

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE
AT JACKSON

Assigned on Briefs November 4, 2025

ISAAC MCDONALD v. STATE OF TENNESSEE

Appeal from the Circuit Court for Madison County
No. C-24-116 Kyle C. Atkins, Judge

No. W2025-00421-CCA-R3-PC

The Petitioner, Isaac McDonald, appeals from the Madison County Circuit Court’s denial of his petition for post-conviction relief, arguing that trial counsel rendered ineffective assistance by failing to adequately review or provide him copies of discovery materials, by failing to adequately explain the terms of his plea agreement, and by coercing him into pleading guilty. Discerning no error, we affirm.

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

STEVEN W. SWORD, J., delivered the opinion of the court, in which J. ROSS DYER and JOHN W. CAMPBELL, SR., JJ., joined.

Joshua Lee Phillips, Lexington, Tennessee, for the appellant, Isaac McDonald, Jr.

Jonathan Skrmetti, Attorney General and Reporter; Abigail H. Hornsby, Assistant Attorney General; Jody Pickens, District Attorney General; and Shaun A. Brown, Assistant District Attorney General, for the appellee, State of Tennessee.

OPINION

I. FACTUAL AND PROCEDURAL HISTORY

This case arises from the Petitioner’s eleven charges in three Madison County Circuit Court cases. In case number 22-405, the Petitioner was charged with a violation of community supervision for life and a violation of the sex offender registry. In case number 22-587, the Petitioner was charged with two counts of possession of more than 0.5 grams of methamphetamine with the intent to sell or deliver, two counts of possession of a firearm with the intent to go armed during the commission of a dangerous felony, two counts of

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unlawful possession of a firearm by a convicted felon, and one count each of unlawful removal of a registration plate and failure to maintain lane. In case number 22-750, the Petitioner was charged with an additional violation of community supervision for life. Pursuant to a negotiated plea agreement, the Petitioner pled guilty as charged on September 19, 2023.¹

At the Petitioner's guilty plea submission hearing, the State recited each of the Petitioner's charges, and the Petitioner testified that he had no questions for either trial counsel or the trial court and that he understood his charges. He also agreed that he was satisfied with trial counsel's representation. Through counsel, the Petitioner stipulated that the factual bases for his charges as outlined in the indictments were substantially correct. The trial court then recited the Petitioner's charges, noted their applicable sentences, and stated that certain of the Petitioner's charges would merge if he pled guilty. During its discussion of the applicable sentences, the trial court also noted that certain counts would be aligned consecutively. The trial court asked the Petitioner if he understood what consecutive sentencing meant, and the Petitioner responded that he did, stating that consecutive sentences would be "separate."

The trial court also informed the Petitioner that pursuant to his negotiated plea agreement, he would receive "a sentence to serve getting credit for time served" with "[n]o work release [or] post-plea expungement." The trial court recited other terms of the Petitioner's negotiated plea agreement, and the Petitioner affirmed that he understood them. Trial counsel requested that the trial court waive fines, and the trial court agreed to do so for certain of the Petitioner's convictions. At the conclusion of this colloquy, the trial court asked the Petitioner if he felt like he "underst[oo]d it fully," and the Petitioner affirmed that he did. The Petitioner pled guilty, and the trial court accepted his guilty plea, finding that his plea was "freely, voluntarily, and intelligently made." The trial court merged the Petitioner's convictions in case number 22-405 into a single conviction. In case number 22-587, the trial court merged each of the Petitioner's convictions of possession of more than 0.5 grams of methamphetamine with the intent to sell or deliver, possession of a firearm with the intent to go armed during the commission of a dangerous felony, and unlawful possession of a firearm by a convicted felon into single convictions, respectively. The trial court imposed partially consecutive sentences, resulting in an effective sentence of thirteen years' incarceration.

On May 2, 2024, the Petitioner filed a *pro se* petition for post-conviction relief, which challenged, among other issues, the sufficiency of the evidence and the effectiveness

¹ The record does not include the underlying indictments, the plea agreement, or the judgments of conviction in this case. However, as explained further below, the parties on appeal largely agree as to the nature of the Petitioner's convictions and the sentences imposed.

of trial counsel. Regarding his latter claim, the Petitioner argued that trial counsel “coerced” him into accepting the negotiated plea agreement and never “showed any entrence [sic] in my case.” The State filed a response and motion to dismiss the petition on May 7, 2024. On May 14, 2024, the post-conviction court found that the petition raised a colorable claim for relief and appointed post-conviction counsel with instructions to file an amended petition or a notice that no amended petition would be filed within thirty days. No amended petition or notice was filed.

