IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE
AT JACKSON
Assigned on Briefs May 2, 2017

ANTONIO SYKES v. STATE OF TENNESSEE

Appeal from the Criminal Court for Shelby County
Nos. 98-02267, 98-02268, 98-02269, 98-02270 James M. Lammey, Judge

---

No. W2016-01352-CCA-R3-ECN

A Shelby County jury convicted Antonio Sykes ("the Petitioner") of first degree premeditated murder, especially aggravated robbery, and two counts of especially aggravated kidnapping. He received an effective sentence of life without parole plus seventy-five years. The Petitioner filed a petition for a writ of error coram nobis, arguing that the State had withheld exculpatory evidence that one of the State's witnesses received a plea deal in exchange for favorable testimony, in violation of *Brady v. Maryland*, 373 U.S. 83 (1963), and that the exculpatory evidence constituted "newly discovered evidence" within the meaning of the coram nobis statute. The State filed a response and motion to dismiss, arguing that the Petitioner "fail[ed] to allege any new evidence relating to the matters litigated at trial[]" and that the petition was barred by the statute of limitations. The coram nobis court summarily dismissed the petition and found that the Petitioner failed to present actual evidence of a plea deal between the witness and the State. On appeal, the Petitioner concedes that his petition was untimely filed but argues that this court should toll the statute of limitations and address the merits of his petition. After a thorough review of the record and applicable case law, we affirm.

Tenn. R. App. P. 3 Appeal as of Right; Judgment of the Criminal Court Affirmed

ROBERT L. HOLLOWAY, JR., J., delivered the opinion of the court, in which ALAN E. GLENN and J. ROSS DYER, JJ., joined.

Antonio Sykes, Mountain City, Tennessee, pro se.

Herbert H. Slatery III, Attorney General and Reporter; Robert W. Wilson, Assistant Attorney General; Amy P. Weirich, District Attorney General; and Glen Baity, Assistant District Attorney General, for the appellee, State of Tennessee.

OPINION

I. Factual and Procedural Background

A Shelby County jury convicted the Petitioner of first degree premeditated murder, especially aggravated robbery, and two counts of especially aggravated kidnapping, for which the Petitioner received an effective sentence of life without parole plus seventy-five years. *State v. Matrin Becton & Antonio Sykes*, No. W1999-00581-CCA-R3-CD, 2002 WL 1349530, at *1 (Tenn. Crim. App. June 19, 2002), *perm. app. denied* (Tenn. Dec. 9, 2002). The testimony presented at trial was summarized by our court in its opinion on the Petitioner's direct appeal as the following:

> On August 29, 1997, Veronica Johnson was celebrating her birthday at the L & B Lounge in Memphis. Ms. Johnson testified that nine or ten members of the "Gangster Disciples" forced Devin Haywood, a mentally challenged man, to his knees at gunpoint and began to beat him. Marshall Shipp, the victim in this case, pushed the gang members away from Mr. Haywood and told them to leave him alone. The gang members and the victim, who was also a member of the Gangster Disciples, began to argue. Ms. Johnson testified that the victim was told that he was "no longer a Gangster Disciple" and that he had "signed his death certificate."
>
> Cheryl Patrick, the victim's girlfriend, testified that on September 15, 1997, the victim came to her house and together they went to a Laundromat on Third Street and then to the L & B Lounge. At the L & B Lounge[,] the victim and Ms. Patrick were confronted by 13 to 20 men. The men told the victim that they needed to talk with him in private and that he should come with them. The victim offered to follow the men in his car, but they insisted that one of their own ride in the victim's car with him and Ms. Patrick. Ms. Patrick testified that one of the men who confronted the victim was [co-d]efendant Becton. Ms. Patrick further stated that [co-d]efendant Becton was armed with a black, semi-automatic pistol. The victim, Ms. Patrick, and one of the gang members got into the victim's car. The victim then took Ms. Patrick home and followed [co-d]efendant Becton and the rest of the men.
>
> Ricky Aldridge, the victim's cousin and also a Gangster Disciple, testified that members of the gang were required to follow certain rules or be punished. Some of the punishments included 3 minute beatings, 6 minute beatings, and death. Ricky Aldridge stated that the victim, while a member of the gang, did not participate in gang activities. Ricky Aldridge

further stated that on September 15 several members of the Gangster Disciples inquired as to the whereabouts of the victim. He testified that the gang members were considering putting both he and the victim on "violation" for a previous incident. Eventually, several gang members approached Ricky Aldridge and his brother Timothy Aldridge. The gang members took them to the apartment of a man called "Tombstone," the "governor" of a Memphis sect of the Gangster Disciples. Ricky Aldridge testified that he went with the gang members because he feared for the safety of his family if he refused. The victim was in the apartment when Ricky Aldridge arrived, along with some twenty members of the Gangster Disciples, several of whom were armed with automatic weapons.

