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IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE
AT KNOXVILLE
April 21, 2026 Session

JAMES HUDGINS v. STATE OF TENNESSEE

Appeal from the Criminal Court for Knox County
No. 124954 Hector Sanchez, Judge

No. E2025-00540-CCA-R3-ECN

Petitioner, James Hudgins, was convicted in 2014 of first degree murder. *State v. Hudgins*, No. E2015-01363-CCA-R3-CD, 2016 WL 4413281, at *1 (Tenn. Crim. App. Aug. 18, 2016), *perm. app. denied* (Tenn. Oct. 19, 2016). His conviction was affirmed on appeal. Petitioner sought post-conviction relief, alleging ineffective assistance of counsel, including a claim that counsel was ineffective for failing to present evidence that Petitioner's mother told multiple people she drugged him with Xanax on the day of the shooting. *Hudgins v. State*, No. E2019-02173-CCA-R3-PC, 2020 WL 7589670, at *1 (Tenn. Crim. App. Dec. 22, 2020), *perm. app. denied* (Tenn. Apr. 7, 2021). Petitioner was unsuccessful in pursuing post-conviction relief. Petitioner then filed a petition for writ of error coram nobis alleging that newly discovered evidence existed to show that his mother drugged him on the night of the shooting. In a supplement to the petition, Petitioner acknowledged the petition was untimely but claimed that he was entitled to equitable tolling of the statute of limitations. After a hearing, the coram nobis court issued an order denying the petition. Petitioner appealed. After a 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 W. WEDEMEYER, P.J., and JILL BARTEE AYERS, J., joined.

Tyler M. Caviness, Knoxville, Tennessee, for the appellant, James Hudgins.

Jonathan Skrmetti, Attorney General and Reporter; Garrett D. Ward, Assistant Attorney General; Charme P. Allen, District Attorney General; and Ta Kisha Fitzgerald, Assistant District Attorney General, for the appellee, State of Tennessee.

OPINION

Petitioner and Laura Swaggerty had a daughter together. *Hudgins*, 2020 WL 7589670, at *1. On October 16, 2013, their child was sixteen years old, and Ms. Swaggerty was in a long-term relationship with Larry Turner, the victim. The victim, the child, Ms. Swaggerty, and the victim's son all lived together. *Id.* At trial, the State's proof showed that Petitioner spent the day of the shooting drinking and became increasingly agitated over a belief that his daughter had been molested by the victim. Multiple witnesses testified that Petitioner threatened to kill the victim both during an in-person argument and in subsequent phone calls. While Petitioner was at his home after the in-person argument, he asked his mother to drive him to the daughter's house to "shoot the bastard that molested" her. *Id.* Petitioner's mother claimed she needed to use the bathroom, so she stopped at Kroger, went inside, and called the police. Police arrived, noting that Petitioner appeared "quite intoxicated." *Id.* Petitioner did not tell officers how much he had to drink or that he suspected his daughter was being molested. Police went to the daughter's home and received no response after knocking on doors and windows. Petitioner's mother drove him back home. Despite the initial police intervention, Petitioner continued making statements about harming the victim and ultimately traveled with his son to the victim's residence late that night. After confronting the victim on the porch, Petitioner shot the unarmed victim multiple times, causing his death. Petitioner fled the scene but later turned himself in to police.

The defense presented evidence of Petitioner's intoxication and his belief that the victim was molesting his daughter. Petitioner testified that he had consumed large amounts of alcohol throughout the day, including six double vodkas at Applebee's, and that his actions stemmed from his belief that he needed to remove his daughter from the victim's home. The State rebutted this proof with testimony suggesting Petitioner did not appear intoxicated earlier in the day and that he had a prior history of unfounded molestation accusations. At the conclusion of the trial, the jury found Petitioner guilty of first degree murder and employing a firearm during the commission of a dangerous felony, with attempted first degree murder as the underlying felony. Petitioner was sentenced to life imprisonment. The trial court vacated the conviction for employing a firearm during the commission of a dangerous felony at the hearing on the motion for new trial, finding that because the jury convicted Petitioner of first degree murder, the jury could not also find him guilty of attempted first degree murder with regard to the conviction for employing a firearm during the commission of a dangerous felony. *Id.* at *8.

Petitioner appealed. On appeal, he argued that the evidence was insufficient to support his conviction, that the trial court erred in admitting jail phone calls between him and his mother, and that the trial court erred in permitting testimony that Petitioner had

previously accused someone else of molesting his daughter. *Id.* Petitioner's conviction was affirmed and the supreme court denied permission to appeal. *Id.* at *1.

