

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE
AT KNOXVILLE

Assigned on Briefs June 23, 2026

FILED

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Clerk of the
Appellate Courts

**ANTHONY TODD GHORMLEY v. SHAWN PHILLIPS, WARDEN and
STATE OF TENNESSEE**

**Appeal from the Criminal Court for Morgan County
No. 2025-CR-160 Jeffery H. Wicks, Judge**

No. E2025-01904-CCA-R3-HC

The Petitioner, Anthony Todd Ghormley, appeals from the Morgan County Criminal Court's summary dismissal of his petition for a writ of habeas corpus from his convictions and his effective 105-year sentence. We affirm the judgment of the habeas corpus court.

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

ROBERT H. MONTGOMERY, JR., J., delivered the opinion of the court, in which TIMOTHY L. EASTER and STEVEN W. SWORD, JJ., joined.

Anthony Todd Ghormley, Wartburg, Tennessee, Pro Se.

Jonathan Skrmetti, Attorney General and Reporter; William C. Lundy, Senior Assistant Attorney General; and Russell Johnson, District Attorney General, for the appellee, State of Tennessee.

OPINION

In 2009, a Blount County jury convicted the Petitioner of two counts of attempted first degree murder, one count of especially aggravated kidnapping, one count of especially aggravated burglary, and three counts of aggravated assault. He received an effective 105-year sentence in confinement. *See State v. Anthony Todd Ghormley*, No. E2010-00634-CCA-R3-CD, 2012 WL 171940 (Tenn. Crim. App. Jan. 20, 2012). The

facts underlying his convictions were summarized by this court in a prior appeal as follows:

The proof at trial showed that on September 17, 2007, [the Petitioner] and his wife, Karen Van Dyke, had an argument while they were at the home of Gaynell Head, Van Dyke's grandmother. [The Petitioner] returned to his residence, and Van Dyke remained at Head's home, spending the night with Head and Candy Bussey, Van Dyke's cousin. Early in the morning of the next day, while the women were asleep, [the Petitioner] returned to the home. He forced his way through the locked front door and attacked the three women. He struck them each repeatedly with a baseball bat and cut them with a knife. Van Dyke escaped by jumping out a window, and she called police from a neighbor's house. Bussey fled out the front door, which [the Petitioner] had blocked with a chair to prevent entry into the house. When police arrived, [the Petitioner] took Head hostage and locked himself in the bathroom. After a standoff that lasted several hours, [the Petitioner] surrendered and was arrested.

See id. at *1.

On appeal, this court affirmed the judgments but reversed the trial court's denial of a competency hearing and remanded the case for a retrospective competency hearing. *Id.* at *9. Following a hearing, the trial court found the Petitioner was competent at the time of the trial. *See State v. Anthony Todd Ghormley*, No. E2013-01932-CCA-R3-CD, 2014 WL 5699517, at *1 (Tenn. Crim. App. Nov. 5, 2014), *perm. app. denied* (Tenn. Feb. 19, 2015). The Petitioner appealed that decision, and this court affirmed the judgment. *Id.* at *7.

On February 3, 2014, the Petitioner filed a petition for a writ of error coram nobis. *See Anthony Todd Ghormley v. State*, No. E2014-00363-CCA-R3-ECN, 2014 WL 7010774 (Tenn. Crim. App. Sept. 12, 2014), *perm. app. denied* (Tenn. Feb. 19, 2015). The coram nobis court denied relief, and this court affirmed. *Id.* at *4.

On February 22, 2016, the Petitioner filed a pro se petition for post-conviction relief. *See Anthony Todd Ghormley v. State*, No. E2018-01625-CCA-R3-PC, 2019 WL 6048908 (Tenn. Crim. App. Nov. 15, 2019). The post-conviction court denied relief, and this court affirmed. *Id.* at *11.

