

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE
AT KNOXVILLE

Assigned on Briefs August 18, 2026

FILED

09/22/2026

Clerk of the
Appellate Courts

WILLIAM EDWARD FARMER v. STATE OF TENNESSEE

Appeal from the Criminal Court for Hamilton County
No. 320801 Amanda B. Dunn, Judge

No. E2025-01885-CCA-R3-PC

Petitioner, William Edward Farmer, appeals the summary dismissal of his petition seeking post-conviction relief from his 2025 guilty-pleaded conviction for possession of a firearm by a person convicted of a felony crime of violence, for which he is serving an eight-year sentence in confinement. The post-conviction court concluded that Petitioner did not raise a colorable claim for relief. Discerning no error, we affirm the judgment of the post-conviction court.

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

ROBERT L. HOLLOWAY, JR., J., delivered the opinion of the court, in which CAMILLE R. MCMULLEN and TOM GREENHOLTZ, JJ., joined.

William Edward Farmer, Clifton, Tennessee, pro se.

Jonathan Skrmetti, Attorney General and Reporter; Lacy E. Wilber, Senior Assistant Attorney General; and Coty Wamp, District Attorney General, for the appellee, State of Tennessee.

OPINION

From the sparse record before us, we glean that this case relates to the June 18, 2022 armed robbery and kidnapping of two victims at a residence in Chattanooga. Petitioner and his co-defendant, Darion Merriweather, were charged with aggravated kidnapping, aggravated robbery, aggravated burglary, and unlawful possession of a weapon. After a preliminary hearing, Hamilton County General Sessions Court Judge Gerald Webb bound the case over to the grand jury. Petitioner subsequently pleaded guilty on June 18, 2025, to possession of a firearm by a person convicted of a felony crime of violence with an

agreed eight-year sentence in confinement; the plea and judgment forms are not in the record. Petitioner did not file a direct appeal of his conviction.

On November 3, 2025, Petitioner filed a pro se post-conviction petition (“the Petition”) in which he asserted two grounds for relief. First, he alleged that his due process rights were violated because the victims were not sequestered during the preliminary hearing pursuant to Tennessee Rule of Evidence 615 (“the rule of sequestration”) and “heard one another’s testimony.” Second, he averred that “his conviction was based on a violation of . . . Judge [] Webb being suspended of his law license which made his judgment null and void[.]”

Attached to the Petition was a copy of the July 1, 2022 preliminary hearing transcript, which reflected that neither Petitioner nor the State invoked the rule of sequestration. The victims both testified and described their attackers as a “heavy-set guy” and a “taller guy” with dreadlocks, both of whom wore bandanas over their faces. The first victim testified that he only saw the attackers’ sizes and that one of their bandanas was green. The first victim said that the men took his wallet and a .45-caliber pistol.

The second victim identified the co-defendants in the courtroom as the men who attacked him. When asked whether he was “pretty sure” of his identification, the second victim responded, “I don’t have to look at them. I knew about the size.” The second victim added, “I recognize [the stocky man] because he had on something green,” referring to the stocky man’s bandana. He did not recall any other identifying features of the men.

Chattanooga Police Department Detective Larry Ellis testified that he interviewed the victims and received still photographs from another officer that had been taken from a surveillance recording near the scene. Detective Ellis drove to a location at which Petitioner and co-defendant Merriweather were detained. Petitioner was wearing the same clothing shown on the surveillance recording, and the first victim’s .45-caliber pistol was found on Petitioner’s person.

Also attached to the Petition was a November 5, 2021 public reprimand by the Tennessee Board of Judicial Conduct (“the Board”). In relevant part, the Board recounted that Judge Webb’s law license had been suspended by orders filed on August 18, 2020, and on August 17, 2021, for noncompliance with continuing education requirements in 2019 and 2020. The Board noted that Judge Webb’s license was suspended “briefly each time” and admonished him, noting that other judges had to take on Judge Webb’s dockets during his suspensions.

On November 14, 2025, the post-conviction court entered an order summarily denying relief, finding that the claims, if taken as true, would not constitute an abridgment

of federal or state constitutional rights. Regarding the preliminary hearing, the court found that the victims' presence during one another's testimony did not rise to the level of a due process violation. The court stated that the rule of sequestration was intended "to apply only to sequestration of witnesses at trial" but that, even if it applied to a preliminary hearing, defense counsel did not request it. The court noted that the Tennessee Constitution provides that victims of crime have the right to be present "at all proceedings where the defendant has the right to be present" and that this court "has likewise acknowledged that alleged victims of a crime should not be excluded from the courtroom during hearings, as their victim status is tantamount to a designation as a State's representative."

Relative to Judge Webb's suspension, the post-conviction court found that Petitioner entered his June 18, 2025 guilty plea following a plea colloquy and that "[h]is conviction [was] the result of his knowing and voluntary plea of guilty as opposed to any action taken by the General Sessions Court." The post-conviction court noted that it had executed the judgment in Petitioner's case and that Judge Webb "had no involvement in Petitioner's plea, acceptance of the plea, or entry of the judgment." The post-conviction court found that Judge Webb's temporary suspensions more than three years prior to entry of Petitioner's judgment of conviction did not constitute a colorable claim for post-conviction relief. The court dismissed the Petition, and Petitioner timely appealed.

Analysis

On appeal, Petitioner contends that the post-conviction court erred by summarily dismissing the Petition, arguing that (1) the violation of Rule 615 permitted the victims to "coordinate their identifications of Petitioner" and constituted a due process violation and that (2) Judge Webb's law license was suspended at the time of the preliminary hearing, "thereby implicating the integrity and constitutional validity of the preliminary hearing that served as the foundation for all subsequent criminal proceedings," and rendering Petitioner's later guilty plea unknowing and involuntary. The State responds that the post-conviction court properly dismissed the Petition because Petitioner failed to state a colorable claim for relief.

