

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE  
AT NASHVILLE  
Assigned on Briefs June 21, 2023

FILED

09/15/2023

Clerk of the  
Appellate Courts

**STATE OF TENNESSEE v. DOUGLAS R. ROACH**

**Appeal from the Circuit Court for Maury County  
No. 28961 Stella L. Hargrove, Judge**

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**No. M2022-00871-CCA-R3-CD**

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The Defendant, Douglas R. Roach, was convicted of ten counts of especially aggravated kidnapping and received an effective twenty-five-year sentence. On appeal, the Defendant argues that the evidence was insufficient to establish that he committed especially aggravated kidnapping because the evidence did not show that he accomplished the kidnappings through use or display of a deadly weapon or that he used the victims as hostages or human shields. The State responds that the evidence was sufficient to support his convictions. Following our review, we affirm the judgments of the trial court.

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

KYLE A. HIXSON, J., delivered the opinion of the court, in which CAMILLE R. MCMULLEN, P.J., and MATTHEW J. WILSON, J., joined.

Brandon E. White (on appeal), and L. Samuel Patterson (at trial), Columbia, Tennessee, for the appellant, Douglas R. Roach.

Jonathan Skrmetti, Attorney General and Reporter; Caroline Weldon, Assistant Attorney General; Brent A. Cooper, District Attorney General; and M. Caleb Bayless, Assistant District Attorney General, for the appellee, State of Tennessee.

**OPINION**

**I. FACTUAL AND PROCEDURAL HISTORY**

On the afternoon of September 22, 2017, the Defendant entered the Community First Bank in Columbia (“the Bank”) armed with a sheathed machete. The Defendant was aggrieved because the Bank had denied him a business loan. Over several hours, the Defendant held multiple employees inside the Bank while the police attempted to negotiate their release and his surrender. Finally, after all of the employees either escaped or were released, the Defendant exited the Bank to speak with what he had been told was a

television news crew. The “reporters” were in fact undercover police officers, and the Defendant was apprehended.

A Maury County grand jury indicted the Defendant for ten counts of especially aggravated kidnapping under the theories that the Defendant used or displayed a deadly weapon and that the Defendant, after kidnapping the victims, used them as human shields or hostages. The ten victims were all employees of the Bank: Brenda Shouse, Christian Hope Thornton, Carrie Dietz, Barbara Harmon, Sheila Kenderdine, James Bratton, Joanne Ring, Louis Holloway, Melinda Thomas, and Tracy Rinks.

#### A. State’s Proof

A jury trial commenced on May 10, 2021. The State presented proof that on September 22, 2017, at approximately 2:30 p.m., Bank employee Janice Simpson was working at her desk when the Defendant entered the Bank armed with a sheathed machete. The Defendant approached Ms. Simpson and said, “[C]ome on out, little lady, there’s going to be an incident.” The Defendant instructed Ms. Simpson to lock the Bank’s back doors. Instead of complying, Ms. Simpson ran out of the back doors when the Defendant turned away from her. Ms. Simpson ran to the side of the building, knocked on a window, and instructed another employee to call 911.

The Defendant walked through the Bank and ordered all of the remaining employees in the Bank to gather in the lobby. These employees included Ms. Shouse, Ms. Thornton, Ms. Dietz, Ms. Harmon, Ms. Kenderdine, Mr. Bratton, Ms. Ring, Mr. Holloway, Ms. Thomas, and Ms. Rinks. Ms. Ring heard the Defendant say that he was looking for Bank loan officer Michael Franks. She made eye contact with Mr. Franks and signaled for him to run, and Mr. Franks successfully escaped. When Ms. Thornton saw the Defendant armed with a machete, she pressed a silent alarm button under her desk that notified the police of an emergency. After gathering all of the remaining employees in the lobby, the Defendant sat in a chair in the lobby and placed the sheathed machete on his lap.

The Defendant told the employees that the Bank had wronged him and that he wanted the police to kill him. The Defendant instructed the Bank employees to take out their cell phones and to stream the incident on social media platforms. The Defendant told the employees that he would not harm them if they complied with his demands, but he expressly forbade them from leaving the Bank. The Defendant arranged the victims so that police would not have a clear path to shoot him. The Defendant also forced Ms. Rinks to stand behind him while she was in the Bank so that police would not be able to shoot him. The various employees testified that they did not feel safe to leave because the Defendant

was armed with a machete, the Bank's doors were locked, and the Defendant forbade them from doing so.

