

IN THE COURT OF APPEALS OF TENNESSEE
AT NASHVILLE
July 8, 2026 Session

FILED

08/28/2026

Clerk of the
Appellate Courts

MICHELLE JOUVENCE v. PATRICK J. REENERS

**Appeal from the Circuit Court for Sumner County
No. 83CC1-2024-CV-94 Joe Thompson, Judge**

No. M2025-01267-COA-R3-CV

This appeal arises from the Sumner County Circuit Court’s dismissal of an appeal from the Sumner County General Sessions Court’s denial of a motion to recuse. The Circuit Court reasoned that it lacked subject-matter jurisdiction because the appellant failed to perfect an interlocutory appeal under Rule 10B of the Tennessee Supreme Court Rules and failed to perfect an appeal as of right under Tennessee Code Annotated § 27-5-108. This appeal followed. We affirm the judgment in all respects.

Tenn. R. App. P. 3 Appeal as of Right; Judgment of the Circuit Court Affirmed

FRANK G. CLEMENT JR., C.J., delivered the opinion of the Court, in which ANDY D. BENNETT and KRISTI M. DAVIS, JJ., joined.

Aaron K. Rothbaum, Brentwood, Tennessee, for the appellant, Patrick Reeners.

Kirk L. Clements, Nashville, Tennessee, for the appellee, Michelle Jouvence.

OPINION

FACTS AND PROCEDURAL HISTORY

In March 2023, Michelle Jouvence (“Petitioner”) filed a petition for an order of protection against Patrick Reeners (“Respondent”) in the General Sessions Court for Sumner County, Tennessee. The case was assigned to Judge N. Kee Bryant-McCormick.

Over the next month, Respondent, pro se, filed several motions, all of which were denied. Respondent then moved for Judge Bryant-McCormick’s recusal, asserting that she showed bias against him by denying his motions, ignoring his arguments, and conspiring with Petitioner’s attorney.

The Motion for Recusal was set to be heard alongside the Petition for Order of Protection on May 11, 2023. Six days before, on May 5, Respondent filed a premature

notice of appeal (“the First Notice of Appeal”), saying he was “APPEALING JUDGES ORDER DENYING RECUSAL [sic]” to the Sumner County Circuit Court. The attached appeal bond, however, was not signed by the court clerk as having been paid.

At the May 11 hearing, Judge Bryant-McCormick announced that she was denying Respondent’s Motion for Recusal because Respondent identified no specific issues of bias and did not allege that she did “anything improper except for disagree[] with him.” Judge Bryant-McCormick told Respondent that he had ten days to appeal her decision, but neither Respondent, Petitioner, nor Judge Bryant-McCormick addressed the First Notice of Appeal.

After the hearing, Judge Bryant-McCormick granted the petition and entered an order of protection. She did not, however, reduce her denial of Respondent’s Motion for Recusal to a written order. Instead, Judge Bryant-McCormick affixed a sticky note to the Motion for Recusal that said, “Motion Denied.”

The day after the Order of Protection was entered, Respondent filed a motion titled “Final Demand for Proper Due Process,” asking the General Sessions Court to set aside the order (“the First Motion to Set Aside”).¹ But before that motion was heard, Judge Bryant-McCormick recused herself sua sponte because Respondent made derogatory comments about her on a public Facebook page. The case was then assigned to Judge Gregory Traylor.

The case lay dormant until December 2023, when Respondent—now represented by counsel—filed another motion to set aside the Order of Protection (“the Second Motion to Set Aside”). Respondent asserted that the Order of Protection was void because Judge Bryant-McCormick failed to enter a written order denying the Motion to Recuse. *See* Tenn. Sup. Ct. R. 10B, § 1.03 (requiring judges to “act promptly by written order”); *id.* § 1.02 (prohibiting further action while motion is pending). In response, Petitioner argued that Judge Bryant-McCormick was not required to enter a separate written order because she was not acting as a judge of a court of record. *See* Tenn. Sup. Ct. R. 10B, § 4.01 (stating that judicial officers other than judges of a court of record may satisfy the writing requirement with “[a] written notation”).

In January 2024, Judge Traylor entered an order succinctly denying the Second Motion to Set Aside, saying that he saw “no need or basis for setting aside any prior orders on the basis of Tennessee Supreme Court Rule 10B.”

Two months later, Respondent, once again pro se, filed a “NOTICE OF HEARING MAY 1ST OR AS SOON AS POSSIBLE” (“the Second Notice of Appeal”) in the Sumner

¹ “Courts should give effect to the substance of motions rather than their form or title.” *State v. NV Sumatra Tobacco Trading Co.*, 403 S.W.3d 726, 739 (Tenn. 2013).

County Circuit Court. In an attached letter, Respondent repeated his assertion that the General Sessions Court acted outside of its jurisdiction when it entered the Order of Protection because Judge Bryant-McCormick never entered a written order denying his Motion for Recusal.

In its Order of April 3, 2024, the Circuit Court dismissed Respondent's appeal for lack of subject-matter jurisdiction. The Court reasoned that the Second Notice of Appeal was untimely because it was not filed within 10 days of the entry of the Order of Protection as required by Tennessee Code Annotated § 27-5-108. And the Court found that Respondent never perfected his First Notice of Appeal because he failed to post a bond and failed to comply with the content requirements in Rule 10B, § 2.01, which mandates a statement of the issues presented, a statement of the facts, an argument, and a conclusion. *See Tenn. Sup. Ct. R. 10B, § 2.01.*

Respondent then filed a motion to set aside the Circuit Court's judgment, which the Court denied. This appeal followed.