Post-conviction relief "shall be granted when the conviction or sentence is void or voidable because of the abridgment of any right guaranteed by the Constitution of Tennessee or the Constitution of the United States." Tenn. Code Ann. § 40-30-103. Upon receipt of a petition for post-conviction relief, the post-conviction court conducts a preliminary review to "determine whether the petition states a colorable claim." Tenn. Sup. Ct. R. 28, § 6(B)(2); *Burnett v. State*, 92 S.W.3d 403, 406 (Tenn. 2002). "A colorable claim is a claim, in a petition for post-conviction relief, that, if taken as true, in the light most favorable to petitioner, would entitle petitioner to relief under the Post-Conviction Procedure Act." Tenn. Sup. Ct. R. 28, § 2(H). When determining whether a colorable

claim has been presented, pro se petitions are held to a less rigid standard than formal pleadings drafted by attorneys. *Allen v. State*, 854 S.W.2d 873, 875 (Tenn. 1993). We review a post-conviction court's summary dismissal of a petition for post-conviction relief de novo. *See Arnold v. State*, 143 S.W.3d 784, 786 (Tenn. 2004).

a. Rule of sequestration

Tennessee Rule of Evidence 615 provides, in relevant part:

At the request of a party the court shall order witnesses, including rebuttal witnesses, excluded at trial or other adjudicatory hearing. In the court's discretion, the requested sequestration may be effective before voir dire, but in any event shall be effective before opening statements. The court shall order all persons not to disclose by any means to excluded witnesses any live trial testimony or exhibits created in the courtroom by a witness. This rule does not authorize exclusion of (1) a party who is a natural person, or (2) a person designated by counsel for a party that is not a natural person, or (3) a person whose presence is shown by a party to be essential to the presentation of the party's cause.

The record reflects that neither Petitioner nor the State invoked the rule of sequestration at the preliminary hearing; accordingly, no violation of Rule 615 occurred. We also note that Petitioner has not alleged that he received ineffective assistance of counsel at the preliminary hearing. Thus, even accepting Petitioner's factual allegations as true, they would not entitle him to post-conviction relief, and the post-conviction court properly found that he has not raised a colorable claim in this regard.

b. General Sessions Court judge

Initially, we note that Petitioner's claim that Judge Webb's licensure status affected the knowing and voluntary nature of his guilty plea was raised for the first time on appeal and is therefore waived. Tenn. R. App. P. 36(a); *State v. Hardison*, 680 S.W.3d 282, 310 (Tenn. Crim. App. 2023). The issue Petitioner presented in the Petition was that the General Sessions Court's decision to bind over the case to the grand jury was "null and void" as a result of Judge Webb's being suspended at the time of the preliminary hearing.

In his appellate brief, Petitioner only cites cases addressing the validity of his plea; however, the substance of his argument is that the "adequacy and integrity of the proceeding [was] called into question," which suggests that it is based on due process considerations.

Petitioner's appellate brief states that "[t]he record does not establish that Judge Webb's license had been reinstated or was in good standing as of July 1, 2022," and that, "[a]t minimum, the record raises a substantial question regarding whether Judge Webb's license had been restored or was still subject to limitations at the time he presided over the . . . hearing." Even if we were to assume that Judge Webb's law license was suspended at the time of the preliminary hearing, Petitioner misunderstands the role of a preliminary hearing.

The purpose of a preliminary hearing is to determine whether there is "probable cause to believe the accused committed the offense charged" and "to fix the amount of bail in bailable offenses." *State v. D'Anna*, 506 S.W.2d 200, 203 (Tenn. Crim. App. 1973). When a case is bound over to the grand jury, the grand jury makes an independent probable cause determination that does not depend upon the preliminary hearing proceedings. *See id.* (noting that the authority of the grand jury to "return a presentment or an indictment upon finding probable cause is in no way interfered with or prevented by the fact that a committing magistrate fails to find probable cause and discharges the accused in a preliminary hearing").

For example, in *State v. Voltz*, 626 S.W.2d 291, 295-96 (Tenn. Crim. App. 1981), this court upheld a conviction when the preliminary hearing was conducted by a nonlawyer judge, who bound over the case to the grand jury. The grand jury indicted the defendant, and the defendant was convicted after a trial. *Id.* at 295. On appeal, the defendant argued that his conviction was invalid because the preliminary hearing judge was not a licensed attorney. *Id.* This court affirmed the conviction because it "was based on the subsequent indictment and [the defendant's] conviction was in no way adversely affected by any defects in the earlier preliminary examination." *Id.* at 296.

In addition, our supreme court has held that "a judge acting under color of law and with the acquiescence of the parties and the public is a de facto judge whose rulings bind all interested parties" and whose authority cannot be subject to collateral attack. *See Bankston v. State*, 908 S.W.2d 194, 198 (Tenn. 1995); *see also Beaver v. Hall*, 217 S.W. 649, 654 (Tenn. 1920)).

Petitioner's conviction was based upon a grand jury indictment and was therefore unaffected by any defects in the preliminary hearing. *See Voltz*, 626 S.W.2d at 296. In addition, Judge Webb was, at minimum, a de facto judge acting under the color of law with the acquiescence of the parties, and Petitioner may not collaterally attack his authority. *Bankston*, 908 S.W.2d at 198. Accordingly, even accepting Petitioner's factual allegations as true, they would not entitle Petitioner to post-conviction relief, and the post-conviction court properly found that Petitioner has not raised a colorable claim in this regard.

Conclusion

We affirm the post-conviction court's summary dismissal of the Petition.

s/ Robert L. Holloway, Jr.
ROBERT L. HOLLOWAY, JR., JUDGE