The gang members discussed the punishments to be given to the victim and Ricky Aldridge. Tombstone told [co-d]efendant Becton to decide on and inflict a punishment. [Co-d]efendant Becton then ordered all of the gang members, the victim, and Ricky Aldridge into three waiting vehicles. The vehicles drove through several neighborhoods, eventually stopping at a gas station where Ricky Aldridge was approached by [the Petitioner] and told to empty his pockets. Ricky Aldridge gave [the Petitioner] approximately twenty dollars and noticed that [the Petitioner] was wearing a gold herring-bone necklace and coin ring that the victim had previously been wearing. The vehicles were then driven to DeSoto Park where the victim and Ricky Aldridge were grabbed by the back of the pants and forced to walk up a steep hill.

Once on top of the hill, the gang members, including both [co-defendant Becton and the Petitioner], encircled the victim and began to beat him with their fists. The gang members beat the victim for fifteen minutes. Eventually, the gang members began using a baseball bat and a tire iron to beat the victim. Specifically, Ricky Aldridge testified that [the Petitioner] beat the victim with a baseball bat until [co-d]efendant Becton took the bat from him, told him he was not using it properly, and then [co-d]efendant Becton began to beat the victim around the head with the bat. The victim was rendered unconscious early in the assault and lay motionless as the gang members continued to beat him. When the gang members finished with the victim, they turned to Ricky Aldridge and beat him with their fists for approximately six minutes. After beating Ricky Aldridge, [the Petitioner] once again turned his attention to the victim, stripping the victim of his pants and underwear. Ricky Aldridge then noticed that [the Petitioner] had a gun. Shortly thereafter, as Ricky Aldridge was being helped back down the hill, he heard a gunshot on the hill from the direction

where the victim lay. Immediately after the gunshot, [co-defendant Becton and the Petitioner] came from the direction of the gunshot and began walking down the hill. Ricky Aldridge testified that [co-defendant Becton and the Petitioner] were the only people in the area from which the gunshot came, and [the Petitioner] had a gun in his hand moments after the shot was fired. Ricky Aldridge and the gang members then left the scene.

Ricky Aldridge returned later with Patrick Owen to find the victim severely injured, but still alive. They placed the victim in the backseat of Patrick Owen's girlfriend's car. Patrick Owen's girlfriend, Sharon Grafton, then called police and medical personnel. Ms. Grafton testified that the victim had been beaten severely and was bleeding profusely. She also testified that the victim was naked from the waist down. Ms. Grafton also testified that the victim had previously told her that he wanted to disassociate himself from the gang.

Timothy Aldridge, the brother of Ricky Aldridge, cousin of the victim, and also a Gangster Disciple, testified that he accompanied Ricky Aldridge to the gang meeting at the home of "Tombstone." Timothy Aldridge testified that both [co-defendant Becton and the Petitioner] were present at the meeting, and [the Petitioner] was armed with a .45 caliber pistol. Timothy Aldridge further testified that at the conclusion of the meeting[,] [co-d]efendant Becton announced that he would handle the punishments of the victim and Ricky Aldridge. Timothy Aldridge stated that he rode to DeSoto park in the same car as the victim and was present when [the Petitioner] ordered the victim to take off his jewelry. Timothy Aldridge then saw [the Petitioner] put on the jewelry.

Timothy Aldridge continued to testify about the severe beating incurred by the victim, and he admitted that, because of his fear of the other gang members, he feigned participation in the attack by "pretending" to hit the victim. Timothy Aldridge was helping his brother back to the vehicles when he heard a gunshot from the location of the victim. Timothy Aldridge further stated that [co-defendant Becton and the Petitioner] were the only people in the area from which the gunshot came.

Officer William Poteet of the Memphis Police Department responded to a dispatch call at approximately 1:30 a.m. on September 15, 1997, and found the victim in the back seat of a car, covered in blood and naked from the waist down. The officer stated that the victim's injuries were so severe he thought the victim had been shot in the head. Dr.

