

FILED

JUL 01 2026

Clerk of the Appellate Courts
REC'd By _____

DONYELL DEWAYNE HOLLAND

Appellant,

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JUL 01 2026

Clerk of the Appellate Courts
REC'd By _____

v.

No. E2024-01809-CCA-R3-CD

Hamilton County Case Nos.

311081, 317216

STATE OF TENNESSEE

Appellee.

APPELLANT'S MOTION FOR LIMITED
REMAND TO SETTLE AND SUPPLEMENT
THE RECORD — PURSUANT TO Tenn. R. App.
P. 24(e)

COMES NOW the Appellant, Donyell Dewayne Holland, proceeding Pro Se, and respectfully moves this Court for a limited remand to the Criminal Court for Hamilton County, Tennessee, so that the trial court may determine whether the materials identified below are properly includable in the appellate record and, if so, direct certification and transmission of a supplemental record. This motion does not seek to introduce new evidence or enlarge the record with matters not before the trial court. In support, Appellant states as follows:

AUTHORITY

1. Tennessee Rule of Appellate Procedure 24(e) permits correction or modification of an appellate record to conform to the truth when matter properly includable has been omitted. Any dispute concerning whether the record accurately discloses what occurred in the trial court must be submitted to and settled by the trial court. *Tenn. R. App. P. 24(e)*.
2. Rule 24(g) limits supplementation to material necessary to provide a fair, accurate, and complete account of what occurred in the trial court with respect to the issues on appeal. See *State v. Housler*, 167 S.W. 3d 294, 298 (Tenn. 2005). Because resolution of the matters

requires the trial court to determine what its own record contains, a limited remand is appropriate so that the trial court may settle the record.

THE ORIGINAL INDICTMENT

3. In its brief, the State acknowledges in a footnote that the original indictment is not contained in the appellate record. (State's Br. at 38 n.5.) The original indictment in Case No. 311081, which preceded the superseding indictment in Case No. 317210, was a filed paper in the trial court and is ordinarily part of the record of the proceedings below under Rule 24(). It bears on Appellant's issues concerning double jeopardy, the superseding indictment, and merger. Appellant requests that, on limited remand, the trial court direct that the original indictment be certified and transmitted as part of a supplemental record. (Attached is a copy of the original indictment) (Exhibit #1)

BILL-OF-PARTICULARS RECORD

4. The State asserts that there is no proof in the record that defense counsel ever requested a bill-of-particulars, while also acknowledging that the prosecutor told the trial court and defense counsel during a motions hearing that he would be willing to file one given the superseding indictment. (State's Br. at 39-40.) Appellant requests a limited remand directing the trial court to determine whether the official record contains the transcript of the motions hearing at which the prosecutor addressed the bill-of-particulars issue, together with any written filing, oral request reflected in that transcript, or ruling concerning a bill of particulars. If those materials exist and were before the trial court, Appellant requests that they be certified and transmitted as a supplemental record.

VIDEO RECORD

5. The State asserts that the only video in the record is the agreed-upon redacted exhibit (Exhibit 6), in which the victim's face was blurred, and that if an unredacted version of the video was played, it is not in the record. (State's Br. at 41.) The video at issue is the recording of the victim's decomposed body that is the subject of Appellant's motion-in-limine claim (Defendant's Issue 22). Appellant requests a limited remand directing the trial court to determine whether any unredacted version of that video was marked, lodged, offered, played, or viewed in the proceedings below, including during opening statement, and whether the transcript of the relevant proceeding identifies that video or the ruling at issue. If so, Appellant requests certification and transmission of the specific video record and the corresponding transcript pages.

RELIEF REQUESTED

WHEREFORE, Appellant respectfully requests that this Court: (a) remand this matter to the Criminal Court for Hamilton County for the limited purpose of settling the Rule 24(e) record dispute; (b) direct the trial court to determine whether the identified materials were filed, offered, or considered in the proceedings below; (c) direct the trial court clerk to certify and transmit any supplemental record the trial court determines is properly includable; and (d) thereafter return the appeal to this Court for further proceedings.

On this 26th day of June 2026.

Respectfully Submitted,

Donnell D. Holland
pro'se counsel

T.D.O.C. # 248453

M.C.C.X

P.O. Box 2000

Wartburg, TN. 37887

CERTIFICATE OF SERVICE

I hereby certify that a True and Exact copy of the foregoing Appellant's Motion For Limited Remand To Settle And Supplement The Record has been served upon the Clerk of the Courts, by placing the same in the institutional mail system at Morgan County Correctional Complex, postage prepaid, on this 26th day of June, 2026.

Respectfully Submitted,

Donnell D. Holland
pro'se counsel