

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

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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)

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