

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE
AT JACKSON
Assigned on Briefs April 5, 2022

FILED
05/11/2022
Clerk of the
Appellate Courts

DARRELL WREN v. STATE OF TENNESSEE

Appeal from the Criminal Court for Shelby County
No. 16-05834 John Wheeler Campbell, Judge

No. W2021-00485-CCA-R3-PC

TIMOTHY L. EASTER, J., dissenting.

I respectfully disagree that the interests of justice are best served by granting a waiver of Petitioner’s untimely notice of appeal in this case. The notice of appeal, although only tardy by seven days, was nonetheless untimely. Petitioner has not sought waiver and offers no reason for such a break. Even after having an opportunity to reply to the State’s argument that this Court should dismiss the Petitioner’s untimely appeal, the Petitioner did not. There is simply no basis upon which this Court may find that the “interests of justice” merit a waiver of the untimely filed notice of appeal. *See State v. Rockwell*, 280 S.W.3d 212, 214 (Tenn. Crim. App. 2007) (“If this [C]ourt were to summarily grant a waiver whenever confronted with untimely notices, the thirty-day requirement of Tennessee Rule of Appellate Procedure 4(a) would be rendered a legal fiction.”). Accordingly, I would find that the appeal should be dismissed.

TIMOTHY L. EASTER, JUDGE