

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE
AT KNOXVILLE

FILED

10/26/2026

Clerk of the
Appellate Courts

STATE OF TENNESSEE v. AGNESS MCCURRY

Criminal Court for Washington County
No. 51351

No. E2026-01660-CCA-R10-CD

ORDER

The pro se Defendant, Agness McCurry, has filed an application for extraordinary appeal, *see* Tenn. R. App. P. 10, seeking review of the trial court's October 8, 2026 denial of a motion for judgment of acquittal. We have determined that a response from the State is not necessary in this matter. Tenn. R. App. P. 10(d). Upon review of the application, we conclude that the Defendant has not demonstrated grounds for extraordinary relief under Rule 10. Accordingly, the application is DENIED.

FACTUAL BACKGROUND

The application before this court shows that on March 20, 2026, the Defendant was indicted for two counts of "impeding, intimidating, interfering with or retaliating for Judge Suzanne Cook's participation in the judicial process," three counts of "retaliation for past action of Judge Cook," one count of harassment of Judge Cook, and one count of harassment of Melena Bowman, Judge Cook's judicial assistant. The case went to trial on October 6, 2026.¹ The Defendant claims that former defense counsel failed to provide "discovery" to her and that the trial court "rush[ed] the case to trial." The Defendant raises these issues for review:

1. Whether the evidence at trial was sufficient to convict the Defendant;
2. Whether the trial court judge was required to declare a mistrial "when Defendant and other witnesses showed proof and testimony of Rule 16 discovery violations";

¹ The record does not reflect what offenses the Defendant has been convicted of or whether any sentencing or post-trial motion hearings remain pending.

3. Whether the trial court judge “properly addressed and followed the correct procedure when one juror violated his oath and discussed the facts of the case prior to resolution of trial”;
4. Whether the trial court abused its discretion “to allow prosecutorial misconduct taint the fairness of the proceedings”; and
5. Whether the Defendant’s “due process rights to fairness were violated by the conduct of the trial court judge and State that affected the outcome of the trial and jury verdict.”

The Defendant seeks a stay of the trial court proceedings and additional time to prepare an appendix to the application. The Defendant has filed a separate pleading seeking permission to proceed as an indigent person on the application.

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). The Defendant has failed to provide the requisite *ad hoc* record to facilitate the court’s adjudication of the application.

Moreover, 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 trial court's denial of a motion for judgment of acquittal and raises issues related to the conduct of pretrial and trial proceedings. She has not provided any documentation in support of her application. That said, even if taken at face value, the claims raised in the application fail to establish an extraordinary departure requiring immediate review. Indeed, the Defendant's claims are precisely the character of those that are routinely raised and adjudicated on direct appeal. The Defendant has failed to overcome the high threshold of showing truly exceptional circumstances. Even if this court were inclined to grant additional time for the Defendant to correct the defective application by providing an appendix, the claims presented would not warrant extraordinary review.

CONCLUSION

Accordingly, the Defendant has not established that extraordinary relief is required in this matter, and the application is DENIED. Moreover, the Defendant failed to attach any documentation to her motion to proceed as an indigent person. *See* Tenn. R. App. P. 18(d). Because the Defendant has not established her indigency to proceed on appeal, the costs associated with this action are taxed to the Defendant, Agness McCurry, for which let execution issue, if necessary.

PER CURIAM