

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE
AT KNOXVILLE
Assigned on Briefs October 27, 2022

FILED
02/01/2023
Clerk of the
Appellate Courts

STATE OF TENNESSEE v. JEFFREY MICHAEL DAVIS

**Appeal from the Criminal Court for Campbell County
No. 18337 E. Shayne Sexton, Judge**

No. E2021-01321-CCA-R3-CD

A Campbell County jury convicted the Defendant, Jeffrey Michael Davis, of one count of attempted aggravated burglary and two counts of aggravated assault. The trial court sentenced the Defendant to serve twelve years in the Tennessee Department of Correction. On appeal, the Defendant contends that: (1) the trial court improperly allowed irrelevant testimony; (2) the evidence was insufficient to support his conviction for attempted aggravated burglary and one count of aggravated assault; and (3) the trial court improperly instructed the jury on the elements of aggravated assault. After review, we affirm the trial court's judgments.

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

ROBERT W. WEDEMEYER, J., delivered the opinion of the court, in which JAMES CURWOOD WITT, JR., P.J., and CAMILLE R. MCMULLEN, J., joined.

Brian D. Wilson and Jessica F. Butler (on appeal), Assistant Public Defenders-Appellate Division, Franklin, Tennessee, and William C. Jones (at trial), Assistant Public Defender, Jacksboro, Tennessee, for the appellant, Jeffrey Michael Davis.

Herbert H. Slatery III, Attorney General and Reporter; Hannah-Catherine Lackey, Assistant Attorney General; Jared R. Effler, District Attorney General; and David M. Pollard, Jr., Assistant District Attorney General, for the appellee, State of Tennessee.

OPINION
I. Facts

This case arises from the Defendant's entry onto the back porch of his neighbor's residence with an axe handle, announcing his intent to take money, and repeatedly kicking the back door to the residence. A Campbell County grand jury indicted the Defendant for

attempted aggravated burglary (Count 1), aggravated assault of an officer with “a metal pole” (Count 2), resisting arrest (Count 3), and aggravated assault of his neighbor, Rebecca Christian, with an axe handle (Count 4). On the Defendant’s trial date he pleaded guilty to resisting arrest and proceeded to trial on the remaining counts.

At trial, the parties presented the following evidence: Mrs. Christian testified that early on the morning of June 8, 2019, while her family was still asleep, she sat on the back deck of her home in Jellico, Tennessee, drinking coffee. As she sat on the deck, she heard footsteps near “the bottom side of [the] deck.” She turned and saw the Defendant trying to enter the gate of the enclosed deck. She knew the Defendant as a neighbor but stated that it was not common for him to come to her home. Upon recognizing the Defendant, Mrs. Christian said, “Jeff, you scared me.” To which he responded in an angry tone, “yeah, I’m gonna get my money.”

After a few attempts, the Defendant successfully entered the gate and walked onto the deck. Mrs. Christian initially believed the Defendant was carrying an axe, later learning that it was an axe handle. Based upon Mrs. Christian’s belief that the Defendant had an axe and the Defendant’s demeanor, she retreated inside her home. Mrs. Christian testified, “As I’m going in the door and, you know, I realized [the Defendant’s] really angry, I’m scared to death, he has an axe, so I had my phone in my hand,” and she called her neighbor, Terry Singly. Mrs. Christian explained that she lived “in the county” and was afraid that the Defendant would kill her and her family before police could arrive. She called Mr. Singly before calling 911 because she “wanted someone there to know what had happened.”

After calling Mr. Singly, Mrs. Christian woke her husband. Mrs. Christian’s children were awakened by the Defendant, who was forcefully kicking the back door. Mrs. Christian described the Defendant as “full of rage.” The Defendant remained on their back porch until the police arrived. She recalled that, in addition to the axe handle, the Defendant had four knives. Mrs. Christian stated that the Defendant stood on her porch and yelled, “Jesus is on vacation, and God sent him down to take care of things, and he’s there to get money for the things we have.” Mrs. Christian reiterated that she was scared for her life and stayed away from the back door out of concern that the Defendant would successfully break in.

