

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE  
AT NASHVILLE

Assigned on Briefs April 2, 2024, in Jackson

<b>FILED</b> 04/30/2024 Clerk of the Appellate Courts
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**RHYNUIA L. BARNES v. STATE OF TENNESSEE**

**Appeal from the Criminal Court for Davidson County**  
**No. 97-D-2542                  Steve Dozier, Judge**

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**No. M2023-01088-CCA-R3-PC**

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In 1990, a Shelby County jury convicted the Petitioner, Rhynuia L. Barnes, of premeditated first-degree murder, and the trial court sentenced him to an effective sentence of life in prison. The Petitioner unsuccessfully appealed his conviction. He then unsuccessfully filed a petition for post-conviction relief and three petitions for writ of error coram nobis, as well as a motion to exhume his father’s body and for fingerprint analysis. In 2023, the Petitioner filed his second post-conviction fingerprint analysis petition asking: (1) that the TBI enter the latent prints found on the murder weapon into an online fingerprint database; and (2) that the court order testing of his deceased father’s palm prints against the known palm print on the murder weapon. The post-conviction court summarily dismissed the petition, and the Petitioner appeals. After review, we affirm the post-conviction court’s judgment.

**Tenn. R. App. P. 3 Appeal as of Right; Judgment of the Criminal Court Affirmed**

ROBERT W. WEDEMEYER, J., delivered the opinion of the Court, in which TOM GREENHOLTZ, and KYLE A. HIXSON, JJ., joined.

Rhynuia L. Barnes, for the appellant, Pro Se.

Jonathan Skrmetti, Attorney General and Reporter; Brooke A. Huppenthal, Assistant Attorney General; Glenn R. Funk, District Attorney General; and J. Wesley King, Assistant District Attorney General, for the appellee, State of Tennessee.

**OPINION**

**I. Facts**

This case arises from the Petitioner’s killing of a man he alleged stole some jewelry from him. A Davidson County jury convicted the Petitioner of first degree premeditated murder. The trial court sentenced him to life in prison.

### **A. Trial and Procedural History**

The Petitioner appealed his convictions and sentence. *State v. Rhynua Lamont Barnes*, No. M2001-00631-CCA-R3-CD, 2002 WL 1358717, at \*1 (Tenn. Crim. App. June 24, 2002), *perm. app. denied* (Tenn. Dec. 2, 2002). The pertinent facts from the underlying trial, as summarized by this court on direct appeal, are as follows:

Joyce Martin testified she lived with her two sons, 24 year-old Da'Shon Martin, the victim, and 19 year-old Carlton Martin. She stated that on September 2, 1997, at approximately 2:00 p.m., Tom Morrell, a neighbor, came to her door and asked if the victim were home. Martin responded the victim was sleeping in his room, and Morrell walked toward his room and told the victim someone wanted to see him. Morrell then walked out of the residence and returned to his home. Martin stated she looked outside her house and saw the [Petitioner], whom she had never met, standing at her gate. The victim exited the residence, stood on the porch, and inquired what the [Petitioner] wanted. Martin said she next saw the [Petitioner] brandish a pistol, at which time the victim ran back inside the house. The [Petitioner] then said, "Your son stole my jewelry, and I'm going to kill him;" the victim ran to the back of the house; and the [Petitioner] ran to [Martin's] backyard with his gun in his hand. Martin explained her back door was secured by a deadbolt key lock which required a key to open.

Martin further testified she phoned 911 while the victim was hiding in the back of the residence, and the [Petitioner] was in the backyard. The [Petitioner] then ran back inside [Martin's] front door holding his gun. The [Petitioner] then said twice that he would shoot [Martin] if the victim did not come out of hiding. At that point, the [Petitioner] ran toward the bathroom at the rear of the house, and another man, later identified as James Barnes, the [Petitioner's] father, entered the residence and inquired about his son. Martin told James Barnes the [Petitioner] went to the rear of the house. Martin testified she then heard one shot and fled from the residence to a neighbor's home. Martin identified the murder weapon as the gun she saw in the [Petitioner's] hand.