Police quickly responded to the scene at the Bank, including Columbia Police Department ("CPD") Lieutenant Jeremy Haywood, Corporal Jason Sanders, and Detective Cheryl MacPherson. Each were part of the CPD negotiation team. Utilizing a surveillance camera system, they were able to see what was happening inside the Bank during the incident. Lt. Haywood and Cpl. Sanders were able to speak with the Defendant by calling the Bank's telephone. The Defendant told the police that he would not harm the employees but that he would not release them until he had the opportunity to talk to the press. Lt. Haywood and Cpl. Sanders established that the Bank employees were safe and attempted to negotiate their release.

Over approximately four hours, the Defendant released seven of the victims one-by-one, and three escaped. The Defendant allowed Ms. Thornton, who was visibly shaking and anxious, to leave the Bank first. At approximately 3:30 p.m., the Defendant told Mr. Bratton he could leave the Bank because the Defendant believed that Mr. Bratton looked too similar to the Defendant and did not want police to accidentally shoot Mr. Bratton. Over the next several hours, the Defendant released Ms. Dietz, followed by Ms. Shouse, Ms. Ring, Ms. Harmon, and Ms. Kenderdine. Ms. Thomas, Ms. Rinks, and Mr. Holloway, the last employees present inside the Bank, communicated through text messages and devised an escape plan. Thereafter, Ms. Rinks unlocked the doors, and she, Ms. Thomas, and Mr. Holloway ran out of the Bank together.

The Defendant remained alone in the Bank for approximately five more hours. He spoke with Lt. Haywood on the Bank's phone and refused to leave until he had an opportunity to tell his story to the press. Eventually, Det. MacPherson and Cpl. Sanders posed as reporters and told the Defendant he would be interviewed if he left the Bank. The Defendant walked out of the Bank believing he was going to be interviewed by local press and was immediately arrested.

CPD Officer Daniel Willis testified that after the Defendant was arrested, he rode in an ambulance with the Defendant. During the ride, Officer Willis said that he did not ask the Defendant any questions but that the Defendant made several statements. The Defendant said, "None of this would have happened if the [B]ank hadn't screwed me." The Defendant told Officer Willis that he had invented a medical device to cure carpal tunnel syndrome and that he had placed \$200,000 in a Bank account. The Defendant said that when he went to withdraw his money from the Bank, a Bank loan officer told him there would be a penalty for doing so. The Defendant said that the Bank "screwed up his credit" and that he had to "sell everything." The Defendant explained his intention for

entering the Bank that day was to take Mr. Franks hostage and put the police in a position where they were forced to kill the Defendant. The Defendant explained that when he entered the Bank, Mr. Franks had escaped, so he decided to hold the other employees as hostages.

Following the Defendant's arrest, police searched his car, which was located in the Bank's parking lot and collected a video recorder. The video found on the video recorder was played for the jury. In the video, the Defendant said that he was on his way to the Bank. He expressed anger toward the Bank because he believed that the Bank employees had wrongfully denied him a loan, destroyed his life, and wanted to steal his patent for a medical device. He explained that he was going to the Bank to demand answers as to why the Bank had ruined his life. The Defendant lifted up a machete and explained that it was the "instrument" he intended to use to get answers at the Bank. The Defendant said that he wanted his actions at the Bank to be recorded on "Facebook live," that he planned to die that day, and that he intended for his children to inherit the patent for his medical device.

Portions of the video surveillance footage from inside the Bank during the incident were played for the jury and admitted into evidence. The silent recording depicts the Defendant's entering the Bank carrying a sheathed machete under his arm and the Defendant's gathering the victims in the lobby. The recording shows the Defendant walking around with the machete under his arm and also sitting on a chair next to a desk with the machete sitting on his lap. The recording shows Ms. Rinks standing at times both behind and next to the Defendant while speaking on a Bank phone. It also shows Ms. Rinks unlocking and locking doors as the Defendant allowed victims to leave at various times. The recording also shows Ms. Thomas, Ms. Rinks, and Mr. Holloway running out of the Bank, with the Defendant chasing after them while carrying the machete.

#### B. Defense's Proof

The Defendant testified about the events that led to his entering the Bank on September 22, 2017. He explained that in October 2015, he received a \$200,000 check related to a settled lawsuit and deposited it into an account at the Bank. The Defendant testified that before he received the settlement money, he had lived in poverty. After receiving the \$200,000, he used some of the money to help his family, such as buying a car for his daughter. He said that he also used the money to rebuild his life and start a research and development business called Ridge Runners Research Development, LLC. For his business, the Defendant purchased two "special computers" and a 3D printer. The Defendant hired two employees for his business: his daughter and a "computer designer[.]" He leased an office and opened the business in January 2016.

