

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE
AT JACKSON

Assigned on Briefs August 4, 2026

FILED

08/28/2026

Clerk of the
Appellate Courts

TERRANCE WILKS v. STATE OF TENNESSEE

Appeal from the Criminal Court for Shelby County
No. I2300037 Chris Craft, Judge

No. W2025-01504-CCA-R3-PC

The Petitioner, Terrance Wilks, appeals the Shelby County Criminal Court’s denial of post-conviction relief, claiming that he received the ineffective assistance of trial counsel. Based upon our review, we affirm the judgment of the post-conviction court.

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

JOHN W. CAMPBELL, SR., J., delivered the opinion of the court, in which STEVEN W. SWORD and STACY L. STREET, JJ., joined.

Ernest J. Beasley, Memphis, Tennessee, for the appellant, Terrance Wilks.

Jonathan Skrmetti, Attorney General and Reporter; Benjamin L. Barker, Assistant Attorney General; Steven J. Mulroy, District Attorney General; and Scot Bearup, Assistant District Attorney General, for the appellee, State of Tennessee.

OPINION

FACTS

In 2017, the Shelby County Grand Jury indicted the Petitioner for the first degree murder of Sherlain Rowe and the aggravated burglary of her home. The State notified the Petitioner that it would seek the death penalty and notified him of his status as a repeat violent offender. The Petitioner hired first trial counsel to represent him, and first trial counsel’s firm continued to represent the Petitioner throughout his guilty plea. In this opinion, “trial counsel” will be used collectively for all members of the firm who appeared and advised the Petitioner.

On October 2, 2023, the Petitioner pled guilty by information to second degree murder and received an agreed seventeen-year sentence to be served at one hundred

percent. At the outset of the plea hearing, the prosecutor advised the trial court, in the Petitioner's presence, that the Petitioner was entering a plea to second degree murder and that the State was recommending a seventeen-year sentence at one hundred percent release eligibility. In summarizing the factual basis for the plea, the prosecutor stated that on April 19, 2017, the victim was found dead in her home of blunt force injuries and strangulation. The Petitioner became a suspect and gave a statement to police. In the statement, the Petitioner said that he did "odd jobs" for the victim and that they "developed a relationship." The Petitioner stated that in the days before the victim's death, he and the victim got into an argument which turned "physical." The Petitioner said that he pushed the victim, that she fell, and that she hit her head; however, she "recovered" and was alive when he left her home.

During the plea colloquy, the Petitioner acknowledged to the trial court that he could read and that he signed his plea agreement form. The trial court explained his rights and asked if he understood them. The Petitioner mostly indicated that he understood his rights but asked a couple of questions, which the trial court answered. The trial court advised the Petitioner that he was pleading guilty to second degree murder and that he would receive a seventeen-year sentence to be served at one hundred percent. The trial court asked if the Petitioner understood the terms of his plea, and the Petitioner said "yes." The trial court asked if there was anything about the Petitioner's plea that he did not understand or that he needed the trial court to explain, and the Petitioner said "no." The trial court stated for the record that it was finding that the Petitioner was pleading guilty knowingly, intelligently, and voluntarily and accepted his guilty plea to second degree murder.

On May 10, 2024, the Petitioner filed a timely pro se petition for post-conviction relief in which he claimed that he pled guilty involuntarily and that he received the ineffective assistance of trial counsel. The post-conviction court appointed counsel, and post-conviction counsel filed an amended petition in which the Petitioner asserted that (1) trial counsel were ineffective for failing to explain the charges to him adequately, which resulted in confusion about his guilty plea; (2) his confession to police was unlawful, which should have been remedied by trial counsel; and (3) the cumulative effect of trial counsels' errors resulted in ineffective assistance.

The post-conviction court held an evidentiary hearing on August 8, 2025. The Petitioner testified that his mother retained first trial counsel because the Petitioner was facing the death penalty. However, the State "dropped the death penalty case," and the Petitioner ended up pleading guilty to second degree murder and receiving a seventeen-year sentence. The Petitioner said he had wanted to go to trial. He explained that his actions were "way less" than second degree murder and that he had wanted trial counsel to ask about the victim's cause of death.

