

TENNESSEE COURT OF CRIMINAL APPEALS

State of Tennessee v. Bobby V. Summers

No. M2025-00698-CCA-R3-CD (Tenn. Crim. App. Jan. 22, 2026) · No. M2025-00698-CCA-R3-CD · Decided January 22, 2026

SUMMARY

The Tennessee Court of Criminal Appeals affirmed the dismissal of Bobby V. Summers's motion to withdraw his guilty plea to facilitation of first degree murder. The court held that the motion was untimely because it was filed more than five years after the judgment became final, depriving the trial court of jurisdiction under Tennessee Rule of Criminal Procedure 32(f).

CASE DETAILS

COURT	Tennessee Court of Criminal Appeals
WRITING FOR THE COURT	Robert H. Montgomery, Jr.; Robert L. Holloway, Jr.; J. Ross Dyer
JURISDICTION	Tennessee Court of Criminal Appeals
DECIDED	January 22, 2026
DOCKET	M2025-00698-CCA-R3-CD
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed as of right from the Davidson County Criminal Court's summary dismissal of his motion to withdraw his guilty plea.
STANDARD OF REVIEW	The appellate court reviewed whether the trial court properly dismissed the motion for lack of jurisdiction because it was filed after the judgment became final.
PRECEDENTIAL VALUE	Published Tennessee Court of Criminal Appeals opinion
PARTIES	Bobby V. Summers v. State of Tennessee

TOPICS

[criminal procedure](#)[final judgment rule](#)[plea bargaining](#)[appellate procedure](#)

PRACTICE AREAS

[criminal law](#)[criminal procedure](#)[appellate practice](#)

QUESTIONS PRESENTED

1. Whether the trial court properly dismissed as untimely Summers's motion to withdraw his guilty plea.
2. Whether a trial court has jurisdiction under Tennessee Rule of Criminal Procedure 32(f) to consider a motion to withdraw a guilty plea filed more than thirty days after acceptance of the plea agreement and imposition of sentence.
3. Whether Summers's claims concerning the legality and constitutionality of his plea, actual innocence, and ineffective assistance of counsel could be considered despite the untimeliness of his motion.

HOLDINGS

1. A trial court lacks jurisdiction to hear and decide a motion to withdraw a guilty plea filed after the judgment of conviction becomes final. Under Tennessee Rule of Criminal Procedure 32(f), the motion must be filed before finality, generally within thirty days after acceptance of the plea agreement and imposition of sentence.
2. The court did not reach the merits of Summers's claims that his plea was illegal or unconstitutional, that actual innocence tolled the filing period, or that counsel was ineffective, because the untimely motion was outside the trial court's jurisdiction.

KEY QUOTATIONS

“As our supreme court made clear, a trial court is without jurisdiction to hear and decide a motion to withdraw a guilty plea after the judgment is final.” (slip op. at 2)

FACTUAL BACKGROUND

Summers was indicted on multiple homicide and related charges. He pleaded guilty to facilitation of first degree murder on August 21, 2019, receiving an out-of-range sixty-year sentence at sixty percent service while the remaining counts were dismissed. More than five years after the judgment became final, he moved to withdraw his guilty plea, alleging that counsel failed to explain the definition of facilitation.

PROCEDURAL HISTORY

A Davidson County grand jury indicted Summers for first degree premeditated murder, first degree felony murder, especially aggravated robbery, and tampering with evidence. On August 21, 2019, he pleaded guilty to facilitation of first degree murder in exchange for a sixty-year sentence at sixty percent service, and the remaining counts were dismissed. On April 21, 2025, he moved to withdraw his guilty plea; the trial court summarily dismissed the motion as untimely. The Tennessee Court of Criminal Appeals affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Green, 106 S.W.3d 646, 650 (Tenn. 2003)
- State v. Green, 106 S.W.3d 646, 648-49 (Tenn. 2003)

- State v. Peele, 58 S.W.3d 701, 704 (Tenn. 2001)
- State v. Pendergrass, 937 S.W.2d 834, 837 (Tenn. 1996)

OPINION

JUDGE ROBERT H. MONTGOMERY, JR., J.

