

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE
AT KNOXVILLE

FILED

10/15/2025

Clerk of the
Appellate Courts

STATE OF TENNESSEE v. DONYELL DEWAYNE HOLLAND

Criminal Court for Hamilton County
Nos. 317210 and 311081

No. E2024-01809-CCA-R3-CD

ORDER

A Hamilton County jury convicted the Appellant, Donyell Dewayne Holland, of second degree murder, first degree felony murder, especially aggravated kidnapping, employing a firearm during the commission of a dangerous felony, and possession of a firearm by an individual with a prior violent felony conviction. Following the trial court's merging the second degree murder and felony murder convictions, the trial court imposed an effective sentence of life-plus-fifty-years' imprisonment. After the entry of the judgments of conviction, the Appellant waived his right to counsel and proceeded pro se to his motion for new trial hearing with the assistance of advisory counsel.

On July 23, 2025, this court granted advisory counsel's motion to withdraw, noting that there is no right to hybrid representation on appeal. *See State v. Cole*, 629 S.W.2d 915, 917 (Tenn. Crim. App. 1981). The Appellant has proceeded pro se since. On July 31, 2025, the Appellant attempted to file an opening brief prior to the filing of the appellate record. The appellate court clerk filed the brief on August 29, 2025, contemporaneously with the filing of the appellate record.

On September 24, 2025, counsel for the State filed a motion to dismiss this appeal for inadequate briefing. Tenn. R. App. P. 27; Tenn. Ct. Crim. App. R. 10(b) (stating that "[i]ssues which are not supported by argument, citation to authorities, or appropriate references to the record will be treated as waived in this court"). The State asserts that the Appellant lists fifty-five issues in his nine-page brief but provides only conclusory arguments for only a few of the issues raised. *See State v. Cross*, 362 S.W.3d 512, 526 (Tenn. 2012) (stating that "[t]he Tennessee Rules of Appellate Procedure require more than bar assertions without citations to authority"). Ergo, the State argues that the appellate issues are waived and urges this court to dismiss the appeal. *See, e.g., State v. Herron*, No. E2024-01216-CCA-R3-CD, 2025 WL 2701457 (Tenn. Crim. App. Sept. 23,

2025). The Appellant has not filed a response to the State's motion.

Typically, "pro se litigants . . . are not held to the same strict drafting standards as attorneys and . . . pro se pleadings should be more liberally construed." *State v. Walker*, No. W2012-01593-CCA-R3-CD, 2013 WL 3968804, at *3 (Tenn. Crim. App. Aug. 1, 2013). Further,

Parties who decide to represent themselves are entitled to fair and equal treatment by the courts. *Whitaker v. Whirlpool Corp.*, 32 S.W.3d 222, 227 (Tenn. Ct. App. 2000); *Paehler v. Union Planters Nat'l Bank, Inc.*, 971 S.W.2d 393, 396 (Tenn. Ct. App. 1997). The courts should take into account that many pro se litigants have no legal training and little familiarity with the judicial system. *Irvin v. City of Clarksville*, 767 S.W.2d 649, 652 (Tenn. Ct. App. 1988). However, the courts must also be mindful of the boundary between fairness to a pro se litigant and unfairness to the pro se litigant's adversary. Thus, the courts must not excuse pro se litigants from complying with the same substantive and procedural rules that represented parties are expected to observe. *Edmundson v. Pratt*, 945 S.W.2d 754, 755 (Tenn. Ct. App. 1996); *Kaylor v. Bradley*, 912 S.W.2d 288, 733 n. 4 (Tenn. Ct. App. 1995).

Young v. Barrow, 130 S.W.3d 59, 62-63 (Tenn. Ct. App. 2003). Moreover, "[i]t is not the role of the courts, trial or appellate, to research or construct a litigant's case or arguments for him or her, and where a party fails to develop an argument in support of his or her contention or merely constructs a skeletal argument, the issue is waived." *Sneed v. Board of Prof'l Responsibility*, 301 S.W.3d 603, 615 (Tenn. 2010).

The pro se Appellant's brief is woefully inadequate as filed. The court notes, however, that the brief was transmitted prematurely without the benefit of reviewing the appellate record. Therefore, the court DIRECTS the Appellant to file a corrected brief in compliance with Rule 27(a) no later than 30 days from the date of entry of this order. The appellate court clerk shall provide an electronic copy of the appellate record to the Appellant for his use in preparation of the corrected brief. Failure to respond to this court's order in a timely and appropriate manner will result in dismissal of this appeal. The State's motion to dismiss is held in abeyance pending further order of this court. The appellate court clerk shall forward a copy of this order to the Appellant via certified mail, return receipt requested.

JUDGE ROBERT H. MONTGOMERY, JR.