On March 13, 2019, the Petitioner filed a petition for a writ of habeas corpus in the Trousdale County Circuit Court, "alleging that his indictment was void because it failed to include the requisite level of *mens rea* for the charged offenses and that the 'affidavit of complaint' had been improperly amended, 'then used at trial . . . making the entire trial

unfair.” See *Anthony Todd Ghormley v. State*, No. M2019-01233-CCA-R3-HC, 2020 WL 2779855, at *2 (Tenn. Crim. App. May 28, 2020). The habeas corpus court summarily dismissed the petition finding that the Petitioner failed to state a colorable claim. *Id.* The habeas corpus court concluded that “the Petitioner had challenged his indictments on direct appeal and that the appellate court had found no defect in the indictments. As to the affidavit of complaint, the habeas corpus court found that any issue with the initial arrest warrant had been resolved by the return of the indictment.” *Id.* This court affirmed the habeas corpus court’s dismissal noting that the Petitioner had also failed to include with his petition a copy of the indictment and a copy of the affidavit of complaint and that the Petitioner failed to provide a satisfactory reason for the absence of those documents as required by Tennessee Code Annotated section 29-21-107(b)(2). *Id.* at *3. This court also “agree[d] with the habeas corpus court’s conclusion . . . [that] ‘the sufficiency of the affidavit of complaint and resultant arrest warrant are foreclosed by the finding of an indictment.’” *Id.* (citations omitted).

On September 24, 2025, the Petitioner filed the present petition for a writ of habeas corpus in the Morgan County Criminal Court contending that (1) “the court was without jurisdiction or authority to enter judgment without affirmatively following proper service process to maintain subject-matter jurisdiction over the criminal action relating to the charging instrument (indictment)” and (2) “the court was without jurisdiction or authority to enter judgment without affirmatively following proper service process to maintain subject-matter jurisdiction over the criminal action relating to the charging instrument (indictment).” In support of his claims, the Petitioner asserted that the affidavit of complaint and indictment were defective and that the grand jury lacked sufficient evidence to determine probable cause. The Petitioner also asserted that the indictment identified a legal entity, and not a person, because it spelled his name in all capital letters. The State countered that the Petitioner failed to comply with the statutory requirements for a writ of habeas corpus because he failed to provide a copy of his previous petition and proceedings and failed to provide a satisfactory reason for his failure to comply with the statutory requirements. See T.C.A. § 29-21-107(b)(4). Alternatively, the State asserted that any claim regarding the validity of the affidavit of complaint had already been adjudicated by this court, that any argument regarding the grand jury proceedings was not a cognizable ground for habeas corpus relief, and that the Petitioner’s name spelled in all capital letters did not nullify the validity of the indictment. In a written order, the habeas corpus court summarily denied relief concluding the Petitioner had “failed to show that his sentence is expired or illegal.” This appeal followed.

The Petitioner contends that the habeas corpus court erred by dismissing his petition. The Petitioner reasserts his claims set out in his petition. In support of his claims, he argues that the affidavit of complaint was defective because the affiant lacked personal knowledge, that the indictment was defective because it spelled his name in all

capital letters, and that the grand jury lacked sufficient evidence to find probable cause. The Petitioner also asserts that the habeas corpus court's written order dismissing his petition and the State's motion to dismiss his petition failed to comply with Tennessee Rule of Civil Procedure 12. The State counters that the Petitioner failed to comply with the statutory requirements for a writ of habeas corpus because he failed to provide a copy of his previous petition and proceedings and failed to offer a satisfactory reason for his failure to comply with the statutory requirements. *See id.* Alternatively, the State asserts that any claim regarding the validity of the affidavit of complaint has already been adjudicated by this court, that any argument regarding the grand jury proceedings is not a cognizable ground for habeas corpus relief, and that the Petitioner's name appearing in all capital letters does not nullify the validity of the indictment. The State also asserts that the habeas corpus court's order complies with Tennessee Code Annotated section 29-21-109 and that the Petitioner's claim regarding the State's motion to dismiss is waived. We agree with the State that the habeas corpus court did not err in dismissing the petition.

Habeas corpus relief is generally available to “[a]ny person imprisoned or restrained of liberty” whose judgment is void or whose sentence has expired. T.C.A. § 29-21-101 (2018); *see Tucker v. Morrow*, 335 S.W.3d 116, 119-20 (Tenn. Crim. App. 2009). A petitioner has the burden of proving by a preponderance of the evidence that a judgment is void or that a sentence has expired. *State v. Davenport*, 980 S.W.2d 407, 409 (Tenn. Crim. App. 1998). A void judgment exists if it appears from the face of the judgment or the record that the convicting court lacked jurisdiction or authority to sentence the defendant or that the defendant's sentence has expired. *Archer v. State*, 851 S.W.2d 157, 161 (Tenn. 1993); *see Moody v. State*, 160 S.W.3d 512, 515 (Tenn. 2005). In contrast, “[a] voidable judgment is one that is facially valid and requires proof beyond the face of the record or judgment to establish its invalidity.” *Summers v. State*, 212 S.W.3d 251, 256 (Tenn. 2007); *see State v. Ritchie*, 20 S.W.3d 624, 630 (Tenn. 2000).

