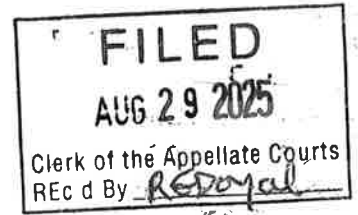


In the Tennessee Court of Criminal Appeals for the Eastern District

at Knoxville, Tennessee.



State of Tennessee

v.

Case No.: E2024-01809-CCA-R3-CD

Donyell Dewayne Holland
Defendant

APPELLANTS BRIEF

Statement of the Issues:

- 1.) Whether the State failed to meet its burden of proving guilt beyond a reasonable doubt, rendering retrial unnecessary and warranting dismissal of the charges;
- 2.) Whether the trial court erred in allowing prejudicial evidence in violation of the pretrial motions in Limine, thereby denying the Appellant a fair trial;
- 3.) Whether prosecutorial misconduct, including improper introduction of gang-related allegation, resulted in a wrongful conviction;
- 4.) Whether the Appellant's trial counsel rendered ineffective assistance, resulting in the deprivation of the Appellant's Sixth Amendment right to competent legal representation;
- 5.) Whether cumulative errors during trial warrant dismissal of the charges to preserve justice;

- 6.) Whether evidence tampering and violations in the chain of custody, including undocumented money presented (4088 Teakwood Dr.) at trial, denied the Appellant a fair trial and warrant dismissal of the charges (see evidence inventory report);
- 7.) Whether violations of pretrial motions and court orders, including the admission of excluded evidence, constituted plain error and prejudiced the Appellant;
- 8.) Whether judicial misconduct or errors during the trial contributed to the Appellant being denied a fair trial and support dismissal of the charges;
- 9.) Whether conflicts of interest or ineffective representation by trial counsel further prejudiced the Appellant;
- 10.) Whether improper jury instructions undermined the jury's understanding of the necessary elements of the charges, resulting in a wrongful conviction;
- 11.) Whether the trial court erred in allowing inconsistent and unreliable witness testimony without proper instructions or limitations to the jury;
- 12.) Whether the trial court erred by failing to sequester the jury, exposing them to potential bias and external influence, thereby undermining the fairness of the trial;
- 13.) Whether the lack of forensic evidence supporting the State's claims raises questions about the necessity of a trial and warrants dismissal of the charges;
- 14.) Whether trial counsel's failure to file critical pretrial motions, properly cross examine witnesses, and object to inadmissible evidence deprived the Appellant of a fair trial;
- 15.) Whether the trial court erred in excluding the Appellant from the remainder of the trial proceedings following his outburst, thereby violating his Constitutional right to be present at trial;
- 16.) Whether the State's failure to supersede the original charges by dismissing the first case when subsequent charges were filed prejudiced;
- 17.) Whether the evidence presented at trial improperly shifted the focus of culpability onto the Appellant when evidence more strongly implicated Derek;

- 18.) Whether the State's reliance on a proffer from Derik, the primary suspect, in exchange for leniency on his sentence created undue prejudice and undermined the credibility of the evidence presented against Appellant;
- 19.) Whether the Appellant's sentence was excessively harsh and disproportionate, violating constitutional protections against cruel and unusual punishment;
- 20.) Whether the prosecution's decision to proceed on multiple charges simultaneously violated the Appellant's protections against double jeopardy;
- 21.) Whether the repeated changes in counsel, including the removal of Ryan Wheeler without explanation, perjured the Appellant by depriving him of a stable defense;
- 22.) Whether the prosecution's introduction of a wallet at trial without defense's knowledge, violated discovery rules and deprived the Appellant of a fair trial;
- 23.) Whether the termination of the lead prosecutor during trial proceedings impacted the integrity of the prosecution's case and created an undue advantage for the State;
- 24.) Whether the dismissal of the private investigator, Malarie Marsh, deprived the Appellant of critical evidence and investigations necessary to mount a proper defense;
- 25.) Whether the denial of an extension due to delayed trial transcripts prejudiced the Appellant's ability to prepare an effective defense;
- 26.) Whether the lack of jurisdiction in Hamilton County, due to the absence of forensic evidence tying the crime to the location, warrants dismissal of the charges;
- 27.) Whether the State failed to provide the Bill of Particulars to the defense for Superseded Indictments on case # 317210;
- 28.) Whether the State failed to give Notice of the Superseded Indictments before using the Indictment, resulting in defense not having adequate amount of time to prepare a defense;
- 29.) Whether the Judge did not read jury instructions about reasonable doubt, burden of proof, or proof by a preponderance of the evidence, before allowing jurors to deliberate; (see transcripts)