Tommy Morrell, a neighbor, testified that on September 2nd, the [Petitioner] arrived at approximately 3:00 p.m. riding in the front seat of a vehicle driven by an older man. Morrell testified the [Petitioner] requested he get the victim. Morrell further stated he went inside the victim's house and told the victim "two guys" wanted to see him, and Morrell exited the house. When Morrell reached the front gate, he saw the victim step onto the

porch. Morrell later saw the [Petitioner] go inside the gate. Morrell further stated the older man was seated in the car.

Morrell explained he knew “something [was] going down,” so he went back to his house and instructed his mother to stay inside. Morrell stated the older man exited the car; the [Petitioner] first ran in the house but then exited the house telling the older man that “[the victim] might have gone out the backdoor;” the [Petitioner] ran around one side of the house, while the older man ran around the other; the [Petitioner] ran back around to the front of the house and entered it brandishing a gun; the older man entered the house; and [Morrell] heard a gunshot. Morrell stated he never saw the older man with a gun. On cross-examination, Morrell denied receiving drugs as compensation for summoning the victim outdoors.

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Metro Police Officer Marshall James Brown testified he and his partner, Officer Chris Locke, arrived at the scene . . . . Officer Brown stated that while he and Officer Locke were walking toward the residence, the [Petitioner] ran from across the street and dove head first into the backseat of a parked car. He additionally stated James Barnes walked toward the vehicle’s driver’s side. He and Locke then detained them, and Joyce Martin identified them as the persons in her home. On cross-examination, Officer Brown stated James Barnes was bleeding from a cut on his hand.

Officer Chris Locke corroborated Officer Brown’s testimony. He further testified the [Petitioner] made remarks after being arrested; he activated his pocket audio recorder to record the [Petitioner]; and he made notes during the [Petitioner’s] outbursts. He testified the [Petitioner], while being handcuffed, stated that the victim should not break in his house and steal his jewelry. At that point, Officer Locke placed the [Petitioner] in the rear seat of the cruiser, activated his pocket audio recorder, and sat in the driver’s seat for approximately one hour and fifteen minutes. Officer Locke also wrote down the [Petitioner’s] statements verbatim. Officer Locke testified from his written notes, which indicated the [Petitioner] said:

I went in the house with him; I didn’t shoot him; I threw my dope in the alley; that’s why I ran. I ain’t did nothing. I ain’t got no gun; what [are] you detaining me for . . . . He needed to quit lying on me. He finded . . . no gun on me. Why am I being detained? I ran and dumped my dope and came back . . . No gun, no motive. I ain’t got no lie to tell. I dumped my dope. He stole my jewelry.

At that point, other officers found a gun in the [Petitioner's] line of sight, and the [Petitioner] said, "Man, ain't found no gun on me. Man, how do you know it was me; that could have been anybody's. Whose gun? I know my lawyer will get me off. I got money; I got big money. Take me down so I can make bond." The [Petitioner] also stated, "Man, he steals \$4,000 worth of jewelry and I'm supposed to let it ride. F\* \*k that s\* \*t, man."

Metro Police Investigator David Elmore testified he searched the area and found a gun hidden inside a plastic bag of clothing in a pile of garbage across the street from the victim's residence.

Metro Police Officer Charles Ray "Friday" Blackwood testified he searched the victim's residence and was unable to find a weapon; he recovered three live .38 shells from James Barnes' pocket; and the .38 revolver found in the garbage had five spent casings in its chambers.

Medical Examiner Dr. Bruce Levy testified the victim died as a result of three gunshot wounds fired from a distance of "greater than 18 to 24 inches" from the victim's body. Although Dr. Levy stated the victim had small abrasions on his chin, arm, back, and abdomen, he opined they were not the result of a struggle.

Danny Morris, a specialist in latent fingerprint analysis with the Metro Police Identification Division, testified a palm print was recovered from the weapon that did not match the [Petitioner's] print. Morris explained, however, this evidence did not definitively establish that the [Petitioner] never handled the gun since there are numerous reasons why one could touch a surface and not leave a latent print.

Metro Police Detective Kent McAlister testified he searched the crime scene and was unable to find a gun or spent shell casings. Det. McAlister stated although the [Petitioner] and James Barnes were initially both suspects, the charges against James Barnes were dropped at his preliminary hearing. He explained James Barnes was not initially fingerprinted because his hand was bandaged, and after the charges were dropped, it became impossible to obtain his prints.