Petitioner sought post-conviction relief on the basis of ineffective assistance of counsel. As related to the petition for writ of error coram nobis specifically, Petitioner insisted that trial counsel was ineffective for failing to present evidence that he was too intoxicated to form the requisite intent for premeditation. *Hudgins*, 2020 WL 7589670, at *1. At the evidentiary hearing on the post-conviction petition, Petitioner testified that trial counsel died a few months after his trial. Petitioner insisted he told trial counsel that he had receipts for the alcohol he consumed the day of the shooting from three separate places and that his bank statements would show how much money he spent. Post-conviction counsel asked about the bank records but did not admit them into evidence. *Id.* at *5. Notably,

> The Petitioner testified that at the time of the shooting, he had been prescribed three Opana pills and two hydrocodone pills per day. Moreover, [he testified that] after the Petitioner's trial, he learned that his mother had "drugged" him on the night of shooting by putting "a handful of Xanax" into his drink. The Petitioner did not tell trial counsel about being drugged because he did not know about it at the time of trial.

Id. Petitioner's mother was deceased at the time of the post-conviction hearing. The post-conviction court found that trial counsel's strategy "to show that [] Petitioner was too intoxicated to premediate killing the victim, . . . was 'about the only strategy available.'" *Id.* at *6. The post-conviction court ultimately denied the petition, finding that trial counsel "tried" a defense and it "didn't work." *Id.* This Court affirmed the denial of post-conviction relief on December 22, 2020, and the Tennessee Supreme Court denied permission to appeal on April 7, 2021.

On May 31, 2023, Petitioner filed a pro se petition for writ of error coram nobis. In the petition, he alleged that he was entitled to relief because he had newly discovered evidence in the form of an affidavit written in March of 2023 from a potential witness who claimed that Petitioner's mother confessed that she drugged Petitioner with Xanax on the night of the shooting. The State asked the coram nobis court to dismiss the petition because Petitioner knew this information at the time of his post-conviction petition in 2019. In November of 2024, Petitioner filed a supplement to the petition arguing that he was entitled to equitable tolling of the statute of limitations because "the evidence necessary to file his petition was not available until March 2023" and because evidence of involuntary intoxication amounted to evidence of actual innocence. The State insisted that the petition was untimely.

The coram nobis court held a hearing on the petition. At that hearing, Ray Green testified that he was a Deputy with the Anderson County Sherrif's office. He retired sometime between 2020 and 2022. He knew Petitioner from when he worked at the Knox County Sheriff's Office in the reserve unit and was the arresting officer in Petitioner's case. Approximately three or four days after the incident, Petitioner's mother showed up at his house and "wound up telling [him and his wife Melissa Green] that on the night [of the incident] she tried to spike [Petitioner's] drink." Petitioner's mother told him she made an excuse to go to Kroger, tried to get Petitioner arrested because he was so intoxicated, and then crushed up several Xanax pills and put them in his drink. Mr. Green told Petitioner's mother to tell Petitioner's lawyer because it was important. Mr. Green never spoke to Petitioner's mother about it again even though he saw her occasionally and helped her out by paying a phone bill on one occasion. Mr. Green did not speak to Petitioner prior to trial. Mr. Green reached out to Petitioner's trial counsel but never received a return phone call, did not give the information to anyone else, and was not called as a witness at trial. On cross-examination, Mr. Green admitted that he had a conversation with Petitioner's trial counsel and told him that Petitioner's mother crushed up Xanax and put it in Petitioner's drink.

Mr. Green did not reach out to Petitioner after trial because he was "so busy." Mr. Green testified that he told Petitioner about the Xanax "around mid or late 2018, maybe" during a phone call. Mr. Green spoke with Petitioner's post-conviction attorney about the information, and Mr. Green assumed he and his wife would be subpoenaed to testify. Mr. Green explained that they never received a subpoena. Mr. and Mrs. Green lost a child in a car wreck sometime around 2018, and "basically went into a shell" and did not talk to Petitioner for some time, "maybe a year, year and a half." This time period would have been "right when [Covid] started and ongoing." Mr. Green resumed communications with Petitioner around 2020 or 2021. Mr. Green learned that his wife wrote Petitioner a letter, "maybe May of - - last of April, first of May 2022, maybe, somewhere around there." After that, Petitioner told Mr. Green he was going to "send some affidavits to each of us to look over and sign." Mr. Green received several affidavits from Petitioner, but Mr. Green did not sign them because "what was in them was not correct." Each time, they would discuss the portions that were not correct, and Petitioner would send a different version of the affidavit. Mr. Green recalled finally signing an affidavit "sometime in 2023." He mailed it to Petitioner shortly after he signed it on March 31, 2023.

