

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE
AT JACKSON
Assigned on Briefs June 6, 2023

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DESHUN HAMPTON v. STATE OF TENNESSEE

Appeal from the Criminal Court for Shelby County
Nos. 13-01803, 13-01807, 13-02893, 13-02894, 13-02895 Jennifer Johnson
Mitchell, Judge

No. W2022-01473-CCA-R3-PC

The Petitioner, Deshun Hampton, appeals the denial of his petition for post-conviction relief, arguing that he received ineffective assistance of counsel and that his guilty plea was not knowingly and voluntarily entered. Based on 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 J. ROSS DYER and TOM GREENHOLTZ, JJ., joined.

Rosalind Elizabeth Brown, Memphis, Tennessee, for the appellant, Deshun Hampton.

Jonathan Skrmetti, Attorney General and Reporter; and Benjamin A. Ball, Assistant Attorney General, for the appellee, State of Tennessee.

OPINION

FACTS

In 2014, the Petitioner entered open guilty pleas in the Shelby County Criminal Court in multiple indictments to four counts of aggravated robbery, one count of attempted first degree murder, one count of aggravated assault, three counts of employing a firearm during the commission of a dangerous felony, two counts of aggravated burglary, one count of animal cruelty, and one count of killing an animal. Following a sentencing hearing, the

trial court imposed an effective sentence of fifty-five years in the Department of Correction. This court affirmed the Petitioner's convictions and sentences, and our supreme court denied the Petitioner's application for permission to appeal. *State v. Deshun Hampton, Matthew Taylor and Devonta Hampton, aka Devonta Taylor*, No. W2015-00469-CCA-R3-CD, 2016 WL 6915581, at *1 (Tenn. Crim. App. Nov. 23, 2017), *perm. app. denied* (Tenn. Apr. 12, 2017).

The Petitioner's convictions arose from his participation with his older brother, Devonta Hampton, and a friend, Matthew Tyler, in a series of crimes committed when the Petitioner and Mr. Tyler were between fifteen and sixteen years old. *Id.* The Petitioner gave a statement admitting to his participation in the crimes, and his co-defendants gave statements implicating themselves and the Petitioner. *Id.* In addition, Co-Defendant Tyler videotaped some of the crimes. *Id.* A video that led to the Petitioner's being indicted for aggravated animal cruelty and the intentional killing of an animal depicts "the assailants walking up to a barking dog which is behind a chain-link fence, shooting the dog with a gun, and running away laughing." *Id.* Another video, filmed one or two days after the dog's shooting death, showed the Petitioner and Co-Defendant Tyler shooting at a security guard at an apartment complex. *Id.* at *2.

On September 18, 2017, the Petitioner filed a pro se petition for post-conviction relief in which he raised a number of claims, including ineffective assistance of counsel and unknowing and involuntary guilty pleas. Among other things, he alleged that trial counsel provided ineffective assistance, thereby leading to his entry of involuntary and unknowing guilty pleas, by her failure to meaningfully communicate with the Petitioner so that the Petitioner could make an informed decision regarding the entry of the open guilty pleas and by not bringing to the trial court's attention the Petitioner's "inability to read and understand the documents he was signing[.]" Following the appointment of post-conviction counsel, the Petitioner filed an amended petition in which he additionally alleged that trial counsel provided ineffective assistance by failing to ensure that the Petitioner received an adequate mental evaluation and by failing to move for a separate hearing to determine the Petitioner's mental competence.

A post-conviction evidentiary hearing was held on July 8 and October 8, 2021. At the July 8 hearing, the Petitioner testified that another prison inmate wrote his pro se petition for him because he could neither read nor write. He stated that the ninth grade was the highest grade he completed and that he was in "[r]esource and CDC" classes while in school. He said his parents were absent from his life because his mother was incarcerated and his father "[g]ot killed in front of [him,]" and that he had to raise himself. He testified that he lived with his aunt, who whipped him because of his inability to read or write and because "they [were] trying to force [him] to do different stuff that [he] didn't want to

do[.]” The Petitioner testified that he had no one “to show [him] the right way to go” and did not realize his criminal behavior was hurting people until after he had been sent to prison and had matured.