Metro Police Detective Jeff West testified he assisted in interviewing the [Petitioner] at the police station. He testified that although he could not recall if the [Petitioner] and James Barnes were seated together while awaiting questioning, it was unlikely because standard procedure dictates

they be separated. Det. West testified the [Petitioner] confessed to the crime and told him to release James Barnes because he had “nothing to do with it” and had tried to stop him from going into the Martin residence with his gun.

TBI firearms expert Steve Scott testified the shell casings and bullet fragments submitted for analysis were fired from the .38 revolver. Scott conceded the gun was not tested for the presence of blood or tissue, and it was possible for a person’s hand to become injured if caught between the weapon’s hammer and firing pin.

The [Petitioner] testified when he got in the car with his father, James Barnes, on September 2nd, he did so with the intention of receiving a ride to visit his son. The [Petitioner] stated his father requested the [Petitioner] direct him to the [Petitioner’s] drug supplier, a person by the name of “Ricko,” which the [Petitioner] did. After their arrival, James Barnes asked Ricko the location of his stolen jewelry, and they drove to the victim’s residence to replevy the jewelry. The [Petitioner] stated his father parked his vehicle on the street near the victim’s residence, handed the [Petitioner] the revolver, and told the [Petitioner] to place it in his pocket. The [Petitioner] testified the gun remained in his shorts until he handed it back to James Barnes. He stated that, under the instruction of James Barnes, he gave Tommy Morrell drugs to summon the victim outside.

The [Petitioner] further testified he and James Barnes walked toward the residence, and the victim exited onto the porch. When the [Petitioner] inquired, “where [is] the jewelry,” the victim ran back inside the home. The [Petitioner] stated he then stepped in the front room of the house, and the victim’s mother told him to “get out;” he exited and ran around the side of the house, attempting entry through the back door; and since the door was locked, he returned to the front of the house where he handed James Barnes the gun. The [Petitioner] said he “[g]ave [James Barnes] the gun back [and] started out [of] the yard . . . thinking he’s coming behind me . . . thinking it’s over.”

The [Petitioner] further stated once he arrived at the car, he realized his father had not followed him, so he reentered the residence, went to the rear of the home, and saw the victim run to the bathroom. He then attempted to open the bathroom door, which was either locked or being held, and as he started to leave the home again, James Barnes fired a shot through the bathroom door. After the shot was fired, the victim exited the bathroom and struggled for the gun with James Barnes. The [Petitioner] stated that after a brief struggle, James Barnes fired shots, handed the [Petitioner] the gun, and they exited the home. The [Petitioner] stated he then ran across the street

and discarded his “eighty-ball” of “dope” and the gun. He stated that he ran back to the car because he thought he left his beeper in the car and then dove into the car.

The [Petitioner] stated he had no intention of killing the victim, and after he was arrested, he made admissions to Officer Locke because

in [his] neighborhood, it’s like, you try to make the polices as mad as you can by being as smooth as you can with them. You just smart off to them, just try to smart off to them, make them mad cause like—that’s all I was doing was really just mouthing off.

The [Petitioner] further testified he was seated next to his father at police headquarters, and his father intimidated him, so he confessed to the crime. The [Petitioner] explained he was fearful of his father, and his father had always said “the worst thing you can be is a snitch.”

The [Petitioner] further testified he “probably” threatened to shoot the victim’s mother, but did so to try to scare her out of the house so “no more innocent bystanders [would get] hurt;” he got blood on his shorts while attempting to protect the victim by trying to separate James Barnes from him; and James Barnes wiped the gun clean prior to giving it to him. The [Petitioner] further admitted he had contact with James Barnes while awaiting trial on bond, and he conceded he said he was on bond because of the person he killed, but explained it was just “everyday neighborhood talk.”

*Barnes*, 2002 WL 1358717, at \*1-4.

