

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE
AT NASHVILLE

Assigned on Briefs September 15, 2026

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Clerk of the
Appellate Courts

STATE OF TENNESSEE v. LATHAN WORD

Appeal from the Criminal Court for Sumner County
No. 2025-CR-409 Dee David Gay, Judge

No. M2026-00438-CCA-R3-CD

The Defendant, Lathan Word, appeals the trial court’s holding him in contempt, arguing primarily that the trial court’s summary contempt finding violated his right to due process, that the evidence was insufficient to support the court’s contempt finding, and that the “cumulative circumstances” require that we vacate the contempt finding. Discerning no error, we affirm.

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

STACY L. STREET, J., delivered the opinion of the court, in which CAMILLE R. MCMULLEN and JILL BARTEE AYERS, JJ., joined.

Lathan Word, Gallatin, Tennessee, pro se.

Jonathan Skrmetti, Attorney General and Reporter; Elizabeth Evan, Assistant Attorney General; Thomas Dean, District Attorney General; and William Parker Sewell, Assistant District Attorney General, for the appellee, State of Tennessee.

OPINION

This appeal arises from an exchange between the pro se Defendant and the trial court that led to the court’s finding the Defendant in contempt.

Factual and Procedural Background

The Sumner County Grand Jury charged the Defendant with three misdemeanors stemming from a January 4, 2025 traffic stop. After waiving his right to counsel and electing to proceed pro se, the Defendant filed numerous pretrial motions, which the trial court heard on December 17, 2025, and denied by written order. The Defendant attempted

to appeal the denial to this court via Tennessee Rule of Appellate Procedure 3, and we dismissed the appeal for lack of jurisdiction. *State v. Word*, No. M2026-00086-CCA-R3-CD (Tenn. Crim. App. Jan. 20, 2026) (Order). On January 22, 2026, the Defendant filed in the trial court a “Statement of the Evidence” pursuant to Tennessee Rule of Appellate Procedure 24(c) “due to the absence of a complete transcript and to preserve matters not otherwise reflected in the record.” On February 4, 2026, the Defendant filed an application for extraordinary appeal from the trial court’s order denying his motions. This court denied the application on February 12, 2026, finding that, despite the absence of the transcript of the motions hearing, the information provided was sufficient for us to conclude that the trial court had not “so far departed from the accepted and usual course of judicial proceedings as to warrant immediate appellate review.” *State v. Word*, No. M2026-00159-CCA-R10-CD (Tenn. Crim. App. Feb. 12, 2026) (Order). We observed that “the trial court followed the accepted and usual course of judicial proceedings” before ruling on the Defendant’s motions and that “[t]he Defendant merely disagrees with that ruling.” *Id.*

Despite no appellate action was then pending, on March 2, 2026, the Defendant moved the trial court to “approve and settle” the statement of the evidence that he had filed on January 22, 2026. The trial court heard the motion that same day. After informing the Defendant that Rule 24 was “not applicable because we’re not in appellate mode,” the trial court nevertheless examined the language of Rule 24 and the contents of the statement that the Defendant had prepared. The court concluded that the statement was not fair, accurate, or complete. The court ruled that Rule 24 did not apply and that, in any event, the Defendant did not comply with the rule. The court dismissed the motion as “not relevant.”

When asked if he wanted to be heard on any other matters, the Defendant said that he wanted to be heard on his motion to approve the Rule 24 statement of the evidence because the trial court “didn’t hear anything that I had to say for you to deny it.” The trial court explained that it had read the motion and that it did not “need to hear anything.” The court then asked the Defendant if he wanted to “add anything that’s not in the statement,” and the Defendant replied that he did. The Defendant insisted that the purpose of his motion was “to ensure the appellate court has the complete and accurate understanding of the procedural posture at the time the ruling was entered,” that it was “for my appealing,” and that he was “preserving my appellate process.” The Defendant elaborated on circumstances that he wanted to bring to this court’s attention on appeal. The trial court allowed the Defendant to speak and denied the motion.

