

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE
AT KNOXVILLE

FILED

11/21/2025

Clerk of the
Appellate Courts

STATE OF TENNESSEE v. TELINA S. FULLER

**Criminal Court for Knox County
No. 131192**

No. E2025-01803-CCA-R10-CD

ORDER

This cause came before the court upon the application of the Defendant, pro se, seeking an extraordinary appeal pursuant to Tennessee Rule of Appellate Procedure 10. More specifically, the Defendant seeks review of the trial court's October 30, 2025, order directing her to undergo a mental health evaluation to determine her competency to stand trial and her mental state at the time of the charged offense. *See* Tenn. Code Ann. § 33-7-301(a). The Defendant also requests a stay of mental health evaluation proceedings.

Upon review of the application and its supporting documents, we conclude that the Defendant has not demonstrated grounds for extraordinary relief under Rule 10. Accordingly, we conclude that a response from the State is not required, and we respectfully deny the application. *See* Tenn. R. App. P. 10(d).

FACTUAL BACKGROUND

The application reflects that the Defendant was charged with driving under the influence, first offense, following a March 6, 2024, automobile accident. The general sessions court appointed the public defender, who later withdrew based on a conflict of interest. Substitute counsel was appointed and subsequently withdrew on May 13, 2025, due to an irreparably broken attorney-client relationship. The Defendant later filed a notice of intent to proceed pro se and demanded a speedy trial. A Knox County grand jury returned an indictment on August 20, 2025.

On September 15, 2025, the Defendant renewed her intention to represent herself and filed additional motions asserting various constitutional claims. She was arraigned on

September 22, 2025. On October 9, 2025, during a motions hearing, the trial court summarily held the Defendant in contempt for livestreaming court proceedings despite repeated warnings. She was incarcerated from October 9 to October 20, 2025, and did not appeal the contempt judgment. Instead, she filed several additional motions, including a motion to vacate the contempt order and a motion seeking protective relief.

On October 30, 2025, the trial court ordered an outpatient mental health evaluation. Although the State's motion requesting the evaluation is not included in the application, the statute authorizes the trial court to order an evaluation on its own motion. That same day, the Defendant filed a motion for judicial recusal and a motion challenging the competency order. Email correspondence attached to the application indicates that the recusal motion remains pending.

ANALYSIS

Tennessee Rule of Appellate Procedure 10 permits an extraordinary appeal only “in the discretion of the appellate court alone” and only in two circumstances:

- (1) when the lower court has “so far departed from the accepted and usual course of judicial proceedings as to require immediate review,” or
- (2) when review is necessary for complete determination of the action on appeal.

See Tenn. R. App. P. 10(a). The rule requires the applicant to provide all orders and relevant materials necessary for review. *See* Tenn. R. App. P. 10(c).

Our supreme court has made clear that Rule 10 relief is reserved for the most exceptional cases. As the court has explained previously,

An appellate court should grant a Rule 10 extraordinary appeal only when the challenged ruling represents a fundamental illegality, fails to proceed according to the essential requirements of the law, is tantamount to the denial of a party's day in court, is without legal authority, is a plain and palpable abuse of discretion, or results in either party losing a right or interest that may never be recaptured.

. . . .

Unlike Rule 9 appeals, Rule 10 appeals are reserved only for *extraordinary* departures from the accepted and usual course of judicial proceedings.

Gilbert v. Wessels, 458 S.W.3d 895, 898 (Tenn. 2014) (citations omitted) (emphasis in original). This high threshold reflects the extraordinary nature of the remedy and the need to preserve the orderly progression of trial proceedings in the absence of truly exceptional circumstances.

In this case, the Defendant challenges the outpatient evaluation order and asserts that it was entered in retaliation for her exercise of free speech. She further contends that the order prevents the trial court from ruling on her numerous pending motions, including her recusal motion, and that the trial court has failed to address her constitutional filings.

None of these claims establishes the type of extraordinary circumstances required for Rule 10 relief. The record before this Court provides no basis to conclude that the evaluation order is retaliatory or that it reflects any departure from statutory authority. Section 33-7-301(a)(1) expressly authorizes a trial court to order an outpatient mental health evaluation when concerns about competency exist, even on the court's own motion. Temporary delays associated with the evaluation process do not constitute a denial of the Defendant's day in court, nor do they create an irreparable loss of rights. The Defendant's recusal motion remains pending, and nothing in the record indicates that the trial court is legally barred from adjudicating it at the appropriate time.

Moreover, an interlocutory order directing a competency evaluation is not a plain and palpable abuse of discretion under the standards articulated in *Gilbert*. Trial courts routinely rely on a combination of filed materials, in-court conduct, and their direct observations when determining whether further inquiry into competency is warranted. Nothing in the record before us suggests that the trial court acted for an improper purpose or outside the scope of its statutory discretion. Our review of the record simply does not reveal an extraordinary departure from the accepted and usual course of judicial proceedings. Accordingly, we conclude that the Defendant has not established any exceptional circumstances to warrant an extraordinary appeal in this case.

CONCLUSION

In summary, we hold that the Defendant has not established any exceptional circumstances to warrant an extraordinary appeal in this case. As such, the Defendant's application for an extraordinary appeal and her request to stay the evaluation proceedings

are respectfully denied. Because it appears that the Defendant is indigent, the costs of this proceeding shall be taxed to the State of Tennessee.

JUDGE TOM GREENHOLTZ

JUDGE KYLE A. HIXSON

JUDGE STEVEN W. SWORD