The Petitioner testified that he had been incarcerated since the age of sixteen as a result of the instant offenses. He said he could not remember the crimes but recalled that his brother and a friend were involved in their perpetration. He had no memory of receiving a mental evaluation in juvenile court. He said that trial counsel was the only person he could recall who asked him if he understood the criminal proceedings. He stated that he informed trial counsel that he did not.

The Petitioner testified that trial counsel never reviewed anything with him, never wrote him a letter, never explained anything, and never prepared him for anything. He said that, had trial counsel written him a letter, there were individuals who would have helped him read it. He was adamant that trial counsel never came to visit him in jail after his transfer to criminal court. He then testified that “every time that [trial counsel] c[a]me [to] see [him],” he discussed with her his inability to read or write. He said he told trial counsel to investigate his school history and to talk to his mother. He stated that trial counsel told him she had spoken with his mother, but his mother informed him that she had not. He acknowledged that his mother testified on his behalf at his sentencing hearing. When asked who arranged his mother’s testimony, he said he did not know because, as a juvenile at the time, “[t]hey don’t tell me nothing.”

The Petitioner testified that trial counsel missed a lot of court dates, resulting in rescheduling of those court dates. He said he knew what his charges were because he listened when he was in court. He stated that he was not guilty of “most of the stuff” and that he told trial counsel so, but trial counsel did not listen to him. He said that at one point in a court proceeding, the trial court told trial counsel to be quiet. Afterward, trial counsel did not say anything else, and the Petitioner did not know what to do. The Petitioner could not remember what was happening in court at that time.

The Petitioner acknowledged that the trial court reviewed his charges during the plea colloquy. However, according to the Petitioner, he did not understand what the trial court was talking about. The Petitioner stated that he did not know that his IQ had been assessed at 72, that an IQ of 72 was just three points above the level of incompetence, or what it meant to be incompetent. He repeated that he had no memory of receiving a mental evaluation in juvenile court. He remembered that he entered a waiver for his case to be transferred from juvenile to criminal court but said he did not know why because trial counsel never explained it to him.

On cross-examination, the Petitioner testified that he did not understand the purpose of his petition. He said that other inmates who learned about his lengthy sentence told him that he had been mistreated by trial counsel and offered to write the petition for him. When asked what kind of things he had had to do to raise himself, he testified that he washed his and his grandmother's clothes at a laundromat, cooked, bathed, occasionally walked to school, and "learn[ed] how to be a man[.]" He said he did not learn anything in school and that he switched schools frequently. When asked if he would be surprised to learn that he had been enrolled in tenth grade at Overton High School, he responded that he knew that he had failed at least twice. Upon questioning by the post-conviction court, he testified that he had attended several grades at Overton.

The Petitioner acknowledged he had been to juvenile court before the instant cases arose and said it was probably for fighting. He had no memory of being in juvenile court in 2005 for burglary, in 2008 for vandalism, and in 2010 for theft of property. He said that trial counsel was appointed to represent him, and that the only thing she did was to introduce herself to him. Trial counsel never gave him any discovery packet or any other information about his cases. The Petitioner testified that he was in jail for more than five years before he entered his guilty pleas. During that entire time, trial counsel never came to see him. He said he never complained to the trial court about trial counsel's failure to communicate because, as a juvenile, he was not allowed to talk. He acknowledged that he was no longer considered a juvenile after his case was transferred to criminal court, and that he was present in the courtroom on a number of different occasions before the entry of his guilty pleas. He testified, however, that as soon as he was brought into the courtroom, he was always turned around and taken back out and never given an opportunity to speak to the trial court.

The Petitioner testified that he repeatedly asked trial counsel to explain things to him, but all she said to him was that it was "going to be okay." He said he did not know what it meant to go to trial or what a jury was, had never watched anything about a trial on television, and never talked to anyone else about it. He stated that trial counsel instructed him to answer "yes" to the trial court's questions during the plea colloquy and that he followed her instructions, lying to the trial court about his understanding of the proceedings and his guilty pleas. He explained that he was young and inexperienced and did not know any better.

