

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE  
AT NASHVILLE

**STATE OF TENNESSEE v. THOMAS EDWARD HOGUE**

**Criminal Court for Davidson County  
No. 99-B-823**

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**No. M2005-02874-CCA-R3-CD - Filed February 28, 2007**

**ORDER**

This cause came before the court upon the State of Tennessee's petition for a rehearing, wherein the State posited that the court's opinion in this cause incorrectly referred to the statutory provision for the writ of error *coram nobis* in civil cases when a reference to the statute governing criminal cases should have been used. We agree.

It is ORDERED that the petition for rehearing is granted, the opinion previously filed in this cause is withdrawn, and the clerk of the appellate court shall enter and file in its place the opinion submitted herewith, which refers to and quotes Tennessee Code Annotated section 40-26-105, the statutory provision for writs of error *coram nobis* in criminal cases.

It is further ORDERED that the judgment filed with the original opinion, though unchanged by this order, shall be vacated, and the clerk of the appellate court shall re-enter said judgment on the date of filing the accompanying amended opinion. No further action is taken with respect to the petition to rehear.

PER CURIAM

(Witt, Woodall, Williams, JJ.)