

**IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE
AT KNOXVILLE**

STATE OF TENNESSEE,	)	
	)	
Appellee,	)	
	)	
v.	)	No. E2024-01809-CCA-R3-CD
	)	HAMILTON COUNTY
DONYELL DEWAYNE HOLLAND,	)	
	)	
Appellant.	)	

MOTION TO DISMISS APPEAL

The State, through the Office of the Tennessee Attorney General and Reporter, respectfully moves this Court to dismiss Defendant's appeal of his Hamilton County convictions for second-degree murder, first-degree felony murder, especially aggravated kidnapping, employing a firearm during the commission of a dangerous felony, and unlawful possession of a firearm. Defendant's brief is woefully inadequate and does not come close to complying with Tennessee Rule of Appellate Procedure 27.

As mentioned above, a Hamilton County jury convicted Defendant of second-degree murder, first-degree felony murder, especially aggravated kidnapping, employing a firearm during the commission of a dangerous felony, and unlawful possession of a firearm. (V, 652-61.) The trial court imposed an effective life-plus-fifty-years sentence. (V, 652-61.)

Defendant represented himself at trial and represents himself on appeal.

Under Tennessee Rule of Appellate Procedure 27, an appellate brief shall contain a table of contents, a table of authorities, a statement of the issues presented for review, a statement of facts, and an argument “setting forth the contentions of the appellant with respect to the issues presented, and the reasons therefor, including the reasons why the contentions require appellate relief, with citations to the authorities and appropriate references to the record relied on[.]” Tenn. R. App. P. 27(a) (cleaned up). “Issues which are not supported by argument, citation to authorities, or appropriate references to the record *will be treated as waived in this court.*” Tenn. Ct. Crim. App. R. 10(b) (emphasis added).

Defendant’s brief may be a model of brevity, but it is not sufficient, even for a pro se litigant. Defendant raises fifty-five issues for this Court’s review in his nine-page appellate brief. (*See* Def.’s Br.) His issues range from sufficiency of the evidence to ineffective assistance of counsel, judicial misconduct, and everything in between. (Def.’s Br. at 1-6.) His brief contains no tables of contents or authorities and no references to the record beyond vague references to, for example, “transcripts.” (*See* Def.’s Br. at 4, 8.)

Defendant’s short statements of the case and facts shed little light on the situation. (Def.’s Br. at 6-7.) And it seems from his “argument” section that Defendant’s ultimate complaints concern the weight of the evidence and credibility of the witnesses, which are not grounds for appellate relief. (Def.’s Br. at 7-8.) *See State v. Morgan*, 929 S.W.2d 380, 383 (Tenn. Crim. App. 1996); *State v. Matthews*, 805 S.W.2d 776, 779

(Tenn. Crim. App. 1990); *State v. Pruett*, 788 S.W.2d 559, 561 (Tenn. 1990). At the end of the day, any result beyond dismissing this appeal would require this Court to “construct developed arguments from [Defendant’s] conclusory statements” and search the record for information necessary to resolve those arguments. *State v. Cunningham*, No. M2023-00909-CCA-R3-CD, 2024 WL 3634259, at *2 (Tenn. Crim. App. Aug. 2, 2024) (no perm. app. filed). This Court should not—indeed, it cannot—indulge. *See City of Memphis v. Edwards by & Through Edwards*, No. W2022-00087-SC-R11-CV, 2023 WL 4414598, at *2 (Tenn. July 5, 2023) (“[C]ourts cannot and should not shoulder the burden or fashioning arguments of the parties who have chosen not to do so for themselves.”). Defendant has waived all of his fifty-five issues by his refusal to comply with briefing rules, notwithstanding that he represents himself. Indeed, this Court has dismissed appeals for similarly faulty briefing by a pro se appellant. *See, e.g., Order, State v. Riley*, No. M2024-01769-CCA-R3-CD (Tenn. Crim. App. July 24, 2025) (no perm. app. filed). This Court must dismiss this appeal.

For the reasons stated, this Court should dismiss this appeal. Should this Court deny this motion, the State requests thirty days from the entry of such order to submit its brief.

Respectfully submitted,

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