The Petitioner appealed, and this court affirmed the Petitioner’s convictions and sentence. *Id.* at \*1-4. The Petitioner filed a petition for post-conviction relief alleging that he had received the ineffective assistance of counsel at trial and on appeal. He alleged that his trial counsel was ineffective for failing to obtain James Barnes’s fingerprints, which were not obtained by law enforcement. Our court affirmed the lower court’s finding which “accredited the testimony of counsel, who stated that the [P]etitioner instructed her not to involve Barnes in his defense and failed to assist her in locating him.” This court similarly relied on the Petitioner’s refusal to help trial counsel locate James Barnes when it found that the Petitioner had not proven that counsel could have obtained James Barnes’s fingerprints. This court affirmed the post-conviction court’s dismissal of his petition for post-conviction relief. *State v. Barnes*, No. M2004-01557-CCA-R3-PC, 2005 WL 2139408, at \*7 (Tenn. Crim. App. Sept. 2, 2005), *perm. app. denied* (Tenn. Feb. 6, 2006).

In 2009, the Petitioner filed his first petition for writ of error coram nobis, alleging that a letter, written by his late father confessing to the murder, was newly discovered evidence. This court affirmed the coram nobis court's summary dismissal of the petition as time-barred. *Barnes v. State*, No. M2010-01554-CCA-R3-CO, 2011 WL 6322500, at \*1 (Tenn. Crim. App. Oct. 27, 2011), *perm. app. denied* (Tenn. Mar. 7, 2012). In 2015, the Petitioner filed a second petition for writ of error coram nobis, alleging newly discovered evidence in the form of a report from the Bureau of Alcohol, Tobacco, Firearms, and Explosives that exonerated him, as well as some emails between his attorney and the prosecutor that indicated his innocence. Again, this court affirmed the coram nobis court's summary dismissal of the petition as time-barred. *Barnes v. State*, No. M2015-01061-CCA-R3-ECN, 2016 WL 537127, at \*1 (Tenn. Crim. App. Feb. 10, 2016). In 2017, the Petitioner filed his third petition for writ of error coram nobis, alleging newly discovered evidence in the form of an affidavit of his ex-girlfriend, Rebecca C. Castor, which he claimed proved his actual innocence. Once again, this court affirmed the coram nobis court's summary dismissal of the petition as time-barred. *Barnes v. State*, No. M2017-02033-CCA-R3-ECN, 2018 WL 3154346 (Tenn. Crim. App. June 26, 2018), *perm. app. denied* (Tenn. Oct. 10, 2018).

According to the Petitioner, Mr. James Barnes died in October 2002. *Barnes*, 2005 WL 2139408, at \*4. On December 13, 2021, the Petitioner filed a pro se "Motion to Exhumation [sic] of Body of Movant Father James C. Barnes for Purpose of D.N.A." Through the motion and attachment, the Petitioner indicated that there was a palm print found on the murder weapon, that the Petitioner's print was not a match, and that a "good palm print" was not obtained from Mr. James Barnes while Mr. James Barnes was in police custody. Submitting that he was innocent, the Petitioner requested that Mr. James Barnes's body be exhumed to obtain an adequate palm print for comparison purposes.

By order dated February 16, 2022, the post-conviction court dismissed the Petitioner's request for exhumation, concluding that the Petitioner had not established any basis that exhumation of Mr. James Barnes was absolutely necessary to the administration of justice. The post-conviction court observed that overwhelming proof was presented at trial evidencing the Petitioner's guilt. The post-conviction court further noted that the Petitioner "appear[ed] to be angling for another error coram nobis petition in which he . . . continue[d] to blame the homicide on his father" and that the Petitioner had filed three prior unsuccessful coram nobis petitions. The post-conviction court concluded that there was no reasonable basis to exhume Mr. James Barnes's body nor any expectation that the undertaking would yield usable prints 20 years after his death.

Also, on February 16, 2022, the Petitioner filed a pro se petition for fingerprint testing of his deceased father pursuant to the Post-Conviction Fingerprint Analysis Act of 2021. *See* T.C.A. §§ 40-30-401 to -413. He again sought "testing of his father's palm prints against the unknown palm prints on the murder weapon[,]" a weapon that he stated belonged to Mr. Barnes's girlfriend. The Petitioner submitted that the case against him

“was built entirely on circumstantial evidence” and argued that there was a reasonable probability he would not have been convicted if the palm print had been identified as belonging to Mr. Barnes. The Petitioner then asserted that the TBI had Mr. Barnes’s fingerprints in its possession and that those prints had not “been entered into state or federal databases since [those] systems [had] undergone critical updates.” The Petitioner concluded that all necessary evidence was available to conduct the requested fingerprint analysis. The Petitioner further requested that should Mr. Barnes’s fingerprints not be found, Mr. Barnes’s body be exhumed in order to obtain them.

