

COURT OF CRIMINAL APPEALS OF TENNESSEE

State of Tennessee v. Byron Becton

No. W2025-00846-CCA-R3-CD · No. W2025-00846-CCA-R3-CD · Decided March 2, 2026

SUMMARY

The Tennessee Court of Criminal Appeals affirmed the summary dismissal of Byron Becton’s motion to correct an illegal sentence under Tennessee Rule of Criminal Procedure 36.1. The court held that his double-jeopardy claim challenged the underlying convictions rather than the sentences, and that his challenge to the 100-percent service requirement was waived and, in any event, did not establish an illegal sentence.

CASE DETAILS

COURT	Court of Criminal Appeals of Tennessee
WRITING FOR THE COURT	Matthew J. Wilson; Kyle A. Hixson; Steven W. Sword
JURISDICTION	Tennessee Court of Criminal Appeals
DECIDED	March 2, 2026
DOCKET	W2025-00846-CCA-R3-CD
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed as of right from the summary dismissal of his motion to correct an illegal sentence under Tennessee Rule of Criminal Procedure 36.1.
STANDARD OF REVIEW	Whether a Rule 36.1 motion states a colorable claim for correction of an illegal sentence is a question of law reviewed de novo.
PRECEDENTIAL VALUE	published
PARTIES	Byron Becton v. State of Tennessee

TOPICS

- post-conviction relief
- sentence modification
- double jeopardy
- criminal procedure
- appellate procedure

PRACTICE AREAS

- criminal law
- criminal procedure
- post-conviction relief
- sentencing

QUESTIONS PRESENTED

1. Whether Becton's double jeopardy challenge to his multiple aggravated-rape convictions stated a colorable claim for relief under Tennessee Rule of Criminal Procedure 36.1.
2. Whether Becton's challenge to the requirement that he serve 100 percent of his effective sentence stated a colorable Rule 36.1 claim.
3. Whether the trial court properly summarily dismissed the Rule 36.1 motion without a hearing or appointment of counsel.

HOLDINGS

1. A claimed double jeopardy violation attacks the underlying convictions rather than the legality of the sentences and therefore does not constitute a colorable claim for relief under Rule 36.1.
2. The requirement that Becton serve 100 percent of his effective sentence, less applicable sentence credits, was not illegal because Tennessee law required defendants convicted of aggravated rape to serve 100 percent of the sentence imposed.
3. The trial court properly summarily dismissed Becton's Rule 36.1 motion without a hearing or appointment of counsel because he failed to state a colorable claim for relief.

KEY QUOTATIONS

“A colorable claim under Rule 36.1 is a claim that, “if taken as true and viewed in a light most favorable to the moving party, would entitle the moving party to relief under Rule 36.1.”” (-2)

“However, “few sentencing errors render [a sentence] illegal.”” (-2)

““[A]ttacks on the correctness of the methodology by which a trial court imposed [a] sentence” do not rise to the level of an illegal sentence.” (-3)

“a claimed violation of double jeopardy is an attack on the underlying conviction, not an attack on the sentence.” (-3)

FACTUAL BACKGROUND

Following a 2011 jury trial, Becton was convicted of six counts of aggravated rape arising from three acts of penetration against the same victim. The trial court merged paired counts, imposed forty years on one count and twenty-five years on each remaining count, ordered certain sentences consecutively, and imposed an effective sixty-five-year sentence at 100 percent service. Becton later challenged the sentence under Rule 36.1, asserting that his multiple convictions violated double jeopardy and that the court improperly changed his required service percentage.

PROCEDURAL HISTORY

After a 2011 jury trial, Becton was convicted of six counts of aggravated rape, which resulted in three merged convictions and an effective sixty-five-year sentence at 100 percent service. His convictions and the denial of his post-conviction petition were affirmed on appeal. In 2022, he filed a Rule 36.1 motion alleging double jeopardy violations and an illegal change in his release percentage; the trial court summarily dismissed the motion in 2025, and he appealed.

DISPOSITION

affirmed

CASES CITED

- State v. Becton, No. W2011-02565-CCA-R3-CD, 2013 WL 967755, at *1, *17, *19 (Tenn. Crim. App. Mar. 11, 2013)
- Becton v. State, No. W2014-00993-CCA-R3-PC, 2015 WL 3867758, at *1 (Tenn. Crim. App. June 23, 2015)
- State v. Brown, 479 S.W.3d 200, 208-09 (Tenn. 2015)
- State v. Wooden, 478 S.W.3d 585, 589, 593, 595 (Tenn. 2015)
- Summers v. State, 212 S.W.3d 251, 255 (Tenn. 2007)
- State v. Tucker, No. M2024-00104-CCA-R3-CD, 2024 WL 4182674, at *5 (Tenn. Crim. App. Sept. 13, 2024)
- State v. Taylor, No. M2017-00302-CCA-R3-CD, 2018 WL 703098, at *2 (Tenn. Crim. App. Feb. 5, 2018)
- State v. Bond, No. W2023-01725-CCA-R3-CD, 2024 WL 4164599, at *3 (Tenn. Crim. App. Sept. 12, 2024)
- State v. Wiggins, No. W2024-00035-CCA-R3-CD, 2024 WL 3549205, at *2 (Tenn. Crim. App. July 26, 2024)
- State v. Johnson, No. M2023-01477-CCA-R3-CD, 2024 WL 2795847, at *1-*2 (Tenn. Crim. App. May 31, 2024)
- State v. Langford, No. M2023-01244-CCA-R3-CD, 2024 WL 1886503, at *2 (Tenn. Crim. App. Apr. 30, 2024)

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