The Petitioner testified that after the State decided not to pursue the death penalty, second trial counsel took over his case. The Petitioner received and reviewed the discovery materials himself. He said that second trial counsel “did explain some of the things” to him and that second trial counsel went over “a little bit” of discovery with him. The Petitioner stated that he had been prescribed Zyprexa, Haldol, and Hydroxyzine to treat symptoms that included hearing voices, shaking, and “things of that nature” and that the medications made him “understand things incorrectly” sometimes. He was taking the medications at the time of his guilty plea. At the conclusion of the Petitioner’s direct testimony, the State introduced a transcript of his guilty plea hearing into evidence.

On cross-examination, the Petitioner denied that the State made him a plea offer for second degree murder. He said that second trial counsel went to the prosecutor “with a solution of 17 years” and that he was satisfied with the sentence “at first.” He acknowledged that he talked with second trial counsel about the guilty plea and said that second trial counsel “explained a little bit of it.” Second trial counsel talked with the Petitioner again before the Petitioner entered the plea. The State asked if the Petitioner was “comfortable” pleading guilty to second degree murder for a seventeen-year sentence, and the Petitioner said yes. However, he then stated, “[I]t was a yes, until I found out what it was.” The Petitioner signed the paperwork for his plea the day before his plea hearing. He acknowledged that the trial court asked him “a lot” of questions during the hearing and that the trial court went over the charge of second degree murder with him. The Petitioner also acknowledged that he asked questions during the hearing and that he told the trial court he understood his plea. The Petitioner said that, in reality, he understood just “a little bit” because trial counsel “did not explain all of it to [him].”

On redirect-examination, the Petitioner testified that he only pushed the victim and that he thought he was charged and sentenced based on his “actions.” The post-conviction court asked him, “Did you know that you were charged with murder?” The Petitioner answered, “I thought it was assault.” The post-conviction court asked, “You’re telling us under oath that you thought you were only charged with assault?” The Petitioner responded, “Yeah. I mean, that’s what I did. That’s [what] my action was.”

Second trial counsel testified for the State that he was licensed to practice law in 2014 and that a majority of his work involved criminal defense. The Petitioner’s mother hired first trial counsel’s law firm to represent the Petitioner, and second trial counsel met with the Petitioner many times. Second trial counsel said the Petitioner had just been released from prison for aggravated rape and had a “horrendous record.” The Petitioner had confessed to being at the victim’s home and pushing her, and his DNA was found under her fingernails. Second trial counsel went over the evidence with the Petitioner. The State’s theory of the case was that the Petitioner broke into the victim’s home, raped her, and killed her. However, the State “went with” the defense’s theory, and the Petitioner

entered an information agreement so that he could plead guilty to the lesser-included offense of second degree murder. Second trial counsel said the prosecutor “did [the Petitioner] a huge favor” during the State’s recitation of the facts at the plea hearing.

The State asked whether second trial counsel ever thought the Petitioner did not understand what was being said to the Petitioner, and second trial counsel responded, “No. I think sometimes he can get fixated on certain facts or issues.” Second trial counsel was never concerned about the Petitioner’s competency. The Petitioner signed the paperwork for his guilty plea, and second trial counsel met with him on the day of his plea. Second trial counsel said he explained to the Petitioner that the Petitioner was pleading guilty to second degree murder in exchange for a seventeen-year sentence to be served at one hundred percent. The Petitioner never said he did not understand his plea. Second trial counsel said that the Petitioner understood what was happening during the plea hearing and that the Petitioner even asked the trial court questions about the plea.

On cross-examination, second trial counsel testified that it was very common for his clients to be taking Haldol, a psychotropic medication used to treat schizophrenia, and that he never saw any indication the Petitioner was psychotic or did not understand what second trial counsel was telling him. Second trial counsel said he thought the Petitioner received a competency evaluation.

