

IN THE CRIMINAL COURT OF APPEALS FOR TENNESSEE AT JACKSON

**KRISTINA COLE,
Appellant**

vs.

Shelby Co. Indictment: 17-01568

**STATE OF TENNESSEE,
Appellee**

NOTICE OF APPEAL

Comes now the Appellant, Kristina Cole, by and through counsel of record, Ben Israel, and, pursuant to Tennessee Rule of Appellate Procedure 3, requests that his case be docketed for appeal at the Court of Criminal Appeals in Jackson.

Ms. Cole was convicted of two counts of Conspiracy to Commit Unlawful Possession of Methamphetamine in a Drug Free Zone and two counts of Possession of Methamphetamine with Intent to Sell in a Drug Free Zone on July 14, 2017 in Division III of the Shelby County Criminal Court. Ms. Cole appealed her conviction, and the Court of Criminal Appeals (CCA) denied her appeal on November 5, 2018. State v. Kristina Cole and Montez Mullins, No. W2017-01980-SC-R3-CD (Tenn. Crim. App. Nov. 5, 2018), 2018

WL 5810011, *perm. app. denied* (Tenn. Mar. 28, 2019). The Supreme Court of Tennessee denied her application for permission to appeal on March 28, 2019. Id.

Ms. Cole then filed a timely Petition for Post-Conviction Relief (PPCR) in the trial court on July 9, 2019. The post-conviction court denied that Petition on November 6, 2020. Ms. Cole appealed the post-conviction denial to the CCA. She timely filed her Notice of Appeal on November 30, 2020. On April 7, 2022, the CCA issued its opinion in regarding Ms. Cole's PPCR. Kristina Cole v. State of Tennessee, W2020-01607-CCA-R3-PC (Tenn. Crim. App. Apr. 7, 2022). The CCA issued a detailed opinion, but concluded that it was "unable to properly address the merits of Petitioner's claims" because the post-conviction court had not made sufficient factual findings. Id. Therefore, the CCA remanded the case to the post-conviction court on April 7, 2022.

The post-conviction court issued a Supplemental Order on Petition for Post-Conviction Relief on August 30, 2022.¹

Ms. Cole hereby gives notice that she intends to appeal the post-conviction court's denial of her PPCR. Ms. Cole further requests that notice

¹ A copy of this Order is filed with this Notice.

of docketing of appeal be served on the following parties: her attorney, Benjamin Israel at 917 Cooper St., Memphis, TN, 38104; the Office of the Shelby County District Attorney General at 201 Poplar Ave. 11th Floor, Memphis, TN, 38103; and the Office of the State District Attorney General at P.O. Box 20207, Nashville, TN, 37202.

Submitted,

Respectfully

____s/_____
Benjamin M. Israel
Attorney for Appellant
B.P.R. # 33683
917 Cooper St.
Memphis, TN 38104
(517)881-8609

CERTIFICATE OF SERVICE

I, Benjamin Israel, do hereby certify that I have provided a copy of the foregoing notice to the Office of the District Attorney General, 201 Poplar

Ave., Memphis, TN 38103 by hand delivery on this the 9th day September, 2022 and to Andrew Coulam of the Office of the State District Attorney General's Office by electronic service on the same date.

____s/_____
Benjamin M. Israel
Attorney for Appellant