber assault rifle indiscriminately into Isabella Edwards’ residence multiple times. Then, the defendant and Timothy Black went back into their residence and hid their weapons. The evidence sufficiently established that the defendant and his brother acted together and that the defendant initiated and participated in the offense. From the evidence presented at trial, a reasonable jury could have found the defendant guilty of the crime under a theory of criminal responsibility. Therefore, the evidence is sufficient to support his conviction.

II. Jury Instruction

The defendant next contends that the trial court erred by denying his request for inclusion in the jury instruction the portion of the self-defense instruction that states that a person using deadly force within his home is presumed to have had a reasonable fear of imminent death or serious bodily injury when the deadly force is used against someone who entered the home unlawfully or forcibly. *See* Tenn. Code Ann. § 39-11-611(c). Defendant argues that he was entitled to the instruction because an armed Tyreek Edwards entered his yard, posing a threat of imminent death or serious bodily harm to the defendant and to his family. The State responds that the trial court did not err and the defendant was not entitled to the instruction because defendant’s use of deadly force did not occur inside the defendant’s home and because there was no present threat when the defendant

discharged his firearm. We agree that the trial court properly declined to include the requested instruction.

Questions involving the propriety of jury instructions are mixed questions of law and fact, therefore, our standard of review is *de novo* with no presumption of correctness. *See State v. Cole-Pugh*, 588 S.W.3d 254, 259-260 (Tenn. 2019). It is well-settled in Tennessee that a “defendant has a right to a correct and complete charge of the law, so that each issue of fact raised by the evidence will be submitted to the jury on proper instructions.” *State v. Garrison*, 40 S.W.3d 426, 432 (Tenn. 2000). An instruction on a defense must be given if fairly raised by the proof regardless of whether the defense relies on the theory or requests that an instruction be given as to that theory. *See Cole-Pugh*, 588 S.W.3d at 260-264. In determining whether a defense instruction is raised by the evidence, the trial court must examine the evidence in the light most favorable to the defendant to determine whether there is evidence that reasonable minds could accept as to that defense. *See State v. Sims*, 45 S.W.3d 1, 9 (citing *Johnson v. State*, 351 S.W.2d 558, 559 (Tenn. 1975)).

Tennessee Code Annotated § 39-11-611(c) states,

Any person using force intended or likely to cause death or serious bodily injury within a residence... is presumed to have held a reasonable belief of imminent death or serious bodily injury to self, family, a member of the household or a person visiting as an invited guest, when that force is used against another person, who unlawfully and forcibly enters or has unlawfully and forcibly entered the residence ... and the person using defensive force knew or had reason to believe that an unlawful and forcible entry occurred.

The statute defines residence as “a dwelling in which the person resides, ... or is visiting as an invited guest, or any dwelling, building or other appurtenance within the curtilage of residence” *Id.* § 39-11-611(a)(4). The curtilage itself is not defined as part of the residence for purposes of the self-defense instruction. *See State v. Kenneth Meyer*, No. E2009-02294-CCA-R3-CD, slip op. at 13 (Tenn. Crim. App. Nov. 16, 2010).

In the instant case, the defendant argues that when Tyreek Edwards, armed with a handgun, “ran past a wall and onto [defendant’s] yard after being told to leave several times,” he unlawfully and forcibly entered the defendant’s residence. The defendant, therefore, maintains that his use of deadly force was a response to the unlawful entry and that the presumption of reasonableness under Tennessee Code Annotated section 39-11-611(c) should have been given to the jury. However, the record disagrees.

The proof presented at trial, even viewed in the light most favorable to the defendant, does not present a factual basis for the requested instruction. Foremost, the evidence failed to show that the defendant fired his weapon from within a residence. The defendant testified at trial that he exited his home, walked along a pathway, and fired one shot from his .40-caliber Smith & Wesson pistol. At no point was any testimony or evidence introduced that the defendant was within his residence when he discharged his weapon. Instead, the record reflects that the entire altercation occurred outside the residence on the front yard adjoining the defendant's home and in the street. Therefore, there was no factual basis to trigger the use of the requested instruction.

Further, the evidence showed that Tyreek Edwards, the supposed threat, was no longer present when the defendant discharged his pistol. After Tyreek Edwards entered the defendant's yard, the defendant and his brother retreated inside to retrieve their weapons. When they did, Tyreek Edwards returned to his vehicle and left the area with the others. Approximately eight seconds later, the defendant and his brother exited the home and began firing. Therefore, even if Tyreek Edwards entered onto the defendant's property unlawfully presenting a threat, when Tyreek Edwards left the property, any threat ended. In its denial of the defendant's Motion for New Trial, the trial court held "the law doesn't say if someone fires at you, you go hunt them down and shoot them and call it self-defense." We agree with the trial court's assessment of the evidence and its relation to the defendant's request for the instruction. Accordingly, the trial court did not err in denying the defendant's request for an instruction on the presumption of reasonable fear of imminent death or serious bodily injury, and the defendant is not entitled to relief.

Conclusion

Based on the foregoing authorities and reasoning, we affirm the judgments of the trial court.

J. ROSS DYER, JUDGE