The post-conviction court held an evidentiary hearing on February 18, 2025. The Petitioner testified that he met with trial counsel three or four times and that trial counsel did not review any discovery materials with him during these meetings. The Petitioner averred that he did not “know anything about [his] case before [he] came to court and pled guilty.” He stated that he did not understand the meanings of the terms “stipulate,” “concurrent,” “consecutive,” or “Range I” prior to pleading guilty. Although the Petitioner agreed that trial counsel explained “what [his] charges meant” and their associated sentencing ranges, he later averred that trial counsel did not inform him of the associated sentencing range for his charge of possession of a firearm with the intent to go armed during the commission of a dangerous felony. He also stated that trial counsel did not explain that certain of his charges would be merged if he pled guilty.

The Petitioner testified that trial counsel first reviewed the terms of his negotiated plea agreement with him on the day he pled guilty and that he did so only for “[a] few minutes.” He stated that he had been previously convicted and that trial counsel advised him that if he did not accept the State’s plea offer, the State was likely to seek maximum sentences for each of his convictions. He also testified that trial counsel told him “if [he] didn’t take the plea that [he was] going to be f*****.” The Petitioner averred that this made him feel as though he “had no option” but to plead guilty. The Petitioner further stated that trial counsel advised him that certain of his drug charges would be dismissed pursuant to the negotiated plea agreement. He asserted that had he known that trial counsel had failed to negotiate the dismissal of certain charges, he would have neither pled guilty nor testified during his guilty plea submission hearing that he was satisfied with trial counsel’s representation.

The Petitioner conceded that he affirmed during his guilty plea submission hearing that he understood the terms of his negotiated plea agreement and his sentence but averred that he only did so because trial counsel forced him to. He stated that prior to his guilty plea submission hearing, trial counsel advised him to “just be quiet” and “go along with everything” during the hearing. He also recalled that he attempted to speak to the trial court during his guilty plea submission hearing, but that trial counsel “told [him] to be quiet.”

The Petitioner testified that he now understood the nature of his charges because post-conviction counsel reviewed discovery and explained it to him. He maintained that if he had previously understood the nature of his charges, he would not have pled guilty. He also averred that he “at no point” understood the nature of his charges or the terms of his plea agreement prior to his pleading guilty.

On cross-examination, the Petitioner recalled that the trial court reviewed the terms of his plea agreement with him “at great length” during his guilty plea submission hearing, including the drug charges the Petitioner claimed should have been dismissed. He agreed that the trial court agreed to waive certain fines upon trial counsel’s request and averred that he was satisfied with trial counsel’s performance in this regard. He agreed that he “fully understood” what he was doing, that he “fully agreed to the plea,” and that the trial court “explained everything to [him].” On redirect examination, he stated that the only reason he did not ask any questions during his guilty plea submission hearing was that trial counsel advised him not to.

Trial counsel testified that he met with the Petitioner at the Madison County jail several times before the Petitioner pled guilty. He also noted that he exchanged letters and text messages with the Petitioner throughout the course of his representation. He conceded that he may not have provided the Petitioner with personal copies of his discovery materials but, nevertheless, testified that he “reviewed the discovery with [him] in person at the jail.”

Trial counsel did not recall explaining the meaning of merger or stipulations to the Petitioner, but he was “very confident” that they “discussed the difference between concurrent and consecutive sentencing.” He was unsure of how long he reviewed the terms of the Petitioner’s negotiated plea agreement with the Petitioner. He noted that he consulted with the Petitioner’s prior counsel to determine “his exposure” based upon his prior convictions. Trial counsel stated he would neither have told the Petitioner that charges would be dismissed if the State did not offer to dismiss them nor otherwise advised him in a manner inconsistent with the negotiated plea agreement.

Trial counsel recalled that the State initially proposed a sentence of twenty-one years’ incarceration in exchange for the Petitioner’s plea of guilty. Trial counsel testified that he and the Petitioner discussed the terms of that offer, as well as “the prior offers that had been made,” before the Petitioner ultimately pled guilty as charged and received a sentence of thirteen years’ incarceration. Trial counsel did not recall telling the Petitioner that “if he didn’t take this plea[,] he was f*****,” although he testified that he informed the Petitioner that it was his professional opinion that accepting the State’s plea offer was in his best interest. He explained that he believed the “offer that he got was a good offer” and “was much less than the offer that [the Petitioner] started out with.” Trial counsel denied forcing the Petitioner to plead guilty. On cross-examination, trial counsel

characterized his relationship with the Petitioner as “very good” throughout the course of his representation.