> Thomas Deering, assistant medical examiner, testified that the victim suffered blunt trauma to the head, multiple skin lacerations, multiple puncture wounds, and a gunshot wound to the left buttock. Dr. Deering further stated that the blows to the victim's head caused his skull to fracture and pieces of bone to enter the victim's brain. The doctor testified that the victim died as a result of the head trauma complicated by the bleeding caused by the gunshot wound.
>
> Jacqueline Yancey, a former girlfriend of [the Petitioner], and Arthur Jones, Ms. Yancey's cousin, both testified that approximately a week after the victim's death they saw [the Petitioner] wearing the victim's gold necklace and ring.
>
> Robert Walker, the "head of security" for the Memphis Gangster Disciples, also testified that he was present when "Tombstone" complained to the head of the Memphis gang that the victim had become "rebellious" and should be punished. Mr. Walker testif[i]ed that "Tombstone" was told to "take care" of the victim. Mr. Walker also outlined the organizational structure and forms of punishment used by the gang. Specifically, Mr. Walker stated that one way gang members would symbolize their displeasure with another gang member while carrying out a death punishment would be to strip the person of his clothes and shoot him in the buttocks. Furthermore, Walker testified that [co-d]efendant Becton informed Walker that he shot the victim.

Matrin Becton & Antonio Sykes, 2002 WL 1349530, at *1-3. This court affirmed the Petitioner's convictions. *Id.* at *11. Our supreme court denied further review.

On June 3, 2015, the Petitioner filed a pro se "Memorandum of Fact and Law in Support of the Writ of Error Coram Nobis" (hereinafter, "petition"), which the coram nobis court considered as a petition for writ of error coram nobis. In his petition, the Petitioner argued that the State had withheld exculpatory evidence in violation of *Brady v. Maryland*, 373 U.S. 83 (1963), and that the exculpatory evidence constituted "newly discovered evidence" within the meaning of the coram nobis statute. The Petitioner asserted that a witness at his trial, Robert Walker, testified in exchange for a plea bargain with the State, but he did not discover this information until May 8, 2015, when co-defendant Becton gave him copies of certain documents, Mr. Walker's federal grand jury testimony, Mr. Walker's statement to police, and Albert Wilson's statement to police.[1]

[1] The technical record includes an affidavit from co-defendant Becton stating that he gave the documents to the Petitioner on May 8, 2015.

The Petitioner further asserted that the State: (1) withheld Mr. Walker's federal grand jury testimony; (2) failed to disclose Mr. Walker's statement to police regarding the murder of Kelbert Vernon Hailey;[2] and (3) failed to disclose Albert Wilson's statement implicating Mr. Walker in the murder of Billy Ray Brown.[3] The State filed a response and motion to dismiss and argued that "[b]ased on the exhibits the Petitioner attached to his Writ of Error Coram Nobis, there is no evidence whatsoever that a deal or promise existed between Walker and the State of Tennessee prior to the Petitioner's trial." The state also asserted that the statute of limitations barred consideration of the petition. On May 28, 2016, the coram nobis court summarily dismissed the Petitioner's error coram nobis petition and made the following conclusions:

> The Petitioner fails to allege any new evidence relating to the matters litigated at trial. In the Petitioner's Writ of Error Coram Nobis, the petitioner alleges a promise or deal was made to co-defendant Robert Walker. The Petitioner relies on [f]ederal [g]rand [j]ury testimony from Robert Walker to support this claim. However, nowhere in the exhibits included in the Petition is there evidence of an actual deal or promise between Robert Walker and the State of Tennessee prior to Robert Walker's testimony in the Petitioner's trial.
>
> A Writ of Error Coram Nobis requires [that] the Petitioner discover new evidence relating to the matters litigated at trial. The Petitioner did not offer proof of any newly discovered evidence in this case. Therefore, the Petitioner's Writ of Error Coram Nobis is summarily dismissed for failure to state a colorable claim.

The Petitioner timely appeals the coram nobis court's decision.

II. Analysis

On appeal, the Petitioner argues that the coram nobis court erred in summarily dismissing his petition; however, he does not dispute that "the case herein was filed outside the applicable statute of limitations." The State notes that it preserved the

---

[2] We note that Mr. Walker's statement refers to this victim as "Kelvert Verone Hailey." However, we will use the spelling used in the transcript of co-defendant Becton's post-conviction hearing, which was attached to the petition, for purposes of consistency.