Once the police arrived, the Defendant did not cooperate with the police officers’ commands. Ultimately, the police officers had to deploy a taser three times before they could place him in handcuffs. Mrs. Christian stated that the Defendant fought the officers “with everything he had.”

The State questioned Mrs. Christian about the impact of the Defendant's actions on her family, and the Defendant objected based on relevance. The trial court found the testimony relevant as to the effect the Defendant's actions had on Mrs. Christian with respect to the element of fear. Mrs. Christian testified that, following the incident, due to her fear of the Defendant harming her, she installed a home security system. She further testified that this incident had "definitely changed our living."

On cross-examination, Mrs. Christian agreed that the Defendant appeared to be on drugs during the incident. Mrs. Christian denied owing the Defendant any money and clarified that the Defendant never stated that they owed him money; he merely stated that "he was there to get his money." Mrs. Christian confirmed that Mr. Singly spoke with the Defendant, and he convinced the Defendant to quit "beating on the door." The Defendant calmed down a bit but became irate again when the police arrived.

Mrs. Christian's husband, Steve Christian, also testified about the June 8, 2019 incident involving the Defendant. He had worked the night before and been asleep for only a few hours when Mrs. Christian woke him at around 9:00 a.m. She told him, "[The Defendant] is outside, I've called Terry." Initially, he was a little frustrated, not realizing the severity of the situation. He got out of bed and walked out to greet the Defendant. As he walked down the hallway, he heard Mrs. Christian on the phone saying that someone was "trying to break in [the] house and they ha[d] an axe." He then heard the sound of the Defendant's beating on his back door. Believing his family was in danger, Mr. Christian returned to his bedroom and retrieved a gun from the closet. He walked back to the porch door with the intention of opening it and shooting the Defendant, but Mrs. Christian begged him not to shoot the Defendant. Mr. Christian backed away from the door and waited. He testified that if the Defendant had broken through the door, he would have fired his gun, otherwise, he planned to wait for the police. Mr. Christian did not believe himself to be "out of harm's way" behind the locked door but believed he was "prepared." He described the sound of the Defendant attempting to enter the house as the "loudest banging [he'd] ever heard in [his] life. . . . It made every hair on [his] body stand straight up." He believed the Defendant was "trying his best to get in [the] house and harm [the] family."

Mr. Christian testified that he heard Mr. Singly's truck pull into the driveway and that the Defendant stopped beating on the door to communicate with Mr. Singly. Mr. Christian described the Defendant as "very, very frustrated and very loud and very anxious, mad at the world, I guess." As Mr. Singly and the Defendant spoke, Mr. Christian exited the front door and walked down the side of his home where he could see Mr. Singly and the Defendant arguing.¹ Mr. Singly was urging the Defendant to stop, and the Defendant

¹ Mr. Christian testified that Mr. Singly and the Defendant "are family." There was no other testimony about Mr. Singly's relationship to the Defendant.

replied, “go ahead and kill me, Terry, I don’t care, I’m already dead.” Upon hearing this, Mr. Christian returned inside to ensure that the Defendant did not make entry.

Campbell County Sheriff’s Office (“CCSO”) Lieutenant Travis Bostic² responded to the report of a disturbance and found the Defendant next to the Christian residence. As Lieutenant Bostic exited his vehicle and approached the Defendant, another officer saw two knives “cupped under [the Defendant’s] arms” with the “tips of the blade” exposed. Lieutenant Bostic drew his gun while another officer took out a taser. Lieutenant Bostic ordered the Defendant to put the knives down. The Defendant complied and then began walking toward law enforcement. As he did so, Mr. Singly stepped out from vehicles parked near the house and picked up the knives. Lieutenant Bostic began to move toward the Defendant, but the Defendant turned and ran back toward Mr. Singly. The Defendant grabbed a “swing stick” used to teach children how to play baseball, and then moved back toward Lieutenant Bostic. As the Defendant approached Lieutenant Bostic swinging the stick, Officer Minton discharged a taser, the Defendant “locked,” and the officers began “taking him towards the ground.” At some point, the taser leads broke, so Officer Minton then engaged a stun gun in order to subdue the Defendant before Assistant Chief Surber fired another “probe spread” to the Defendant’s back and officers were able to handcuff the Defendant.