Post-conviction relief, not habeas corpus relief, is the appropriate avenue of relief for certain voidable judgments. T.C.A. § 40-30-103 (2018); *see Vaughn v. State*, 202 S.W.3d 106, 115 (Tenn. 2006). A habeas corpus court may dismiss a petition for relief without an evidentiary hearing or the appointment of counsel when the petition fails to state a cognizable claim. *Yates v. Parker*, 371 S.W.3d 152, 155 (Tenn. Crim. App. 2012); *see T.C.A. § 29-21-109* (2012). The question of whether habeas corpus relief should be granted is a question of law, and this court will review the matter de novo without a presumption of correctness. *Hogan v. Mills*, 168 S.W.3d 753, 755 (Tenn. 2005).

Tennessee Code Annotated section 29-21-107 sets forth the requirements for a petition for a writ of habeas corpus as follows:

(a) Application for the writ shall be made by petition, signed either by the party for whose benefit it is intended, or some person on the petitioner's behalf, and verified by affidavit.

(b) The petition shall state:

(1) That the person in whose behalf the writ is sought, is illegally restrained of liberty, and the person by whom and place where restrained, mentioning the name of such person, if known, and, if unknown, describing the person with as much particularity as practicable;

(2) The cause or pretense of such restraint according to the best information of the applicant, and if it be by virtue of any legal process, a copy thereof shall be annexed, or a satisfactory reason given for its absence;

(3) That the legality of the restraint has not already been adjudged upon a prior proceeding of the same character, to the best of the applicant's knowledge and belief; and

(4) That it is first application for the writ, or, if a previous application has been made, a copy of the petition and proceedings thereon shall be produced, or satisfactory reasons be given for the failure so to do.

A habeas court may dismiss a petition that fails to comply with these requirements. *See Hickman v. State*, 153 S.W.3d 16, 21 (Tenn. 2004).

As an initial matter, the Petitioner has failed to produce a copy of the affidavit of complaint, the indictment,¹ and his prior petition for habeas corpus relief and the proceedings thereon as required by Tennessee Code Annotated section 29-21-107. The Petitioner asserts that he was unable to provide a copy of the statutorily required documents because the documents in his possession were confiscated by jail authorities and because he lacked funds to obtain copies. The record reflects that the Petitioner's trust fund account balance averaged less than fourteen dollars and contained less than one dollar in September 2025, when his petition was filed. This satisfies the statutory requirement that the Petitioner give a satisfactory reason for the absence of the required documents.

¹ The Petitioner's Petition for Habeas Corpus Relief contains typed portions of the affidavit of complaint and the indictment, both of which cite to "Underlying record." However, the appellate record does not contain a copy of either document.

Many of the Petitioner's claims rely on alleged deficiencies with the affidavit of complaint. The Petitioner asserts that the trial court lacked subject matter jurisdiction, rendering his conviction illegal and void, because the affidavit of complaint was deficient. Additionally, the Petitioner alleges that the grand jury's probable cause determination was void because it was based on a deficient affidavit of complaint. The State argues that the validity of the affidavit of complaint has previously been adjudicated, that any deficiencies to the affidavit of complaint were cured by the indictment, and that any allegation that the indictment was not supported by probable cause is not a cognizable basis for habeas corpus relief.

“[O]ur procedures do not contemplate that a petitioner may relitigate facts in a habeas corpus proceeding.” *Ritchie*, 20 S.W.3d at 633; *see also Jon Douglas Hall v. Ricky Bell*, No. M2011-00858-CCA-R3-HC, 2012 WL 1366612, at *2 (Tenn. Crim. App. Mar. 16, 2012) (“A previous adjudication of an issue bars a petitioner from raising the same issue in a subsequent petition for habeas corpus relief.”) (citation omitted), *perm. app. denied* (Tenn. Sept. 21, 2012). The Trousdale County habeas corpus court previously addressed the sufficiency of the affidavit of complaint in the Petitioner's case and concluded that “the sufficiency of the affidavit of complaint and resultant arrest warrant are foreclosed by the finding of an indictment.” *Anthony Todd Ghormley v. State*, 2020 WL 2779855, at *3. Likewise, this court has previously determined that the indictment in the Petitioner's case was valid and “accomplished the ‘overriding purpose’ of providing [the Petitioner] with notice of the charges against him.” *State v. Anthony Todd Ghormley*, 2012 WL 171940, at *9. We conclude that any alleged deficiencies in the affidavit of complaint were previously determined. The habeas corpus court did not err in concluding that the Petitioner's claims relating to the insufficiency of the affidavit of complaint must fail.