The post-conviction court summarily dismissed the petition in an order filed on February 28, 2022. The post-conviction court found that the Petitioner had not established any of the required elements of Tennessee Code Annotated section 40-30-404 and that he would likewise be unable to do so at a subsequent hearing. We affirmed, concluding that the post-conviction court did not abuse its discretion by summarily dismissing the petition because the Petitioner had failed to satisfy all four elements of section 404. *Barnes v. State*, 2022 WL 4592092, at \*8 (Tenn. Crim. App. Sept. 30, 2022), *no perm. app. filed*.

On June 21, 2023, the Petitioner filed another petition for fingerprint testing of his deceased father pursuant to the Fingerprint Analysis Act. *See* T.C.A. §§ 40-30-401 to -413. He asked that the court require the Tennessee Bureau of Investigation (“TBI”) enter the fingerprints collected from the gun into the upgraded Automated Fingerprint Identification System (“AFIS”) to identify the perpetrator of this “heinous crime.” He also sought to have the items of evidence not previously tested, subjected to fingerprint testing. Finally, he asked the court to order testing of his father’s palm prints against the palm print found on the murder weapon.

The post-conviction court summarily dismissed the Petitioner’s petition and supplemental petition. It is from this judgment that the Petitioner now appeals.

## **II. Analysis**

On appeal, the Petitioner contends that the post-conviction court erred when it summarily dismissed his petition for post-conviction relief pursuant to the Fingerprint Analysis Act. The State counters that the trial court properly denied the petition because the Petitioner failed to support his allegations in his petition. We agree with the State.

The Fingerprint Analysis Act provides that a petitioner convicted of certain enumerated offenses, including first-degree murder,

may, at any time, file a petition requesting the performance of fingerprint analysis of any evidence that is in the possession or control of the prosecution, law enforcement, laboratory, or court, and that is related to the



investigation or prosecution that resulted in a judgment of conviction and that may contain fingerprint evidence.

T.C.A. § 40-30-403 (2021). Depending on the situation, and after notice to the prosecution and an opportunity to respond, the trial court shall or may order the requested fingerprint analysis. *Compare* T.C.A. § 40-30-404(1) (2021) (the court *shall* order analysis if “[a] reasonable probability exists that the petitioner would not have been prosecuted or convicted if exculpatory results had been obtained through fingerprint analysis”) *with* T.C.A. § 40-30-405(1) (the court *may* order analysis if “[a] reasonable probability exists that analysis of the evidence will produce fingerprint results that would have rendered the petitioner’s verdict or sentence more favorable if the results had been available at the proceeding leading to the judgment of conviction”). Both sections 404 and 405 require the evidence is still available and in such a condition susceptible to analysis, that it has not already been subjected to the type of analysis being sought by the petition, and that the petition is not being made to unreasonably delay execution of the sentence. T.C.A. §§ 40-30-404(2) to (4) and 405(2) to (4).

This court has had only a handful of opportunities to address cases under the Fingerprint Analysis Act, the first being in *Smith v. State*, No. M2021-01339-CCA-R3-PD, 2022 WL 854438 (Tenn. Crim. App. Mar. 23, 2022). *See also* *Bailey v. State*, No. M2022-01752-CCA-R3-PC, 2023 WL 5448011, (Tenn. Crim. App. Aug. 24, 2023), *no perm. app. filed*; *Garner v. State*, No. M2021-01396-CCA-R3-PC, 2023 WL 166832 (Tenn. Crim. App. Jan. 12, 2023), *no perm. app. filed*; *Barnes v. State*, No. M2022-00367-CCA-R3-PC, 2022 WL 4592092 (Tenn. Crim. App. Sept. 30, 2022), *no perm. app. filed*; *Johnson v. State*, No. M2021-01420-CCA-R3-PC, 2022 WL 2251333 (Tenn. Crim. App. June 23, 2022), *no perm. app. filed*.