Mrs. Green testified that she worked at Kids Academy as a director. She recalled the conversation a couple of days after Petitioner was arrested with Petitioner's mother where Petitioner's mother told her and her husband she took "several Xanaxes and put [them] into a Coke to give to [Petitioner]" on the night of the murder. Mrs. Green testified she tried to talk to trial counsel and the post-conviction lawyer about the matter. Trial counsel told her that he would subpoena her if necessary. She never received a subpoena.

Mrs. Green did not talk to Petitioner about the information she received prior to his trial. She talked to Petitioner's second attorney on the phone "two times." She gave him her name and number, and he told her if he needed her, he would send her a subpoena. She thought this was the post-conviction attorney. She expected to be subpoenaed and never received one. She recalled visiting Petitioner while he was incarcerated but did not recall speaking with Petitioner about the Xanax. She sent a letter to Petitioner May 25, 2022. In the letter she told Petitioner about what his mother told her about Xanax. Mrs. Green's letter prompted Petitioner to ask both Mr. and Mrs. Green to sign affidavits.

Petitioner testified he did not know at trial that his mother had crushed Xanax and put it in his drink. Petitioner initially claimed the first time he learned about it was when Mrs. Green told him about it "a short time" before he got the letter from her in 2022. Petitioner then testified he knew about it at the time of the post-conviction hearing on December 4, 2019, and "tried to introduce that" at the hearing.

Petitioner recalled talking to the Greens on the phone "[e]very two or three months maybe." He learned of his mother's actions "during that time frame" of the post-conviction petition. Petitioner asked the Greens to contact his post-conviction attorney. They told him they contacted his attorney. Petitioner testified that Mrs. Green "showed up at . . . two of the hearings" and spoke with his lawyer who assured Petitioner he was going to issue subpoenas. Petitioner claimed that his lawyer asked to reset the case to get a subpoena, and the judge denied the request. Petitioner admitted that he told his post-conviction attorney about his mother's actions and that he testified about her actions at the post-conviction hearing. After the post-conviction petition was denied, Petitioner explained that Covid made everything difficult because they "couldn't do anything." Petitioner explained that he finally got an affidavit in March of 2023 and filed the error coram nobis soon after that. Petitioner admitted that he did not file the petition prior to that date because he "didn't have anything to file." However, Petitioner also admitted he "could file and say this is what I heard."

After the hearing, the coram nobis court issued a written order denying the petition for error coram nobis relief. Specifically, the coram nobis court found that Petitioner's case "presents . . . an exceptional circumstance" because Petitioner did not know at the time of trial that he was given Xanax. The coram nobis court determined that if this information had been presented at trial it "could have had a significant impact on the jury's view of the Petitioner's mental state and his capacity for premeditation." The coram nobis court determined the evidence was not known at trial and could not have been discovered through reasonable diligence. Further, the coram nobis court found the evidence "raise[d] significant doubt about the element of premeditation" and "creates a plausible alternative theory to the prosecution's assertion that the Petitioner's actions were premeditated." The coram nobis court looked to whether Petitioner acted with reasonable diligence in

presenting and discovering the new evidence, noting that he learned of the evidence in December 2019 yet did not file the petition until May of 2023 because "he was waiting on an affidavit" and "the global pandemic significantly hampered his abilities to file legal paperwork." The court found that while the new evidence was "significant" the four-year delay in filing the error coram nobis petition "raise[d] significant concerns about [] Petitioner's diligence in pursuing this evidence." Moreover, while the evidence "raise[d] questions about [Petitioner's] mental state at the time of the shooting," it "d[id] not conclusively establish innocence" or negate the "voluntary nature of the Petitioner's alcohol and [prescribed] opiate consumption." Finally, the veracity of the allegations in the affidavit could not be verified because Petitioner's mother was deceased and the defense had "ample opportunity to secure testimony from [the Greens] or to gather additional evidence supporting the claim of involuntary intoxication" and failed to do so.

This appeal followed.

Analysis

On appeal, Petitioner argues that the coram nobis court abused its discretion by "finding the newly discovered evidence was material and likely to change the outcome at trial yet denying the petition based on misapplications of law surrounding involuntary intoxication and witness availability." Specifically, he points to internal inconsistencies in the coram nobis court's ruling and the coram nobis court's failure to correctly apply legal standards related to the defense of involuntary intoxication and witness unavailability. The State, on the other hand, argues that the petition for error coram nobis relief was untimely and that tolling of the petition was unwarranted. In other words, the error coram nobis court properly denied relief.

