

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE
AT KNOXVILLE

FILED

10/23/2026

Clerk of the
Appellate Courts

STATE OF TENNESSEE v. CHADRICK RAYFIELD

**Circuit Court for Sevier County
Nos. 26-CR-206, 26-CR-333, and 26-CR-384**

No. E2026-01495-CCA-R9-CO

ORDER

On September 28, 2026, the Fourth Judicial District Public Defender filed an application for interlocutory appeal on behalf of “Defendants, Nathan Dennis, Stevie Hurst, and Chadrick Rayfield . . . and similarly situated defendants in all four counties of the Fourth Judicial District” seeking interlocutory review of the trial court’s September 8, 2026 order denying a motion to disqualify the District Attorney General’s Office from prosecuting cases in the Fourth Judicial District. Tenn. R. App. P. 9. Counsel asserts that interlocutory review of the trial court’s order is required to prevent irreparable injury; to prevent needless, expensive, and protracted litigation; and to develop a uniform body of law. Tenn. R. App. P. 9(a)(1), (2), and (3). The State has filed an answer in opposition to the application. Following our review, the application for interlocutory appeal is DENIED.

FACTUAL BACKGROUND

This matter involves efforts to disqualify the Fourth Judicial District’s duly elected District Attorney General, James B. “Jimmy” Dunn, from the prosecution of all cases in the judicial district. In July 2026, General Dunn announced his intention to retire from office on August 31, 2026, four years short of the expiration of his term in 2030. Three days prior to the effective date, on August 28, 2026, General Dunn rescinded his resignation and informed Governor Bill Lee that he intended to remain in office to the expiration of his term. On August 31, 2026, the Governor acknowledged General Dunn’s decision, noting that the anticipated vacancy had not been filled and no longer exists.

On September 1, 2026, Defendants Dennis, Hurst, and Rayfield, through the District Public Defender, filed motions to disqualify General Dunn and his office from

prosecuting their cases and the cases of “similarly situated defendants.”¹ The Defendants argued that the legal effect of General Dunn’s July retirement announcement created a vacancy in the District Attorney General’s Office requiring the Governor to “appoint a suitable person to fill the office temporarily until the election takes place” at the next available “biennial election.” See Tenn. Code Ann. § 8-7-107. The Defendants further argued that General Dunn could not rescind his retirement announcement, citing *Murray v. State ex rel. Luallen*, 89 S.W. 101, 101 (Tenn. 1905). On September 8, 2026, the trial court denied the Defendants’ motions, concluding that no vacancy occurred requiring the Governor to appoint a successor District Attorney General because General Dunn had rescinded his retirement prior to its effective date.

On September 10, 2026, the Defendants filed a timely motion for interlocutory appeal in the trial court, arguing that interlocutory review was necessary to prevent irreparable injury, prevent needless litigation, and develop a uniform body of law. Tenn. R. App. P. 9(a)(1), (2), and (3). On September 15, 2026, the trial court held a hearing on Defendant Rayfield’s motion and granted the Defendant’s motion for interlocutory appeal. On September 23, 2026, the trial court filed an order granting Defendant Rayfield’s motion. Regarding the reasons for granting interlocutory appeal and specific issue certified for review, the order states as follows:

To fulfill the requirements of Tennessee Rules of Appellate Procedure 9(b), the Court hereby sets forth in writing the specific issue for consideration, legal criteria and factors lending the trial court to the opinion those criteria are satisfied. For purposes of this written order the findings of the Court are set forth beginning at Page 27, Line 1, through Page 32, Line 2, of the Transcript of the Proceedings as if the same were specifically set forth herein. A copy of the Transcript of the Proceedings from September 15, 2026 is attached hereto and incorporated herein.

Defendant Rayfield (“Defendant”) filed a timely application for interlocutory appeal to this court.² Tenn. R. App. P. 9(c). In his application, the Defendant presents the following issues:

¹ Defendant Rayfield has three separate cases pending.