On September 16, 2025, the post-conviction court entered an order denying the petition for post-conviction relief. The post-conviction court stated that the Petitioner “was very hard to understand [at the evidentiary hearing], as he mumbled and talked very fast, and this court had to ask him questions repeatedly to make sure the meaning of his words was understood.” The post-conviction court summarized the Petitioner’s and second trial counsel’s testimony and expressly found that second trial counsel was “very credible” and that the Petitioner was “not credible.” The post-conviction court, which also presided over the Petitioner’s guilty plea hearing, recalled from the plea hearing that the trial court explained to the Petitioner more than one time that the Petitioner was pleading guilty to second degree murder and that he was receiving a seventeen-year sentence to be served at one hundred percent. The post-conviction court also recalled that the trial court answered the Petitioner’s questions, that the Petitioner acknowledged he understood his plea, and that the court stated for the record that the Petitioner was pleading guilty knowingly, intelligently, and voluntarily. The post-conviction court found that the Petitioner never appeared not to understand the offense or sentence and found no merit to his claims that trial counsel failed to explain the charge or that he was confused about his plea. Regarding the Petitioner’s claim that his confession was unlawful, the post-conviction court noted that the Petitioner did not present any proof at the evidentiary hearing to support his claim. Finally, the post-conviction court, noting that it did not find any errors committed by trial counsel, found the Petitioner’s claim of cumulative error also to be without merit. The

post-conviction court concluded its order by finding that the Petitioner failed to show any deficiency by trial counsel or prejudice from any alleged deficiency. Accordingly, the post-conviction court found that the Petitioner failed to demonstrate he received the ineffective assistance of counsel.

ANALYSIS

On appeal, the Petitioner claims that the post-conviction court erred in denying his petition for post-conviction relief because he received the ineffective assistance of trial counsel. The State argues that the Petitioner has waived his claim because the grounds for ineffective assistance of counsel raised on appeal were not raised below and because his arguments are mere conclusory allegations with no citations to authority or the record. In the alternative to waiver, the State asserts that the Petitioner has failed to show that he is entitled to post-conviction relief. We agree with the State that the Petitioner's issue of ineffective assistance of counsel is waived and that, irrespective of waiver, the post-conviction court properly denied the petition for post-conviction 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. The petitioner bears the burden of proving factual allegations by clear and convincing evidence. *Id.* at § 40-30-110(f). When an evidentiary hearing is held in the post-conviction setting, the findings of fact made by the court are conclusive on appeal unless the evidence preponderates against them. *Wiley v. State*, 183 S.W.3d 317, 325 (Tenn. 2006). When reviewing factual issues, the appellate court will not reweigh the evidence and will instead defer to the post-conviction court's findings as to the credibility of witnesses or the weight of their testimony. *Phillips v. State*, 647 S.W.3d 389, 400 (Tenn. 2022) (citations omitted). However, the post-conviction court's conclusions of law and application of the law to the facts are reviewed under a purely de novo standard, with no presumption of correctness. *Fields v. State*, 40 S.W.3d 450, 458 (Tenn. 2001). The issue of ineffective assistance of counsel, which presents mixed questions of fact and law, is reviewed de novo, with a presumption of correctness given only to the post-conviction court's findings of fact. *Phillips*, 647 S.W.3d at 400 (citing *Dellinger v. State*, 279 S.W.3d 282, 294 (Tenn. 2009)).

To establish a claim of ineffective assistance of counsel, the petitioner has the burden to show both that trial counsel's performance was deficient and that counsel's deficient performance prejudiced the outcome of the proceeding. *Strickland v. Washington*, 466 U.S. 668, 687 (1984); see *State v. Taylor*, 968 S.W.2d 900, 905 (Tenn. Crim. App. 1997) (noting that the same standard for determining ineffective assistance of counsel that is applied in federal cases also applies in Tennessee). The *Strickland* standard is a two-prong test:

First, the defendant must show that counsel's performance was deficient. This requires showing that counsel made errors so serious that counsel was not functioning as the "counsel" guaranteed the defendant by the Sixth Amendment. Second, the defendant must show that the deficient performance prejudiced the defense. This requires showing that counsel's errors were so serious as to deprive the defendant of a fair trial, a trial whose result is reliable.

466 U.S. at 687.

The deficient performance prong of the test is satisfied by showing that "counsel's acts or omissions were so serious as to fall below an objective standard of reasonableness under prevailing professional norms." *Goad v. State*, 938 S.W.2d 363, 369 (Tenn. 1996) (citing *Strickland*, 466 U.S. at 688; *Baxter v. Rose*, 523 S.W.2d 930, 936 (Tenn. 1975)). The reviewing court must indulge a strong presumption that the conduct of counsel falls within the range of reasonable professional assistance, *see Strickland*, 466 U.S. at 690, and may not second-guess the tactical and strategic choices made by trial counsel unless those choices were uninformed because of inadequate preparation. *See Hellard v. State*, 629 S.W.2d 4, 9 (Tenn. 1982).