Upon questioning by the post-conviction court, the Petitioner agreed that the trial court spent "quite a bit of time with [him] asking questions" to ensure that he understood what he was doing in entering the pleas. Upon further questioning by the State in which the prosecutor reviewed in detail the transcript of the guilty plea hearing, the Petitioner acknowledged having affirmed during questioning by both the trial court and trial counsel

that trial counsel had reviewed with him, among other things, the charges he faced, the potential sentences, the plea agreement, and the possibility of consecutive sentences. He further acknowledged having expressed that trial counsel had done everything he asked and that he was satisfied with trial counsel's representation. He agreed that trial counsel brought up to the trial court the fact that he had requested to speak to his mother before entry of his pleas, and that it was impossible due to his mother's having been in an automobile accident.

Upon further questioning by the post-conviction court, the Petitioner testified that he did not learn that he had received a total effective sentence of fifty-five years until the day of the post-conviction evidentiary hearing. He agreed that the trial court might have announced his total sentence at the sentencing hearing but said he did not hear it. He testified that before his mother's car crash, she came to try to talk to trial counsel but was unable to do so. He said that on the day of the accident, his mother was supposed to appear in court, but she called to say she had been in a car crash and could not come.

On redirect examination, the Petitioner testified that he was aware that his mother reported that he had been diagnosed with attention deficit disorder. He said he never received any treatment or medication for the disorder, testifying that "[t]hey tried to put [him] on [medication], but [his] auntie wouldn't let [him] get on it." He stated that he did not understand what an open plea was, was not aware that he would be sentenced for every charge for which he entered a guilty plea, did not know that the trial court would determine his sentences after a sentencing hearing, and did not know that he would be unable to withdraw his guilty pleas after sentencing.

On recross-examination, the Petitioner testified that he went to a physician when he was nine or ten. He said that his grandmother wanted him to be placed on medication, but his aunt, who had adopted him, refused to allow it.

At the October 8, 2021, continuation of the evidentiary hearing, trial counsel, who was called as a witness by the State, testified that she had been practicing law for approximately twenty years. She said she began her practice in criminal court and had handled criminal trials in both state and federal courts. She stated that she currently had a varied general practice with a focus on "matters related to juveniles, whether it's transfers or delinquencies, dependency and neglects, terminations[.]" She testified that she was appointed to represent the Petitioner, whose case originated in 2013 in juvenile court and involved a "long list of charges." She said that a detention hearing was held, and that the Petitioner was detained due to the nature of the charges.

Trial counsel testified that the Petitioner was moved to the “Rule 208” docket after she received notice of the State’s intent to seek a transfer to criminal court. She said she worked with the juvenile court investigators to get information, requested and reviewed the Petitioner’s educational records, and met with the individuals who were performing the Petitioner’s psychological evaluation. She stated that she discussed and reviewed with the Petitioner all the information she received. She said the juvenile court judge often allowed her and the Petitioner to meet with the Petitioner’s mother, and sometimes with the Petitioner’s aunt as well. Both women provided information about the Petitioner’s background, which was “very central to how [she] developed his case and what would have been [her] attempts to even fight transfer in the initial proceeding.”

Trial counsel testified that she wanted to fight transfer to criminal court and believed she had a good basis for doing so because, although the Petitioner had “a lengthy juvenile court involvement record[,] “most of those contacts were handled non-judicially[.]” In addition, she knew from her conversations with the Petitioner’s mother that the Petitioner had experienced significant trauma in his life, and she believed that the Petitioner’s slower comprehension, combined with the identity of his co-defendants as his older brother and a friend, showed the Petitioner to be “more of a follower.” However, the Petitioner had “one track on how he wanted transfer to occur and not occur.” She explained that the decision was ultimately the Petitioner’s, and that he decided to waive transfer to criminal court:

Q. Okay. Did you ultimately fight the transfer?

A. I did not. In juvenile court with children that are charged with delinquent charges it is still client[-]directed representation. They get to make the decision on whether or not they are transferred or want to waive transfer or whether or not you have a transfer hearing. So what I thought was best was not what we did.

