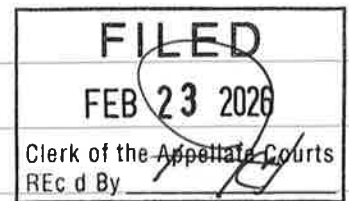




IN THE COURT OF CRIMINAL APPEALS
OF TENNESSEE AT KNOXVILLE



DONYELL DEWAYNE HOLLAND

Appellant

v.

STATE OF TENNESSEE

Appellee

No. E2024-01809-CCA-R3-CD

Hamilton County

Nos. 317210, 311081

MOTION TO SET APPEAL FOR SUBMISSION
AND ASSIGN PANEL

I. INTRODUCTION

COMES NOW Appellant, Donyell Dewayne Holland, proceeding pro se and respectfully moves this Court to set this appeal for submission and assign a three-judge panel pursuant to Tennessee Rules of Appellate Procedure 20, 29(c), and 30(a). This appeal is fully postured for adjudication, and the interests of justice favor prompt submission.

II. CURRENT STATUS OF THE APPEAL

1. Notice of Appeal filed: December 6, 2024.

2. Record Filed: August 29, 2025
(9 volumes Technical Record; 9 volumes Transcripts;
38 Exhibits)
3. Appellant's Brief filed: August 29, 2025
4. Corrected Appellant's Brief filed: December 19,
2025 (entered December 22, 2025).
5. State's Motion to Dismiss: Filed September 24,
2025;
6. State's Motion to Dismiss was DENIED
on January 6, 2026.
7. State's Merits Brief: Not Filed (State
sought extension on February 4, 2026,
requesting until April 6, 2026).
8. Panel Assignment: NONE
9. Submission Date: NONE

III. LEGAL AUTHORITY

Tenn. R. App. P. 29(c) authorizes this Court
to proceed where an appellee does not file

a brief on the merits. A motion to dismiss does not satisfy Rule 30(a) and does not respond to the substantive constitutional claims raised on appeal.

Tenn. R. App. P. 20 governs submission of appeals for decision.

Where briefing is complete — or deemed complete under Rule 29(c) — assignment to a panel and submission are appropriate exercises of this Court's authority.

IV. ARGUMENT

A. The Appeal is Fully Postured for Decision

This appeal has been pending since December 6, 2024. The record has been complete since August 29, 2025. Appellant's Briefing has been complete since December 15, 2025. No panel has been assigned, and no submission date has been set.

B. Appellant Has Fully Complied With Appellate Requirements

Appellant, incarcerated at Morgan County Correctional Complex since July 23, 2025,

has complied with all deadlines and directives of this court. Upon order to correct briefing, Appellant timely complied. This Court expressly found the corrected brief Sufficient. Order of January 6, 2026, "states that the Appellant Substantially Complied with all the requirements of rule 27."

C. The State Has Not Addressed the Merits

The State has not filed a brief addressing the Merits of this appeal. Its sole substantive filing — a motion to dismiss — was DENIED. The constitutional claims presented include:

- (a) Suppression of material exculpatory evidence (Brady);
- (b) Integrity failures involving altered physical evidence;
- (c) Structural error arising from an off-record Momon colloquy;
- (d) Ineffective assistance of counsel; and
- (e) Cumulative error affecting Fundamental Fairness.

These issues are fully briefed and ripe for adjudication.

D. Appellant's Liberty Interest Warrants Prompt Resolution

Appellant is serving three consecutive life sentences. Timely appellate review bears directly on a substantial liberty interest. Tennessee Courts recognize the importance of prompt resolution where fundamental constitutional claims are presented. See: *State v. Hester*, 324 S.W. 3d 1, 56 (Tenn. 2010).

V. RELIEF REQUESTED

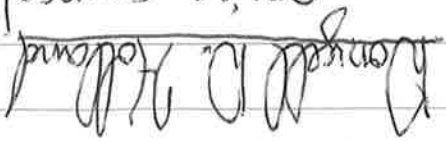
WHEREFORE, Appellant respectfully requests that this Court:

1. Set a firm deadline for the State to file a responsive brief, or deem the appeal submitted pursuant to Tenn. R. App. P. 29(c);
2. Assign this appeal to a three-judge panel;
3. Set the appeal for submission at the earliest practicable date; and
4. Grant such further relief as justice requires.

A proposed order is submitted herewith.

On this 11th day of February 2026.

Respectfully
Submitted,


Douglas H. Holland

Presse counsel

TDOL # 248453

M.C.C.X

P.O. Box 2000

Warburg, TN. 37887

CERTIFICATE OF SERVICE

I, Donyell Dewayne Holland, hereby certify that on this 11th day of February, 2026, I mailed a True and Correct copy of the foregoing Appellant's Motion to Set Appeal for Submission and Assign Panel, to be served by placing the same in the institutional mail system at Morgan County Correctional Complex, postage prepaid, addressed to:

Benjamin L. Barker
Assistant Attorney General
Criminal Appeals Division
P.O. Box 20207
Nashville, TN. 37202



Mary Jo Labarge
Notary Signature

07/07/2029

Date

CERTIFICATE OF SERVICE

I, Donyell Dewayne Holland, hereby certify that on this 11th day of February, 2026, I mailed a True and Correct copy of the foregoing Appellant's Order to be served by placing the same in the institutional mail system at Morgan County Correctional Complex, postage prepaid, addressed to:

Benjamin L. Barker
Assistant Attorney General
Criminal Appeals Division
P.O. Box 20207
Nashville, TN. 37202

Respectfully Submitted,
On this 11th day of February 2026

Donyell Dewayne Holland
Pro'se counsel
TDOC # 248453
M.C.C.X
P.O. Box 2000
Warthburg, TN. 37887



Mary Jo Labarge
Notary Signature
07/07/2029
Date