[3] In his statement to police on January 14, 1998, Mr. Wilson disclosed that he was involved in the murder of Billy Ray Brown, which occurred on October 29, 1997. Mr. Wilson observed Wilson Neeley walk up to Mr. Brown and shoot Mr. Brown several times. Mr. Brown then fell to the ground and Mr. Walker walked up to Mr. Brown and shot him several times.

timeliness issue before the coram nobis court and responds that "[d]ue process does not require tolling the statute of limitations because the [P]etitioner's claim is not based on his actual innocence, and he failed to exercise due diligence in discovering and presenting his claim."

Statute of Limitations

Petitions for writ of error coram nobis are subject to a one-year statute of limitations. Tenn. Code Ann. § 27-7-103 (2014); *Harris v. State*, 301 S.W.3d 141, 144 (Tenn. 2010). "The statute of limitations is computed from the date the judgment of the trial court becomes final, either thirty days after its entry in the trial court if no post-trial motions are filed or upon entry of an order disposing of a timely filed, post-trial motion." *Harris*, 301 S.W.3d at 144 (citing *State v. Mixon*, 983 S.W.2d 661, 670 (Tenn. 1999)). Calculating the statute of limitations in this manner is consistent with the "longstanding rule that persons seeking relief under the writ must exercise due diligence in presenting the claim." *Mixon*, 983 S.W.2d at 670; *Harris*, 301 S.W.3d at 144.

In certain circumstances, such as when the "petition seeks relief based upon newly discovered evidence of actual innocence[,]" due process considerations may require tolling the statute of limitations. *Wilson v. State*, 367 S.W.3d 229, 234 (Tenn. 2012) (citing *Harris*, 301 S.W.3d at 145). To determine whether due process requires tolling, we must balance the State's interest in preventing "stale and groundless" claims against the petitioner's interest in having a hearing to present newly discovered evidence which may have led the jury to a different verdict if it had been presented at trial. *Workman v. State*, 41 S.W.3d 100, 103 (Tenn. 2001). To balance these interests, courts should use a three-step analysis:

> (1) determine when the limitations period would normally have begun to run; (2) determine whether the ground for relief actually arose after the limitations period would normally have commenced; and (3) if the grounds are "later-arising," determine if, under the facts of the case, a strict application of the limitations period would effectively deny the petitioner a reasonable opportunity to present the claim.

Sands v. State, 903 S.W.2d 297, 301 (Tenn. 1995); *see also Harris*, 301 S.W.3d at 145. Whether a claim is time-barred is a question of law, which we review *de novo* with no presumption of correctness. *Harris*, 301 S.W.3d at 144 (citing *Brown v. Erachem Comilog, Inc.*, 231 S.W.3d 918, 921 (Tenn. 2007)). The State bears the burden of raising the statute of limitations as an affirmative defense. *Id.*

The trial court entered the Petitioner's judgments on March 29, 1999.[4] The Petitioner filed a motion for new trial, which the trial court denied on June 1, 1999. Thus, the judgment of the trial court became final and the statute of limitations began to run on July 1, 1999 and expired on July 1, 2000. The Petitioner filed his Memorandum on June 3, 2015, almost fifteen years after the statute of limitations expired.

Next, we must determine whether the allegedly newly-discovered evidence arose after the limitations period commenced in this case. The Petitioner asserts that he did not learn of newly-discovered evidence — namely a transcript from Mr. Walker's federal grand jury testimony, Mr. Walker's statement to Germantown Police, and Mr. Wilson's statement implicating Mr. Walker in the murder of Billy Ray Brown — until May 8, 2015, when co-defendant Becton gave him copies of the documents. However, the trial transcripts from the record of the Petitioner's direct appeal show that the Petitioner and his trial counsel had access to the transcript of Mr. Walker's federal grand jury testimony. More specifically, at the end of Mr. Walker's testimony on direct examination on Friday, February 26, 1999, the trial court asked the Petitioner's trial counsel and co-defendant Becton's trial counsel if the State had turned over the *Jencks* material relating to Mr. Walker's testimony. When both trial counsel informed the trial court that they were not in possession of the materials, the trial court delayed the cross-examination of Mr. Walker until Monday, March 1, 1999, to give trial counsel time to review the materials. During cross-examination of Mr. Walker, co-defendant Becton's trial counsel referenced his federal grand jury testimony and a statement to police. The following exchange occurred:

> [TRIAL COUNSEL]: Now, I believe [that] you testified before, correct?
>
> [MR. WALKER]: Um-hum.
>
> [TRIAL COUNSEL]: In front of a federal grand jury. Is that right?
>
> [MR. WALKER]: Um-hum.
>
> [TRIAL COUNSEL]: And you've given a statement before.[5] Is that right?