Post-conviction counsel argued that this proof established that trial counsel provided ineffective assistance by failing to “explain certain terms” and by “possibly” failing to provide the Petitioner with copies of his discovery materials. Post-conviction counsel further argued that due to trial counsel’s ineffective assistance, the Petitioner had been deprived of the opportunity to independently review the evidence against him and, thus, was unable to knowingly or intelligently plead guilty. He also argued that trial counsel’s ineffective assistance made the Petitioner feel as though he had no choice but to plead guilty and that “if he would have known what he knows now . . . he never would have entered into the plea.” The State did not respond but stated that it relied upon trial counsel’s testimony.

At the conclusion of the evidentiary hearing, the post-conviction court denied post-conviction relief, finding that the Petitioner had failed to establish by clear and convincing evidence that trial counsel’s performance was either deficient or prejudicial to his defense. Specifically, the post-conviction court accredited trial counsel’s testimony that he visited the Petitioner at the Madison County jail multiple times, during which he reviewed “videos” with the Petitioner. The post-conviction court further accredited both the Petitioner’s and trial counsel’s testimonies that trial counsel explained the terms of the negotiated plea agreement, the nature of the charges, and the applicable sentencing ranges if he pled guilty. The post-conviction court noted that the Petitioner stated under oath during his guilty plea submission hearing that he understood the terms of his negotiated plea agreement and his sentence, and further explained what consecutive sentencing meant upon questioning by the trial court. Additionally, the post-conviction court found that trial counsel’s telling the Petitioner he would be “in a bad way if he didn’t take the plea” was effective representation because it advised the Petitioner of counsel’s professional opinion. The post-conviction court further concluded that the Petitioner had failed to demonstrate prejudice resulting from any of trial counsel’s allegedly deficient actions.

The post-conviction court entered a written order denying post-conviction relief and incorporating its oral findings of fact and conclusions of law from the evidentiary hearing on March 13, 2025. This timely appeal followed.

II. ANALYSIS

On appeal, the Petitioner argues that trial counsel rendered ineffective assistance by failing to adequately review or provide him with copies of discovery materials, by failing to adequately explain the terms of his plea agreement, and by coercing him into pleading

guilty. The State responds that the post-conviction court appropriately denied relief. We agree with the State.

The Post-Conviction Procedure Act provides relief only when the petitioner’s “conviction or sentence is void or voidable because of the abridgment of any right guaranteed by the Constitution of Tennessee or the Constitution of the United States.” Tenn. Code Ann. § 40-30-103. In a post-conviction proceeding, the petitioner has the burden of proving his allegations by clear and convincing evidence. Tenn. Code Ann. § 40-30-110(f); Tenn. S. Ct. R. 28, Sec. 8(D)(1). “Evidence is clear and convincing when there is no serious or substantial doubt about the correctness of the conclusions drawn from the evidence.” *Hicks v. State*, 983 S.W.2d 240, 245 (Tenn. Crim. App. 1998) (citing *Hodges v. S.C. Toof & Co.*, 833 S.W.2d 896, 901 n.3 (Tenn. 1992)). The post-conviction court’s findings of fact are conclusive on appeal unless the evidence preponderates against them, *Kendrick v. State*, 454 S.W.3d 450, 457 (Tenn. 2015) (citations omitted), while its application of the law to those factual findings and the conclusions drawn therefrom are reviewed *de novo* with no presumption of correctness, *Holland v. State*, 610 S.W.3d 450, 455 (Tenn. 2020) (citations omitted).

Both the Constitution of the United States and the Constitution of Tennessee provide the criminal defendant the right to the effective assistance of counsel. U.S. Const. amend. VI (“In all criminal prosecutions, the accused shall enjoy the right . . . to have the Assistance of Counsel for his defense.”); Tenn. Const. art. 1, § 9 (“That in all criminal prosecutions, the accused hath the right to be heard by himself and his counsel”); *see also Davidson v. State*, 453 S.W.3d 386, 392-93 (Tenn. 2014). To succeed on a claim of the ineffective assistance of counsel, the post-conviction petitioner must prove, and the record must affirmatively establish, both that counsel performed deficiently and that this deficient performance adversely impacted the petitioner’s defense. *Strickland v. Washington*, 466 U.S. 668, 693 (1984); *Baxter v. Rose*, 523 S.W.2d 930, 936 (Tenn. 1975). *Strickland*’s two-pronged standard also applies to petitioners alleging the ineffective assistance of counsel regarding a guilty-pled conviction; in that context, a post-conviction petitioner “must establish a reasonable probability that, but for the errors of his counsel, he would not have entered the plea.” *Adkins v. State*, 911 S.W.2d 334, 349 (Tenn. Crim. App. 1994 (citing *Hill v. Lockhart*, 474 U.S. 52, 59 (Tenn. 1985))). “A court need not address both prongs if the petitioner fails to demonstrate either one of them.” *Davidson*, 453 S.W.3d at 393. Each element of the *Strickland* analysis of an ineffective assistance of counsel claim is a mixed question of law and fact that this court reviews *de novo*. *Phillips v. State*, 647 S.W.3d 389, 400 (Tenn. 2022) (citing *Dellinger v. State*, 279 S.W.3d 282, 294 (Tenn. 2009)); *Kendrick*, 454 S.W.3d at 457.