Trial counsel testified that she had “[m]any tearful conversations” with the Petitioner’s mother and aunt about the Petitioner’s decision to waive transfer. She said that the Petitioner’s mother and aunt were very helpful in ensuring that the Petitioner understood what they talked about:

His demeanor and things were slower in understanding. So you almost never use legal terms. You would have to really explain down, and his mom would say, I don’t think he’s understanding or I think he’s understanding or she would ask things to follow up on things that I would ask and so that made it really helpful.

Trial counsel testified that she filed a motion for a psychological evaluation, which was performed by Dr. Sidney Ornduff on January 28 and December 1, 2013. She identified Dr. Ornduff's report, which was admitted as an exhibit to the hearing. According to the report, Dr. Ornduff determined that the Petitioner was not mentally deficient or mentally ill, understood the difference between right and wrong at the time of the offenses, was able to understand and assist in his defense, and was competent to stand trial. Trial counsel testified that the Petitioner's IQ score of 72 "caused [her] pause[,]" and that she had "many meetings" with the prosecutor and Dr. Ornduff to discuss it because she thought it provided yet another reason to fight transfer. However, a lot of the youth she dealt with in juvenile court tested in the same low borderline range. Consequently, she "learned early on to adjust the way that [she] reviewed their rights, the process, and things because of that." Trial counsel testified that she did not think, based on her interactions with the Petitioner, that his low IQ prevented him from understanding the legal proceedings.

Trial counsel testified that she reviewed discovery with the Petitioner, which included watching the two videos. She said she also reviewed with the Petitioner his rights, potential sentences, the plea agreement, and the entire process using simpler terms and diagrams to ensure that he understood:

A. . . . So I walk through in simpler terms what each of those say, and then I'll say you may hear the judge use this word. Sometimes they catch that word, but normally they catch the explanation of what the meaning is. In addition to that, something that I learned [from other defense attorneys] . . . is instead of actually explaining the process in words, they drew a picture with [a] diagram, and they would follow the process of a case essentially from arrest with pictures and then beside them what it would mean. And that's what I still do to this day with my juveniles, and I did with [the Petitioner].

Q. And did you find that - - in using this unique process, did you find that - - that that helped him understand?

A. He was able to then explain to me without just regurgitating writing on something what the different processes were.

Trial counsel testified that she had the sheet where she reviewed with the Petitioner the charges, the State's evidence, and the possible sentences and "totaled up" the possible exposure he faced. She said she talked with the Petitioner about what her arguments would be for concurrent versus consecutive sentences and discussed the best versus worst case

scenarios. However, she also advised the Petitioner that she was not a judge and could not tell him what the judge would do.

Trial counsel testified that she told the Petitioner that she always enjoyed trial but that it would probably be a difficult trial and that the decision of whether or not to proceed to trial was his. She said the Petitioner ultimately chose to plead guilty. In preparation for entry of his guilty pleas, she ordered a presentence report, with a request that the Petitioner's juvenile social file and school information be included. She stated that she requested the juvenile social file, which gave a larger picture of the family dynamic, to show "some of the instabilities" in the Petitioner's life, the trauma he had experienced, and the lack of services he had received. She requested the school information, including the special education records, to show that the Petitioner was easily influenced and led and was not a leader in the offenses. Trial counsel testified that the social history and school records were introduced through the testimony of witnesses she called at the sentencing hearing.

Trial counsel testified that she did not request a mental evaluation after the case was transferred to criminal court because the mental evaluation in juvenile court had been performed within a year of the transfer to criminal court and the results of that mental evaluation were consistent with information in the other records she had obtained.

