

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE
AT JACKSON

Assigned on Briefs October 6, 2026

FILED

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Clerk of the
Appellate Courts

TONY SAMUEL v. STATE OF TENNESSEE

Appeal from the Circuit Court for Lauderdale County
No. 7691 A. Blake Neill, Judge

No. W2026-00050-CCA-R3-ECN

Tony Samuel, Petitioner, filed a pro se petition that the trial court construed as a petition for writ of error coram nobis. The court summarily dismissed the petition, finding that Petitioner failed “to plead with particularity both the substance of the newly discovered evidence and the factual basis for tolling the statute of limitations.” Upon review, we affirm the judgment of the coram nobis court.

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

ROBERT L. HOLLOWAY, JR., J., delivered the opinion of the court, in which MATTHEW J. WILSON and STEVEN W. SWORD, JJ., joined.

Tony Samuel, Whiteville, Tennessee, Pro Se.

Jonathan Skrmetti, Attorney General and Reporter; Elizabeth Evan, Assistant Attorney General; and Mark E. Davidson, District Attorney General, for the appellee, State of Tennessee.

OPINION

In September 2005, a Lauderdale County jury convicted Petitioner of aggravated rape and aggravated kidnapping. This court affirmed the judgments on direct appeal. *State v. Samuel*, 243 S.W.3d 592, 595 (Tenn. Crim. App. 2007). The post-conviction court denied his petition for post-conviction relief, and this court affirmed the denial. *Samuel v. State*, No. W2008-02346-CCA-R3-PC, 2009 WL 3832695, at *1 (Tenn. Crim. App. Nov. 16, 2009), *perm. app. denied* (Tenn. Apr. 16, 2010). Petitioner next filed a motion for “mental illness evaluation.” The trial court denied the motion, and this court dismissed the appeal. *See Samuel v. State*, No. W2014-00699-CCA-UNK-CO (Tenn. Crim. App. May 1, 2014) (order), *no perm. app. filed*. Petitioner then filed a Tennessee Rule of Criminal Procedure

36.1 motion to correct an illegal sentence, which the trial court denied. This court dismissed the appeal as untimely. *State v. Samuel*, No. W2014-02085-CCA-R3-CD, 2015 WL 12978636, at *1 (Tenn. Crim. App. July 21, 2015) (*no perm. app. filed*).

On December 2, 2025, Petitioner filed a “Petition pursuant Senate Bill 256 - House Bill 0601 Alleging Actual Innocence; T.C.A. § 40-30-501 (2); T.C.A. § 40-30-502(a), (b) For Relief with MEMORANDUM IN SUPPORT” (“the petition”). House Bill 0601, the companion bill to Senate Bill 0256, was enacted as Public Chapter 282 and became effective on April 24, 2025. The act amended Tennessee Code Annotated section 40-26-105 by replacing subsections (a) and (b) with language extending coram nobis relief to certain convictions resulting from guilty, best interest, or no contest pleas. 2025 Tenn. Pub. Acts ch. 282, §§ 1-2. Although the petition cites Tennessee Code Annotated sections 40-30-501 and 40-30-502, neither section exists. *See Dalton v. State*, No. M2025-01530-CCA-R3-ECN, 2026 WL 1847497, at *2-3 (Tenn. Crim. App. June 26, 2026) (addressing a petitioner’s erroneous assertion that HB 0601/SB 0256 created Tennessee Code Annotated section 40-30-501), *perm. app. filed*.

The trial court construed the petition as a petition for a writ of error coram nobis under Tennessee Code Annotated section 40-26-105(b). The court found that Petitioner failed “to plead with particularity both the substance of the newly discovered evidence and the factual basis for tolling the statute of limitations.” It also found that the limitations period began on January 9, 2006, and expired on January 9, 2007. The court summarily dismissed the petition because Petitioner failed to identify newly discovered evidence, explain its admissibility at trial, or allege specific facts establishing entitlement to equitable tolling.

Petitioner timely appealed.

ANALYSIS

On appeal, Petitioner contends that the trial court abused its discretion by summarily dismissing the petition, overlooked misconduct of constitutional magnitude, and failed to apply the provisions enacted through HB 0601/SB 0256. The State responds that the court properly dismissed the petition. We agree with the State.

Public Chapter 282 amended Tennessee Code Annotated section 40-26-105 to extend coram nobis relief to certain convictions resulting from guilty, best interest, or no contest pleas. For those convictions, subsection (a) requires that claims for relief be jointly presented by the district attorney general and the convicted defendant, and subsection (b) addresses evidence that, through no fault of the defendant, was unknown to the defendant at the time of the plea. 2025 Tenn. Pub. Acts, ch. 282, § 1. The act did not create the

separate actual-innocence cause of action asserted by Petitioner or alter the one-year limitations period in Tennessee Code Annotated section 27-7-103. Petitioner's convictions resulted from a jury trial. The amendment, therefore, provides no new basis for relief from his convictions.

The writ of error coram nobis is an extraordinary procedural remedy available in only a limited number of cases. *State v. Mixon*, 983 S.W.2d 661, 672 (Tenn. 1999). For a conviction resulting from a trial, relief requires subsequently or newly discovered evidence that may have resulted in a different judgment had it been presented at trial, together with a showing that the defendant was without fault in failing to present the evidence at the proper time. Tenn. Code Ann. § 40-26-105(b). A petition must describe with particularity the nature and substance of the alleged newly discovered evidence and demonstrate that it qualifies as newly discovered. *Nunley v. State*, 552 S.W.3d 800, 816 (Tenn. 2018). An evidentiary hearing is required only when essential. *Clardy v. State*, 691 S.W.3d 390, 400-01 (Tenn. 2024).

We review the grant or denial of coram nobis relief for an abuse of discretion. *State v. Vasques*, 221 S.W.3d 514, 527-28 (Tenn. 2007). Whether a claim is barred by the statute of limitations is a question of law reviewed de novo. *Nunley*, 552 S.W.3d at 830. Whether due process requires tolling presents a mixed question of law and fact reviewed de novo without a presumption of correctness. *Id.*

A coram nobis petition must be filed within one year after the challenged judgment becomes final in the trial court. Tenn. Code Ann. § 27-7-103. For coram nobis purposes, a judgment becomes final thirty days after its entry if no post-trial motion is filed or upon entry of an order disposing of a timely post-trial motion. *Mixon*, 983 S.W.2d at 670. A petition must show on its face that it was timely filed. *Nunley*, 552 S.W.3d at 828. An untimely petition must allege with particularity facts establishing entitlement to equitable tolling. *Id.* at 829.

Due process may require tolling when a petition rests on new evidence of actual innocence discovered after the limitations period expired. *Id.* at 828-29. To obtain tolling, the petitioner must file within one year after discovering the new evidence of actual innocence and allege evidence that, if credited, would clearly and convincingly establish that the petitioner did not commit the underlying crime. *Clardy*, 691 S.W.3d at 408-09. Only after determining that tolling is warranted should the court consider the merits of an untimely petition. *Id.* at 409.

In this case, the limitations period expired in January 2007, but Petitioner did not file the petition until December 2025. The petition identifies no subsequently or newly discovered evidence and alleges no specific facts establishing entitlement to tolling.

Accordingly, the coram nobis court properly dismissed the petition as untimely without an evidentiary hearing. *See Nunley*, 552 S.W.3d at 829-30; *Clardy*, 691 S.W.3d at 400-01, 409.

CONCLUSION

We affirm the judgment of the coram nobis court summarily dismissing the petition.

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