

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE
AT KNOXVILLE

FILED

12/04/2019

Clerk of the
Appellate Courts

LEE HALL, a/k/a LEROY HALL, JR.¹ v. STATE OF TENNESSEE

**Criminal Court for Hamilton County
Nos. 222931 (Motion to Reopen), 308968 (Post-Conviction), and
308969 (Error Coram Nobis)**

No. E2019-02120-CCA-R28-PD

No. E2019-02094-CCA-R3-PD

No. E2019-01978-CCA-R3-ECN

NOT FOR PUBLICATION

ORDER

On November 16, 2018, the Tennessee Supreme Court issued an order setting Mr. Hall's execution date for December 5, 2019. *State v. Lee Hall, a/k/a Leroy Hall, Jr.*, No. E1997-00344-SC-DDT-DD (Order, Nov. 16, 2018). On December 3, 2019, the Supreme Court denied "Lee Hall's Motion to Stay His Execution Date Pending Appeals of Right Regarding Biased Juror." *State v. Lee Hall, a/k/a Leroy Hall, Jr.*, No. E1997-00344-SC-DDT-DD (Order, Dec. 3, 2019) (Sharon G. Lee, J. dissenting). The procedural history of Mr. Hall's case is outlined in the Supreme Court's order. Mr. Hall currently has three matters pending before this Court: an appeal from the Hamilton County Criminal Court's order denying a petition for a writ of error coram nobis, an appeal from the Hamilton County Criminal Court's order denying a second petition for post-conviction relief, and an application for permission to appeal from the Hamilton County Criminal Court's denial of a motion to reopen a post-conviction petition. All three matters concern the same allegation that "newly discovered evidence" of juror bias at the time of Mr. Hall's trial is "structural constitutional error" requiring a new trial.

¹ On March 11, 2014, the Tennessee Supreme Court granted Mr. Hall's motion to change the style of his case to reflect his legal name change to Lee Hall. In that order, the Supreme Court directed the appellate court clerk to format "the Court files" to reflect Mr. Hall's legal names as "Lee Hall, also known as Leroy Hall, Jr."

In denying Mr. Hall's motion for stay, the Supreme Court determined that neither a writ of error coram nobis nor a motion to reopen a post-conviction petition were proper means to adjudicate the juror bias claim. Therefore, the Supreme Court concluded that "Mr. Hall has failed to establish the likelihood of success on the merits of his claim for juror bias under any existing procedural vehicle." Order, at 11. The Supreme Court further determined that "Mr. Hall failed to demonstrate that [the Tennessee Supreme Court] should create a new, previously unrecognized procedure" under the facts of this case to permit a second post-conviction petition to adjudicate the juror bias claim. Order, at 11.

We conclude that the Supreme Court's determinations concerning the trial court's orders, and by extension the pending appellate matters in this Court concerning those orders, are binding upon this Court. Accordingly, the appeals as of right in case numbers E2019-02094-CCA-R3-PD and E2019-01978-CCA-R3-ECN and the application for permission to appeal in case number E2019-02120-CCA-R28-PD are hereby DISMISSED. The appellate court clerk is DIRECTED to file this order in each case. The costs associated with these proceedings are taxed to the State of Tennessee.

PRESIDING JUDGE JOHN EVERETT WILLIAMS
JUDGE D. KELLY THOMAS, JR.
JUDGE ROBERT H. MONTGOMERY, JR.

PER CURIAM