

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE
AT NASHVILLE
Remanded on August 7, 2020

FILED
11/30/2020
Clerk of the
Appellate Courts

UGENIO RUBY RUIZ v. STATE OF TENNESSEE

**Appeal from the Criminal Court for Davidson County
No. 2011-C-2109 Steve R. Dozier, Judge**

No. M2019-00062-CCA-R3-PC

JOHN EVERETT WILLIAMS, P.J., dissenting.

I respectfully dissent from the majority's opinion granting the delayed appeal based upon the reasoning set forth in my dissenting opinion in this appeal filed on October 2, 2019. I strongly disagree that the Tennessee Supreme Court performed a mere perfunctory or administrative review of the Petitioner's motion to late-file an application for permission to appeal to which the Petitioner attached his application before denying the Petitioner's motion. Rather, I conclude that the Tennessee Supreme Court has already reviewed the substantive underlying issues of the appeal in determining not to accept the late-filed appeal in the interest of justice. Accordingly, I would affirm the post-conviction court's decision to deny the Petitioner delayed appeal, and I would deny a stay of the resolution of the remaining issues raised by the Petitioner.

JOHN EVERETT WILLIAMS, PRESIDING JUDGE