

TENNESSEE COURT OF CRIMINAL APPEALS

Bobby V. Summers v. Johnny Fitz, Warden

No. W2025-00886-CCA-R3-HC · No. W2025-00886-CCA-R3-HC · Decided June 10, 2026

SUMMARY

The Tennessee Court of Criminal Appeals affirmed the summary dismissal of Bobby V. Summers’s petition for writ of habeas corpus. The court held that the petition was procedurally defective and that facilitation of first-degree murder is a valid offense even when the principal offender has not been prosecuted or convicted. The court also concluded that the indictment was not facially void and that claims concerning the voluntariness of Summers’s guilty plea were not cognizable in habeas corpus proceedings.

CASE DETAILS

COURT	Tennessee Court of Criminal Appeals
WRITING FOR THE COURT	Camille R. McMullen; Jill Bartee Ayers; John W. Campbell, Sr.
JURISDICTION	Tennessee Court of Criminal Appeals
DECIDED	June 10, 2026
DOCKET	W2025-00886-CCA-R3-HC
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal as of right from the summary dismissal of a petition for writ of habeas corpus by the Circuit Court for Lauderdale County.
STANDARD OF REVIEW	Habeas corpus determinations are questions of law reviewed de novo without a presumption of correctness. Summary dismissal is proper when the petition fails to state a cognizable claim or when the face of the judgment and record do not indicate that the judgment is void.
PRECEDENTIAL VALUE	Published Tennessee Court of Criminal Appeals opinion
PARTIES	Bobby V. Summers v. State of Tennessee

TOPICS

- habeas corpus
- post-conviction relief
- criminal procedure
- appellate procedure
- statutory interpretation

PRACTICE AREAS

- criminal procedure
- post-conviction relief
- habeas corpus
- appellate procedure
- statutory interpretation

QUESTIONS PRESENTED

1. Whether the habeas petition was subject to summary dismissal for failure to satisfy the mandatory procedural requirements of Tennessee Code Annotated section 29-21-107(b)(3) and (4).
2. Whether facilitation of first-degree murder is a valid offense when the principal offender has not been prosecuted or convicted.
3. Whether the absence of a prosecution or conviction of a principal offender renders Summers's judgment or indictment void.
4. Whether an alleged involuntary or coerced guilty plea is cognizable in a Tennessee habeas corpus proceeding.
5. Whether the judgment was facially void or the sentence had expired so as to warrant habeas corpus relief.

HOLDINGS

1. The petition was procedurally defective because Summers left unanswered whether the legality of his restraint had previously been adjudicated and failed to attach his prior habeas petition or the prior disposition, despite stating that the present petition was his second application.
2. Facilitation of first-degree murder is a valid statutory offense, and a principal offender need not be prosecuted or convicted before a facilitator may be convicted.
3. The indictment was not void because it charged facilitation of first-degree murder, a valid statutory offense, and Tennessee law does not require prosecution of a principal before a facilitator may be convicted.
4. A claim challenging the voluntariness of a guilty plea is not cognizable in a Tennessee habeas corpus proceeding.
5. Summers did not establish that the judgment was void or that his confinement was illegal; therefore, he was not entitled to habeas corpus relief.

KEY QUOTATIONS

“Habeas corpus relief is available in Tennessee only when ‘it appears upon the face of the judgment or the record of the proceedings upon which the judgment is rendered’ that a convicting court was without jurisdiction or authority to sentence a defendant, or that a defendant’s sentence of imprisonment or other restraint has expired.” (at 5)

“In 1989, the legislature abolished the common law requirement that a principal be convicted before a party may be held accountable.” (at 7)

“A defective indictment may render a judgment void only if the indictment fails to charge any offense recognized by law.” (at 8)

FACTUAL BACKGROUND

Summers was initially indicted for first-degree premeditated murder, first-degree felony murder, especially aggravated robbery, and tampering with evidence. He entered a negotiated guilty plea to facilitation of first-degree premeditated murder in exchange for a twenty-year, out-of-range sentence with sixty-percent release eligibility, and the remaining counts were dismissed. The plea record included a full colloquy and an agreed factual basis describing a drug transaction during which the victim was robbed and shot, followed by the burning of Summers's vehicle and other evidence connecting Summers to the crime. Summers later claimed that facilitation was not a valid offense because no principal offender had been prosecuted or convicted and that his plea had been coerced.

PROCEDURAL HISTORY

Summers pleaded guilty in 2019 to facilitation of first-degree premeditated murder under a negotiated plea agreement and received a twenty-year sentence. He subsequently pursued post-conviction relief, multiple motions to correct an illegal sentence, and a writ of error coram nobis, without success. In May 2025, he filed the present habeas corpus petition, which the habeas court summarily dismissed as procedurally defective and noncognizable. The Tennessee Court of Criminal Appeals affirmed.

DISPOSITION

affirmed

CASES CITED

- Summers v. State, No. M2023-00103-CCA-R3-PC, 2024 WL 111292 (Tenn. Crim. App. Jan. 10, 2024), perm. app. denied (Tenn. June 20, 2024)
- State v. Hicks, 945 S.W.2d 706 (Tenn. 1997)
- State v. Summers, No. M2023-01589-CCA-R3-CD, 2024 WL 3250958 (Tenn. Crim. App. July 1, 2024)
- State v. Summers, No. M2025-00284-CCA-R3-CD, 2025 WL 1695086 (Tenn. Crim. App. June 17, 2025)
- State v. Summers, No. M2024-00881-CCA-R3-CD, 2024 WL 5088715 (Tenn. Crim. App. Dec. 12, 2024)
- Summers v. State, No. M2024-01451-CCA-R3-ECN, 2025 WL 1587029 (Tenn. Crim. App. June 5, 2025)
- Faulkner v. State, 226 S.W.3d 358, 361 (Tenn. 2007)
- Hart v. State, 21 S.W.3d 901, 903 (Tenn. 2000)
- Summers v. State, 212 S.W.3d 251, 255-61 (Tenn. 2007)
- State v. Livingston, 197 S.W.3d 710, 712 (Tenn. 2006)
- Taylor v. State, 995 S.W.2d 78, 83 (Tenn. 1999)
- Archer v. State, 851 S.W.2d 157, 161-64 (Tenn. 1993)
- State v. Galloway, 45 Tenn. (5 Cold.) 326, 337 (1868)
- Potts v. State, 833 S.W.2d 60, 62 (Tenn. 1992)
- Dykes v. Compton, 978 S.W.2d 528, 529 (Tenn. 1998)
- State v. Ritchie, 20 S.W.3d 624, 633 (Tenn. 2000)
- Wyatt v. State, 24 S.W.3d 319, 322 (Tenn. 2000)

- State v. Warren, 740 S.W.2d 427, 428 (Tenn. Crim. App. 1986)
- Ussery v. Avery, 432 S.W.2d 656, 658 (Tenn. 1968)
- Hickman v. State, 153 S.W.3d 16, 20-21 (Tenn. 2004)
- Davis v. State, 261 S.W.3d 16, 20-21 (Tenn. Crim. App. 2008)
- State v. Harvell, 415 S.W.3d 853, 859 (Tenn. Crim. App. 2010)
- United States v. Martinez, 921 F.3d 452 (2019)

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/tennessee-court-of-criminal-appeals-tennessee-court-of-criminal-appeals/2026/bobby-v-summers-v-johnny-fitz-warden-il2o5bic>