

IN THE CRIMINAL COURT OF SHELBY COUNTY, TENNESSEE
30TH JUDICIAL DISTRICT AT MEMPHIS
DIVISION VIII

FILED

2017 JUN -7 AM 2:56

APPENDIX-A

EDDIE WILLIAMS, JR.,
PETITIONER
VS.
STATE OF TENNESSEE,
RESPONDENT

RICHARD DESAUSURE
CRIMINAL COURT CLERK
BY

87-05185

Placed *6-6-17*
Richard L. DeSausure, Clerk
BY
D.C.

ORDER DENYING DOCUMENT ENTITLED "PETITIONER FOR WRIT OF ERROR
CORAM NOBIS"

This cause came on to be heard June 6, 2017, on the above-styled document filed by the above-styled petitioner and the record as a whole,

FROM ALL OF WHICH THE COURT FINDS that in 1988, a jury convicted the petitioner of two counts of robbery with a deadly weapon and he was sentenced as a Range II, persistent offender, to concurrent life sentences. The convictions and sentences were affirmed on direct appeal. *State v. Eddie Williams*, 1988 Tenn. Crim. App. LEXIS 798, No. 20, Shelby County (Tenn. Crim. App. filed December 28, 1988), *perm. app. denied* April 3, 1989; *Williams v. State*, 1995 Tenn. Crim. App. LEXIS 781, No. 02C01-9501-CR-00016, Shelby County (Tenn. Crim. App. filed September 20, 1995, at Jackson). On March 16, 1990, and May 30, 1990, the petitioner filed his first two post-conviction petitions asserting as grounds for relief ineffective assistance of counsel. The trial court consolidated the petitions and conducted an evidentiary hearing. It found that appellant received effective assistance of counsel and dismissed the petitions. The Court of Criminal Appeals affirmed the trial court's dismissal. *Williams v. State*, 1993 Tenn. Crim. App. LEXIS 368, No. 02C01-9202-CR-00041, Shelby County (Tenn. Crim. App. filed June 16, 1993, at Jackson). On August 10, 1992, he filed a third petition asserting ineffective assistance of post-conviction counsel, which included a claim that post-conviction counsel failed to challenge prior convictions used to enhance his sentence. The trial court "ruled that the petition failed to allege a constitutional basis for relief," and the Court of Criminal Appeals affirmed. *Williams v. State*, 1995 Tenn. Crim. App. LEXIS 781, No. 02C01-9501-CR-

00016, Shelby County (Tenn. Crim. App. filed September 20, 1995, at Jackson). On March 13, 2000, he filed another petition for post-conviction relief pursuant to Tenn. Code Ann. § 40-30-101, challenging the validity of prior convictions used to enhance his current sentence. He averred that the prior convictions were based upon unknowing and involuntary guilty pleas dating from January 1976 to May 1986. The state moved to dismiss the petition as time-barred. The trial court found the petition alleged no facts which would toll the statute of limitations and dismissed it. This decision was again affirmed. *Eddie Williams, Jr. v. State*, 2000 Tenn Crim App LEXIS 669, No. W2000-00879-CCA-R3-PC (August 22, 2000, at Jackson). He next alleged in a filing September 16, 2015, that his sentences were illegally enhanced to Range II by his petit larceny convictions, which petition was denied by this court on October 2, 2015, finding that a Range II persistent offender convicted under the 1982 sentencing act would have been exposed to a sentence of 40 years to life. Therefore, his life sentence was within the legal limit, was not an illegal sentence, and was affirmed on appeal.

He now has mailed this court two separate petitions, which this court is treating as one, filed June 2, 2017, attempting to renew his allegations that the petit larceny convictions are illegal, violated legislative intent, and also that the trial judge and prosecutors that tried his case in 1987, engaged in a racist conspiracy against him, keeping exhibits from appellate courts, etc.

To the extent that the Petitioner seeks the benefit of a writ of error coram nobis, his claim is time-barred. A judgment becomes final, and the one-year coram nobis statute of limitations begins to run, thirty days after entry of the judgment in the trial court if no post-trial motion is filed, or upon entry of an order disposing of a timely filed post-trial motion. See Tenn. Code Ann. § 27-7-103; *State v. Mixon*, 983 S.W.2d 661 (Tenn. 1999). He also alleges no newly discovered evidence which might have led to a different result at his trial, only new theories of conspiracy and illegality. Each one of these reasons is sufficient alone to deny this petition without a hearing. If treated as a petition for post-conviction relief, it would suffer the same fate.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the petitions are hereby DENIED as filed well outside the statute of limitation of one year and having stated no proper grounds for relief.

ENTERED this 6th day of June, 2017.



CHRIS CRAFT, Judge
Criminal Court, Div. VII
30th Judicial District at Memphis

Appen Appendix-B

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE
AT JACKSON

FILED
11/14/2017
Clerk of the
Appellate Courts

STATE OF TENNESSEE v. EDDIE WILLIAMS, JR.