Lieutenant Bostic explained that the Defendant was swinging the swing stick in a downward motion at Lieutenant Bostic when Officer Minton first tased him. Lieutenant Bostic did not know what item the Defendant was swinging at him but later identified it as a swing stick after the Defendant was in custody. Lieutenant Bostic described the swing stick as “a hardened rubber material” that covers “graphite or some type of hard surface.”

Jellico Police Department Assistant Chief Raymond Surber testified that he first saw Mr. Singly standing in the driveway and then the Defendant came around the side of the house. As Assistant Chief Surber “assessed the situation” he observed that the Defendant held knives that appeared to be kitchen knives. Assistant Chief Surber drew his service weapon upon seeing the knives, and Lieutenant Bostic began negotiating with the Defendant. Ultimately, Lieutenant Bostic convinced the Defendant to set down the knives that law enforcement later recovered.

Assistant Chief Surber testified that, after seeing Mr. Singly pick up the knives from the ground where the Defendant had placed them, the Defendant moved toward Mr. Singly, then picked up the swing stick and moved to strike Lieutenant Bostic. Officer Minton deployed his Taser and, after some resistance, the officers placed the Defendant in

² At the time of these events, Lieutenant Bostic was working as a part-time employee for the Jellico City Police Department.

handcuffs. Assistant Chief Surber spoke with the victims, collected the knives, and observed scuff marks on the back porch door.

After hearing this evidence, the jury convicted the Defendant of attempted aggravated burglary (Count 1), aggravated assault of an officer (Count 2), and aggravated assault (Count 4). The trial court sentenced the Defendant to serve an effective sentence of twelve years in the Department Correction. It is from this judgment that the Defendant appeals.

II. Analysis

On appeal, the Defendant asserts that the trial court improperly admitted testimony about the impact of the Defendant's actions on the Christian family. He also argues that the evidence is insufficient to support his convictions for attempted aggravated burglary and aggravated assault. Specifically, he contends that the proof failed to establish that he attempted to commit aggravated burglary in Count 1 and that the State failed to prove a fear of imminent bodily injury as an element of aggravated assault in Count 4. Finally, he argues that the trial court erred in failing to include the definition of "serious bodily injury" within the context of the term "deadly weapon" as it related to the aggravated assault convictions.

A. Mrs. Christian's Testimony About the Impact of the Defendant's Actions

The Defendant asserts that the trial court abused its discretion when it allowed Mrs. Christian to testify about the impact of the crime on her and her family because this testimony "inflamed the jury." The State maintains that the trial court properly exercised its discretion when it found the testimony relevant.

The admission of evidence is left to "the sound discretion of the trial judge," *Otis v. Cambridge Mut. Fire Ins. Co.*, 850 S.W.2d 439, 442 (Tenn. 1992), and "[r]elevancy is always a judicial question to be determined according to the issue which is to be tried." *Randolph v. State*, 570 S.W.2d 869, 872 (Tenn. Crim. App. 1978) (quoting *Ellison v. State*, 549 S.W.2d 691, 696 (Tenn. Crim. App. 1976)). We review a trial court's admission of evidence under an abuse of discretion standard and will reverse the decision to admit evidence only if "the court applied an incorrect legal standard, or reached a decision which is against logic or reasoning" and admission of the evidence "caused an injustice to the party complaining." *State v. Gilliland*, 22 S.W.3d 266, 270 (Tenn. 2000) (quoting *State v. Shirley*, 6 S.W.3d 243, 247 (Tenn. 1999)) (internal quotation marks omitted).

"'Relevant evidence' means evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less

probable than it would be without the evidence.” Tenn. R. Evid. 401. The relevance of proffered evidence “is determined by the issues presented for resolution in the trial, which in turn, are determined by the elements of the offense charged and the defense asserted by the accused. *State v. DuBose*, 953 S.W.2d 649, 653 (Tenn. 1997). “Generally all relevant evidence is admissible except as provided by . . . [the] rules [of evidence].” Tenn. R. Evid. 402.

