

IN THE SUPREME COURT OF TENNESSEE  
AT JACKSON

**PHILIP RAY WORKMAN V. STATE OF TENNESSEE**

**No.**

**ORDER**

Philip Workman has filed a notice of appeal stating that he appeals as of right to the Tennessee Supreme Court from the trial court's order denying his petition for writ of error coram nobis. As grounds for this Court's jurisdiction, Workman relies on language in the coram nobis statute, Tenn. Code Ann. § 40-26-105, providing that "the petitioner or the state may pray an appeal in the nature of a writ of error to the supreme court" from a final judgment in a coram nobis proceeding. In the event this Court does not have jurisdiction of an appeal as of right, Workman alternatively appeals to the Tennessee Court of Criminal Appeals pursuant to Rules 3 and 4 of the Tennessee Rules of Appellate Procedure.

After due consideration, a majority of this Court concludes that Workman's reliance upon Tenn. Code Ann. § 40-26-105 is misplaced. Jurisdiction of this appeal is vested in the Court of Criminal Appeals pursuant to Tenn. Code Ann. § 16-5-108, which impliedly repealed that portion of Tenn. Code Ann. § 40-26-105 providing for "an appeal in the nature of a writ of error to the supreme court."

Accordingly, Workman's appeal as of right from the trial court's denial of his petition for writ of error coram nobis should be and hereby is transferred to the Court of Criminal Appeals for the Western Section of Tennessee.

PER CURIAM