Deficient performance is that which, in consideration of “all the circumstances” and the prevailing professional norms at the time of counsel’s representation, falls below an

objective standard of reasonableness. *Id.* (quoting *Strickland*, 466 U.S. at 688). We defer to counsel's strategic and tactical decisions, even if such decisions were unsuccessful or harmful to the defense, so long as they were "informed ones based upon adequate preparation." *Moore v. State*, 485 S.W.3d 411, 419 (Tenn. 2016) (citing *Goad v. State*, 938 S.W.2d 363, 369 (Tenn. 1996)). In other words, so long as counsel's decisions are made after adequate preparation, this court "will not grant the petitioner the benefit of hindsight, second-guess a reasonably based trial strategy, or provide relief on the basis of a sound, but unsuccessful, tactical decision made during the course of the proceedings." *Berry v. State*, 366 S.W.3d 160, 172-73 (Tenn. Crim. App. 2011). Thus, a petitioner who alleges the ineffective assistance of counsel must, through clear and convincing evidence, overcome the strong presumption "that, under the circumstances, the challenged action might be considered sound trial strategy." *Strickland*, 466 U.S. at 689 (citation omitted).

The post-conviction petitioner must also prove that counsel's deficient performance affected the outcome of his or her trial; that is, there must be "a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." *Id.* at 694. A reasonable probability is that which is "sufficient to undermine confidence in the outcome" of the trial. *Id.* Accordingly, "a petitioner must establish that counsel's deficient performance was of such a degree that it deprived him of a fair trial and called into question the reliability of the outcome." *Mobley v. State*, 397 S.W.3d 70, 81 (Tenn. 2013) (internal quotation marks omitted) (quoting *Pylant v. State*, 263 S.W.3d 854, 869 (Tenn. 2008)). When a petitioner claims ineffective assistance of counsel in a case which resulted in a guilty plea, as is the case here, the petitioner "must show a reasonable probability that, but for trial counsel's deficient performance, 'he would not have pled guilty and would have insisted on going to trial.'" *Grindstaff v. State*, 297 S.W.3d 208, 221 (Tenn. 2009), citing *Hill*, 474 U.S. at 59. Thus, the focus of the prejudice requirement in a guilty-pleaded case is whether the deficiency in performance "affected the outcome of the plea process." *Hill*, 474 U.S. at 59.

The Petitioner first contends that trial counsel rendered deficient performance by failing to adequately review discovery materials or to provide him with copies of those materials. In consideration of this claim, the post-conviction court found that trial counsel testified that he reviewed "videos" with the Petitioner, and the record does not preponderate against this finding. Although the Petitioner generally claims that he has since had the opportunity to independently review discovery materials and that he now better understands the nature of the charges against him because post-conviction counsel reviewed discovery with him, he has failed to note what evidence contained within the allegedly withheld discovery materials would have led him to reject the negotiated plea agreement and proceed to trial. *See Balfour v. State*, No. W2019-01468-CCA-R3-PC, 2020 WL 4331363, at *5 (Tenn. Crim. App. July 27, 2020) (affirming denial of post-conviction relief where the petitioner "failed to show or even allege in his brief how trial counsel's

alleged deficiencies in this area affected the outcome of his case”), *perm. app. denied* (Tenn. Nov. 17, 2020). Without such proof, the Petitioner is unable to establish prejudice, and his claim of ineffective assistance of counsel must fail. *Id.*; *see also Beene v. State*, No. M2005-01322-CCA-R3-PC, 2006 WL 680919, at *6 (Tenn. Crim. App. Mar. 17, 2006) (affirming denial of post-conviction relief where the petitioner “failed to provide clear and convincing evidence that his counsel failed to provide discovery materials and failed to explain the strength of the State’s case against him”), *perm. app. denied* (Tenn. June 26, 2006). The post-conviction court appropriately denied relief on this basis.

