

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE  
AT JACKSON

Assigned on Briefs October 1, 2024

FILED

01/28/2025

Clerk of the  
Appellate Courts

**ZION HOUSTON v. STATE OF TENNESSEE**

**Appeal from the Circuit Court for Madison County**  
**No. C-23-225      Donald H. Allen, Judge**

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**No. W2023-01637-CCA-R3-PC**

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MATTHEW J. WILSON, J., dissenting.

In accordance with the reasoning set forth in this court's recent opinion in *Jarrett v. State*, I would dismiss Petitioner's appeal due to his failure to file a timely notice of appeal and his failure to acknowledge that his notice of appeal is untimely or otherwise request that this court accept his late-filed notice of appeal. *See Jarrett v. State*, No. W2023-01636-CCA-R3-PC, 2024 WL 4851587, at \*1 (Tenn. Crim. App. Nov. 21, 2024). This court has recognized that the appellant has the burden of properly perfecting his appeal or demonstrating that the interest of justice warrants waiver of the timely filing requirement. *See State v. Manning*, No. E2022-01715-CCA-R3-CD, 2023 WL 7439203, at \*2 (Tenn. Crim. App. Nov. 9, 2023) (citing *State v. Thomas*, No. W2022-00109-CCA-R3-CD, 2023 WL 328337, at \*3 (Tenn. Crim. App. Jan. 20, 2023), *perm. app. denied* (Tenn. June 7, 2023)), *perm. app. denied* (Tenn. May 16, 2024). Because Petitioner failed to acknowledge that his notice of appeal was untimely or otherwise request that this court accept his late-filed notice of appeal, I conclude that he has failed to meet his burden of establishing that the interest of justice warrants waiver of the timely filing requirement. Therefore, I must, respectfully, dissent.

s/ Matthew J. Wilson  
MATTHEW J. WILSON, JUDGE