

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE  
AT NASHVILLE  
Assigned on Briefs May 12, 2026

FILED

06/26/2026

Clerk of the  
Appellate Courts

**JEREMY JAMES DALTON v. STATE OF TENNESSEE**

**Appeal from the Criminal Court for Fentress County**  
**Nos. 2025-CR-60, 2025-CR-61 Zachary R. Walden, Judge**

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**No. M2025-01530-CCA-R3-ECN**

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Petitioner, Jeremy James Dalton, appeals from the Fentress County Criminal Court's summary dismissal of his pro se petition for writ of error coram nobis as untimely. Based on our review, we affirm the judgment of the coram nobis court.

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

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

Jeremy James Dalton, Whiteville, Tennessee, Pro Se.

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

**OPINION**

Petitioner was convicted of attempted first degree murder and sentenced to forty years' incarceration for stabbing his neighbor. *State v. Dalton*, No. M2023-01588-CCA-R3-CD, 2024 WL 5182923, at \*1 (Tenn. Crim. App. Dec. 20, 2024), *perm. app. denied* (Tenn. Apr. 17, 2025). On September 4, 2018, Petitioner went to the victim's house sometime after dark to take a shower. While there, Petitioner procured a knife from the kitchen and stabbed the victim in the throat several times before stabbing the victim in the back of the head, where the knife became lodged in the victim's skull. *Id.* at 2. Petitioner then hit the victim "across the nose" with the victim's mother's cane "at full force." *Id.*

The victim was treated at the Fentress County Hospital. Hospital staff alerted law enforcement, and officers talked to the victim, "who was conscious but was bleeding

heavily and had a knife sticking out of his head.” *Id.* at \*1. The victim told police that Petitioner ““had come to the residence to take a shower and just went off and started stabbing him.”” *Id.* Officers found Petitioner hiding in a briar thicket and arrested him. Petitioner told police the victim and his mother were ““serial killers’ who tortured children with [e]lectrodes hanging from trees.”” *Id.* at \*2. Petitioner admitted to police that he attacked the victim with a knife but then claimed he took the knife away from the victim. *Id.*

At trial, Petitioner testified that the victim “pulled [a] knife” on him and “started striking” at him. *Id.* at \*3. Petitioner admitted that he stabbed the victim “three times” with the knife. He testified he was “out of his mind” at the time of the incident and that he was a heavy drug user and had not slept for multiple days. *Id.*

Petitioner was convicted by a jury and sentenced by the trial court to forty years. The judgment of conviction was entered on November 16, 2021.<sup>1</sup> This Court affirmed Petitioner’s conviction on appeal, and the Tennessee Supreme Court denied his application for permission to appeal. *Id.* at \*1.

Sometime during his trial, Petitioner filed a request for public records which was denied. *Dalton v. Clerks of Courts in Fentress Cnty.*, No. M2020-01658-COA-R3-CV, 2021 WL 2452154, at \*1 (Tenn. Ct. App. June 16, 2021), *no perm. app. filed*. Petitioner filed a pro se petition for writ of mandamus in the Fentress County Chancery Court. The chancery court found that Petitioner’s pleadings and filings were “woefully insufficient, and do not even come close to following the [Tennessee Rules of Civil Procedure]’ and are largely illegible and ‘nonsensical.’” *Id.* Petitioner appealed, and the Tennessee Court of Appeals in a memorandum opinion dismissed the appeal for Petitioner’s “failure ‘to comply with the basic briefing requirements set out in the Tennessee Rules of Appellate Procedure[.]’” *Id.* (citation omitted).

In October 2021, Petitioner filed an action against the Blount County Sheriff and Blount County, seeking possession of a phone book Petitioner alleged was taken from him while incarcerated during the pendency of his criminal trial. *Dalton v. Blount Cnty et. al.*, No. E2024-00904-COA-R3-CV, 2025 WL 1114343, at \*1 (Tenn. Ct. App. Apr. 15, 2025), *no perm. app. filed*. The Blount County Chancery Court dismissed the petition for failure to state a claim, and Petitioner appealed. The Tennessee Court of Appeals again dismissed Petitioner’s appeal for failure to comply with the Tennessee Rules of Appellate Procedure and the Rules of the Court of Appeals. *Id.* at \*5.

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<sup>1</sup> The State, relying on the coram nobis court’s order dismissing Petitioner’s petition, inaccurately states that the judgment was entered on October 17, 2023. Petitioner did not attach the judgment of conviction to his petition or include it in the appellate record; however, this Court can take judicial notice of its own records. *See* Tenn. R. App. P. 13(c); *Harris v. State*, 301 S.W.3d 141, 147 n.4 (Tenn. 2010).

On July 8, 2025, Petitioner filed an “Actual Innocence Petition” in the Fentress County Circuit Court, which the court treated as a petition for writ of error coram nobis. Relying on Tennessee Code Annotated sections 40-30-501, -502, Petitioner alleged that the evidence against him at trial was fabricated and that he lacked capacity to form the requisite mens rea to commit the offense. On August 6, 2025, the coram nobis court entered an order summarily dismissing the petition as untimely. The court observed that “Tenn. Code Ann. § 40-3[0]-501” does not exist.<sup>2</sup> The court concluded that Petitioner was not entitled to due process tolling of the statute of limitations because none of his claims involved newly discovered evidence and that Petitioner had access to the information and documents he referenced in his petition prior to trial.

Petitioner appeals from the coram nobis court’s order.

