

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE  
AT NASHVILLE

**STATE OF TENNESSEE v. AMILCAR CABRAL BUTLER**

**Direct Appeal from the Criminal Court for Sumner County  
No. 8159 Jane Wheatcraft, Judge**

**No. M2007-00644-CCA-R3-CD - Filed October 10, 2007**

In May 1994, Petitioner, Amilcar Cabral Butler, pled guilty in the Sumner County Criminal Court to one count of sale of cocaine greater than 0.5 grams, one count of sale of cocaine greater than 26 grams, one count of evading arrest, and one count of felony reckless endangerment. He received an effective sentence of ten (10) years. On February 5, 2007, Petitioner filed a pleading entitled "Writ of Error Coram Nobis." In his pleadings, Petitioner argues various theories as to why the trial court did not have jurisdiction over him when he pled guilty. The trial court summarily dismissed the petition. The State has filed a motion pursuant to Rule 20 of the Rules of the Tennessee Court of Criminal Appeals, requesting this Court to affirm the judgment of the trial court. Having found the motion to have merit, we grant same and accordingly affirm the judgment of the trial court.

**Tenn. R. App. P. 3 Appeal as of Right; Judgment of the Criminal Court for Sumner  
County Affirmed Pursuant to Rule 20 of the Tennessee Court of Criminal Appeals**

THOMAS T. WOODALL, J., delivered the opinion of the court, in which JERRY L. SMITH and ROBERT W. WEDEMEYER, JJ., joined.

Amilcar Cabral Butler, Pollock, Louisiana, *pro se*.

Robert E. Cooper, Jr., Attorney General and Reporter; Preston Shipp, Assistant Attorney General; and Lawrence Ray Whitley, District Attorney General, for the appellee, the State of Tennessee.

**MEMORANDUM OPINION**

As noted by the trial court in this matter, Petitioner alleges that he was not subject to the jurisdiction of the trial court, and that the judgments against him in 1994 are void. Petitioner asserts in support of his allegations that he has no duty or responsibility to obey the law.

If treated as a petition for writ of error coram nobis, the petition is untimely, as it was filed well past the one-year statute of limitations. *See* T.C.A. § 27-7-103. Petitioner has not

alleged any facts which would support tolling of the statute of limitations. *See State v. Workman*, 111 S.W.3d 10 (Tenn. Crim. App. 2002). Furthermore, if treated as a petition for writ of habeas corpus, the petition fails to make allegations which would show the judgments are void, and therefore, the petition would be subject to summary dismissal. *See Summers v. State*, 212 S.W.3d 251, 260 (Tenn. 2007).

Accordingly, the judgment of the trial court should be affirmed.

### **CONCLUSION**

No error of law requiring a reversal of the judgment of the trial court is apparent on the record. The trial court's judgment was in a proceeding before the trial court without a jury, it was not a determination of guilt, and the evidence in the record does not preponderate against the finding of the trial court. Accordingly, the judgment is affirmed pursuant to Rule 20, Rules of the Tennessee Court of Criminal Appeals.

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THOMAS T. WOODALL, JUDGE