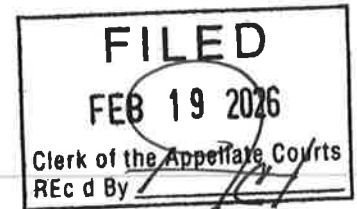
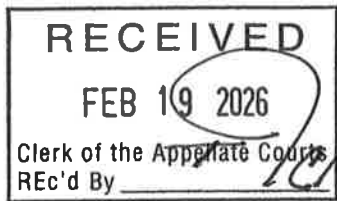


IN THE COURT OF CRIMINAL APPEALS
OF TENNESSEE AT KNOXVILLE



DONYELL DEWAYNE HOLLAND

Appellant

Y.

STATE OF TENNESSEE

Appellee

E2024-01809-CCA-R3-CD

Judge Amanda B. Dunn

Hamilton County judge

311081, and 317210

APPELLANT'S OPPOSITION TO STATE'S
FIRST MOTION FOR EXTENSION OF TIME

COMES NOW Appellant, Donyell Dewayne Holland, proceeding pro se and currently incarcerated at Morgan County Correctional Complex, Warburg, Tennessee (TDOC #248453), and hereby Respectfully opposes the State's First Motion for Extension of Time filed on February 4, 2026, requesting a sixty (60) day extension until April 6, 2026, to file the State's responsive brief. In support thereof, Appellant states as follows:

I. PROCEDURAL HISTORY DEMONSTRATES UNDUE DELAY

1. On August 29, 2025, Appellant timely filed a Appellant's Brief, prose, raising substantial

constitutional claims including structural error from an off-record Momon hearing, Sixth Amendment confrontation violations, Brady violations, and Due Process Violations arising from an incomplete trial record.

2. On September 24, 2025 the State filed a Motion to Dismiss this appeal rather than respond on the Merits.
3. On January 9, 2026, this Court **DENIED** the State's Motion to Dismiss and Ordered the State to file its responsive brief within thirty (30) days.
4. Rather than comply with this Court's order, the State waited until the eve of the deadline — February 4, 2026 — to file its First Motion for Extension of Time, seeking an additional sixty (60) days, for a new deadline of April 6, 2026.
5. The cumulative effect is stark: from the filing of Appellant's brief on August 29, 2025, to the State's proposed new deadline of April 6, 2026, the State will have consumed over seven months without filing a single substantive response to Appellant's constitutional claims — first attempting

dismissal, and now seeking indefinite delay.

II.

THE STATE'S PROFERRED REASONS ARE INSUFFICIENT

6. The State's motion relies entirely on counsel's personal workload and scheduling difficulties.

None of the proffered reasons are specific to this case or constitute good cause warranting a sixty day extension.

7. "Filed four briefs in five weeks." The Office of the Tennessee Attorney General is a statewide office with substantial staffing resources available for reassignment or assistance. The volume of work handled by one assistant attorney general does not excuse the State's obligation to timely respond to claims of constitutional magnitude. If counsel's individual caseload is unmanageable, the Office possesses the institutional capacity to address that internally.

8. "Office was closed for a few days during the ice storm." A closure of "a few days", does not justify sixty (60) additional days. The State's own motion acknowledges this was a brief interruption.

9. "Capital case team duties and Van Tran litigation."

While capital litigation is demanding, it does not relieve the State of its obligations in non-capital cases involving life sentences. Appellant is serving multiple life sentences for a crime that pro'se counsel maintains he did **Not** Commit. His liberty interest is no less urgent because the State has other pressing matters.

10. "The record is very large, consisting of twenty-five volumes." The State is over-exaggerating the amount of volumes in the record. The record has only 9 volumes. The State has had access to this record since Appellant's filed brief on August 29, 2025 — over five months ago. The size of the record is not a New Discovery. The State's failure to begin substantive review of a record it has possessed for months does not constitute good cause for a sixty-day extension.