Criminal Court for Shelby County
No. 87-05185, 87-05186

No. W2017-02150-CCA-MR3-CD

ORDER

This matter is before the Court upon the Defendant's "notice for delayed appeal" in which the Defendant seeks to appeal and underlying action from the Criminal Court of Shclby County. The pleading does not contain enough information about the underlying matter to allow this Court to make a determination on the request of the Defendant. The Defendant alleges that the trial court clerk will not provide him a copy of the order of dismissal but includes a copy with his motion. The Court has no information regarding the date on which the Defendant received actual notice of the dismissal of his petition whether by telephone call or receipt of the attached order. Furthermore, the Defendant provides no information related to the reasons for his failure to meet the appropriate deadline for perfecting and appeal to this Court.

It is, therefore, ORDERED that the Defendant shall have twenty (20) days from the entry of this order in which to file a supplemental motion including this additional information.

CAMILLE R. McMULLEN
JUDGE, COURT OF CRIMINAL APPEALS

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IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE
AT JACKSON

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STATE OF TENNESSEE v. EDDIE WILLIAMS, JR.

**Criminal Court for Shelby County
No. 87-05185, 87-05186**

No. W2017-02150-CCA-MR3-CD

ORDER

This matter is before the Court upon the Defendant's motion for appointment of counsel on appeal. The Defendant has not yet perfected his appeal to allow this court to make a determination upon the request. Furthermore, the Defendant has not included an affidavit of indigency to allow a determination of the indigent status of the Defendant to be made.

It is, therefore, ORDERED that the motion of the Defendant is DENIED at the present time.

CAMILLE R. McMULLEN
JUDGE, COURT OF CRIMINAL APPEALS

**IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE
AT JACKSON**

STATE OF TENNESSEE v. EDDIE WILLIAMS, JR.

**Shelby County Criminal Court
87-05185, 87-05186**

No. W2017-02150-CCA-MR3-CD

Date Printed: 12/21/2017

Notice / Filed Date: 12/21/2017

NOTICE - Case Dispositional Decision - TRAP 4(a) Late NOA Denied

The Appellate Court Clerk's Office has entered the above action.

James M. Hivner
Clerk of the Appellate Courts

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE
AT JACKSON

FILED
12/21/2017
Clerk of the
Appellate Courts

STATE OF TENNESSEE v. EDDIE WILLIAMS, JR.

**Criminal Court for Shelby County
No. 87-05185, 87-05186**

No. W2017-02150-CCA-MR3-CD

ORDER

This matter is before the Court upon the Petitioner's motion for permission to file late notice of appeal. The Court entered an order seeking more information relating to the date upon which the Petitioner received actual notice of the dismissal of his underlying action and the reasons for the delay in seeking appeal. The Petitioner has filed a supplemental pleading but has failed to provide sufficient information to allow this Court to grant the relief requested.

Pursuant to Rule 4(a) of the Tennessee Rules of Appellate Procedure in effect at the time of the entry of the guilty plea in this matter, a notice of appeal must be filed in the trial court no later than thirty days after the final judgment is entered in the trial court. Rule 4(a) provides that a notice of appeal in criminal cases is not jurisdictional and that the timely filing of such may be waived in the interest of justice. However, the waiver is not automatic, and this Court has the discretion to determine whether it shall be allowed. *Id.* In determining whether to grant a late filed notice of appeal, the Court is to consider the nature of the issues presented for review, the reasons for the length of the delay and any other relevant factors presented in the particular case. *State v. Markettus L. Broyid*, No. M2005-0029-CCA-R3-CO, 2005 WL 3543415 (Tenn. Crim. App. Dec. 27, 2005).

Even after being directed to supplement his initial pleading, the Petitioner has not provided this Court with any reasons that he did not timely file his notice of appeal nor has he provided an explanation as to why this Court should excuse his late filing and accept his late filed notice of appeal. The lack of explanation for the late filing renders this Court unable to find that the interests of justice would require the granting of a late filed notice of appeal. IT IS, THEREFORE, ORDERED that the Petitioner's motion is DENIED.

PER CURIAM

JOHN EVERETT WILLIAMS, JUDGE
ALAN E. GLENN, JUDGE
J. ROSS DYER, JUDGE

**IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE
AT JACKSON**

STATE OF TENNESSEE v. EDDIE WILLIAMS, JR.

**Shelby County Criminal Court
87-05185, 87-05186**

No. W2017-02150-CCA-MR3-CD

Date Printed: 01/24/2018

Notice / Filed Date: 01/24/2018

NOTICE - Order - Petition to Rehear Denied

The Appellate Court Clerk's Office has entered the above action.

If you wish to file an application for permission to appeal to the Tennessee Supreme Court pursuant to Rule 11 of the Tennessee Rules of Appellate Procedure, you must file an original and six copies with the Appellate Court Clerk. The application must be filed "within 60 days after the denial of the petition or entry of the judgment on rehearing." NO EXTENSIONS WILL BE GRANTED.

James M. Hivner
Clerk of the Appellate Courts

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE
AT JACKSON

FILED
01/24/2018
Clerk of the
Appellate Courts

STATE OF TENNESSEE v. EDDIE WILLIAMS, JR.