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). The writ of error coram nobis is "an *extraordinary* procedural remedy," designed to fill "only a slight gap into which few cases fall." *State v. Mixon*, 983 S.W.2d 661, 672 (Tenn. 1999) (emphasis in original). "It may be granted only when the coram nobis petition is in writing, describes 'with particularity' the substance of the alleged newly discovered evidence, and demonstrates that it qualifies as newly discovered evidence." *Nunley v. State*, 552 S.W.3d 800, 816 (Tenn. 2018) (quoting *Payne v. State*, 493 S.W.3d 478, 484-85 (Tenn. 2016)).

"In order to qualify as newly discovered evidence, 'the proffered evidence must be (a) evidence of facts existing, but not yet ascertained, at the time of the original trial, (b) admissible, and (c) credible.'" *Id*. (quoting *Payne*, 493 S.W.3d at 484-85). Coram nobis

relief is only available "[u]pon a showing by the defendant that the defendant was without fault in failing to present certain evidence at the proper time." T.C.A. § 40-26-105(b). To be considered "without fault," the petitioner must show that "the exercise of reasonable diligence would not have led to a timely discovery of the new information." *State v. Vasques*, 221 S.W.3d 514, 527 (Tenn. 2007). The coram nobis court will then determine "whether a reasonable basis exists for concluding that had the evidence been presented at trial, the result of the proceedings might have been different." *Id*. at 526.

The decision to grant or deny a petition for writ of error coram nobis rests within the sound discretion of the trial court. *State v. Hall*, 461 S.W.3d 469, 496 (Tenn. 2015). If a petition for coram nobis relief is granted, the judgment of conviction will be set aside and a new trial will be granted. *Payne*, 493 S.W.3d at 485. "[C]oram nobis petitions with inadequate allegations are susceptible to summary dismissal on the face of the petition, without discovery or an evidentiary hearing." *Nunley*, 552 S.W.3d at 831.

In addition to the requirements regarding specificity, petitions for writ of error coram nobis are subject to a one-year statute of limitations. 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.

Due process considerations may toll the one-year statute of limitations when a petitioner seeks a writ of error coram nobis. *Workman v. State*, 41 S.W.3d 100, 101-102 (Tenn. 2001). "[T]he coram nobis statute of limitations may be tolled only if the petitioner produces newly discovered evidence that would, if true, establish clearly and convincingly that the petitioner is actually innocent of the underlying crime of which he was convicted." *Clardy v. State*, 691 S.W.3d 390, 407 (Tenn. 2024). The court noted "[t]he analysis for relief on the merits of the petition is separate and distinct from the analysis for whether the statute of limitations may be tolled." *Id.* Where a petitioner seeks the tolling of the one-year statute of limitations for an untimely-filed petition for a writ of error coram nobis,

> the coram nobis court should first ascertain whether the petition cites new evidence discovered after expiration of the limitations period, and whether the coram nobis petition shows it was filed no more than one year after the petitioner discovered the new evidence. If so, the coram nobis court should assume arguendo the veracity of the new evidence cited in the coram nobis petition, for the purpose of assessing whether to toll the statute of limitations. To grant tolling, the coram nobis court must find that the new evidence would, if credited, clearly and convincingly show that the petitioner is actually innocent of the underlying crime, i.e., that the petitioner did not commit the crime.

Id. at 409 (citing *Keen v. State*, 398 S.W.3d 594, 612 (Tenn. 2012). 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 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.*

Although the decision to grant or deny coram nobis relief rests within the sound discretion of the trial court, *see Vasques*, 221 S.W.3d at 527-28, "[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." *Harris v. State*, 301 S.W.3d 141, 145 (Tenn. 2010).

Here, due process tolling is unwarranted. Petitioner testified at both the post-conviction hearing and error coram nobis hearing he learned that his mother drugged him with Xanax prior to the hearing on the post-conviction petition. Moreover, Mr. Green testified that he told Petitioner about the evidence in "mid 2018." Therefore, Petitioner knew of the evidence in 2019 at the very latest. Accordingly, he failed to file the petition within one year of the discovery of the alleged newly discovered evidence, instead waiting until May 31, 2023, to file his petition. Our de novo review can stop there. *See Clardy*, 691 S.W.3d at 409. Despite the untimeliness and failure to file the petition within one year of the discovery of the evidence, Petitioner does not dispute that the evidence presented—that his mother drugged him with Xanax—is not evidence of actual innocence. Petitioner never disputed that he shot the victim. Consequently, we conclude that the untimely petition for writ of error coram nobis was properly denied.

Conclusion

For the foregoing reasons, the judgment of the coram nobis court is affirmed.

/Timothy L. Easter
TIMOTHY L. EASTER, JUDGE