The Defendant persisted, asking, “On what cause, sir?” The trial court reiterated “that Rule 24 doesn’t apply” and implored the Defendant to “listen to” the court. The Defendant continued to insist that Rule 24 did apply because he was “trying to preserve my appellate review.” The trial court began, “No, it doesn’t . . . ,” and the Defendant interrupted, saying, “Yeah.” The trial court told the Defendant to “[h]old on just a second,”

but the Defendant continued talking, "Appeal court got to have a transcript in order for them to appeal -- to review. If you tell them that they have no transcript, then you're stripping them of their appellate review as well as me the process to appeal." The court asked the Defendant if he was "done" and then cautioned the Defendant that he should not "speak until I finish."

At that point, the trial court explained the procedural posture of the case, noting that the case was "not in the appeals process yet." The court explained that there would be a trial, and, if he was convicted, a sentencing hearing, which would then be followed by a motion for new trial. Only then would "you give a notice of appeal and the record is made." The Defendant refused to accept this explanation, and the trial court again told him, "You don't need to do it now." The Defendant insisted that he needed to act because he was pursuing a Rule 10 extraordinary appeal to this court. The trial court told the Defendant that this court had denied his Rule 10 application. The Defendant nevertheless persisted, saying, "But in order for me to do the extraordinary appeal, the Rule 24 statement has to be attached or else I don't have anything to reflect that you didn't review the cases under the control[ling] law."

The trial court reiterated that it was "denying the Rule 24 statement as not being necessary" based on this court's ruling denying the Defendant's Rule 10 application, and the Defendant again interrupted the trial court to say that this court had "ruled it too early." The trial court warned the Defendant not to interrupt, saying, "You interrupt me one more time and you're in contempt." The trial court indicated that it was frustrated with the Defendant and suggested that the Defendant read this court's order denying his Rule 10 application. The court began to read the relevant portion, and the Defendant apparently began laughing. The following exchange occurred:

[THE COURT]: What's so funny?

MR. WORD: No, I'm laughing at what you said.

THE COURT: I'm reading the Court of [Criminal] Appeals.

MR. WORD: Mm-hmm.

THE COURT: What's laughable about that?

MR. WORD: Because they just stated what I said. You just read it. They stated -- you read what I just stated to you, sir, that I was up here for.

THE COURT: I just said that's that first sentence. There's a whole paragraph here. Would you please stop and listen? You know, each

paragraph has more than one sentence. And if you're going to represent yourself, you're going to have to do better. I will start again.

The trial court then read the relevant portion of this court's order and said, "I just stated the process to you a few minutes ago. After reading this opinion in the record again, I restate my ruling. This motion is denied. It's not appropriate, and that will be the order of the Court."

The court told the Defendant that he was excused, but instead of leaving, the Defendant said he had a question for the court. The court said, "No, sir." The Defendant continued anyway and asked the trial court for a transcript of the December 17, 2025 hearing. The trial court replied, "I'm not going to give you a transcript until we're done with the case, sir." The Defendant did not accept the trial court's answer and insisted that it was his "right" to "get a transcript of every hearing that I am present for." The trial court told the Defendant that he could pay to have a transcript prepared, and the Defendant said, "But you got to give it to me, though. You understand . . . you got to correspond with me, at least. If I sent this on December the 29th,¹ and today is what, March the -- why haven't [I] gotten a correspondence on how much it would cost?" The trial court began to explain the process for obtaining a transcript, and the Defendant interrupted again, "You get what I'm saying?"

The trial court told the Defendant that he was "not making any sense" and warned him that "this is the last thing I'm going to say." He then explained to the Defendant that he could obtain a transcript from the court reporter and again told the Defendant that he could be excused. Instead of leaving, the Defendant asked, "So when's the next court date?" The trial court reiterated that the Defendant was excused, and the Defendant said, "We have another court date, though, right? Correct?" The following exchange occurred:

THE COURT: I'm looking, sir.

MR. WORD: You know the other motions -

THE COURT: We've got a trial date. Hold on.

MR. WORD: Yeah, that's, I think, April 8th, if I am not mistaken.

But I also got other motions that I submitted on December the 29th that was never heard that you spoke of when we first came today, but we haven't gotten to those.

¹ It is unclear to what the Defendant refers.

THE COURT: Okay. What motions are you talking about?