01/22/2026 IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE AT NASHVILLE
Assigned on Briefs December 9, 2025 STATE OF TENNESSEE v. BOBBY V. SUMMERS
Appeal from the Criminal Court for Davidson County No. 2018-B-885 Angelita Blackshear Dalton, Judge No. M2025-00698-CCA-R3-CD The Defendant, Bobby V. Summers, appeals from the trial court's dismissal of his motion to withdraw his guilty plea to facilitation of first degree murder.

We affirm the judgment of the trial court. Tenn. R. App. P. 3 Appeal as of Right; Judgment of the Criminal Court Affirmed ROBERT H. MONTGOMERY, JR., J., delivered the opinion of the court, in which ROBERT L. HOLLOWAY, JR., and J. ROSS DYER, JJ., joined. Bobby V. Summers, Henning, Tennessee, Pro Se. Jonathan Skrmetti, Attorney General and Reporter; Benjamin A. Ball, Senior Assistant Attorney General; Glenn R. Funk, District Attorney General; and Janice Norman and Jeffrey Jackson, Assistant District Attorneys General, for the appellee, State of Tennessee.

OPINION In April 2018, a Davidson County Grand Jury indicted the Defendant for first degree premeditated murder, first degree felony murder, especially aggravated robbery, and tampering with evidence. On August 21, 2019, the Defendant pleaded guilty to facilitation of first degree murder in exchange for an out-of-range sentence of sixty years at 60% service, and the remaining counts were dismissed.

On April 21, 2025, the Defendant filed a motion to withdraw his guilty plea, alleging that his attorney failed to explain the definition of facilitation. The trial court summarily dismissed his motion, finding that it was untimely. This appeal followed.

The Defendant contends that the trial court erred by dismissing his motion to withdraw his guilty plea. He raises three issues in his appeal: (1) whether his guilty plea was illegal and unconstitutional because his counsel failed to explain the charge of facilitation; (2) whether his actual innocence tolls the statutory filing period in the interests of justice, due process, and fundamental fairness; and (3) whether he received the ineffective assistance of counsel at his guilty plea hearing.

The State counters that the court properly dismissed the Defendant's motion because the court lacked jurisdiction due to the Defendant's untimely filing of the motion. The State also notes that the issues raised in the Defendant's brief relate to the merits of his motion and not to its timeliness.

As a result, the State avers that the record contains no evidence or legal findings from which this court could review the Defendant's claims. Tennessee Criminal Procedure Rule 32(f) states that after a trial court has imposed a sentence but before a judgment becomes final, "the court may set aside the judgment of conviction and permit the defendant to withdraw the guilty plea to correct manifest injustice." Once a defendant enters a guilty plea, the judgment of conviction "becomes final thirty days after acceptance of the plea agreement and imposition of [the] sentence," meaning a defendant "has thirty days within which to... [file] a motion to withdraw the previously entered plea pursuant to Rule 32(f)." *State v. Green*, 106 S.W.3d 646, 650 (Tenn.

2003). "Generally, a trial court has no power to amend its judgment once the judgment becomes final, and the trial court is without jurisdiction to hear and decide a motion to withdraw a guilty plea after the judgment is final." *Id.* at 648-49 (citing *State v. Peele*, 58 S.W.3d 701, 704 (Tenn. 2001); *State v. Pendergrass*, 937 S.W.2d 834, 837 (Tenn. 1996)).

Here, the Defendant pleaded guilty on August 21, 2019, and the judgment was entered on that date. The judgment became final thirty days after the entry of the judgment. Defendant's motion to withdraw his guilty plea was filed more than five years after the judgment became final.

As our supreme court made clear, a trial court is without jurisdiction to hear and decide a motion to withdraw a guilty plea after the judgment is final. See *Green*, 106 S.W.3d at 649. Accordingly, the trial court did not err in dismissing the Defendant's motion.

The Defendant is not entitled to relief. In consideration of the foregoing and the record as a whole, the judgment of the trial court is affirmed. s/Robert H. Montgomery, Jr. _ _ _ ROBERT H. MONTGOMERY, JR., JUDGE -2-