

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE  
AT KNOXVILLE

Assigned on Briefs February 23, 2010

**DANIEL LEE DRAPER v. STATE OF TENNESSEE**

**Appeal from the Circuit Court for Sullivan County**  
**No. S45,106            R. Jerry Beck, Judge**

---

**No. E2009-00952-CCA-R3-PC - Filed December 21, 2010**

---

JOSEPH M. TIPTON, P.J., concurring.

I concur with the results reached in the majority opinion. I respectfully disagree with the majority view of the timeliness of the petition for a writ of error coram nobis. I do not believe the Petitioner's mistaken filing of a second post-conviction petition, not provided by law, tolled the time within which a coram nobis petition was to be filed. The Petitioner's ignorance of the proper action to take does not warrant a due process tolling of the statute of limitations in this case.

---

JOSEPH M. TIPTON, PRESIDING JUDGE