**Criminal Court for Shelby County
No. 87-05185, 87-05186**

No. W2017-02150-CCA-MR3-CD

ORDER

This matter is before the Court on the Petitioner's motion for rehearing seeking rehearing of the Court's denial of his "notice for delayed appeal." Rule 39(b), Tennessee Rules of Appellate Procedure, states that "[A] petition for rehearing must be filed with the clerk of the appellate court within 10 days after entry of judgment unless on motion the time is shortened or enlarged by the court or a judge thereof." As such, the motion to reconsider the denial of defendant's application for permission to appeal was not timely filed and therefore must be denied.

IT IS HEREBY ORDERED, that the Movant's motion to reconsider the denial of defendant's application for permission to appeal is DENIED.

PER CURIAM

JOHN EVERETT WILLIAMS, JUDGE
ALAN E. GLENN, JUDGE
J. ROSS DYER, JUDGE

**IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE
AT JACKSON**

STATE OF TENNESSEE v. EDDIE WILLIAMS, JR.

**Shelby County Criminal Court
87-05185, 87-05186**

No. W2017-02150-CCA-MR3-CD

Date Printed: 01/17/2018

Notice / Filed Date: 01/17/2018

NOTICE - Petition - to Rehear

The Appellate Court Clerk's Office has entered the above action.

James M. Hivner
Clerk of the Appellate Courts

IN THE CRIMINAL COURT OF APPEALS OF TENNESSEE
WESTERN SECTION AT JACKSON

Eddie Williams, Jr. TDOC #121015)
Petitioner/Appellant)
V.) Case No. W2017-02150-CCA-MR3-CD
State of Tennessee)
Respondent/Appellee)

MOTION FOR REHEARING

Comes now the Appellant, Eddie Williams, Jr. TDOC#121015, acting pro-se, and respectfully moves this Honorable Court to Rehear pursuant to Rule 39 (c), Tennessee Rules of Appellate Procedure and set aside the order issue on December 21, 2017.

The Appellant, pursued Writ of Error Coram Nobis with the Criminal Court for Shelby County on February 18, 2017 after receive information from Tennessee Secretary of State office, Mr. Tre Hargett. See:[Exhibit-A]

The Appellant requested Delayed Appeal with appointment of Counsel on October 27, 2017, after learning by phone that the Criminal Court for Shelby County had dismissed the Appellant Motion for Writ Error Coram Nobis, and failure to provide the Appellant with notice of the dismissal. See: [Exhibit-B]

On November 14, 2017 the Appellate court issue an Order alleging that Appellant had not effective his appeal because he had not provide affidavit of indigency to allow the determination of indigent status of the Appellant. See: [Exhibit-C]

On November 16, 2017. The Appellant submitted supplemental information to this Honorable Court with a copy of the information provided by the Criminal Court of Shelby County. See: [Exhibit-D]

On December 21, 2017, this Honorable Court issue an order stating “even after being directed to supplement his initial pleading, the Appellant has not provide this court with any reasons that he did not timely file his notice of appeal nor has he provided an explanation as to why this court should excuse his late filing and accept his late filed notice of appeal. The lack of

explanation for the late filing renders this court unable to find that the interests of justice would require the granting of a late filed notice of appeal. It is, therefore, ordered that the Appellant motion is denied"

The Appellant is before this court pursuant to Rule 39(c) and requesting rehearing, because the Appellant could only provide the information that is available to him, the Appellant has now submitted everything in his present as to the Writ of Error Coram Nobis.

ARGUMENT

The Appellant alleges that the untimely filing for delayed appeal, fall upon the Shelby County Criminal Court Clerk and Trial Court Judge.

The Appellant made all effort with the Criminal for Shelby County to receive any and all notice of the court as to the status of the Writ of Error Coram Nobis. On May 26, 2017 the Appellant submitted to the court information requested by the court after repeated complying with it request. See: [Exhibit-E]

On June 23, 2017 the Appellant filed complaint with the Tennessee Board of Judicial Conduct concerning the trial judge action as to the handling of the Writ of Error Coram Nobis. See: {Exhibit-F}.

The Appellant has been illegally confined for pass 30 years all because of the trial court illegal sentence, and now the Appellant has found that the trial courts for Shelby County was incorrect, no one wish to correct the matter.

The Appellant should be allowed to pursuant delayed appeal.

Respectfully Submitted


Eddie Williams, Jr. TDOC# 121015
Lois M. DeBerry Special Needs Facility
7575 Cockrill Bend Blvd
Nashville, Tennessee 37209

IN THE SUPREME COURT OF TENNESSEE
AT JACKSON

FILED
04/23/2018
Clerk of the
Appellate Courts

STATE OF TENNESSEE v. EDDIE WILLIAMS, JR.

Criminal Court for Shelby County
No. 87-05185, 87-05186

No. W2017-02150-SC-R11-CD

ORDER

Upon consideration of the application for permission to appeal of Eddie Williams, Jr., and the record before us, the application is denied.

PER CURIAM

Appendix

**Additional material
from this filing is
available in the
Clerk's Office.**