In order to prove the charge of aggravated assault, the State had to prove that the Defendant intentionally or knowingly caused Mrs. Christian to reasonably fear imminent bodily injury. See T.C.A. § 39-13-102(a)(1)(A)(iii) (2018). Aggravated assault based on fear requires the victim to have a “well-grounded apprehension of personal injury or violence.” *State v. Jones*, 789 S.W.2d 545, 550-51 (Tenn. 1990). Mrs. Christian testified about her fear as the Defendant entered her porch uninvited and angrily approached her holding what she believed was an axe. This testimony established that she reasonably feared imminent bodily injury which was relevant to an element of the offense for which the Defendant was charged. The admission of testimony concerning Mrs. Christian’s actions and fear subsequent to the incident was error; however, in light of Mrs. Christian’s unrefuted testimony about her fear during the incident, we find the admission of the testimony about subsequent measures taken by the Christian family to be harmless error. The Defendant is not entitled to relief as to this issue.

B. Sufficiency of the Evidence

The Defendant asserts that the evidence is insufficient to support his convictions for attempted aggravated burglary and aggravated assault. The State responds that the evidence supports the jury’s verdicts. We agree with the State.

When an accused challenges the sufficiency of the evidence, this Court’s standard of review is whether, after considering the evidence in the light most favorable to the State, “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 Tenn. R. App. P. 13(e); *State v. Goodwin*, 143 S.W.3d 771, 775 (Tenn. 2004) (citing *State v. Reid*, 91 S.W.3d 247, 276 (Tenn. 2002)). This standard applies to findings of guilt based upon direct evidence, circumstantial evidence, or a combination of both direct and circumstantial evidence. *State v. Pendergrass*, 13 S.W.3d 389, 392-93 (Tenn. Crim. App. 1999) (citing *State v. Dykes*, 803 S.W.2d 250, 253 (Tenn. Crim. App. 1990)). In the absence of direct evidence, a criminal offense may be established exclusively by circumstantial evidence. *Duchac v. State*, 505 S.W.2d 237, 241 (Tenn. 1973). “The jury decides the weight to be given to circumstantial evidence, and ‘[t]he inferences to be drawn from such evidence, and the extent to which the circumstances are consistent with guilt and inconsistent with innocence, are questions primarily for the jury.’” *State v. Rice*, 184 S.W.3d 646, 662 (Tenn.

2006) (quoting *Marable v. State*, 313 S.W.2d 451, 457 (Tenn. 1958)). “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)).

In determining the sufficiency of the evidence, this Court should not re-weigh or reevaluate the evidence. *State v. Matthews*, 805 S.W.2d 776, 779 (Tenn. Crim. App. 1990). Nor may this Court substitute its inferences for those drawn by the trier of fact from the evidence. *State v. Buggs*, 995 S.W.2d 102, 105 (Tenn. 1999) (citing *Liakas v. State*, 286 S.W.2d 856, 859 (Tenn. 1956)). “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). “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). The Tennessee Supreme Court 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, 527 (Tenn. 1963)). This Court must afford the State of Tennessee the ““strongest legitimate view of the evidence”” contained in the record, as well as ““all reasonable and legitimate inferences”” that may be drawn from the evidence. *Goodwin*, 143 S.W.3d at 775 (quoting *State v. Smith*, 24 S.W.3d 274, 279 (Tenn. 2000)). Because a verdict of guilt against a defendant removes the presumption of innocence and raises a presumption of guilt, the convicted criminal defendant bears the burden of showing that the evidence was legally insufficient to sustain a guilty verdict. *State v. Carruthers*, 35 S.W.3d 516, 557-58 (Tenn. 2000) (citations omitted).