The Defendant stated that after opening his business, he developed a therapeutic medical device to treat carpal tunnel syndrome. He explained that he invented this device and that he hired a patent attorney, to whom he paid \$12,000. The Defendant contacted a plastics manufacturer to attempt to have this device manufactured and mass-produced, but by the end of 2016, the Defendant had exhausted his settlement money and moved to Alabama. The Defendant said that he went to the Bank in July 2017 to try to borrow money to help further fund his business. He explained that he needed approximately \$150,000 to have molds of his device created. However, the Bank refused the loan. The Defendant faced the dissolution of his business and was upset that the Bank did not loan him money he requested. The Defendant said that he was suicidal and that he was evicted from his home in September 2017. On September 21, 2017, he attempted suicide by standing on train tracks, but a train never arrived.

The Defendant testified that on September 22, 2017, he decided that he would go to the Bank to die by “suicide by cop.” The Defendant drove to the Bank and arrived at approximately 2:00 p.m. The Defendant said that he went to the Bank so that he could find Mr. Franks to ask Mr. Franks why he wrongfully denied the Defendant a business loan. The Defendant believed that Mr. Franks denied the business loan so that he could steal the device from the Defendant. The Defendant said that he did not speak to Mr. Franks that day at the Bank because Mr. Franks ran out the back doors of the Bank.

The Defendant testified that when he entered the Bank on September 22, 2017, he carried a machete under his arm, promised that no one would be harmed, and instructed the employees to gather in the lobby. He said that he was not trying to keep the employees inside the Bank but that he did not want any customers to enter the Bank. The Defendant instructed all of the employees in the Bank to enter the lobby “so nobody would get harmed.” He said that he told one of the employees to call 911 because he wanted the police to come to the Bank and “execute” him. The Defendant said that he asked all of the employees to remain in the center of the Bank in the lobby because he did not want them harmed by police. He denied having forced an employee to stand beside him to shield him from police. He sent one employee out of the Bank because the man looked too similar to the Defendant, and he did not want the police to mistakenly harm the employee believing he was the Defendant. He allowed employees to use the restroom and have their cell phones. He explained that he wanted the employees to be able to contact their families and asked them to post about the incident on social media. The Defendant explained that he told the employees that if he were killed, then his family members would inherit the patent for his medical device.

The Defendant said that he never unsheathed the machete, nor did he make threats toward any individual. He said that for the majority of the incident, he held the machete

under his left arm. He explained that after all of the employees exited the Bank, he pulled out the machete and attempted suicide. The Defendant reiterated that he only intended to harm himself and said: “I was not [at the Bank] to take hostages. I was there to get executed, plain and simple.” The Defendant said he made no demands of the employees or police, aside from asking to speak to the press. He explained, “I wanted to tell them what happened to my life and [about the] destruction of my life.” The Defendant explained that he walked out of the Bank because he believed he would be speaking to the local press. The Defendant said he was tackled and arrested and then transported to a hospital. He said he never made any statements to anyone regarding hostages.

At the conclusion of the trial, the jury convicted the Defendant as charged. The Defendant filed a timely notice of appeal.

## II. ANALYSIS

The Defendant concedes that the trial evidence was sufficient to convict him of aggravated kidnapping. However, the Defendant argues that there was insufficient evidence to support either indicted theories establishing especially aggravated kidnapping because he never used or displayed the machete in his possession nor did he use any of the victims as hostages or human shields. The State responds that the evidence was sufficient to support the Defendant’s convictions for especially aggravated kidnapping under both theories. We agree with the State.

The United States Constitution prohibits the states from depriving “any person of life, liberty, or property, without due process of law[.]” U.S. Const. amend. XIV, § 1. A state shall not deprive a criminal defendant of his liberty “except upon proof beyond a reasonable doubt of every fact necessary to constitute the crime with which he is charged.” *In re Winship*, 397 U.S. 358, 364 (1970). In determining whether a state has met this burden following a finding of guilt, “the relevant question 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). Because a guilty verdict removes the presumption of innocence and replaces it with a presumption of guilt, the defendant has the burden on appeal of illustrating why the evidence is insufficient to support the jury’s verdict. *State v. Tuggle*, 639 S.W.2d 913, 914 (Tenn. 1982). If a convicted defendant makes this showing, the finding of guilt shall be set aside. Tenn. R. App. P. 13(e).

