

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE
AT JACKSON

FILED

09/16/2026

Clerk of the
Appellate Courts

JERECO TYNES v. STATE OF TENNESSEE

**Criminal Court for Shelby County
No. 10-02861**

No. W2026-01360-CCA-R28-PC

ORDER

The pro se Petitioner, Jereco Tynes, has filed a “Notice of Appeal Order Replying to the Dismissal of the Petitioner Motion to Reopen Post-Conviction” seeking review of the post-conviction court’s July 10, 2026 order denying his motion to reopen his petition for post-conviction relief. The appellate court clerk docketed the pleading as an application seeking permission to appeal from the denial of a motion to reopen. *See* Tenn. Code Ann. § 40-30-117(c); *see also* Tenn. Sup. Ct. R. 28, § 10(B). Upon review, we have determined that a response from the State is not necessary and summarily deny relief.

FACTUAL BACKGROUND

The Petitioner was convicted of first degree felony murder, aggravated robbery, attempted aggravated robbery, and theft of property valued between \$10,000 and \$60,000, and was sentenced to an effective sentence of life plus thirteen years; this court affirmed his convictions on appeal. *State v. Tynes*, No. W2010-02511-CCA-R3-CD, 2013 WL 1043202 (Tenn. Crim. App. Mar. 13, 2013), *perm. app. denied* (Tenn. June 11, 2013). Thereafter, the Petitioner pursued post-conviction relief, the denial of which was affirmed by this court on appeal. *Tynes v. State*, No. W2018-00005-CCA-R3-PC, 2018 WL 4182314 (Tenn. Crim. App. Aug. 30, 2018), *perm. app. denied* (Tenn. Nov. 16, 2018).

On April 29, 2026, the Petitioner filed a motion to reopen his post-conviction petition, alleging new claims of ineffective assistance of counsel. On July 10, 2026, the post-conviction court summarily denied relief for failure to raise a “colorable claim” to reopen the petition. On September 8, 2026, the Petitioner filed the instant pleading seeking review of the post-conviction court’s order.

APPLICABLE LAW

Tennessee Code Annotated section 40-30-117(a) provides that a motion to reopen a prior post-conviction petition may be granted in the trial court under certain limited circumstances. *Id.* § 40-30-117(a). These specific circumstances include:

- (1) The claim in the motion is based upon a final ruling of an appellate court establishing a constitutional right that was not recognized as existing at the time of trial, if retrospective application of that right is required. The motion must be filed within one (1) year of the ruling of the highest state appellate court or the United States supreme court establishing a constitutional right that was not recognized as existing at the time of trial; or
- (2) The claim in the motion is based upon new scientific evidence establishing that the petitioner is actually innocent of the offense or offenses for which the petitioner was convicted; or
- (3) The claim asserted in the motion seeks relief from a sentence that was enhanced because of a previous conviction and the conviction in the case in which the claim is asserted was not a guilty plea with an agreed sentence, and the previous conviction has subsequently been held to be invalid, in which case the motion must be filed within one (1) year of the finality of the ruling holding the previous conviction to be invalid[.]

Id. § 40-30-117(a)(1)-(3). Additionally, a motion to reopen the post-conviction petition will only be granted when “[i]t appears that the facts underlying the claim, if true, would establish by clear and convincing evidence that the petitioner is entitled to have the conviction set aside or the sentence reduced.” *Id.* § 40-30-117(a)(4).

We note that the Tennessee Rules of Appellate Procedure do not provide for an appeal as of right from the denial of a motion to reopen. *See* Tenn. R. App. P. 3(b).¹ Rather, “[i]f the motion is denied, the petitioner shall have thirty (30) days to file an application in the court of criminal appeals seeking permission to appeal.” Tenn. Code Ann. § 40-30-117(c); *see also* Tenn. Sup. Ct. R. 28, § 10(B). The application must “be accompanied by copies of all the documents filed by both parties in the trial court and the order denying the motion.” *Id.* § 40-30-117(c). This court will grant an application for

¹ A Rule 3 notice of appeal may suffice as an application for permission to appeal from the denial of a motion to reopen when it is timely filed and contains “sufficient substance and information to constitute a proper application.” *Graham v. State*, 90 S.W. 3d 687, 691 (Tenn. 2002). As will be discussed, the pleading before this court is not sufficient whether construed as a Rule 3 notice of appeal or an application for permission to appeal filed pursuant to Code section 40-30-117(c).

permission to appeal only if we conclude “that the trial court abused its discretion in denying the motion” to reopen. *Id.*

ANALYSIS

The post-conviction court’s order denying the Petitioner’s motion to reopen was filed on July 10, 2026. The Petitioner did not seek review in this court until September 8, 2026. Thus, the pleading is untimely. *Id.* Moreover, while the Petitioner attached the post-conviction court’s order to his pleading, he failed to attach copies of the motion to reopen filed in the post-conviction court or any answer thereto. Therefore, the Petitioner also failed to provide a sufficient ad hoc record for this court’s review. And finally, the pleading filed in this court speaks to additional claims of ineffective assistance of counsel. Therefore, even if the Petitioner’s application had been timely filed and supported with appropriate attachments, we agree that the Petitioner failed to raise a statutory basis for reopening the prior post-conviction petition. *See Nichols v. State*, No. E2018-00626-CCA-R3-PD, 2019 WL 5079357, at *9-10 (Tenn. Crim. App. Oct. 10, 2019) (citing *Cone v. State*, 927 S.W.2d 579, 581-82 (Tenn. Crim. App. 1995) in the context of raising additional claims of ineffective assistance of counsel in a motion to reopen proceeding), *perm. app. denied* (Tenn. Jan. 15, 2020).

CONCLUSION

Because the Petitioner’s application for permission to appeal from the denial of a motion to reopen is procedurally insufficient and, in any event, failed to assert a statutory basis for reopening the prior post-conviction petition, the Petitioner’s application is DENIED. The Petitioner failed to establish his indigency upon the filing of the application. Therefore, the costs associated with this action are taxed to the Petitioner, Jereco Tynes, for which let execution issue, if necessary.

JUDGE CAMILLE R. McMULLEN
JUDGE JOHN W. CAMPBELL, SR.
JUDGE MATTHEW J. WILSON