[4] To assist in the resolution of this proceeding, we take judicial notice of the record from the Petitioner's direct appeal. *See* Tenn. R. App. P. 13(c); *State v. Lawson*, 291 S.W.3d 864, 869 (Tenn. 2009); *Delbridge v. State*, 742 S.W.2d 266, 267 (Tenn. 1987); *State ex rel Wilkerson v. Bomar*, 376 S.W.2d 451, 453 (Tenn. 1964).

[5] It is unclear from the record whether co-defendant Becton's trial counsel is referring to Mr. Walker's statement to police regarding the murder of Kelbert Vernon Hailey, taken November 13, 1997, or his statement to police regarding co-defendant Becton's statement, taken November 19, 1997.

[MR. WALKER]: Right.

Co-defendant Becton's trial counsel also cross-examined Mr. Walker regarding any agreement with the State in exchange for testimony:

> [TRIAL COUNSEL]: This isn't the only case you're giving information on. Is that correct?
>
> [MR. WALKER]: Yes.
>
> [TRIAL COUNSEL]: In fact, how many cases – without getting into facts of any case, how many cases are you giving information on?
>
> [MR. WALKER]: Just one other one.
>
> . . . .
>
> [TRIAL COUNSEL]: So let me ask you this: . . . the [S]tate hasn't promised you anything. Is that correct?
>
> [MR. WALKER]: Correct.
>
> [TRIAL COUNSEL]: But there's a sort of an agreement there that if your testimony is all right that there is going to be possibly some kind of deal when all this is all done with. Is that right?
>
> [MR. WALKER]: I haven't been given any agreement.
>
> [TRIAL COUNSEL]: You're hoping that there's going to be one, right?
>
> [MR. WALKER]: Well, I'm hoping it, but then I've got to accept my fate for what I did on my own. You know, I'm not just doing this, you know, to get a deal. I'm doing this for my kids, you know[,] to earn the respect back for my kids[.] . . .
>
> . . . .
>
> [TRIAL COUNSEL]: Let me ask you . . . this, has the state mentioned anything to you about -- for your testimony -- not charging you in any of these cases because of your position?

[MR. WALKER]: No. I haven't been mentioned [sic] anything about that.

[TRIAL COUNSEL]: But you're hoping [that] they won't charge you, aren't you?

[MR. WALKER]: How can I be charged for something I had no participation in? . . .

The Petitioner's trial counsel declined to conduct any additional cross-examination of Mr. Walker.

In our court's opinion affirming the post-conviction court's denial of relief to co-defendant Becton, our court concluded that "[t]here [wa]s no dispute that Walker's federal grand jury testimony, though it contained some redactions, was provided to trial counsel during the trial as *Jenck*[]*s* material after Walker's direct examination." *Matrin Becton v. State*, No. W2014-00177-CCA-R3-PC, 2015 WL 1912924, at *13 (Tenn. Crim. App. Apr. 28, 2015), *perm. app. denied* (Tenn. Jan. 19, 2016).[6] This court also concluded that, based on its review of the transcript of the *Jencks* material discussion at trial, Mr. Walker's statement to police was provided as *Jencks* material to trial counsel. *Id.* at *14. Based on the trial transcripts and our conclusions in *Matrin Becton*, we conclude that the Petitioner's claims as to Mr. Walker's federal grand jury testimony and his statement to police are not later-arising and, therefore, are time-barred.