To the extent that the Petitioner alleges in his habeas corpus petition that the grand jury's probable cause determination was invalid, “the sufficiency and legality of the evidence considered by a grand jury is not subject to judicial review[,]” nor is it a basis for habeas corpus relief. *State v. Dixon*, 880 S.W.2d 696, 700 (Tenn. Crim. App. 1992); *see Hickman*, 153 S.W.3d at *20. The habeas corpus court did not err in concluding that the Petitioner is not entitled to relief on this basis.

The Petitioner also asserts that the indictment was facially defective because his name is spelled in all capital letters. The Petitioner contends that the capital letters denote a fictitious, artificial entity and not a person. The State argues that the Petitioner has produced no evidence to show the existence of such an entity and that this is not a cognizable ground for habeas corpus relief because it requires proof beyond the face of the judgment. “Habeas corpus relief is proper only if the petition establishes that the challenged judgment is void, as opposed to merely voidable.” *Hickman*, 153 S.W.3d at 20. “When a petitioner must offer proof beyond the record to establish the invalidity of a

conviction, the judgment is merely voidable and not void.” *Summers*, 212 S.W.3d at 258. The Petitioner has cited no authority for the proposition that the use of all capital letters in his name rendered the indictment void. The habeas corpus court did not err in concluding that the Petitioner is not entitled to relief on this basis.

The Petitioner contends that the State’s motion to dismiss his petition for a writ of habeas corpus failed to comply with Tennessee Rule of Civil Procedure 12 and was procedurally defective. The State argues that this claim is waived because the Petitioner failed to address the merits of this claim in his brief, as required by Tennessee Rules of Appellate Procedure 27(a)(7). A petitioner “is required on appeal to make appropriate references to the record in the argument portion of his brief and to cite relevant authority.” *See State v. Schaller*, 975 S.W.2d 313, 318 (Tenn. Crim. App. 1997); T.R.A.P. 27(a)(7). “Failure to do so will ordinarily constitute a waiver of the issue.” *Id.* (citing *State v. Hammons*, 737 S.W.2d 549, 552 (Tenn.Crim.App.1987)). Although the Petitioner’s brief contains a heading alleging that the State’s motion to dismiss was procedurally defective and failed to comply with Tennessee Rule of Civil Procedure 12, the Petitioner offers no argument or citations addressing any procedural deficiency regarding the motion. The Petitioner has waived this issue and is not entitled to relief on this basis.

The Petitioner also contends that the habeas corpus court’s written order failed to comply with Tennessee Rule of Civil Procedure 12.02. Specifically, the Petitioner asserts that the order “applied an incorrect legal standard for [a] Rule 12.02 motion to dismiss.” The State counters that the habeas corpus court’s dismissal of the habeas corpus petition was not governed by Rule 12.02, but by Tennessee Code Annotated section 29-21-109.

“The procedures governing habeas corpus petitions are codified at Tennessee Code Annotated sections 29-21-101 through 29-21-130.” *Hickman*, 153 S.W.3d at 20. “If, from the showing of the petitioner, the plaintiff would not be entitled to any relief, the writ may be refused, the reasons for such refusal being briefly endorsed upon the petition[.]” T.C.A. § 29-21-109. Accordingly, a habeas corpus court is not required to “include extensive findings of fact and conclusions of law in its dismissal order.” *Robert Wayne Garner v. Grady Perry, Warden*, No. M2024-01064-CCA-R3-HC, 2025 WL 1937344, at *4 (Tenn. Crim. App. July 15, 2025) (citations omitted), *perm. app. denied* (Tenn. Nov. 20, 2025). Here, the habeas corpus court’s order complied with the statutory requirements because it reflected that the Petitioner failed to show that the judgment was illegal or that the sentence was expired. The Petitioner is not entitled to relief on this basis.

The Morgan County habeas corpus court did not err by summarily dismissing the petition. In consideration of the foregoing and the record as a whole, the judgment of the habeas corpus court is affirmed.

s/Robert H. Montgomery, Jr
ROBERT H. MONTGOMERY, JR., JUDGE