The prejudice prong of the test is satisfied by showing a reasonable probability, i.e., a "probability sufficient to undermine confidence in the outcome," that "but for counsel's unprofessional errors, the result of the proceeding would have been different." *Strickland*, 466 U.S. at 694.

Courts need not approach the *Strickland* test in a specific order or even "address both components of the inquiry if the defendant makes an insufficient showing on one." 466 U.S. at 697; *see Goad*, 938 S.W.2d at 370 (stating that "failure to prove either deficiency or prejudice provides a sufficient basis to deny relief on the ineffective assistance claim"). In the context of a guilty plea, the petitioner must show a reasonable probability that were it not for the deficiencies in counsel's representation, he would not have pled guilty but would instead have insisted on proceeding to trial. *Hill v. Lockhart*, 474 U.S. 52, 59 (1985); *House v. State*, 44 S.W.3d 508, 516 (Tenn. 2001).

Initially, regarding the State's argument that the Petitioner has waived consideration of his ineffective assistance of counsel claim due to an inadequate brief, an appellant's brief must contain an argument that sets forth "the contentions of the appellant with respect to the issues presented, and the reasons therefor, including the reasons why the contentions require appellate relief, with citations to the authorities and appropriate references to the record . . . relied on." Tenn. R. App. P. 27(a)(7)(A); *see also* Tenn. Ct. Crim. App. R. 10(b)

(providing that “[i]ssues which are not supported by argument, citation to authorities, or appropriate references to the record will be treated as waived in this court”).

In the argument section of his brief, the Petitioner states as follows:

Although the evidence against the [Petitioner] was strong, [the Petitioner] argues that trial counsel[‘]s lack of communication with the [Petitioner] and the [Petitioner’s] apparent lack of understanding concerning the case against him, were tantamount to ineffective assistance of counsel. [The Petitioner] argues that counsel did not adequately prepare for his trial, and that there were several errors. [The Petitioner] also contends that the cumulative error of counsel’s representation of [the Petitioner] was also outcome determinative.

. . . .

[The Petitioner] argues that if Counsel had properly investigated the matter, that Counsel would have uncovered problems with identification of the suspect, and that [the Petitioner] argues this identification was crucial to his conviction. Counsel for [the Petitioner] was not properly prepared to go to trial and the lack of preparation was the result of a failure to properly investigate the matter prior to setting the trial date, and not providing adequate time for the necessary investigation into the matter. That counsel was ineffective in setting the case for trial prior to completing his investigation and preparation to a proper level as to be able to assure ethical representation and this is clear from the [Petitioner’s] statements which are found in the record. Therefore, Trial Counsel’s failures may very well have been outcome determinative.

[The Petitioner] testified that he believes his attorney did not adequately prepare for trial and did not properly object to things that the [Petitioner] felt should have been objected to. [The Petitioner] also argues that his attorney’s performance was deficient, and but-for that attorney’s deficient performance, the outcome of the trial would have been different.

First and foremost, the Petitioner’s argument appears to have little to no relevance to the claims raised in his pro se and amended petitions for post-conviction relief. The Petitioner claimed in his petitions and at the evidentiary hearing that trial counsel failed to discuss his plea agreement with him adequately, which resulted in his not understanding his guilty plea. However, those grounds are not raised on appeal. As for the grounds that are raised on appeal, the Petitioner never contended in the court below that trial counsel

failed to investigate his case, that trial counsel failed to prepare sufficiently for trial, that trial counsel set the case for trial prior to completing counsels' investigation, that trial counsel failed to uncover problems with the identification of a suspect, or that trial counsel failed to object at trial. "[I]ssues not addressed in the post-conviction court will generally not be addressed on appeal." *Holland v. State*, 610 S.W.3d 450, 458 (Tenn. 2020) (quoting *Lane v. State*, 316 S.W.3d 555, 561-62 (Tenn. 2010); *see also* Tenn. R. App. P. 36(a); *State v. Johnson*, 970 S.W.2d 500, 508 (Tenn. Crim. App. 1996) ("Issues raised for the first time on appeal are considered waived.")).

Additionally, as this court has explained, "[A] petitioner's assertion of a conclusory statement that counsel[] were deficient and prejudice resulted does not satisfy the requirements set forth by the court's rules. The petitioner must articulate reasons supporting his conclusions or risk waiver." *Kennedy v. State*, No. W2012-00211-CCA-R3-PC, 2013 WL 2395584, at *9 (Tenn. Crim. App. May 30, 2013), *no perm. app. filed*.

