

COURT OF APPEALS OF TENNESSEE

Sarah Brown v. Brett Wallace

No. E2024-01156-COA-R3-JV · No. E2024-01156-COA-R3-JV · Decided February 9, 2026

SUMMARY

The Tennessee Court of Appeals vacated a probate court judgment finding Brett Wallace guilty of nine counts of criminal contempt for failing to pay child support and arrearages. The appellate court held that the trial court's order lacked findings concerning the essential elements of criminal contempt, the supporting evidence, and compliance with criminal contempt notice requirements. The case was remanded for findings of fact and conclusions of law, including consideration of Tennessee Rule of Criminal Procedure 42.

CASE DETAILS

COURT	Court of Appeals of Tennessee
WRITING FOR THE COURT	John W. McClarty; J. Steven Stafford; Jeffrey Usman
JURISDICTION	Tennessee Court of Appeals
DECIDED	February 9, 2026
DOCKET	E2024-01156-COA-R3-JV
DISPOSITION	vacated
PROCEDURAL POSTURE	Father appealed the Probate Court's judgment finding him guilty of nine counts of criminal contempt and sentencing him to forty days' incarceration.
STANDARD OF REVIEW	The sufficiency of the evidence in a criminal contempt case is reviewed to determine whether the record supports guilt beyond a reasonable doubt; insufficient findings of guilt must be set aside under Tennessee Rule of Appellate Procedure 13(e). The sufficiency of a criminal-contempt notice under Tennessee Rule of Criminal Procedure 42(b) is reviewed de novo.
PRECEDENTIAL VALUE	published
PARTIES	Brett Wallace v. Sarah Brown

TOPICS

- child support
- contempt
- family law procedure
- appellate procedure
- standard of review

PRACTICE AREAS

Family law

Contempt

Appellate procedure

QUESTIONS PRESENTED

1. Whether the trial court could enter a criminal-contempt judgment by default.
2. Whether the evidence established that the order allegedly violated was clear, specific, and unambiguous.
3. Whether the evidence established that Father's violations were willful.
4. Whether the criminal-contempt convictions had to be vacated because of defective notice.
5. Whether the convictions had to be vacated because the trial court failed to make sufficient factual findings.

HOLDINGS

1. A trial court adjudicating criminal contempt must make findings of fact and conclusions of law addressing the essential elements of criminal contempt and the basis for its judgment. The trial court's conclusory statement that Mother had provided sufficient evidence did not satisfy Tennessee Rule of Civil Procedure 52.01.
2. A criminal-contempt proceeding must comply with Tennessee Rule of Criminal Procedure 42(b), including notice of the hearing time and place, a reasonable time to prepare a defense, and the essential facts constituting the alleged contempt. Because the trial court made no findings addressing notice, the matter had to be vacated and remanded for consideration of that issue.
3. The finding of criminal contempt and the forty-day sentence must be vacated because the trial court's order lacked findings on the essential elements of contempt, the evidentiary basis for the judgment, and the adequacy of notice.

KEY QUOTATIONS

“When a trial court does not explain the basis of its ruling, we are hampered in performing our reviewing function.” (6)

“We remand to the trial court for findings of fact and conclusions of law on the elements of criminal contempt.” (8)

FACTUAL BACKGROUND

The parties' November 9, 2023 agreed order awarded Mother a \$40,000 judgment for child-support arrearages and related expenses, established Father's current and past child-support obligations, and provided for wage-assignment payments. Mother alleged that Father made incomplete or no payments, left his employment without providing required notice, and failed to pay the arrearage obligation. She filed a petition alleging nine counts of criminal contempt, but the record did not contain a transcript or statement of the evidence from the hearing, and it was unclear how or when Father received notice.

PROCEDURAL HISTORY

The Probate Court for Cumberland County entered an agreed order addressing child-support arrearages and current child support. Mother later petitioned for criminal contempt and modification, alleging that Father had failed to make required payments. After Father did not appear at the hearing, the trial court found him guilty on all nine contempt counts and imposed a forty-day sentence. Father appealed.

DISPOSITION

vacated

REMAND INSTRUCTIONS

The trial court must enter findings of fact and conclusions of law addressing the elements of criminal contempt. It must also determine whether the notice complied with Tennessee Rule of Criminal Procedure 42 and was permissible under the applicable time-computation rules, including Tennessee Rule of Criminal Procedure 45 and Tennessee Rule of Civil Procedure 6.01.

CASES CITED

- Long v. McAllister-Long, 221 S.W.3d 1, 13 (Tenn. Ct. App. 2006)
- Black v. Blount, 938 S.W.2d 394, 398-99 (Tenn. 1996)
- Thigpen v. Thigpen, 874 S.W.2d 51, 53 (Tenn. Ct. App. 1993)
- Pruitt v. Pruitt, 293 S.W.3d 537, 545-46 (Tenn. Ct. App. 2008)
- Overnite Transp. Co. v. Teamsters Loc. Union No. 480, 172 S.W.3d 507, 510-11 (Tenn. 2005)
- Foster v. Foster, No. M2006-01277-COA-R3-CV, 2007 WL 4530813, at *5 (Tenn. Ct. App. Dec. 20, 2007)
- Konvalinka v. Chattanooga-Hamilton Cnty. Hosp. Auth., 249 S.W.3d 346, 354-55, 357 (Tenn. 2008)
- Mawn v. Tarquinio, No. M2019-00933-COA-R3-CV, 2020 WL 1491368, at *13 (Tenn. Ct. App. Mar. 27, 2020)
- Taylor v. Taylor, No. M2024-00045-COA-R3-CV, 2025 WL 899792, at *9 (Tenn. Ct. App. Mar. 24, 2025)
- Harthun v. Edens, No. W2015-00647-COA-R3-CV, 2016 WL 1056960, at *5 (Tenn. Ct. App. Mar. 17, 2016)