11. "Could not reach Holland to determine his position." Appellant is incarcerated at Morgan County Correctional Complex, P.O. Box 2000, Wartburg, TN. 37887. This address is known to the State, appears on the docket, and was used for service of this very motion. The State made no effort to mail a letter inquiring about Appellant's position — a simple act that would

have taken less effort than drafting the motion itself.

III. THE EXTENSION CAUSES SUBSTANTIAL PREJUDICE TO THE APPELLANT

12. Appellant is currently serving life sentences. Every day of unnecessary delay is a day of continued incarceration on a conviction Appellant challenges on multiple constitutional grounds, including:

(a.) Structural error: Appellant's Momon hearing — in which appellant did not waive his Right to Testify — was conducted entirely off the record for approximately 38 minutes, rendering meaningful appellate review impossible. See: *Sullivan v. Louisiana*, 508 U.S. 275, 279 (1993).

(b.) Brady violations: The State suppressed material exculpatory evidence, including the federal informant status of a key witness who confessed to dumping the body of the deceased victim, and evidence pointing to an alternate suspect.

(c.) Sixth Amendment violation: Appellant was removed from the courtroom without the findings required under *Illinois v. Allen*, 397 U.S. 337 (1970).

(d.) Due Process: Documented discrepancies in the evidentiary record raise serious questions about the integrity of the State's evidence and the reliability of the conviction.

13. The constitutional gravity of these claims demands prompt resolution. This is not a case involving minor procedural irregularities — these are claims that go to the fundamental fairness and reliability of Appellant's conviction and sentence.

14. Courts have repeatedly recognized that prolonged appellate delay implicates due process and fundamental fairness, particularly for incarcerated appellant's proceeding *Prose*. See: *Barker v. Wingo*, 407 U.S. 514, 519 (1972). (recognizing due process protections against unreasonable direct appeal appellate delay). (recognizing that delay impairs the ability to vindicate rights); see also: *Harris v. Champion*, 15 F.3d 1538, 1559 (10th Cir. 1994). While these cases arose in different procedural postures, their reasoning applies with equal force here: an incarcerated *prose* appellant's substantive constitutional claims have gone unanswered for over seven months, and further delay compounds the Prejudice.

V.
IF ANY EXTENSION IS GRANTED, IT SHOULD BE
STRICTLY LIMITED

18. Should this Court be inclined to Grant an extension despite the foregoing objections, Appellant respectfully requests that any extension be limited to no more than thirty (30) days, for a new deadline of March 7, 2026. The State has had access to this record for over five months. Four additional weeks is more than sufficient to prepare a responsive brief.

19. Appellant further requests that this Court Order that no further extensions be granted absent extraordinary and case-specific circumstances — not general workload or scheduling conflicts. The State's pattern of procedural delay should Not be permitted to continue indefinitely while Appellant remains incarcerated.

CONCLUSION

WHEREFORE, Appellant Donyell Dewayne Holland respectfully requests that this Honorable Court:

1. DENY the State's First Motion for Extension of Time and Order the State to file its Brief Forthwith; or in the alternative,

2. LIMIT any extension to no more than fourteen (14) days from the date of this Court's order; or thirty (30) days from the date of this Court's order; and
3. ORDER that no further extensions shall be granted absent extraordinary, case-specific circumstances.
4. Grant appellant a O.R. Appeal Bond while awaiting direct appeal (Appellant's Brief) to be reviewed and ruled upon by a 3 Judge Unbias Panel.

Respectfully Submitted,

Dorrell D. Holland
pro se counsel

TDCC # 248453

Morgan County Correctional Complex

P.O. Box 2000

Wartburg, TN. 37887

On this 10th day of February 2026.

CERTIFICATE OF SERVICE

I, Donyell Dewayne Holland, hereby certify that on this 10th day of February, 2026, I caused a True and Correct copy of the foregoing Appellant's Opposition to State's First Motion for Extension of Time 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

Clerk of the Courts
Supreme Court of TN.
Court of Appeals
Court of Criminal Appeals
P.O. Box 444
Knoxville, TN. 37901

Notary signature:

On this _____ day of _____ 2026.