

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE
AT KNOXVILLE

FILED

10/23/2017

Clerk of the
Appellate Courts

DAVID L. ALFORD v. STATE OF TENNESSEE

**Appeal from the Criminal Court for Knox County
No. 109725 Bobby R. McGee, Judge**

No. E2017-00436-CCA-R3-ECN

The pro se petitioner, David L. Alford, appeals from the Knox County Criminal Court's judgment summarily dismissing his petition for a writ of error coram nobis. The State has filed a motion to affirm the trial court's judgment pursuant to Tennessee Court of Criminal Appeals Rule 20. Following our review, we conclude that the State's position is well-taken and affirm the judgment of the trial court.

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

JAMES CURWOOD WITT, JR., J., delivered the opinion of the court, in which D. KELLY THOMAS, JR., and ROBERT H. MONTGOMERY, JR., JJ., joined.

David L. Alford, Pro Se, Tiptonville, Tennessee.

Herbert H. Slatery III, Attorney General and Reporter; Zachary T. Hinkle, Assistant Attorney General; and Charme P. Allen, District Attorney General, for the appellee, State of Tennessee.

OPINION

On June 25, 2015, the petitioner pleaded guilty in Knox County Criminal Court to sale of less than .5 gram of cocaine, receiving a sentence of 5 years' incarceration. On January 18, 2017, the petitioner filed a petition for a writ of error coram nobis alleging that a July 10, 2016 letter that he received from the District Attorney General concerning criminal charges brought against one of the officers involved in his case constituted newly discovered evidence that, had it been known at the time of trial, would have resulted in a different outcome relative to the petitioner's guilty plea. The petitioner also asserted that the newly discovered evidence cast doubt on the voluntariness of his guilty plea. On February 10, 2017, the trial court summarily

dismissed the petition, ruling that the petitioner had failed to allege a colorable claim for coram nobis relief. The petitioner filed a timely notice of appeal from the trial court's judgment.

The State correctly asserts that the trial court's summary dismissal should be affirmed because a writ of error coram nobis is not an available procedure to challenge a conviction arising from a guilty plea. *Frazier v. State*, 495 S.W.3d 246, 253 (Tenn. 2016). Accordingly, we affirm the judgment of the Knox County Criminal Court pursuant to Rule 20 of the Rules of the Tennessee Court of Criminal Appeals.

JAMES CURWOOD WIT, JR., JUDGE