However, in contrast to Mr. Walker's federal grand jury statement and his statement to police, there is no evidence that the Petitioner's trial counsel had knowledge of Mr. Wilson's statement to police regarding the murder of Billy Ray Brown, taken January 14, 1998. At co-defendant Becton's post-conviction hearing, co-defendant Becton's trial counsel stated that he had never seen Mr. Wilson's statement to police before the hearing. The prosecutor stated that he was not familiar with Mr. Wilson's statement. Mr. Wilson's statement was not discussed in the trial transcripts. On appeal from the post-conviction court's denial of relief, this court concluded that "[t]here was no dispute in the testimony that Wilson's statement to police (in which Wilson implicated Walker in the murder of Brown in an unrelated case) was never provided to trial counsel." *Id.* at *13. Therefore, we conclude that the Petitioner's claim as to Mr. Wilson's statement is later-arising and that "a strict application of the limitations period would effectively deny the petitioner a reasonable opportunity to present the claim." *Sands*, 903 S.W.2d at 301.

[6] We note that this case was designated "not for citation" by our supreme court. However, "[a]n opinion so designated shall not be . . . cited by any judge in any trial or appellate court decision . . . except when . . . the opinion is relevant to a criminal, post-conviction or habeas corpus action involving the same defendant." Tenn. Sup. Ct. R. 4(E)(2).

Standard of Review

A writ of error coram nobis is an "extraordinary procedural remedy," filling only a "slight gap into which few cases fall." *Mixon*, 983 S.W.2d at 672 (citation omitted). Tennessee Code Annotated section 40-26-105(b) provides, in part, that "[u]pon a showing by the [petitioner] that the [petitioner] was without fault in failing to present certain evidence at the proper time, a writ of error coram nobis will lie 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." Tenn. Code Ann. § 40-26-105(b). A petitioner may raise a *Brady* violation relative to newly discovered exculpatory evidence possessed by the State at the time of a trial but never disclosed to the petitioner in a coram nobis petition. *See Freshwater v. State*, 160 S.W.3d 548, 555-56 (Tenn. Crim. App. 2004). Coram nobis claims are "singularly fact-intensive," are not easily resolved on the face of the petition, and often require a hearing. *Harris v. State*, 102 S.W.3d 587, 593 (Tenn. 2003).

In determining whether the new information may have led to a different result, the question before the court is "whether a reasonable basis exists for concluding that had the evidence been presented at trial, the results of the proceedings might have been different." *State v. Vasques*, 221 S.W.3d 514, 527 (Tenn. 2007) (citing *State v. Roberto Vasques et al*, No. M2004-00166-CCA-R3-CD, 2005 WL 2477530, at *13 (Tenn. Crim. App. Oct. 7, 2005)). The decision to grant or deny coram nobis relief rests within the sound discretion of the coram nobis court. *Id.* at 527-28.

The Petitioner argues that Mr. Wilson's statement to police that Mr. Walker shot Billy Ray Brown is newly-discovered evidence that the State entered into a "deal" with Mr. Walker before the Petitioner's trial that, if Mr. Walker would testify for the State, Mr. Walker would be given a favorable plea agreement to resolve two aggravated burglary charges that were pending against him and that the State would not bring charges against Mr. Walker for the murder of Kelbert Vernon Hailey or Billy Ray Brown. The State contends that the Petitioner failed to present evidence of a deal between the State and Mr. Walker and "failed to present evidence that might have changed the outcome of his trial." The coram nobis court concluded that "[t]he Petitioner fail[ed] to allege any new evidence relating to the matters litigated at trial." The coram nobis court also concluded that "nowhere in the exhibits included in the Petition is there evidence of an actual deal or promise between Robert Walker and the State of Tennessee prior to Robert Walker's testimony in the Petitioner's trial."

We agree with the coram nobis court. There is no evidence in the technical record or in the record of the Petitioner's direct appeal that Mr. Walker testified for the State

against the Petitioner in exchange for a plea offer. Additionally, we conclude that, even if this evidence had been presented at trial, the result of the trial would not have been different. If the Petitioner's trial counsel had been given Mr. Wilson's statement as *Jencks* material, he could have used the information to impeach the credibility of Mr. Walker. However, the statement would not likely have affected the jury's verdict because the State's evidence against the Petitioner was strong. Two eyewitnesses to the offenses testified regarding the Petitioner's role in the murder of Marcus Shipp. In contrast, Mr. Walker's testimony largely related to discussing the organization of the Gangster Discipleship and co-defendant Becton's statement to Mr. Walker while they were both incarcerated. The coram nobis court did not abuse its discretion in summarily dismissing the Petitioner's claim. The Petitioner is not entitled to relief on this ground.

III. Conclusion

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

_____

ROBERT L. HOLLOWAY, JR., JUDGE