

IN THE COURT OF APPEALS OF TENNESSEE
AT NASHVILLE
March 4, 2026

FILED
03/09/2026
Clerk of the
Appellate Courts

TINO CARTEZ SUTTON v. STATE OF TENNESSEE ET AL.

Appeal from the Circuit Court for Bedford County
No. CV-14231 Robert E. Lee Davies, Senior Judge

No. M2026-00318-COA-R3-CV

This is an appeal from an order denying relief under Tennessee Rule of Civil Procedure 60.02. Because the appellant did not file his notice of appeal within thirty days after entry of the order as required by Tennessee Rule of Appellate Procedure 4(a), we dismiss the appeal.

Tenn. R. App. P. 3 Appeal as of Right; Appeal Dismissed

ANDY D. BENNETT, W. NEAL MCBRAYER, and JEFFREY USMAN, JJ.

Tino C. Sutton, Unionville, Tennessee, pro se.

Jonathan Skrmetti, Attorney General and Reporter, J. Matthew Rice, Solicitor General Kathryn A. Ahillen, Assistant Attorney General, for the appellees, State of Tennessee and Bedford County, Tennessee.

MEMORANDUM OPINION¹

Tino Sutton has filed a notice of appeal from an order entered on December 23, 2025, denying his Tennessee Rule of Civil Procedure 60.02 motion for relief from an order entered on May 10, 2024, and a final order entered on August 28, 2024. Tennessee Rule of Appellate Procedure 4(a) requires that a notice of appeal be filed with the clerk of the appellate court within thirty (30) days after entry of the judgment appealed. Mr. Sutton did not file his notice of appeal until February 27, 2026, sixty-six (66) days after entry of the order appealed.

¹ Under Tennessee Court of Appeals Rule 10, a case decided by memorandum opinion shall not be published and shall not be cited or relied on for any reason in any unrelated case.

The thirty-day time limit for filing a notice of appeal is mandatory and jurisdictional. *Albert v. Frye*, 145 S.W.3d 526, 528 (Tenn. 2004); *Binkley v. Medling*, 117 S.W.3d 252, 255 (Tenn. 2003). This Court can neither waive nor extend the time period. Tenn. R. App. P. 2 and 21(b); *Flautt & Mann v. Council of City of Memphis*, 285 S.W.3d 856, 868 n.1 (Tenn. Ct. App. 2008); *Jefferson v. Pneumo Servs. Corp.*, 699 S.W.2d 181, 184 (Tenn. Ct. App. 1985). The failure to file a timely notice of appeal deprives this Court of jurisdiction to hear the matter. *Flautt & Mann*, 285 S.W.3d at 869 n.1.

The appeal is dismissed for failure to file a timely notice of appeal. Mr. Sutton is taxed with the costs for which execution may issue.

PER CURIAM