

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE
AT NASHVILLE

FILED

07/16/2025

Clerk of the
Appellate Courts

MONOLETO DELSHONE GREEN v. STATE OF TENNESSEE

**Circuit Court for Rutherford County
No. 51959**

No. M2025-00928-CCA-R10-CO

ORDER

Currently before the Court is the Petitioner's *pro se* application for an extraordinary appeal. Tenn. R. App. P. 10. It is not entirely clear what the Petitioner is seeking to appeal, but he failed to attach to his application a copy of any trial court order appealable under Rule 10. An extraordinary appeal may be granted from an interlocutory order of a trial court if the appellate court determines the trial court has so far departed from the accepted and usual course of judicial proceedings as to require immediate review or if necessary for complete determination of the action on appeal. Tenn. R. App. P. 10(a). Thus, Rule 10 is utilized to gain interlocutory appellate review of a trial court *order*. Again, the Petitioner failed to attach a copy of any trial court order which demonstrates how the trial court has acted in an "arbitrary fashion" necessary to warrant an extraordinary appeal at this juncture of the trial court proceedings. Tenn. R. App. P. 10, Advisory Commission Comment ("[t]he circumstances in which review is available . . . are very narrowly circumscribed to those situations in which the trial court . . . has acted in an arbitrary fashion, or as may be necessary to permit complete appellate review on a later appeal").

Accordingly, the Petitioner's application is hereby denied. Because it appears the incarcerated Petitioner remains indigent, costs are taxed to the State. However, the State has the authority to recoup the costs associated with this appeal from the Petitioner's trust fund account, if appropriate. Tenn. Code Ann. § 40-25-143.

Easter, Wedemeyer, Holloway, JJ.