A writ of error coram nobis lies “for subsequently or newly discovered evidence relating to matters which were litigated at the trial if the judge determines that such evidence may have resulted in a different judgment, had it been presented at the trial.” T.C.A. § 40-26-105(b); *State v. Hart*, 911 S.W.2d 371, 374 (Tenn. Crim. App. 1995). It is an “*extraordinary* procedural remedy . . . into which few cases fall.” *State v. Mixon*, 983 S.W.2d 661, 672 (Tenn. 1999) (emphasis in original) (citation omitted); see T.C.A. § 40-26-105(b). “[T]he petition must be pled with specificity,” and an evidentiary hearing need only be conducted by the trial court when essential. *Clardy v. State*, 691 S.W.3d 390, 400-01 (Tenn. 2024).

A petition for a writ of error coram nobis must be filed within one year after the challenged judgment becomes final. T.C.A. § 27-7-103. For the purposes of coram nobis relief, a judgment becomes final thirty days after the entry of the judgment in the trial court if no post-trial motion is filed, or upon entry of an order disposing of a timely filed post-trial motion. *Mixon*, 983 S.W.2d at 670. The timeliness of the petition is an essential element that must be set forth on its face. *Nunley v. State*, 552 S.W.3d 800, 828 (Tenn. 2018). This one-year limitation, however, may be tolled on due process grounds if a petition seeks relief “based upon new evidence of actual innocence discovered after expiration of the limitations period.” *Id.* at 828-29. The facts demonstrating the need for equitable tolling also must be set forth on the face of the petition. *Id.* at 829.

Only after determining that due process requires the tolling of the statute of limitations should the trial court consider the merits of the petitioner’s claims. *Clardy*, 691

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<sup>2</sup> The court’s order appears to contain a typo. The order states, “Tenn. Code Ann. § 40-35-501”; however, Petitioner clearly references sections 40-30-501 and 502 in his petition. Tennessee Code Annotated section 40-35-501 governs eligibility for and calculations related to parole.

S.W.3d at 409. To meet the clear and convincing standard of proof, the evidence offered must not be “vague and uncertain,” and there must be “no serious or substantial doubt about the correctness of the conclusions drawn from the evidence.” *Id.* at 408 (quoting *State v. Jones*, 450 S.W.3d 866, 893 (Tenn. 2014)). Therefore, to toll the statute of limitations for coram nobis proceedings, “the new evidence of actual innocence, if credited, should leave the court with no serious or substantial doubt that the petitioner is actually innocent.” *Id.*

The decision to grant or deny coram nobis relief rests within the sound discretion of the coram nobis court, *see State v. Vasques*, 221 S.W.3d 514, 525-28 (Tenn. 2007), but “[w]hether due process considerations require tolling of a statute of limitations is a mixed question of law and fact, which we review de novo with no presumption of correctness,” *Nunley*, 552 S.W.3d at 830 (citation omitted).

Other than a citation to House Bill 601/Senate Bill 256, which Petitioner erroneously states created Tennessee Code Annotated section 40-30-501 and removed the “time bar of [one] year and other limitations,” Petitioner’s brief contains no citation to the record or to legal authority. While this Court “has traditionally relaxed the Rules of Appellate Procedure in cases involving a pro se defendant,” *State v. Williams*, No. W2020-00281-CCA-R3-CD, 2021 WL 5143823, at \*10 (Tenn. Crim. App. Nov. 4, 2021), *no perm. app. filed*, pro se litigants nevertheless “must comply with the same substantive and procedural law to which represented parties must adhere,” *State v. Herron*, No. E2024-01216-CCA-R3-CD, 2025 WL 2701457, at \*5 (Tenn. Crim. App. Sept. 23, 2025) (citation omitted), *perm. app. denied* (Feb. 25, 2026).

We agree with the State that the Defendant has waived consideration of his issues for failure to provide an adequate brief. Rule 27(a)(7) of the Tennessee Rules of Appellate Procedure provides in part that a brief shall contain “[a]n argument . . . setting forth . . . the contentions of the appellant with respect to the issues presented, and the reasons therefor, including the reasons why the contentions require appellate relief, with citations to the authorities and appropriate references to the record . . . relied on[.]” Tenn. R. App. P. 27(a)(7). Rule 10(b) of this Court provides that “Issues which are not supported by argument, citation to authorities, or appropriate references to the record will be treated as waived in this court.” Tenn. Ct. Crim. App. R. 10(b). “When a pro se litigant fails to ‘even remotely’ satisfy Tennessee Rules of Appellate Procedure 27(a) and Tennessee Court of Criminal Appeals Rule 10, this court will consider the issues waived.” *Herron*, 2025 WL 2701457, at \*5.

In addition to the inadequacies in Petitioner’s brief, his petition was filed more than eighteen months after his judgment became final.<sup>3</sup> Petitioner does not acknowledge in either his petition or his appellate brief the untimeliness of the petition. He has not set forth any facts demonstrating the need for equitable tolling of the one-year statute of limitations.

#### CONCLUSION

For the foregoing reasons, we affirm the coram nobis court’s summary dismissal of Petitioner’s petition.

*s/Timothy L. Easter*

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TIMOTHY L. EASTER, JUDGE

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<sup>3</sup> Petitioner’s motion for new trial was denied by order dated November 16, 2023, and the judgment became final thirty days later. *See State v. Brown*, 479 S.W.3d 200, 205-06 (Tenn. 2015); *see Mixon*, 983 S.W.2d at 670. Petitioner filed his error coram nobis petition on June 11, 2025.