1. Attempted Aggravated Burglary

The elements of aggravated burglary include the entry by a defendant of a “habitation” without the effective consent of the owner and with the intent to commit a felony, theft, or assault. T.C.A. §§ 39-14-403(a); -402(a)(1) (2018). The entry may be by “[i]ntrusion of any part of the body” or “any object in physical contact with the body or

any object controlled by remote control, electronic or otherwise.” *Id.* § 39-14-402(b). The criminal attempt statute requires that a defendant act with the intent to commit aggravated burglary, and his conduct must constitute a substantial step toward committing the aggravated burglary. *Id.* § 39-12-101(a)(3) (2018). To constitute a “substantial step” toward the commission of aggravated burglary, a defendant’s entire course of action must be corroborative of the intent to commit the offense. T.C.A. § 39-12-101(b) (2018). The Defendant contends that the evidence is insufficient because the State failed to prove that his entire course of action corroborated any intent to commit aggravated burglary.

The evidence, viewed in the light most favorable to the State, showed that the Defendant, uninvited, went onto the Christian family’s property and attempted to enter their home with the stated intent of taking money. Mrs. Christian was seated on the back porch of her home when the Defendant, trying to enter the gate to her porch deck, startled her. The Defendant did not commonly come to the Christian residence, and upon Mrs. Christian telling him he scared her, he angrily replied, “I’m gonna get my money.” The Defendant entered the gated deck area wielding an axe handle causing Mrs. Christian to flee inside her home and lock the door to prevent his entry. She immediately called her neighbor, Mr. Singly, fearing the Defendant would enter the home and cause harm, to make sure someone would “know what had happened.” She woke up her husband and then called 911. The Defendant kicked on the back door with such force that the noise woke up the Christian children and the door visibly moved upon impact. As the Defendant kicked the door, he again shouted his intent to take their money. This evidence supports the finding that the Defendant’s entire course of action in approaching the property, entering the porch armed and uninvited, and his attempt to forcibly enter the residence to get money, corroborated his intent to commit aggravated burglary.

The Defendant cites to *State v. Brown*, No. M2013-02327-CCA-R3-CD, 2015 WL 445542, at *10 (Tenn. Crim. App. Feb. 2, 2015), in support of his contention that the evidence is insufficient because the State failed to prove his entire course of action was corroborative of the intent to commit the burglary. In *Brown*, however, the court found that the Defendant “made only a cursory attempt at gaining entry by scratching at the door handle and moving it some.” *Id.* In the present case, as outlined above, the Defendant’s entire course of action reflected his sustained intent to enter the Christian home by force.

Accordingly, we conclude that there was sufficient evidence for a jury to conclude that the Defendant, armed with a weapon, intended to enter the Christian residence and commit a theft and attempted to do so by kicking in the rear door of the residence. The Defendant is not entitled to relief as to this issue.

2. Aggravated Assault

The Defendant argues that there is insufficient evidence to support his conviction for the aggravated assault of Mrs. Christian because the State failed to prove a fear of imminent bodily injury as an element of aggravated assault. The State maintains that the evidence supports the conviction. We agree with the State.

The Defendant was charged with intentionally or knowingly causing Mrs. Christian to reasonably fear imminent bodily injury through the use or display of a deadly weapon. *See* T.C.A. § 39-13-102(a)(1)(A)(iii) (2018). Aggravated assault based on fear requires the victim to have a “well-grounded apprehension of personal injury or violence.” *State v. Jones*, 789 S.W.2d 545, 550-51 (Tenn.1990). Circumstantial evidence is sufficient to establish a victim’s fear of imminent bodily injury. *State v. Jessie James Austin*, No. W2001-00120-CCA-R3-CD, 2002 WL 32755555, at *5 (Tenn. Crim. App. Jan. 25, 2002). “The element of ‘fear’ is satisfied if the circumstances of the incident, within reason and common experience, are of such a nature as to cause a person to reasonably fear imminent bodily injury.” *State v. Gregory Whitfield*, No. 02C01-9706-CR-00226, 1998 WL 227776, at *2 (Tenn. Crim. App. May 8, 1998) (citing *State v. Jamie Lee Pittman*, No. 03C01-9701-CR-00013, 1998 WL 128801, at *5 (Tenn. Crim. App. Mar. 24, 1998)).