² Neither the trial court’s order granting permission to seek an interlocutory appeal nor the transcript of the proceedings on the motion for permission to seek an interlocutory appeal references Defendants Hurst and Dennis or their trial court case numbers. Thus, this court’s jurisdiction to adjudicate the application is limited to Defendant Rayfield. Tenn. R. App. P. 9(a) (stating that the trial court’s granting permission to seek interlocutory appeal is a prerequisite to filing an application in this court).

1. Whether the Governor's appointment of a successor was necessary to establish the Governor's acceptance of General Dunn's retirement and thus necessary to create a vacancy in the District Attorney General's Office for the Fourth Judicial District; and
2. Whether the Trial Court erred in its interpretation and evaluation of the legal effect of the Governor's July 13, 2026, Notice of District Attorney General Vacancy;
3. Whether the Trial Court erred by declining to determine the legal effect of the Governor's official actions under Tennessee law;
4. Whether General Dunn could unilaterally rescind his retirement before its stated effective date; and
5. Whether the Trial Court erred by concluding that a vacancy did not occur in the District Attorney General's Office and that General Dunn retains his prosecutorial authority in the Fourth Judicial District.

On October 8, 2026, the State filed a timely answer in opposition to the application.³

APPLICABLE LAW

Rule 9(a) provides the following criteria for determining whether to grant interlocutory appeal:

- (1) the need to prevent irreparable injury, giving consideration to the severity of the potential injury, the probability of its occurrence, and the probability that review upon entry of final judgment will be ineffective;
- (2) the need to prevent needless, expensive, and protracted litigation, giving consideration to whether the challenged order would be a basis for reversal upon entry of a final judgment, the probability of reversal, and whether an interlocutory appeal will result in a net reduction in the duration and expense of the litigation if the challenged order is reversed; and

³ Accompanying the application, the Defendants also filed a motion to stay all trial court proceedings. On September 30, 2026, this court denied the motion for stay. On October 6, 2026, the Defendants filed a motion requesting the Tennessee Supreme Court to assume jurisdiction of the Rule 9 application pursuant to Tennessee Code Annotated section 16-3-201(d). *See also* Tenn. Sup. Ct. R. 48. The State filed an answer opposing the motion to assume jurisdiction. The motion remains pending in the supreme court. That said, the Defendant's filing the motion to assume jurisdiction did not automatically stay the proceedings in this court. Tenn. Sup. Ct. R. 48(c).

(3) the need to develop a uniform body of law, giving consideration to the existence of inconsistent orders of other courts and whether the question presented by the challenged order will not otherwise be reviewable upon entry of final judgment.

Id. 9(a)(1)-(3).

“An interlocutory appeal is an exception to the general rule that requires a final judgment before a party may appeal as of right.” *State v. Gilley*, 173 S.W.3d 1, 5 (Tenn. 2005). To that end, the Tennessee Supreme Court has stated repeatedly that “interlocutory appeals to review pretrial orders or rulings, i.e., those entered before a final judgment, are ‘disfavored,’ particularly in criminal cases.” *Id.*; *see also State v. Meeks*, 262 S.W.3d 710, 720 (Tenn. 2008); *State v. McKim*, 215 S.W.3d 781, 790 (Tenn. 2007); *State v. Scarborough*, 201 S.W.3d 607, 612 n.2 (Tenn. 2006); *Reid v. State*, 197 S.W.3d 694, 699 (Tenn. 2006); *State v. Williams*, 193 S.W.3d 502, 506 (Tenn. 2006). “[T]hus, it is incumbent on the party seeking the appeal . . . to satisfy the court or courts that there are appropriate grounds for an interlocutory appeal.” *Meeks*, 262 S.W.3d at 720.

ANALYSIS

In his application before this court, the Defendant maintains the same arguments in favor of interlocutory review as presented in the trial court: to prevent irreparable injury, prevent needless litigation, and develop a uniform body of law. Tenn. R. App. P. 9(a)(1), (2), and (3). In its answer, the State urges this court to deny the Defendant’s application on both procedural and substantive grounds.

