

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE
AT JACKSON

Assigned on Briefs July 9, 2026

FILED

09/23/2026

Clerk of the
Appellate Courts

KELDRICK TAYLOR v. STATE OF TENNESSEE

Appeal from the Criminal Court for Shelby County

No. 20-00965

Paula L. Skahan, Judge

No. W2025-01087-CCA-R3-PC

Keldrick Taylor, Petitioner, appeals after the post-conviction court denied relief based on ineffective assistance of counsel. Because Petitioner's failed to prove his allegations by clear and convincing evidence, we affirm the post-conviction court's judgment.

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

TIMOTHY L. EASTER, J., delivered the opinion of the court, in which ROBERT W. WEDEMEYER, P.J., and MATTHEW J. WILSON, J., joined.

Ernest J. Beasley, (on appeal) and C. Alex Jones (at hearing), Memphis, Tennessee, for the appellant, Keldrick Taylor.

Jonathan Skrmetti, Attorney General and Reporter; Elizabeth Evan, Assistant Attorney General; Steven J. Mulroy, District Attorney General; and Atine Stavropoulos, Assistant District Attorney General, for the appellee, State of Tennessee.

OPINION ON REHEARING

On June 21, 2021, Petitioner pled guilty to three counts of aggravated robbery and received a sentence of thirteen and one-half years, as a Range II offender. He filed a timely pro se petition in which he claimed trial counsel was ineffective. Counsel was appointed and an amended, albeit unverified petition was filed. After a bifurcated hearing, at which Petitioner testified that trial counsel was ineffective for failing to properly prepare for trial or inform him about his case, the post-conviction court denied relief. Petitioner appealed.

On appeal, the State asserted that the appeal should be dismissed due to inadequate briefing. Specifically, this Court noted that counsel filed a brief that was virtually identical to briefs filed in several other cases. Initially, we agreed that the issue raised by Petitioner was waived due to inadequate briefing and affirmed the judgment of the post-conviction court. *See Taylor v. State*, No. W2025-01087-CCA-R3-PC, 2026 WL 2280855 (Tenn. Crim. App. Aug. 7, 2026), *reh'g granted* (Aug. 19, 2026).

After the issuance of this Court's opinion, Petitioner filed a petition to rehear, asking this Court for an opportunity to rebrief the case. This Court granted the petition to rehear on August 17, 2026, and counsel filed a new brief with this Court. We will now consider the issue raised by Petitioner. The previous opinion is now vacated.

Guilty Plea Hearing

Petitioner pled guilty in June of 2021 to three counts of aggravated robbery as a Range II offender, with an effective sentence of thirteen and one-half years at 85% service. The remaining counts were dismissed. At the guilty plea hearing, counsel for the State explained the factual basis for the plea. The State indicated that the proof at trial would show that Petitioner entered Upgrade Auto Sales in Memphis on January 17, 2020, at approximately 2:20 p.m., armed with multiple firearms. Petitioner pointed guns at three people and demanded their belongings. The victims complied. Petitioner left and was hit by a car nearby. All three victims identified Petitioner as the perpetrator.

At the hearing, Petitioner identified himself, told the trial court he completed high school, and acknowledged that trial counsel reviewed his rights. The trial court conducted a plea colloquy, making sure Petitioner understood his right to a jury trial, the right to have counsel cross-examine the State's witnesses, and the right to present witnesses in his own behalf. Petitioner acknowledged that he could choose to testify or remain silent at trial and that the jury could not hold that against him. Petitioner affirmatively acknowledged his understanding and waived his right to trial.

The trial court explained Petitioner's potential sentences if he rejected the plea agreement and instead was convicted at trial. Based on prior convictions alone, Petitioner would have faced a potential sentence of twenty to thirty years at 100% for aggravated robbery. Petitioner indicated he understood his guilty pleas would constitute felony convictions, would appear on his record, and could potentially enhance any future sentences. Petitioner also indicated that he understood by pleading guilty he was waiving his right to appeal. The trial court noted that both Petitioner's mother and sister spoke with him and indicated their agreement with the plea, but Petitioner stated he personally made the decision to plead guilty. Petitioner testified he was satisfied with his representation.

The trial court found Petitioner entered the pleas knowingly, freely, voluntarily, and intelligently.

Post-conviction Hearing

The post-conviction court held a bifurcated hearing on the petition. Petitioner testified that trial counsel did not discuss witness statements with him. In fact, Petitioner claimed trial counsel never met with him and that he only saw discovery materials after he pled guilty. Petitioner complained that trial counsel did not investigate Eric Moon, the witness at the preliminary hearing. Petitioner insisted that Mr. Moon tried to “commit” a crime against him, “not the other way around.” Petitioner also took issue with a statement by Murry Williams that was included in discovery.

