

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE
AT KNOXVILLE

FILED

09/09/2026

Clerk of the
Appellate Courts

STATE OF TENNESSEE v. RICHARD CLARENCE LAWHORN

Criminal Court for Knox County
No. 125301

No. E2026-01056-CCA-R10-CD

ORDER

The pro se Petitioner has filed an application for extraordinary appeal, *see* Tenn. R. App. P. 10, seeking review of two trial court orders: (1) the April 10, 2026 order adjudicating the Petitioner’s motion seeking return of seized property pursuant to Tennessee Rule of Criminal Procedure 41(g) and (2) the May 27, 2026 order denying the Petitioner’s motion for reconsideration. The Petitioner asserts that “the lower court has so far departed from the accepted and usual course of judicial proceedings so as to require immediate review,” Tenn. R. App. P. 10(a) because the April 10, 2026 order incorporated an inventory document, with which the Petitioner disagrees, and the trial court denied reconsideration of that order.

We have determined that a response from the State is not necessary in this matter. Tenn. R. App. P. 10(d). Upon full consideration of the Petitioner’s application, attachments thereto, and applicable law, we conclude that the trial court’s order presents a final judgment—rather than an interlocutory order—and is, therefore, not appropriate for extraordinary review. The Petitioner’s application is DENIED.

FACTUAL BACKGROUND

On July 19, 2022, Tennessee Alcoholic Beverage Commission agents executed a search warrant at the Petitioner’s business and seized “[a] significant quantity of alcoholic beverages.” On June 29, 2023, the Petitioner was indicted for the unlawful sale of alcoholic beverages. *See* T.C.A. § 39-17-702. On April 9, 2024, the State dismissed the indictment. This dismissal occurred prior to the litigation of any issue challenging the propriety of the July 2022 seizure.

Thereafter, the Petitioner filed numerous motions seeking the return of the seized property, culminating in the trial court's April 10, 2026 order. The trial court's order noted that Rule 41(g) of the Tennessee Rules of Criminal Procedure was inapplicable because the search warrant had not been challenged or found defective—the charges had simply been dismissed by the State. The trial court also noted that “[t]he parties are in apparent agreement that the Petitioner should receive the seized property, but [they] differ in the amount seized.” The trial court then ruled, “[b]ecause the State concedes that return of the seized items is proper the State shall return the evidence set forth within the inventory/return of the search warrant.” The court's order noted that “[t]he criminal case between these parties terminated almost two (2) years ago, accordingly, any further claim for return of property and/or damages shall be filed within the appropriate forum.”

The Petitioner then filed a motion for reconsideration asking the trial court to correct the April 10, 2026 order to include items beyond those listed in the search warrant return inventory. The trial court denied the motion for reconsideration on May 27, 2026.

ANALYSIS

An extraordinary appeal may be sought from an interlocutory order pursuant to Rule 10 of the Rules of Appellate Procedure “on application and in the discretion of the appellate court alone . . . (1) if the lower court has so far departed from the accepted and usual course of judicial proceedings as to require immediate review, or (2) if necessary for complete determination of the action on appeal as otherwise provided in these rules.” Tenn. R. App. P. 10(a). The application for an extraordinary appeal “shall be accompanied by copies of any order or opinion or parts of the record necessary for determination of the application.” Tenn. R. App. P. 10(c). The rule further provides that “[t]he application may also be supported by affidavits or other relevant documents.” *Id.*

As previously stated, an extraordinary appeal may be sought to review an *interlocutory* order of the trial court under certain circumstances. Tenn. R. App. P. 10(a). Therefore, we must determine whether the trial court's April 10, 2026 order is an interlocutory or final order. “A judgment is final ‘when it decides and disposes of the whole merits of the case leaving nothing for the further judgment of the court.’” *State v. Comer*, 278 S.W.3d 758, 761 (Tenn. Crim. App. 2008) (quoting *Richardson v. Tennessee Bd. of Dentistry*, 913 S.W.2d 446, 460 (Tenn. 1995)).

We conclude that the trial court's order fully adjudicated the Petitioner's request for return of seized property by ruling that Rule 41(g) was not applicable to the Petitioner's case. In so doing, the trial court also noted the State's concession that property listed on

the search warrant return inventory should be returned and advised that any additional claims be directed to the proper forum. *See, generally*, T.C.A. § 57-9-111 (regarding the filing of a petition for return of seized liquor). Further, the Tennessee Rules of Criminal Procedure do not provide for a motion to rehear or reconsider. *State v. Rockwell*, 280 S.W.2d 212, 214 (Tenn. Crim. App. 2007) (citing *State v. Ryan*, 756 S.W.2d 284, 285 n. 2 (Tenn. Crim. App. 1988)).

CONCLUSION

Because an application for an extraordinary appeal pursuant to Rule 10 of the Tennessee Rules of Appellate Procedure cannot be sought from a trial court's final order, the Petitioner's application is DENIED. The costs associated with this proceeding are taxed to the Petitioner, Richard Clarence Lawhorn, for which let execution issue, if necessary.

JUDGE ROBERT H. MONTGOMERY, JR.
JUDGE STEVEN W. SWORD
JUDGE STACY L. STREET