

Donyell D. Holland

v. _____

State of TN.

Division II

Case # 311081

DIV 2

2024 MAY 10 AM 9:30
VINCE D. HOLLAND
BY _____
DO

MOTION TO CHALLENGE PROLONGED PRETRIAL CONFINEMENT

Comes now, the defendant Donyell D. Holland, by and through undersigned counsel, pursuant to the laws of the State of Tennessee, The Tennessee Rules of Criminal Procedure, and the United States Constitution, respectfully moves this Honorable Court to challenge the constitutionality of Defendants prolonged pretrial confinement as further detailed herein:

I. Introduction

The defendant has been held in pretrial confinement for an extended period, which raises serious concerns regarding the deprivation of Defendants constitutional rights, including the right to due process of law.

II. Legal Authority and Case law

A. United States Constitution and Tennessee Constitution

The Fifth Amendment to the United States Constitution and Article 1, Section 8 of the Tennessee Constitution guarantee the right to due process of law, which includes the right to a prompt & fair trial.

B. Tennessee Rules of Criminal Procedure

Rule 45 of the Tennessee Rules of Criminal Procedure provides that every person charged with a crime is entitled to a speedy and public trial.

C. Case Law

In *State v. Smith* (Tenn. 20) the Tennessee Supreme Court reaffirmed the importance of the right to a speedy trial and held that prolonged pretrial confinement without a prompt trial can constitute a violation of due process rights.

III. Factual Basis

The Defendant has been held in pretrial confinement for case # 311081 since 3-10-2021 without a trial or resolution of Dismissal of the charges against the accused. This prolonged confinement without a speedy trial violates defendants constitutional rights to due process and a prompt trial.

IV. Legal Argument

The prolonged pretrial confinement of the defendant without a speedy trial constitutes a violation of Defendants rights under the United States Constitution, The Tennessee Rules of Criminal. Such deprivation of Defendants Constitutional rights requires immediate judicial intervention

to remedy this injustice.

V. Relief Sought

Wherefore, Defendant respectfully requests that this Honorable Court grant the motion to challenge Defendants prolonged pretrial confinement and take appropriate action to ensure Defendants Constitutional rights are protected. Specifically, Defendant requests for an order for immediate release, under O.R. Bond GPS Monitor from pretrial confinement or an Order for a prompt trial. I pro'se counsel is Seeking for the prosecution team to file Nolle Prosequi due to insufficient evidence, that is lacking proof to find the accused guilty of the alleged allegations. (The innocence of the accused is presumed)

VI. Certificate of Service

I hereby certify that a true and correct copy of this motion has been served upon the prosecution on May 1st 2024.

Respectfully
Submitted,

Wongell Holland