- 30.) Whether 404(b) hearing withdrawn and stricken as shown on rule docket on 5-6-2024, but trial judge allowed D.A.s to proceed with In Limine Motion Violation; (see: transcripts pg. 455) (also see: court rule docket)
- 31.) Whether the State introduced irrelevant evidence and did not prove the state's case beyond reasonable doubt, presenting insufficiency of evidence;
- 32.) Whether State Witnesses committed perjury under the Oath. (see: transcripts)
- 33.) Whether Hamilton County did not rightfully have jurisdiction over the cases # 317210, and 311081;
- 34.) Whether failure to give Notice of State Witness during sentencing hearing;
- 35.) Whether due to insufficient evidence presented by the State, the prosecutors narrative lacks intent and motive;
- 36.) Whether the Record reflects my challenges and Innocent Defense;
- 37.) Whether prejudicial evidence outweighs its' probative value in case 317210;
- 38.) Whether prosecution cannot meet its burden of proof, due to insufficient evidence;
- 39.) Whether Sate Witness Derek Brown's confession to the crime, exonerates the Defendant and presents an alternative suspect;
- 40.) Whether prosecutorial misconduct disqualifies the prosecutors from cases 311081, and 317210;
- 41.) Whether failure to disclose exculpatory evidence violates Due Process rights, and warrants dismissal;
- 42.) Whether retaliatory prosecution and systemic misconduct warrants dismissal;
- 43.) Whether failure to respond to pro se motions violates Due Process protections;
- 44.) Whether failure to disclose proffer deals/incentives gave to state witnesses, warrants dismissal;

- 45.) Whether improper introductions of gruesome video during the beginning of trial, inflamed the jury resulting in a wrongful conviction, warrants dismissal;
- 46.) Whether improper introduction of Defendant's criminal past, resulting in a wrongful conviction, warrants dismissal;
- 47.) Whether Defendant's lawsuit against Hamilton County C.O.'s created a retaliatory motive;
- 48.) Whether manipulative judicial corruption of the Hamilton County Court is indulging in Judicial Money Fraud from my case, by unjustly secretly allowing David MacNeill to file Motion for case as Extended and Complex, and I've been granted pro se counsel since 8-16-2024, David MacNeill withdrew from my case on August, 16th, 2024;
- 49.) Whether complaints to the A.B.A., Tennessee Board of Professional Responsibility, and Writ of Certiorari against the prosecutors, warrants disqualify prosecutors on case 317210;
- 50.) Whether introduction of false evidence of a house that wasn't 4062 Glencoe Rd. warrants dismissal;
- 51.) Whether Writ of Certiorari after pretrial hearing proves that I filed a complaint against the prosecutors to display Conflict of Interest. The Writ of Certiorari was sent to the Supreme Court. (Enclosed is a copy of the Writ of Certiorari). Prosecutorial Misconduct warrants dismissal.
- 52.) Whether pro se counsel filed a Notice of Writ of Certiorari to the Hamilton County Court Clerk and the Court Clerk has not documented the filing. This Due Process Violation, warrants review for justice to be sought against the corruption;
- 53.) Whether pro se counsel filed a Motion to disqualify the prosecutor, and it was sent to the Hamilton County Court Clerk, and the Court Clerk Vince Dean has not documented the filing on the Rule Docket. Due to this error being cumulative, it displays judicial corruption that warrants dismissal.
- 54.) Whether the prosecutor, Paul Mayle, introduced 3 felony charges of a man named Gregory Walker at the sentencing hearing and claimed those felonies as the Defendants felonies to get a harsher sentence implemented upon pro se counsel on Oct 25th 2024. Due to this prosecutorial misconduct, this case warrants immediate dismissal. (Enclosed are copies of Gregory Walker judgement sheets that the prosecutor used against me to get a harsher higher ranging sentence).

55.) Whether convicting the Defendant for 1st Degree Murder, 2nd Degree Murder, and Felony Murder for a single deceased victim, violates my Due Process rights, and warrants dismissal.

Statement of the Case

The following is an appeal from the judgements entered against pro se counsel Donyell Dewayne Holland.

The Appellant was convicted and subsequently sentence to life imprisonment X2 and additional time. The Appellant entered a Not Guilty plea, and is still exercising his right of presuming innocence. The Appellant filed a notice of appeal on December 6, 2024. The record on appeal includes Motions in Limine, Court Rule Docket, copies of Complaints to Tennessee Board of Professional Responsibility, Motions to Withdraw, Waiver of Right to be represented by a lawyer, and Gregory Walker judgement sheets.