In *Smith*, this court determined that case law discussing the Post-Conviction DNA Analysis Act of 2001 (“DNA Act”) was helpful for guidance in ruling on petitions under the Fingerprint Analysis Act because the language of the Fingerprint Analysis Act mirrored that of the DNA Act and the appellate courts “have had ample opportunity over the last twenty years or so to interpret the meaning of the DNA Act.” 2022 WL 854438, at \*13. Accordingly, a trial court is not required to hold a hearing to determine whether a petition for fingerprint analysis should be granted or denied. *Id.* (citing *Elsea v. State*, No. E2017-01676-CCA-R3-PC, 2018 WL 2363589 at \*3 (Tenn. Crim. App. May 24, 2018)). The post-conviction court’s determination of whether to grant a petition for post-conviction fingerprint analysis is reviewed for an abuse of discretion. *Id.* at \*14.

As previously noted, after notice to the prosecution and an opportunity to respond, the court *shall* order fingerprint analysis under certain circumstances. T.C.A. § 40-30-404.

- (1) A reasonable probability exists that the petitioner would not have been prosecuted or convicted if exculpatory results had been obtained through fingerprint analysis;
- (2) The evidence is still in existence and in such a condition that fingerprint analysis may be conducted;
- (3) The evidence was never previously subjected to fingerprint analysis, was not subjected to the analysis that is now requested which could resolve an issue not resolved by previous analysis, or was previously subjected to analysis and the person making the motion under this part requests analysis that uses a new method or technology that is substantially more probative than the prior analysis; and
- (4) The application for analysis is made for the purpose of demonstrating innocence and not to unreasonably delay the execution of sentence or administration of justice.

*Id.* at § 40-30-404; *cf* T.C.A. § 40-30-405. A petitioner must satisfy all four elements of section 404 or section 405 before the trial court will order fingerprint analysis. *Smith*, 2022 WL 854438, at \*13; *see Powers v. State*, 343 S.W.3d 36, 48 (Tenn. 2011). In this case, the Petitioner requested fingerprint analysis of a palm print on the murder weapon found at the crime scene.

In this case, the post-conviction court found:

Petitioner was convicted of first degree murder by a Davidson County jury and sentenced to life imprisonment. The conviction was affirmed on appeal. Petitioner filed for post-conviction relief, which was denied by this Court. The post-conviction denial was affirmed on appeal. Additionally, this Court has denied three petitions of error coram nobis. Those judgments were all affirmed on appeal. On December 13, 2021, Petitioner moved the Court to exhume his father's remains for fingerprint testing. The Court dismissed the motion, finding no reasonable grounds to order the request.

#### ***Previous Petition under Fingerprint Analysis Act***

On February 16, 2022, Petitioner filed an identically titled petition regarding his case and the Fingerprint Analysis Act with this Court. After review and consideration of applicable laws, the Court dismissed the 2022 petition in its order dated February 28, 2022. Petitioner appealed this Court's dismissal, which was affirmed by our Tennessee Court of Criminal Appeals. *See Barnes v. State*, M2022-00367-CCA-R3-PC, 2022 WL 4592092, at \*1

(Tenn. Crim. App. Sept. 30, 2022). Now, Petitioner has again filed an identically styled petition seeking this Court to review his claim under the Fingerprint Analysis Act. The Court observes, however, that the Petitioner claims on page 2 that this is his first petition for fingerprint analysis.

***Conclusion***

Where the Court has previously considered Petitioner’s claim, the dismissal of which has been affirmed by our Court of Criminal Appeals, the revisitation of this petition is summarily dismissed.

(some citations and footnote omitted).

After review, we conclude that the post-conviction court accurately summarized the procedural history of this case, and we agree with the post-conviction court’s dismissal of the Petitioner’s petition. The Petitioner is not entitled to relief.

**III. Conclusion**

Based on the foregoing reasoning and authorities, we affirm the post-conviction court’s judgment.

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ROBERT W. WEDEMEYER, JUDGE