We note that the argument section of the Petitioner's brief is almost identical to the argument sections of two other appellate briefs that were prepared by the Petitioner's appellate counsel and that are on the same August Jackson docket: *Bass v. State*, No. W2025-01757-CCA-R3-PC, and *Person v. State*, No. W2025-01756-CCA-R3-PC. Recently, another panel of this court considered a post-conviction appeal involving an additional brief prepared by appellate counsel and found that the issue of ineffective assistance of counsel raised by the petitioner was waived for failure to adequately brief the issue. *Taylor v. State*, No. W2025-01087-CCA-R3-PC, 2026 WL 2280855, at *2 & n.1 (Tenn. Crim. App. Aug. 7, 2026), *pet reh'g granted* (Aug. 19, 2026). The panel also compared the petitioner's brief in that case with the petitioners' briefs in *Bass*, *Person*, the instant case, and others and noted that the argument sections of each of the briefs were "within mere words of being mirror images of one another." *Id.* at *2 n.1. In *Beal v. State*, No. W2024-01302-CCA-R3-PC, 2025 WL 1949792, at *3 (Tenn. Crim. App. July 16, 2025), *no perm. app. filed*, this court found that the petitioner's claims were waived due to this same appellate counsel's inadequate briefing. As this court stated in *Beal*, "It is not the role of the courts, trial or appellate, to research or construct a litigant's case or arguments for him or her, and where a party fails to develop an argument in support of his or her contention or merely constructs a skeletal argument, the issue is waived." *Beal*, 2025 WL 1949792, at *3 (quoting *Sneed v. Bd. of Prof'l Responsibility*, 301 S.W.3d 603, 615 (Tenn. 2010)). Thus, we conclude that the Petitioner's issue of ineffective assistance of trial counsel is waived.

Irrespective of waiver, we conclude that the Petitioner is not entitled to post-conviction relief. A petitioner "shall have the burden of proving the allegations of fact by clear and convincing evidence" at an evidentiary hearing. Tenn. Code Ann. § 40-30-110(f). As stated by the post-conviction court in its order denying the petition, the Petitioner did

not offer any proof at the evidentiary hearing that his confession to police was unlawful or question second trial counsel about the issue. *See Phillips v. State*, 647 S.W.3d 389, 404 (Tenn. 2022) (stating requirements when asserting that trial counsel were ineffective for failing to seek suppression of statement on Fourth Amendment grounds) (citations omitted). Therefore, he cannot show that trial counsel were deficient or that he was prejudiced by any deficiency with regard to his statement. As for his claim that he did not understand his guilty plea due to trial counsels' lack of communication with him about his plea, we again recognize that the post-conviction court found second trial counsel credible and the Petitioner not credible. Second trial counsel testified that he was not concerned about the Petitioner's competence, that the Petitioner signed the paperwork for the guilty plea, that second trial counsel met with the Petitioner before the plea, that second trial counsel explained the plea, that the Petitioner never said he did not understand the plea, and that the Petitioner asked questions of the trial court during the plea. The transcript of the guilty plea hearing corroborates second trial counsel's testimony. The same transcript shows that the Petitioner stated that he understood the terms of the agreement and was voluntarily entering his plea. *See Blackledge v. Allison*, 431 U.S. 63, 74 (1977) (stating that such on-the-record statements "constitute a formidable barrier" to post-conviction relief because "[s]olemn declarations in open court carry a strong presumption of verity"). Finally, having found no deficient performance by trial counsel, the Petitioner cannot show cumulative error. *See Adams v. State*, No. M2018-00470-CCA-R3-PC, 2019 WL 6999719, at *31 (Tenn. Crim. App. Dec. 20, 2019) (stating that in the context of a post-conviction claim, "[c]umulative error examines the prejudicial effect of multiple instances of deficient performance"), *perm. app. denied* (Tenn. Apr. 15, 2020). Thus, the record does not preponderate against the post-conviction court's finding that the Petitioner did not receive the ineffective assistance of counsel.

CONCLUSION

Based upon our review, we affirm the judgment of the post-conviction court.

s/ JOHN W. CAMPBELL
JOHN W. CAMPBELL, SR., JUDGE