The Petitioner also claims that trial counsel rendered deficient performance by failing to adequately explain the terms of his plea agreement. Although the Petitioner testified on direct examination that he did not “know anything about [his] case before [he] came to court and pled guilty” and that trial counsel failed to explain certain sentencing terms, he also testified on cross-examination that he “fully understood” what he was doing during the guilty plea hearing, that he “fully agreed to the plea,” and that the trial court “explained everything to [him].” The post-conviction court accredited the Petitioner’s testimony on cross-examination, which was consistent with trial counsel’s testimony, and the record supports this finding. Moreover, the record is devoid of any indication of prejudice. At his guilty plea submission hearing, the Petitioner testified that he understood the meaning of consecutive sentencing and explained it to the trial court. The trial court also recited the Petitioner’s charges, thoroughly explained their associated sentencing ranges, and repeatedly asked the Petitioner whether he understood them, to which the Petitioner invariably responded in the affirmative. The Petitioner’s statements during his guilty plea submission hearing weigh heavily upon our analysis of his claim of ineffective assistance of counsel because “[s]olemn declarations in open court carry a strong presumption of verity.” *Blackledge v. Allison*, 431 U.S. 63, 74 (1977). Simply, the Petitioner has not carried his burden of proving by a reasonable probability that but for trial counsel’s actions, he would not have pled guilty, particularly considering his repeated assurances under oath that he understood the terms of his plea agreement. *See Taylor v. State*, No. E2023-00636-CCA-R3-PC, 2024 WL 341443, at *5 (Tenn. Crim. App. Jan. 30, 2024) (affirming denial of post-conviction relief over a petitioner’s claim that trial counsel inadequately explained the terms of a plea agreement where the Petitioner testified he reviewed the plea agreement, understood its terms, attested to his signing the agreement, and that he was satisfied with trial counsel’s performance), *perm. app. denied* (Tenn. June 20, 2024).

Further, although the Petitioner reiterates his claim that trial counsel performed deficiently by informing him that certain drug charges would be dismissed, which ultimately were not dismissed in the negotiated plea agreement, we note that the plea agreement is not included in the record, limiting our review of any claims of prejudice. Regardless, trial counsel testified that he did not make such assurances or advise the

Petitioner in a manner contrary to the negotiated plea agreement, and the post-conviction court generally accredited trial counsel's testimony. In the absence of any proof to substantiate the Petitioner's claims, he is unable to establish either deficiency or prejudice. The post-conviction court appropriately denied relief on this basis.

Relatedly, the Petitioner claims he received ineffective assistance of counsel because counsel coerced him into pleading guilty. He generally asserts that trial counsel's forceful recommendation that the Petitioner accept the negotiated plea agreement, coupled with trial counsel's advice not to ask questions and to "go along with everything" during his guilty plea submission hearing, was coercive. In consideration of this claim, the post-conviction court accredited trial counsel's testimony that he advised the Petitioner it was in his best interest to accept the negotiated plea agreement and informed the Petitioner he would be "in a bad way" if he did not do so, and the record supports this finding. Trial counsel, in consideration of the Petitioner's previous convictions, correctly advised the Petitioner that the State would be within its rights to seek to use those prior convictions to seek maximum within-range sentences if the Petitioner was convicted following a jury trial. As the post-conviction court noted, such advice is hardly evidence of deficient performance, particularly in light of the fact that trial counsel successfully negotiated an eight-year reduction in the Petitioner's agreed-upon sentence. Moreover, the Petitioner's claims that he was prohibited from asking questions at his guilty plea submission hearing are not supported by the record. As noted above, the trial court gave the Petitioner ample opportunities to ask questions or indicate that he did not understand the terms of his plea agreement, and the Petitioner consistently responded that he had no questions and that he understood what he was doing. *Blackledge*, 431 U.S. at 74; *see also Camacho v. State*, No. M2008-00410-CCA-R3-PC, 2009 WL 2567715, at *7 (Tenn. Crim. App. Aug. 18, 2009) ("[T]he petitioner's sworn statements and admissions of guilt [at the guilty plea submission hearing] stand as a witness against the petitioner at the post-conviction hearing when the petitioner disavows those statements."), *perm. app. denied* (Tenn. Feb. 22, 2010). Having failed to show he received the ineffective assistance of counsel, the Petitioner's assertion that such ineffective assistance precluded his ability to knowingly and intelligently plead guilty is also unavailing. *See Knox v. State*, No. W2009-01843-CCA-R3-PC, 2010 WL 2898786, at *5 (Tenn. Crim. App. July 26, 2010), *no perm. app. filed*. Accordingly, the post-conviction court appropriately denied relief.

III. CONCLUSION

Following our review of the record and based upon the foregoing analysis, we affirm the judgment of the post-conviction court.

s/ *Steven W. Sword*

STEVEN W. SWORD, JUDGE