ISSUES

Respondent raises two issues on appeal:

- (1) Is Sumner County General Sessions Court, Division III, a general sessions court acting as a "court of record" when hearing "domestic matters" such as orders of protection?
- (2) Did Respondent properly preserve his right to appeal the allegedly defective procedure for ruling on his Motion for Recusal, in contravention of Tennessee Supreme Court Rule 10B, §§ 1 and 2?

Petitioner raises one issue:

- (1) Whether the trial court erred in finding that Respondent perfected the appeal he filed on May 5, 2023.

ANALYSIS

The dispositive issue in this appeal is whether Respondent perfected an appeal from the General Sessions Court to the Circuit Court. This is a question of law that we review *de novo*. *Sturgis v. Thompson*, 415 S.W.3d 843, 845 (Tenn. Ct. App. 2011).

Tennessee's recusal procedure is governed by Tennessee Supreme Court Rule 10B, which establishes distinct procedural frameworks depending on whether the judicial officer subject to a recusal motion is a judge of a court of record, a judge acting as a court of record, or some other judicial officer. Respondent contends that Judge Bryan-McCormick was acting as a judge of a court of record. Assuming for the sake of argument that

Respondent is correct, we nonetheless find he failed to perfect an appeal to the Circuit Court.

If a judge of a court of record, or a judge acting as a court of record, denies a motion to recuse, the movant may appeal in one of two ways: (1) in an “accelerated interlocutory appeal as of right” or (2) “as an issue in an appeal as of right following the entry of the trial court’s judgment.” Tenn. Sup. Ct. R. 10B, § 2.01. We will consider whether Respondent perfected an appeal under either route.

I. INTERLOCUTORY APPEAL

To perfect an accelerated interlocutory appeal under Rule 10B, the appellant must file a “petition for recusal appeal” within 21 days of the entry of the order denying the motion to recuse. *Id.* § 2.02. If the trial court denies the motion to recuse orally, the 21-day limitation period is not triggered until the court enters a written order memorializing the decision. *See Williams by & through Rezba v. HealthSouth Rehab. Hosp. N.*, No. W2015-00639-COA-T10B-CV, 2015 WL 2258172, at *4 (Tenn. Ct. App. May 8, 2015).

Here, the General Sessions Court never entered a written order denying Respondent’s Motion to Recuse; thus, no order existed from which Respondent could file an interlocutory appeal.

II. APPEAL AS OF RIGHT

Section 2 of Rule 10B does not prescribe requirements for perfecting appeals as of right following entry of the trial court’s judgment; it simply states that the denial of the motion to recuse “can be raised **as an issue** in an appeal as of right.” Tenn. Sup. Ct. R. 10B, § 2.01 (emphasis added).

Appeals as of right from general sessions court are governed by Tennessee Code Annotated §§ 27-5-101 to -108. To perfect an appeal from general sessions court, the appellant must file a notice of appeal within 10 days of the entry of the final judgment, *see* Tenn. Code Ann. § 27-5-108, and post a bond for costs or file an affidavit of indigency within the same period, *Griffin v. Campbell Clinic, P.A.*, 439 S.W.3d 899, 902 (Tenn. 2014); *see* Tenn. Code Ann. § 27-5-103. A premature notice of appeal becomes effective once the court enters the order being appealed. *See Wells Fargo Bank, N.A. v. Dorris*, 556 S.W.3d 745, 756 (Tenn. Ct. App. 2017). The filing period is tolled only if a party moves to set aside the judgment under Tennessee Rule of Civil Procedure 60.02, as authorized by Tennessee Code Annotated § 16-15-727, within 10 days of the judgment. *See id.* at 750; Tenn. Code Ann. § 16-15-727. “[T]he timely perfecting of an appeal is no mere technical formality: it is in fact a mandatory requirement, and if it is not complied with the court has no jurisdiction over the case.” *Love v. Coll. Level Assessment Servs., Inc.*, 928 S.W.2d 36, 38 (Tenn. 1996).

Here, Respondent filed his First Notice of Appeal on May 5, and the General Sessions Court entered its Order of Protection on May 11, 2023. The next day, Respondent filed his First Motion to Set Aside. That motion was still pending in December 2023, when Respondent filed his Second Motion to Set Aside. The General Sessions Court denied that motion pursuant to an order entered on January 26, 2024, which constituted a final judgment.

Thus, Respondent had until February 5, 2024, at the latest, to perfect his appeal by filing a notice of appeal, *see* Tenn. Code Ann. § 27-5-108, and posting a bond for costs or file an affidavit of indigency within the same period, *Griffin v. Campbell Clinic, P.A.*, 439 S.W.3d at 902; *see* Tenn. Code Ann. § 27-5-103. But Respondent did not file a bond with his First Notice of Appeal, and his Second Notice of Appeal was filed on May 5, 2023, well past the filing deadline.

For these reasons, we agree with the Circuit Court that Respondent failed to perfect his appeal; thus, we affirm its dismissal of Respondent's appeal for lack of subject-matter jurisdiction. Accordingly, we pretermitt the other issues raised by the parties.

IN CONCLUSION

The judgment of the trial court is affirmed, and this matter is remanded with costs of appeal assessed against the appellee, Patrick Reeners.

FRANK G. CLEMENT JR., C.J.