

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE
AT NASHVILLE

FILED

02/14/2023

Clerk of the
Appellate Courts

KEITH L. FARMER v. STATE OF TENNESSEE

**Criminal Court for Davidson County
No. 2011-D-3302**

No. M2022-00127-CCA-R3-ECN

The Appellant, Keith L. Farmer, appeals the trial court's denial of his petition for a writ of error coram nobis. Upon review of the motion filed by appointed counsel, and in light of the record on appeal, the Court hereby affirms the judgment of the trial court.

**Tenn. R. App. P. 3 Appeal as of Right; Judgment of the Trial Court Affirmed
Pursuant to Court of Criminal Appeals Rule 20**

ROBERT L. HOLLOWAY, JR., J., delivered the opinion of the court, in which TIMOTHY L. EASTER and JILL BARTEE AYERS, JJ., joined.

Erin D. Coleman, Nashville, Tennessee, for the Appellant, Keith L. Farmer.

Jonathan Skrmetti, Attorney General and Reporter, for the Appellee, State of Tennessee.

MEMORANDUM OPINION

The Appellant is appealing the denial of his petition seeking error coram nobis relief. Tenn. Code Ann. § 40-26-105. The record has been filed. Appointed counsel now moves this Court to withdraw pursuant to Court of Criminal Appeals Rule 22. Counsel contends this appeal is frivolous. *See Anders v. California*, 386 U.S. 738 (1967). Having reviewed the entire record on appeal, including counsel's motion to withdraw, the Court agrees this appeal is frivolous. Tenn. Ct. Crim. App. R. 22(B) (a frivolous appeal "is one that is so readily recognizable as devoid of merit that there is little, if any, prospect that it can ever succeed.").

The record reflects the Appellant pled guilty to attempted first degree murder on July 23, 2012, and received a twenty-year sentence. The Appellant filed his error coram nobis petition on July 13, 2021. Concluding the petition was barred by the applicable one-year statute of limitations, and finding no due process concerns warranting equitable tolling, the trial court summarily denied the petition. Nothing in the record disputes that ruling. *See, e.g., Curtis Keller v. State*, No. W2019-01652-CCA-R3-ECN, 2021 WL 1699277 (Tenn. Crim. App. Jan. 27, 2021), *perm. app. denied* (Tenn. May 14, 2021) (trial court may summarily dismiss petition filed after one year of final judgment when face of petition does not demonstrate with particularity sufficient due process concerns for tolling statute of limitations); *State v. Mixon*, 983 S.W.2d 661, 671 (Tenn. 1999) (error coram nobis petition must be filed within one year of date of final judgment). Moreover, “the error coram nobis statute is not available as a procedural mechanism for collaterally attacking a guilty plea.” *Frazier v. State*, 495 S.W.3d 246, 254 (Tenn. 2016). Thus, the record clearly demonstrates the Appellant’s petition was properly denied. Tenn. Ct. Crim. App. R. 22(B) (“To be frivolous, an appeal must be so clearly untenable or manifestly insufficient that its character may be determined by a bare inspection of the record, without argument or research.”).

For these reasons, the order of the trial court is hereby affirmed pursuant to Court of Criminal Appeals Rule 20. Furthermore, counsel’s motion to withdraw is granted. As directed by Rule 22(F), the Court hereby notifies the Appellant that he has the right to file a *pro se* application for permission to appeal to the Supreme Court within sixty days. *See* Tenn. R. App. P. 11. Because the Appellant was declared indigent, costs are taxed to the State. The Clerk shall forward a copy of this order to counsel and the Appellant.

ROBERT L. HOLLOWAY, JR., JUDGE