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Alabama Court of Criminal Appeals

OCTOBER TERM, 2025-2026

CR-2026-0034

Anthony Theo Wallace, Jr.

v.

State of Alabama

Appeal from Lawrence Circuit Court
(CC-21-70.71 and CC-22-196.71)

WINDOM, Presiding Judge.

Anthony Theo Wallace, Jr., appeals from an order of the Lawrence Circuit Court revoking his community-corrections sentence.

On September 11, 2025, Wallace was arrested for third-degree domestic violence (harassment). A delinquency report was subsequently

filed, charging Wallace with violating the terms and conditions of his community-corrections sentence by committing the new offense of third-degree domestic violence (harassment).

On December 2, 2025, the circuit court conducted a revocation hearing at which only one witness, Deputy Clinton Taylor, testified. Dep. Taylor testified that, on September 7, 2025, the Lawrence County Sheriff's Department received a call that Wallace was "dragging" his wife, Hannah, across the street by her hair. (R. 7.) Dep. Taylor and other law-enforcement officers responded to Wallace's residence. Initially, the officers could not locate Wallace or Hannah; however, a search of nearby roadways led the officers to find Hannah walking barefoot along the road. Dep. Taylor and other officers on the scene were familiar with Wallace and Hannah. The officers spoke extensively with Hannah about her remaining in an abusive relationship and Wallace's conduct, and they encouraged her to permanently separate from Wallace in the interest of her safety. Hannah was reluctant to disclose any physical abuse by Wallace. However, when an officer asked her why her eyes were red, she admitted that Wallace had sprayed her with pepper spray the previous night but that he had claimed it was an accident. The interaction was

captured on Dep. Taylor's body camera and admitted into evidence at the hearing. After leaving the scene, Dep. Taylor filed a report of the incident.

Dep. Taylor testified that a mere three days later, on September 10, 2025, the sheriff's department received another call regarding Wallace and Hannah. The caller reported that he had observed Wallace on top of Hannah, striking her in her face. Dep. Taylor responded to the Wallace residence but, again, could not locate Wallace or Hannah upon arrival. Deputies on the scene searched the area around the house, where they eventually found Wallace and Hannah hiding in an animal stall inside a horse stable. The deputies separated Wallace and Hannah, placing them in separate police vehicles. When questioned, Hannah was, again, reluctant to implicate Wallace. Hannah did, however, eventually disclose that Wallace had struck her in the face while she was on the ground. This disclosure was captured on Dep. Taylor's body camera and admitted into evidence at the hearing.

Wallace did not offer any evidence or testimony in his own defense. Instead, Wallace's counsel argued that his community-corrections sentence should not be revoked because the only evidence against him

was hearsay evidence. After hearing the above testimony from Dep. Taylor and reviewing the videos, the circuit court found that Wallace had violated the terms of his community-corrections sentence by committing the new offense of third-degree domestic violence (harassment). The circuit court issued a written order that same date memorializing its decision to revoke Wallace's community-corrections sentence based on his committing the new offense of third-degree domestic violence (harassment).

On appeal, Wallace argues that the circuit court erred by revoking his community-corrections sentence based solely on hearsay evidence.

"[T]he revocation of a sentence served under a community-corrections program is treated the same as a probation revocation.' Ex parte Hill, 71 So. 3d 3, 8 (Ala. 2009).

""'A probation-revocation hearing is a bench trial and the trial court is the sole fact-finder.'" Smiley v. State, 52 So. 3d 565, 568 (Ala. 2010) (quoting Ex parte Abrams, 3 So. 3d 819, 823 (Ala. 2008)).

""'Absent a clear abuse of discretion, a reviewing court will not disturb a trial court's conclusions in a probation-revocation proceeding, including the determination whether to revoke, modify, or continue the probation. A trial court abuses its discretion only when its decision is

based on an erroneous conclusion of law or where the record contains no evidence on which it rationally could have based its decision.'"