Trial counsel testified that by the time the Petitioner entered his pleas, she had explained the entire process to him in detail. She said that the Petitioner listened and asked her questions, and that she believed he understood what he was doing in pleading guilty. She stated that, as with all her juvenile clients, she instructed the Petitioner to stop and ask questions of the trial court if he did not understand and that he should never agree to anything just for the purpose of getting something done. Trial counsel testified that, in addition to her meetings with the Petitioner in person, she communicated with him by telephone.

On cross-examination, trial counsel testified that she would not be surprised to learn that the Petitioner said that she never came to visit him, but "that would not be truthful." She stated that it also would not surprise her, based on her prior experience with requesting records from the jail, to learn that the Shelby County Jail records reflected that she visited the Petitioner only one time, on October 13, 2014. She said that that was not the only time she visited the Petitioner. She also pointed out that the Petitioner was originally housed at a different facility and was not transferred to the jail until August 2014.

Trial counsel testified that she was aware that the Petitioner's IQ was assessed as 58 on February 8, 2006 when he was nine years old and in the second grade. She said that report placed the Petitioner within an IQ range of 58 to 64 in some categories and was for

the purpose of determining whether he would be eligible “for IEP or special education classes.” She testified that she saw no reason to request a mental evaluation in criminal court because the Petitioner had recently received a mental evaluation in juvenile court, which found him competent and able to assist in his defense, and there was nothing in her interactions with him that indicated otherwise.

On October 4, 2022, the post-conviction court entered a lengthy written order in which it denied the petition on the basis that the Petitioner failed to meet his burden of proving that he was entitled to post-conviction relief. Among other things, the post-conviction court found that the Petitioner’s testimony was not credible, noting the Petitioner’s claim that he had no memory of his prior charges in juvenile court and the contradiction in his testimony in which he testified that trial counsel never came to see him, yet also testified about the conversations he had with trial counsel “every time” that trial counsel came to see him. The post-conviction court found that trial counsel adequately communicated with the Petitioner and made a rational, informed decision not to request a separate competency hearing or a mental evaluation in criminal court, noting trial counsel’s background and experience, her extensive review and preparation of the case, the steps she took to ensure that the Petitioner understood their communications, and her explanation for why she did not find a new mental evaluation necessary. Finally, the post-conviction court noted the Petitioner’s testimony at the plea colloquy in which he responded affirmatively under oath to multiple questions about trial counsel’s representation and his understanding of the process and his guilty pleas.

ANALYSIS

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. Tenn. Code Ann. § 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. *See 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. *Id.* However, review of a post-conviction court’s application of the law to the facts of the case is de novo, with no presumption of correctness. *See Ruff v. State*, 978 S.W.2d 95, 96 (Tenn. 1998). 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.

See Dellinger v. State, 279 S.W.3d 282, 294 (Tenn. 2009); *Fields v. State*, 40 S.W.3d 450, 458 (Tenn. 2001); *Burns v. State*, 6 S.W.3d 453, 461 (Tenn. 1999).

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).

When analyzing a guilty plea, we look to the federal standard announced in *Boykin v. Alabama*, 395 U.S. 238 (1969), and the state standard set out in *State v. Mackey*, 553 S.W.2d 337 (Tenn. 1977). *State v. Pettus*, 986 S.W.2d 540, 542 (Tenn. 1999). In *Boykin*, the United States Supreme Court held that there must be an affirmative showing in the trial court that a guilty plea was voluntarily and knowingly given before it can be accepted. *Boykin*, 395 U.S. at 242. Similarly, our Tennessee Supreme Court in *Mackey* required an affirmative showing of a voluntary and knowledgeable guilty plea, namely, that the defendant has been made aware of the significant consequences of such a plea. *Pettus*, 986 S.W.2d at 542.

