

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE  
AT NASHVILLE  
Assigned on Briefs June 16, 2026

**FILED**  
06/24/2026  
Clerk of the  
Appellate Courts

**STATE OF TENNESSEE v. BILLY JOE BAGGETT**

**Appeal from the Circuit Court for Montgomery County  
No. CC18-CR-2 William R. Goodman, III, Judge**

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**No. M2025-00033-CCA-R3-HC**

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Defendant, Billy Joe Baggett, appeals the Montgomery County Circuit Court’s dismissal of his motion to correct an illegal sentence pursuant to Tennessee Rule of Criminal Procedure 36.1. Upon review, we affirm the judgment of the trial court.

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

MATTHEW J. WILSON, J., delivered the opinion of the court, in which ROBERT L. HOLLOWAY, JR., and J. ROSS DYER, JJ., joined.

Nicholas A. Bellamy, Clarksville, Tennessee, for the appellant, Billy Joe Baggett.

Jonathan Skrmetti, Attorney General and Reporter; Ronald L. Coleman, Senior Assistant Attorney General; Robert J. Nash, District Attorney General; and Kayla M. McBride, Assistant District Attorney General, for the appellee, State of Tennessee.

**OPINION**

**Factual and Procedural Background**

In 2018, a Montgomery County grand jury indicted Defendant on one count of burglary of a building other than a habitation and one count of theft of property over \$1,000. Defendant pleaded no contest to the burglary, a Class D felony, in exchange for the State dismissing the theft charge. In addition, the State agreed to a Range III sentence of ten

years,<sup>1</sup> suspended to probation, even though the State claimed at the plea hearing that Defendant was a career offender.<sup>2</sup>

At the plea hearing, the trial court noted that the State had not filed a “range notice,” to which the prosecutor replied: “No. Well, we haven’t gotten to trial, at that point. But I have certainly talked to the defense attorney about that and he’s aware.” The court explained to Defendant that he was receiving a Range III sentence of ten years when he otherwise would receive the maximum sentence of twelve years as a career offender. Defendant specifically acknowledged that he had negotiated the ten-year sentence and asked the trial court to sentence him accordingly. The court accepted the agreement and sentenced Defendant to ten years suspended to probation.

Defendant’s stint on probation was unsuccessful. After repeated violations, the trial court partially revoked Defendant’s probation in 2022. Defendant was reinstated but continued to violate the terms of his probation. In 2023, the trial court fully revoked Defendant’s probation and ordered him to serve his original sentence in confinement.

In October 2024, Defendant filed a pro se petition for a writ of habeas corpus and a Rule 36.1 motion to correct an illegal sentence. The habeas petition and the Rule 36.1 motion raised the same issue: whether the State’s failure to provide written notice of its intent to seek enhanced punishment renders Defendant’s Range III sentence illegal and requires resentencing as a Range I offender. The trial court appointed counsel, and counsel filed a “Brief in Support of Pro Se Motion to Correct Illegal Sentence.” After a hearing, the court dismissed the habeas petition and denied the Rule 36.1 motion, finding that Defendant failed to show that his sentence was illegal. This appeal followed.

### **Analysis**

On appeal, Defendant contends that the trial court erred in denying his Rule 36.1 motion to correct an illegal sentence. He does not, however, challenge the dismissal of his habeas petition. He argues that because the State failed to provide written notice of its intent to seek enhanced punishment, his Range III sentence is illegal under Tennessee Code Annotated section 40-35-202(a) and that he is entitled to resentencing as a Range I

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<sup>1</sup> A Range III sentence for a Class D felony is “not less than eight (8) nor more than twelve years (12).” Tenn. Code Ann. § 40-35-112(c)(4).

<sup>2</sup> “A career offender is a defendant who has received: [a]t least six (6) prior felony convictions of any classification if the defendant’s conviction offense is a Class D or Class E felony.” Tenn. Code Ann. § 40-35-108(a)(3). Career offenders receive the maximum sentence within Range III. *Id.* § 108(c).

offender. The State argues that Defendant failed to state a colorable claim under Rule 36.1 and that the trial court's denial of Defendant's motion was proper. We agree with the State.

Tennessee Rule of Criminal Procedure 36.1 provides a procedural mechanism for either the defendant or the State to move "to correct an illegal sentence by filing a motion . . . in the trial court in which the judgment of conviction was entered." Tenn. R. Crim. P. 36.1(a)(1); *State v. Brown*, 479 S.W.3d 200, 208-09 (Tenn. 2015). "If the trial court determines that the motion fails to state a colorable claim, it shall enter an order summarily denying the motion." Tenn. R. Crim. P. 36.1(b)(2). A colorable claim is one "that, if taken as true and viewed in a light most favorable to the moving party, would entitle the moving party to relief under Rule 36.1." *State v. Wooden*, 478 S.W.3d 585, 593 (Tenn. 2015). Whether a Rule 36.1 motion states a colorable claim is a question of law that this court reviews de novo. *Id.* at 589.

"[A]n illegal sentence is one that is not authorized by the applicable statutes or that directly contravenes an applicable statute." Tenn. R. Crim. P. 36.1(a)(2). However, "few sentencing errors render [a sentence] illegal." *Wooden*, 478 S.W.3d at 595. Examples of illegal sentences include "sentences imposed pursuant to an inapplicable statutory scheme, sentences designating release eligibility dates where early release is statutorily prohibited, sentences that are ordered to be served concurrently where statutorily required to be served consecutively, and sentences not authorized by any statute for the offenses." *Id.* "[A]ttacks on the correctness of the methodology by which a trial court imposed [a] sentence" are appealable errors that do not rise to the level of illegal sentences. *Id.*

Defendant's claim that his sentence is illegal because the State did not file written notice of its intent to seek enhanced punishment must fail. This court repeatedly has concluded that "alleging inadequate notice of the State's intent to seek enhanced punishment relates to the underlying sentencing procedure, not the legality of the sentence" and is, therefore, "not a cognizable claim in a Rule 36.1 motion." *State v. Merriweather*, No. M2021-01278-CCA-R3-CD, 2022 WL 1573183, at \*2 (Tenn. Crim. App. May 19, 2022) (citing *State v. Christopher Hubbard*, No. W2016-01263-CCA-R3-CD, 2017 WL 244116, at \*2 (Tenn. Crim. App. Jan. 20, 2017)); *see also State v. Godwin*, No. W2023-01483-CCA-R3-CD, 2024 WL 3272063, at \*2 (Tenn. Crim. App. July 2, 2024), *perm. app. denied* (Tenn. Nov. 14, 2024); *State v. Bigbee*, No. M2014-01999-CCA-R3-CD, 2015 WL 5968524, at \*2 (Tenn. Crim. App. Oct. 14, 2015). Defendant failed to allege a cognizable claim; therefore, the trial court did not err by denying Defendant's Rule 36.1 motion.

## **Conclusion**

Accordingly, we affirm the judgment of the trial court.

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