"McCain v. State, 33 So. 3d 642, 647 (Ala. Crim. App. 2009) (quoting Holden v. State, 820 So. 2d 158, 160 (Ala. Crim. App. 2001) (citations omitted)). Furthermore, we review de novo those cases that involve only issues of law and the application of the law to the undisputed facts. Ex parte Walker, 928 So. 2d 259, 262 (Ala. 2005).'

"Walker v. State, 294 So. 3d 825, 829 (Ala. Crim. App. 2019).

"To determine whether the evidence presented at a probation-revocation hearing is sufficient to revoke a defendant's probation for committing a new offense, the Alabama Supreme Court has set out the following standard:

""""Prob-
ation or
suspension of
sentence comes
as an act of
grace to one
convicted of, or
pleading guilty
to, a crime. A
proceeding to
revoke
probation is not
a criminal
prosecution, and
we have no
statute
requiring a

formal trial.
Upon a hearing
of this character,
the court is not
bound by strict
rules of
evidence, and
the alleged
violation of a
valid condition
of probation
need not be
proven beyond a
reasonable
doubt.'"

""'Martin v. State, 46 Ala.
App. 310, 312, 241 So. 2d
339, 341 (Ala. Crim. App.
1970) (quoting State v.
Duncan, 270 N.C. 241, 154
S.E.2d 53 (1967) (citation
omitted)). Under that
standard, the trial court
need "only be reasonably
satisfied from the evidence
that the probationer has
violated the conditions of
his probation." Armstrong
v. State, 294 Ala. 100, 103,
312 So. 2d 620, 623 (1975).
Absent a clear abuse of
discretion, a reviewing
court will not disturb the
trial court's conclusions.
See Moore v. State, 432 So.
2d 552, 553 (Ala. Crim. App.
1983), and Wright v. State,

349 So. 2d 124, 125 (Ala. Crim. App. 1977).'

""Ex parte J.J.D., 778 So. 2d [240] at 242 [(Ala. 2000)]. See Rule 27.6(d)(1), Ala. R. Crim. P. (providing that at a revocation hearing the 'court may receive any reliable, relevant evidence not legally privileged, including hearsay,' and the court must be reasonably satisfied from the evidence that a violation of probation occurred before revoking probation). Whether to admit hearsay evidence at a probation-revocation hearing is within the discretion of the court. Puckett v. State, 680 So. 2d 980, 981 (Ala. Crim. App. 1996). However,

""'[i]t is well settled that hearsay evidence may not form the sole basis for revoking an individual's probation. See Clayton v. State, 669 So. 2d 220, 222 (Ala. Cr. App. 1995); Chasteen v. State, 652 So. 2d 319, 320 (Ala. Cr. App. 1994); and Mallette v. State, 572 So. 2d 1316, 1317 (Ala. Cr. App. 1990). 'The use of hearsay as the sole means of proving a violation of a condition of probation denies a probationer the right to confront and to cross-examine the persons originating the information

that forms the basis of the revocation." Clayton, 669 So. 2d at 222.'

""Goodgain v. State, 755 So. 2d 591, 592 (Ala. Crim. App. 1999).

""To summarize, at a probation-revocation hearing a circuit court must examine the facts and circumstances supporting each alleged violation of probation. The court may consider both hearsay and nonhearsay evidence in making its determination. The hearsay evidence, however, must be reliable, and it cannot be the sole evidence supporting the revocation of probation. Thus, a circuit court must assess the credibility of the particular witnesses at the probation-revocation hearing, the reliability of the available evidence, and the totality of the evidence in each individual case to determine whether it is reasonably satisfied that the probationer has violated a term of his or her probation and that revocation is proper. Moreover, an appellate court will disturb a circuit court's decision only if the record establishes that the circuit court exceeded the scope of its discretion.

""Sams v. State, 48 So. 3d 665, 667-68 (Ala. 2010)."