Petitioner complained that trial counsel did not hire an investigator. Petitioner also complained about the way trial counsel handled plea negotiations. Petitioner stated it was explained to him as “[t]hirteen point five years or go to trial.” Petitioner testified that the discovery materials showed that the State offered twelve years. Petitioner also claimed that he lied when he said he was not pressured to accept the plea agreement.

At the second hearing related to the post-conviction petition, trial counsel testified that she had been a criminal defense attorney for thirty years. She acknowledged that she “argued a lot” with Petitioner. She explained the “big problem” with Petitioner’s case was that the robbery was on video. Trial counsel testified that she “sent out the investigator to talk to the three victims” in the case. Trial counsel made this decision based on conversations she had with Petitioner.

Trial counsel “talked to a David Boller, who apparently had shown up on the lot when things were happening.” Mr. Boller witnessed the robbery and saw Petitioner with the victims “laid out on the ground.” Mr. Boller said Petitioner pointed a gun at him and told him “the lot’s closed. Get your ass off the lot.” Mr. Boller told trial counsel that when Petitioner threatened him, he left the lot and called 911.

Trial counsel talked to two of the victims and found their potential testimony damaging to Petitioner. Trial counsel testified she discussed all the witness statements and discovery with Petitioner. Trial counsel met with Petitioner “mostly to tell him that he needed to plead” because even if they were able to convince a jury that Petitioner did not rob anyone and that “somehow that money belonged to him and there was some kind of drug deal gone bad,” the video still showed Petitioner had two guns.

Trial counsel explained that there are “just some clients who don’t want to face the reality of the situation. And he had a really good offer.” Trial counsel explained that the

State first offered Petitioner a twelve-year sentence with 100% service. The State rescinded this offer once the case was set for trial. On the morning of trial, the State offered Petitioner a fifteen-year sentence. Trial counsel explained that she negotiated this down to thirteen and one-half years. Trial counsel explained to Petitioner's mother that he was facing a lengthy sentence. His mother came to the courthouse and asked Petitioner to accept the plea agreement.

The post-conviction court denied relief in a written order finding that trial counsel's performance was not deficient based on her "thorough investigation" which included interviews of "all key witnesses." The post-conviction court noted trial counsel "conducted a comprehensive review of the evidence" and "developed case-specific strategies aimed at securing the most favorable outcome possible, namely, the most favorable plea deal achievable under the circumstances." The post-conviction court found Petitioner's delay caused the withdrawal of the first and best plea offer, but that trial counsel "continued to advocate diligently" for Petitioner and "ultimately secured a subsequent plea agreement" while simultaneously being "fully prepared to go to trial." The post-conviction court found no prejudice to Petitioner, noting the "strength and sheer volume of evidence presented against Petitioner" that "overwhelmingly support[ed] the conclusion that a conviction – and likely a sentence exceeding the terms of the negotiated plea – would have resulted had the matter proceeded to trial."

Analysis

Petitioner argues on appeal that trial counsel was ineffective, causing Petitioner to enter an unknowing and involuntary guilty plea. Specifically, Petitioner argues that he testified counsel did not visit him in custody, did not discuss the case with him, did not give him discovery materials, and did not use an investigator. Moreover, Petitioner insists that if the post-conviction court accredited his testimony, it was required to find he was prejudiced and received ineffective assistance of counsel. The State responds that "[b]ecause [Petitioner's] argument turns on the implicit credibility finding by the post-conviction court, this Court should decline to reweigh the witnesses' credibility and affirm the judgment."

In order to prevail on a petition for post-conviction relief, a petitioner must prove all factual allegations by clear and convincing evidence. *Jaco v. State*, 120 S.W.3d 828, 830 (Tenn. 2003). Post-conviction relief cases often present mixed questions of law and fact. *See Fields v. State*, 40 S.W.3d 450, 458 (Tenn. 2001). As such, we review a post-conviction court's findings of fact under a de novo standard with a presumption that those findings are correct unless otherwise proven by a preponderance of the evidence. *Id.* (citing Tenn. R. App. P. 13(d); *Henley v. State*, 960 S.W.2d 572, 578 (Tenn. 1997)). The post-conviction court's conclusions of law and application of the law to factual findings are

reviewed de novo with no presumption of correctness. *Kendrick v. State*, 454 S.W.3d 450, 457 (Tenn. 2015).