“Questions concerning the credibility of witnesses, the weight and value to be given the evidence, as well as all factual issues raised by the evidence are resolved by the trier of fact.” *State v. Bland*, 958 S.W.2d 651, 659 (Tenn. 1997). Appellate courts do not “reweigh

or reevaluate the evidence.” *Id.* (citing *State v. Cabbage*, 571 S.W.2d 832, 835 (Tenn. 1978)). “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). Therefore, on appellate review, “the State is entitled to the strongest legitimate view of the evidence and to all reasonable and legitimate inferences that may be drawn therefrom.” *Cabbage*, 571 S.W.2d at 835.

As pertinent here, the Code defines especially aggravated kidnapping as false imprisonment “[a]ccomplished with a deadly weapon or by display of any article used or fashioned to lead the victim to reasonably believe it to be a deadly weapon” or “[c]ommitted to hold the victim for ransom or reward, or as a shield or hostage[.]” Tenn. Code Ann. § 39-13-305(a)(1), (3). False imprisonment occurs when “[a] person . . . knowingly removes or confines another unlawfully so as to interfere substantially with the other’s liberty.” *Id.* § 39-13-302(a). A person “acts knowingly with respect to the conduct or to the circumstances surrounding the conduct when the person is aware of the nature of the conduct or that the circumstances exist.” *Id.* § 39-11-302(b).

Viewed in the light most favorable to the State, there was sufficient evidence to show that the Defendant accomplished the aggravated kidnappings with a deadly weapon or by display of a deadly weapon. In the video recording made prior to entering the Bank, the Defendant held up the machete and described it as his “instrument” of accomplishing his goals of “getting answers” from the Bank and forcing the police to kill him. The evidence showed that the Defendant entered the Bank carrying a machete and immediately began gathering employees and locking the Bank’s doors. The Defendant testified that the employees of the Bank had wronged him and that he went to the Bank that day to make his story known. During his trial testimony, the Defendant admitted to carrying the machete and keeping it with him while he was in the Bank. The video surveillance footage showed that the Defendant either held the machete under one of his arms or placed it in his lap while sitting in a chair near the victims. Each of the victims testified that they saw the Defendant holding the machete, that they complied with his demands because he had a machete, and that they were afraid.

The Defendant’s reliance on the Tennessee Sentencing Commission’s first comment to Code section 39-13-305 is misplaced. He argues that he merely possessed the weapon without using it to accomplish the kidnapping. *See id.* (“This section defines the offense of especially aggravated kidnapping as false imprisonment plus one of the four elements listed in subsection (a). Subdivision (a)(1) punishes a kidnapping in which a deadly weapon is actually used to threaten the victim. If a weapon is in the defendant’s possession but is not used, the kidnapping is punishable pursuant to § 39-13-304, aggravated kidnapping.”). However, during the incident, the Defendant either held the

machete under his arm or placed it on his lap while sitting. At all times, the weapon was visible to the victims, and the Defendant used the weapon and the victims' fear of his using the weapon to force the victims to comply with his demands. Each of the victims testified that they were aware the Defendant had a machete and were afraid he would use it if they attempted to escape. Accordingly, the evidence showed that the Defendant did not merely possess the weapon, but he used and displayed it to carry out the victims' aggravated kidnappings.

The evidence was also sufficient to show that the Defendant accomplished the aggravated kidnappings "to hold the victim for ransom or reward, or as a shield or hostage[.]" The Defendant told the victims that as long as they complied with his demands, no one would get hurt. The Defendant entered the Bank, locked the doors, and held the victims in the lobby because he wanted an opportunity to tell the press his story. Moreover, the Defendant admitted that he held the victims in the Bank, instructed them to call 911, demanded to speak to the news media, and wanted to force the police to "execute him." Video surveillance footage confirmed that the Defendant gathered the victims in the Bank's lobby and kept them there while he spoke on one of the Bank's phones. Police spoke with the Defendant and attempted to negotiate the release of the victims and the Defendant's surrender. Several witnesses testified that the Defendant rearranged the victims so that police would not have a clear path to shoot him. The Defendant also forced Ms. Rinks to stand behind him while she was in the Bank so that police would not shoot him. The evidence clearly established that the Defendant used the victims as hostages and human shields.

Accordingly, the evidence was sufficient to support the Defendant's convictions for especially aggravated kidnapping under both theories alleged in the indictment.

### **III. CONCLUSION**

In consideration of the foregoing and the record as a whole, the judgments of the trial court are affirmed.



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KYLE A. HIXSON, JUDGE