The evidence, viewed in the light most favorable to the State, showed that the Defendant, uninvited, approached and entered Mrs. Christian’s gated deck while wielding an axe handle. The Defendant’s demeanor was angry, and he threatened that he was there to take money. The victim testified that she was in fear and fled into her home, calling her neighbor and notifying the police. She testified that the Defendant was “full of rage” and she feared he would break in as he forcefully kicked her back door. Mr. Christian still perceived the Defendant as an active threat to his family even behind the locked door of his home. Based upon the circumstances, he perceived such a degree of threat from the Defendant that he armed himself with a gun and prepared to shoot when the Defendant made entry, supporting Mrs. Christian’s testimony concerning the perceived threat of harm by the Defendant. This evidence supports the jury’s conclusion that the Defendant intentionally or knowingly caused Mrs. Christian to fear imminent bodily injury with the use of a deadly weapon.

Accordingly, we conclude that there was sufficient evidence to convict the Defendant of the aggravated assault of Mrs. Christian with the use of an axe handle. The Defendant is not entitled to relief as this issue.

C. Supplemental Jury Instruction

The Defendant asserts that the trial court erred when it denied his request to include the statutory definition of “serious bodily injury” in the jury instructions. He argues that this instruction would have aided the jury in determining whether the Defendant “used or

displayed a ‘deadly weapon’” during the commission of the aggravated assault. The State responds that the trial court fully instructed the jury on the elements of aggravated assault. We agree with the State.

It is well-settled that a defendant has a constitutional right to a complete and correct 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. Faulkner*, 154 S.W.3d 48, 58 (Tenn. 2005); *State v. Farner*, 66 S.W.3d 188, 204 (Tenn. 2001); *State v. Garrison*, 40 S.W.3d 426, 432 (Tenn. 2000). “It is the duty of the trial judge without request to give the jury proper instructions as to the law governing the issues raised by the nature of the proceedings and the evidence introduced during trial” *State v. Teel*, 793 S.W.2d 236, 249 (Tenn. 1990).

The purpose of a special instruction is “to supply an omission or correct a mistake made in the general charge, to present a material question not treated in the general charge, or to limit, extend, eliminate, or more accurately define a proposition already submitted to the jury.” *State v. Cozart*, 54 S.W.3d 242, 245 (Tenn. 2001). The refusal to grant a special request for instruction is error only when the general charge does not fully and fairly state the applicable law. On appellate review, a jury instruction must be considered in its entirety and read as a whole rather than in isolation. *State v. Leach*, 148 S.W.3d 42, 58 (Tenn. 2004). A jury instruction is only considered “prejudicially erroneous” if the jury charge, when read as a whole, “fails to fairly submit the legal issues or misleads the jury as to the applicable law.” *Faulkner*, 154 S.W.3d at 58.

Prior to trial, the Defendant requested that the trial court supplement the jury instruction with the definition of “serious bodily injury” for each of the two counts of aggravated assault. The Defendant contended that because aggravated assault involved the use or display of a deadly weapon and the pattern jury instruction definition of “deadly weapon” stated that a deadly weapon be capable of “causing death or serious bodily injury,” the jury needed to be instructed as to what constituted serious bodily injury in order to determine if the weapons used were deadly. The trial court declined to give the supplemental instruction, stating “to give the legal definition of serious bodily injury in the context of defining what an aggravated assault is, is suggesting or it’s misleading this jury as to what the law really is for purposes of aggravated assault using a deadly weapon.” The trial court told defense counsel that it was appropriate for counsel to “touch on it in argument” but a supplemental jury instruction created the risk of confusion, because the State was required to show reasonable fear of imminent bodily injury, not serious bodily injury.

The trial court instructed the jury consistently with Tennessee Pattern Jury Instructions: that in order for the jury to find the Defendant guilty of aggravated assault, they must find “that the defendant intentionally or knowingly caused another to reasonably

fear imminent bodily injury; and two, that the act involved the use or display of a deadly weapon.” The trial court then defined bodily injury, deadly weapon, and referred to prior definitions given for recklessly, knowingly, intentionally, and imminent.

In our view, the trial court’s charge fairly submitted the legal issues and were not misleading as to the law. The trial court’s refusal to supplement the pattern instruction did not constitute reversible error.

III. Conclusion

For the foregoing reasons, we affirm the trial court’s judgments.

ROBERT W. WEDEMEYER, JUDGE