Procedural Challenges Raised by the State

First, the State argues that Defendants Dennis and Hurst were not granted applications for permission to appeal in the trial court and, therefore, cannot proceed in this court. *See* Tenn. R. App. P. 9(a). We agree and, as already noted, we limit our consideration of the disqualification issue to Defendant Rayfield because the record reflects that only Defendant Rayfield was granted permission to appeal from the trial court’s September 8, 2026 order.

Second, the State asserts that the Defendant lacks standing to challenge General Dunn’s prosecutorial authority because he has “failed to allege a distinct and palpable injury not shared by the general public.” *See McKay v. State*, 706 S.W.3d 338, 340 (Tenn. 2025). We observe that the State did not raise this challenge in the trial court and, therefore, the record is void of any findings from the trial court regarding the Defendant’s

standing. That said, the Defendant has not sought permission to supplement the application with a response to the State’s standing challenge. Because we are declining to accept discretionary jurisdiction in this case, we save the standing challenge for a later appeal. *State v. Rice*, No. W2025-02029-CCA-R10-PD, 2026 WL 461537, at 4, n7 (Tenn. Crim. App. Feb. 2, 2026) (Order), *perm. app. denied* (Tenn. Mar. 31, 2026).

Finally, the State asserts that the Defendant cannot seek review of “questions not certified by the trial court.” It is a long-standing principle that “the only issues that can be raised are those certified by the trial court’s order granting permission to seek an interlocutory appeal.” *Heatherly v. Merrimack Mut. Fire Ins. Co.*, 43 S.W.3d 911, 914 (Tenn. Ct. App. 2000); *see also McCullough v. State*, 144 S.W.3d 382, 390 (Tenn. Crim. App. 2003). The trial court’s written order does not contain a statement of “the specific issue or issues the court is certifying for appeal.” Tenn. R. App. P. 9(b). Rather, the trial court’s order “incorporated” the trial court’s findings spanning five pages of the transcript. This court has refused to apply the strict certification requirements found in Tennessee Rule of Criminal Procedure 37(b)(2)(A) to the certification requirements found in Rule 9. *See State v. Williams*, No. E2025-01399-CCA-R9-CD, 2025 WL 2888039, at *3 (Tenn. Crim. App. Oct. 10, 2025)(Order). That said, the trial court in this case took that leniency a step too far by failing to include any statement of the specific issue certified for appeal in its written order, paving the way for the Defendant’s raising five separate issues challenging the District Attorney General’s prosecutorial authority. In our view, this procedural deficiency alone could be fatal to our review of the Defendant’s application.

Substantive Challenge by the State

That said, the State asserts that the Defendant’s application should be denied on the merits as well. Noting the long-held maxim that interlocutory appeals are generally disfavored, *Gilley*, 173 S.W.3d at 5, the State argues that the Defendant has failed to establish that he will suffer irreparable injury if not granted interlocutory review because the issue of General Dunn’s disqualification can be easily reviewed on direct appeal, if the Defendant is convicted; that interlocutory review will actually increase—rather than prevent—needless litigation “given the likelihood of reversal”; and that there is no need to develop a uniform body of law because the courts in the Fourth Judicial District have all consistently denied motions to disqualify General Dunn based upon the same issue.

We agree with the State. The Defendant will not suffer irreparable harm because, if convicted, the disqualification issue is reviewable on direct appeal. *See, e.g., State v. Orrick*, 592 S.W.2d 877 (Tenn. Crim. App. 2018). Further, the Defendant has failed to establish a need for a uniform body of law as there exist no “inconsistent orders” requiring immediate review of the issue. *See State v. Bybee*, No. M2025-01179-CCA-R9-CD, 2025 WL 2549100, at *3 (Tenn. Crim. App. Sept. 4, 2025) (Order). Moreover, we agree that

granting interlocutory review would increase litigation given the low probability of reversal presented in this case. Simply put, the Defendant has failed to establish that he is entitled to the exceptional relief afforded by interlocutory review.

CONCLUSION

Accordingly, the Defendant's application for permission to appeal pursuant to Rule 9 of the Rules of Appellate Procedure is DENIED. Because the Defendant has been determined to be indigent, the costs associated with this appeal are taxed to the State of Tennessee.

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