Statement of Facts

The underlying case stems from an incident occurring on May, 27th 2020, involving the shooting death of Randal Leslie. During trial, the State presented testimony evidence to establish the Appellant's involvement. The defense maintained that the Appellant acted under duress, asserting his lack of criminal intent or participation in the acts leading to Leslie's death.

Prior to trial, the court granted defense Motions in Limine excluding evidence of gang affiliation and certain past convictions. However, during the trial, the prosecution introduced gang related allegations, and defense counsel failed to object, and defense counsel failed to object to the gruesome video that inflamed the jurors. Additionally, money presented as evidence during trial was not documented in evidence logs, suggesting possible tampering.

The Appellant's counsel failed to adequately challenge these procedural irregularities, and the jury convicted the Appellant. Post-trial motions were filed, raising these issues but were denied by the trial court. The absence of trial transcripts further compounded the Appellant's inability to fully address these errors, creating a significant barrier to justice and thorough appellate

review. Also, the prosecutor superseded the indictment with 5 additional charges on April 23rd 2024, and on May 14th - May 17th, 2024. I was forced to trial unprepared.

Argument

I. The State Failed to Meet Its Burden of Proof, Rendering Retrial Unnecessary, Warranting Dismissal.

1.) Lack of Forensic Evidence: The prosecution presented no physical evidence directly tying Donyell to the crime. Forensic evidence available pointed instead to Derik Brown, undermining the State's case. See *Jackson v. Virginia*, 443 U.S. 307 (1979).

2.) Reliance on Circumstantial Evidence: The State relied heavily on inconsistent witness testimony. Witnesses changed their statements multiple times, failing to definitively implicate Donyell. See *Sandstrom v. Montana*, 442 U.S. 510 (1979) (highlighting the dangers of relying on circumstantial evidence to prove intent).

3.) Chain of Custody Issues: Critical evidence was mishandled, including undocumented money presented at trial. See *Arizona v. Youngblood*, 488 U.S. 51 (1988)

4.) Jurisdictional Issues: The lack of forensic evidence tying the crime to Hamilton County undermines the courts jurisdiction. See *State v. Campbell*, 245 S.W. 3d 331 (Tenn. 2008).

5.) Unreliable Witness Testimony: The inconsistent and uncorroborated testimony of witnesses further weakens the State's case. See *Napue v. Illinois*, 360 U.S. 264 (1959) (emphasizing the importance of truthful and reliable testimony in criminal cases).

6.) The unavailability of Trial Transcripts: The lack of available trial transcripts impedes the Appellants ability to demonstrate trial errors or challenge procedural violations. See *Griffin v. Illinois*, 351 U.S. 12 (1956) (underscoring the right to trial transcripts for appellate review).

II. The Trial Court Erred by Allowing Prejudicial Evidence.

The introduction of gang-related allegations violated pretrial Motions in Limine, introducing excluded inadmissible evidence unduly prejudiced the jury. See *State v. Workman*. 345 S.W.2d 482 (Tenn. 1961).

The introduction of criminal past, and gruesome video violated pretrial Motions in Limine to exclude. (See: Court rule docket and Transcripts)

Conclusion

For the foregoing reasons, the Appellant respectfully requests that this Court dismiss the charges against him due to the State's failure to meet its evidentiary burden, the irreparable procedural violations, and the absence of trial review. Please listen to the Trial Audio to recognize court reporter errors of undocumented trial proceedings.

Respectfully submitted,

Donyell D. Holland

Donyell Holland # 248453

Morgan County Prison
510 Wayne Cotton Morgan Dr.
Wartsburg, TN 37887

Certificate of Service

I hereby certify that a true and correct copy of this Notice of Appeal was mailed via U.S. First-Class Mail to:

Tennessee Court of Criminal Appeals

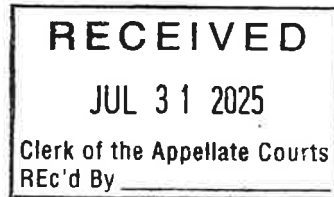
Knoxville Supreme Court Bldg.
505 Main St. Suite 200
Knoxville, TN 37902

on this 18th day of July, 2025.

By: Donyell Holland
Donyell Holland # 248453

Morgan County
540 Wayne Cotton Morgan Dr
Wartburg, TN. 37887

Donnell D. Holland
Morgan County Complex Prison
P.O. Box 2000
Wartburg, TN, 37887



JUL 22

Privileged
Outgoing Mail

Legal



Clerk of the Courts
of Criminal Appeals of TN
Knoxville Supreme Court Bldg
505 Main St. Suite 2C
Knoxville, TN, 37902