""Recently, in Ex parte Dunn, 163 So. 3d 1003 (Ala. 2014), the Supreme Court refined this standard, explaining that, when the State

presents a mixture of hearsay and nonhearsay evidence to show that a defendant violated his probation by committing a new offense, the circuit court cannot revoke a defendant's probation for that violation unless the nonhearsay evidence connects the defendant to the alleged offense. In that case, the Supreme Court reversed this Court's decision upholding the circuit court's revocation of Dunn's probation for committing a new offense because "the State [had] not corroborated by nonhearsay evidence the hearsay evidence connecting the pants, and by extension Dunn, to the burglary." 163 So. 3d at 1006. See also Wright v. State, [292 So. 3d 1136] (Ala. Crim. App. 2019) (reversing the circuit court's revocation of Wright's probation for committing a new offense because the nonhearsay evidence that Wright was merely present at a party at the time a shooting occurred did not sufficiently connect him to the alleged murder); and Miller v. State, [273 So. 3d 921] (Ala. Crim. App. 2018) (reversing the circuit court's revocation of Miller's probation because "the State failed to present any nonhearsay evidence indicating that Miller had, in fact, committed the alleged arson").

"In sum, Sams and Dunn establish that hearsay is admissible at a probation-revocation hearing to show that a defendant committed a new offense and that the circuit court can rely on hearsay to revoke a defendant's probation. But those cases warn that hearsay cannot serve as the sole basis for revoking a defendant's probation, and instruct that, although the State does not have to prove every element of the alleged new offense with nonhearsay evidence, the State must present sufficient nonhearsay evidence connecting the

defendant to the commission of the alleged new offense.'

"Walker, 294 So. 3d at 831-32 (footnotes omitted)."

Knight v. State, 337 So. 3d 1223, 1225-27 (Ala. Crim. App. 2021).

"Under the Alabama Rules of Evidence, hearsay is defined as a 'statement, other than one made by the declarant while testifying at trial or hearing, offered in evidence to prove the truth of the matter asserted.' Rule 801(c), Ala. R. Evid." Mead v. State, 271 So. 3d 860, 864 (Ala. Crim. App. 2018).

In this case, the State presented only hearsay evidence to support its finding that Wallace had violated the terms and conditions of his community-corrections sentence by committing the new offense of third-degree domestic violence (harassment). As set forth above, Dep. Taylor testified to his encounters with Hannah, during which she disclosed that Wallace had assaulted her. The recordings of the encounters were admitted into evidence. Hannah's statements to Dep. Taylor and in her statements in the recordings were hearsay.¹ Contrary to the State's

¹ The State argues on appeal that Hannah's statements, as recorded by Dep. Taylor's body camera, should be construed as excited utterances. See Rule 803(2), Ala. R. Evid. This Court has reviewed the recordings and finds no merit in the State's argument.

assertion, the State did not present any nonhearsay evidence corroborating the hearsay evidence or connecting Wallace to the offense. See Knight, supra (holding that, when the only evidence at a revocation hearing consisted of detective's testimony as to what witnesses had told him and what the victim had stated in a recording, the State presented only hearsay evidence that defendant committed the new offense of domestic-violence-assault); Mead, supra (holding that the circuit court erred in revoking Mead's probation when the State failed to offer nonhearsay evidence to prove that Mead committed a domestic-violence offense – the State offered only hearsay statements of victim relayed by a sheriff's deputy), and Glasscock v. State, 381 So. 3d 514 (Ala. Crim. App. 2023) (finding that the State did not present sufficient nonhearsay evidence at revocation hearing to corroborate law-enforcement officers' testimony regarding information they were told by the victim and her mother)

Because the State failed to present nonhearsay evidence to establish that Wallace had violated the terms and conditions of his community-corrections sentence, the circuit court erred in revoking Wallace's community-corrections sentence. Accordingly, this Court

reverses the circuit court's order revoking Wallace's community-corrections sentence and remands this cause for further proceedings consistent with this opinion.

REVERSED AND REMANDED.

Kellum, Cole, and Minor, JJ., concur. Anderson, J., concurs in the result.