A plea is not “voluntary” if it results from ignorance, misunderstanding, coercion, inducements, or threats. *Blankenship v. State*, 858 S.W.2d 897, 904 (Tenn. 1993). The trial court must determine if the guilty plea is “knowing” by questioning the defendant to make sure he or she fully understands the plea and its consequences. *Pettus*, 986 S.W.2d at 542; *Blankenship*, 858 S.W.2d at 904. Because the plea must represent a voluntary and intelligent choice among the alternatives available to the defendant, the trial court may look at a number of circumstantial factors in making this determination. *Blankenship*, 858 S.W.2d at 904. These factors include: (1) the defendant’s relative intelligence; (2) his familiarity with criminal proceedings; (3) whether he was represented by competent counsel and had the opportunity to confer with counsel about alternatives; (4) the advice of counsel and the court about the charges against him and the penalty to be imposed; and (5) the defendant’s reasons for pleading guilty, including the desire to avoid a greater penalty in a jury trial. *Id.* at 904-05.

In denying the petition, the post-conviction court concluded that the Petitioner failed to show any deficiency in trial counsel’s performance. The post-conviction court accredited the testimony of trial counsel over that of the Petitioner, finding that trial counsel met with the Petitioner, reviewed discovery with him, and communicated the court proceedings and the guilty plea agreement in terms that the Petitioner could understand. The post-conviction court further found that there was no evidence that the mental evaluation in juvenile court was not adequate, or that the Petitioner’s IQ of 72 rendered him incompetent. The post-conviction court also specifically noted the Petitioner’s appropriate responses to the lengthy questions of the trial court at the guilty plea hearing in which he affirmed under oath that he understood the guilty plea agreement and was knowingly, voluntarily and intelligently entering his pleas.

The record supports the findings and conclusions of the post-conviction court. As an initial matter, we note that the Petitioner failed to include the transcript of the guilty plea hearing in the record on appeal. *See* Tenn. R. App. P. 24(b) (providing that it is the appellant’s duty to prepare a fair, accurate, and complete record on appeal to enable this court to conduct a meaningful review). However, the Petitioner acknowledged in his evidentiary hearing testimony that he had assured the trial court that he was entering his pleas knowingly and voluntarily. An admission by the petitioner that he entered his guilty plea voluntarily weighs in favor of finding a voluntary guilty plea. *See Franklin v. State*, No. M2021-00367-CCA-R3-PC, 2022 WL 852909, at *4 (Tenn. Crim. App. Mar. 23, 2022) (affirming finding of a knowing and voluntary guilty plea, in part, when “Petitioner told the court that he understood the plea agreement and the rights he waived by pleading guilty, that he was satisfied with counsel’s performance, and that he was pleading guilty voluntarily.”), *no perm. app. filed*.

Trial counsel testified that she was experienced with juveniles with mental capacity in the low borderline range, that she adopted a method of using diagrams to help explain legal concepts, and that the Petitioner’s mother and aunt helped to ensure that the Petitioner understood the legal concepts she explained. Trial counsel also testified that she met and had phone conversations with the Petitioner on multiple occasions. During those conversations, she thoroughly reviewed the State’s evidence, the potential sentences, and the best-versus worst-case scenarios. *See Watkins v. State*, No. W2017-01633-CCA-R3-PC, 2018 WL 3993321, at *5 (Tenn. Crim. App. Aug. 17, 2018) (affirming finding of a knowing and voluntary guilty plea, in part, when “[t]he Petitioner stated that he had reviewed his case with trial counsel, that trial counsel had explained the strengths and weaknesses of his case to him, and that trial counsel had ‘gone over the pros and cons of entering a guilty plea as opposed to going to trial.’”). Finally, trial counsel testified that it was the Petitioner’s decision to plead guilty and that he appeared to her to understand his guilty pleas. *See Wright v. State*, No. W2019-02116-CCA-R3-PC, 2020 WL 5742872 (Tenn. Crim. App. Sept. 24, 2020) (affirming finding of a voluntary plea and rejecting claim of impairment due to “mental impairment,” in part, where “Counsel testified that she did not observe any behavior during their interactions that raised concern about competency.”).

We, therefore, conclude that the post-conviction court properly denied the petition for post-conviction relief.

CONCLUSION

Based on our review, we affirm the judgment of the post-conviction court denying the petition for post-conviction relief.

JOHN W. CAMPBELL, SR., JUDGE