When reviewing the post-conviction court's findings of fact, this Court does not reweigh the evidence or "substitute [its] own inferences for those drawn by the [post-conviction] court." *Fields*, 40 S.W.3d at 456. Additionally, "questions concerning the credibility of the witnesses, the weight and value to be given their testimony, and the factual issues raised by the evidence are to be resolved by the [post-conviction court]." *Id.* (citing *Henley*, 960 S.W.2d at 579); see also *Kendrick*, 454 S.W.3d at 457.

The right to effective assistance of counsel is safeguarded by the constitutions of both the United States and the State of Tennessee. U.S. Const. amend. VI; Tenn. Const. art. I, § 9. When a petitioner seeks post-conviction relief on the basis of ineffective assistance of counsel, "the petitioner bears the burden of proving both that counsel's performance was deficient and that the deficiency prejudiced the defense." *Goad v. State*, 938 S.W.2d 363, 369 (Tenn. 1996) (citing *Strickland v. Washington*, 466 U.S. 668, 687 (1984)). To establish deficient performance, the petitioner must show that counsel's performance was below "the range of competence demanded of attorneys in criminal cases." *Baxter v. Rose*, 523 S.W.2d 930, 936 (Tenn. 1975). To establish prejudice, the petitioner must show that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different. A reasonable probability is a probability sufficient to undermine confidence in the outcome." *Strickland*, 466 U.S. at 694. Further,

[b]ecause a petitioner must establish both prongs of the test, a failure to prove either deficiency or prejudice provides a sufficient basis to deny relief on the ineffective assistance claim. Indeed, a court need not address the components in any particular order or even address both if the [petitioner] makes an insufficient showing of one component.

Goad, 938 S.W.2d at 370 (citing *Strickland*, 466 U.S. at 697). Additionally, a review of counsel's performance "requires that every effort be made to eliminate the distorting effects of hindsight, to reconstruct the circumstances of counsel's challenged conduct, and to evaluate the conduct from counsel's perspective at the time." *Strickland*, 466 U.S. at 689; see also *Henley v. State*, 960 S.W.2d 572, 579 (Tenn. 1997). We will not second-guess a reasonable trial strategy, and we will not grant relief based on a sound, yet ultimately unsuccessful, tactical decision. *Granderson v. State*, 197 S.W.3d 782, 790 (Tenn. Crim. App. 2006).

Regarding the second *Strickland* prong, trial counsel's deficient performance in a guilty plea will be found to have prejudiced the defendant only if "there is a reasonable

probability that, but for counsel's errors, [the petitioner] would not have pleaded guilty and would have insisted on going to trial." *Calvert v. State*, 342 S.W.3d 477, 486 (Tenn. 2011) (quoting *Hill v. Lockhart*, 474 U.S. 52, 59 (1985)). Further, once a defendant enters a guilty plea, the effectiveness of counsel is only relevant to the extent that it affects the voluntariness of the plea. *Hill*, 474 U.S. at 56 (1985).

In order for a guilty plea to be valid, it must be made "knowingly, voluntarily, and intelligently." *Ward v. State*, 315 S.W.3d 461, 465 (Tenn. 2010) (citations omitted). "[A] plea is not 'voluntary' if it is the product of '[i]gnorance, incomprehension, coercion, terror, inducements, [or] subtle or blatant threats.'" *Blankenship v. State*, 858 S.W.2d 897, 904 (Tenn. 1993) (quoting *Boykin v. Alabama*, 395 U.S. 238, 242-43 (1969)). "[T]he standard of inquiry is whether the plea represents a voluntary and intelligent choice among the alternative courses of action open to the defendant." *Ward*, 315 S.W.3d at 465 (citation and internal quotation marks omitted).

Here, the post-conviction court accredited the testimony of trial counsel. Trial counsel testified that she met with Petitioner, communicated the plea offer to him, provided him with discovery materials, interviewed witnesses, and prepared for the case to go to trial. Specifically, she noted that the entire incident was captured on video.

We will not revisit the credibility determinations made by the post-conviction court. Petitioner is not entitled to relief. Accordingly, the judgment of the post-conviction court is affirmed.

Conclusion

This Court's previous opinion filed Aug. 7, 2026 (*Taylor v. State*, No. W2025-01087-CCA-R3-PC, 2026 WL 2280855) is vacated. For the foregoing reasons, the judgment of the post-conviction court is affirmed.

S/Timothy L. Easter

TIMOTHY L. EASTER, JUDGE