MR. WORD: Okay. We had a motion to correct void order, dismiss for lack of jurisdiction, and suppress all derivative evidence, and I had a motion to supplement which - -

THE COURT: We've taken up all those.

MR. WORD: No. No, sir, that was December the 17th.

THE COURT: Just because you filed them after I've ruled doesn't mean that they're new motions.

MR. WORD: Well, if

THE COURT: Tell me -

MR. WORD: I've got to get an order of dismissal then. If you say you're going to dismiss it, then you needed to send me an order then; correct?

THE COURT: Don't you tell me what to do.

MR. WORD: No, I'm saying ain't that the proper procedure?

THE COURT: Don't you tell me what to do.

MR. WORD: How would I know that it's dismissed?

THE COURT: Shut up. Shut up.

MR. WORD: How would I know that it's -

THE COURT: Be quiet.

MR. WORD: Don't tell me to shut up, sir. That's dictum.

THE COURT: You say another word - you say another word --

MR. WORD: You told me to shut up

THE COURT: You're in contempt.

MR. WORD: All right.

THE COURT: You're in contempt.

MR. WORD: All right.

THE COURT: You're in jail ten days.

MR. WORD: All right. I'm going to sue you, I promise you. Just remember I told you, I'm suing you.

THE COURT: The sentence will be ten days for obstruction -

MR. WORD: I'm suing --

THE COURT: -- of justice in court, not obeying, and disobeying the Court. You are in jail for ten days.

MR. WORD: Okay.

The trial court entered an order certifying the contempt finding, stating "that the Defendant argued with the Court about the ruling" of this court denying his Rule 10 application. The trial court also stated that it had "repeatedly asked the Defendant to stop interrupting with his arguments when the Court was speaking, but that he could begin when the Court was finished speaking. However, the Defendant continued to interrupt the Court and continued to aggressively argue with the Court by interruptions." The court noted that "[a]fter warnings to the Defendant, the Court held the Defendant in Contempt of Court and sentenced him to ten (10) days in the Sumner County Jail." The trial court certified that it "saw and heard the above-stated conduct of the Defendant in open court in finding the Defendant in Contempt of Court." The court ordered the Defendant to "serve ten (10) days in jail for Direct Contempt of Court by purposely disobeying the Orders of the Court and by interfering with the Court's attempts to rule on a motion filed by the Defendant" and ordered that "the Defendant be held in deliberate, willful Contempt of Court."

On March 23, 2026, the Defendant moved the trial court to vacate the contempt finding and expunge it from his record, arguing that although he had already served the ten-day term of incarceration, the finding had collateral "legal" consequences of "reputation harm and potential future prejudice." He also challenged the finding on due process grounds and asked that he be granted a new hearing in front of a new judge.

On March 26, 2026, the Defendant filed in this court an application for extraordinary appeal of the contempt finding pursuant to Tennessee Rule of Appellate Procedure 10. On April 2, 2026, this court entered an order noting that Tennessee Rule of Appellate

Procedure 3(b) provided the Defendant an appeal as of right from the contempt order and treating his Rule 10 application as a timely notice of appeal.

Having outlined the events giving rise to the contempt finding, we turn now to the Defendant's due process and sufficiency challenges.

Analysis

On appeal, the Defendant argues that (1) the trial court violated due process principles by finding him in contempt without giving him the opportunity to be heard, (2) the evidence was insufficient to support the contempt finding, particularly given the circumstances during which it arose, (3) the imposition of "immediate punishment impaired" his "ability to preserve and present issues for appellate review" pursuant to Tennessee Rule of Appellate Procedure 24, (4) the "cumulative circumstances demonstrate abuse of discretion exceeding the constitutional limitations governing summary contempt proceedings," (5) the record is inadequate for meaningful appellate review, and (6) the "interests of justice require vacatur" of the contempt order and "reassignment if further proceedings are necessary." Condensing the Defendant's claims, the State contends that the trial court did not violate the Defendant's right to due process and that the evidence was sufficient to support the contempt finding. We agree with the State.

As a matter of housekeeping, we observe that although the Defendant has listed six claims for review, they resolve into two principal questions: whether the summary contempt finding violated due process and whether the evidence was sufficient for the contempt finding. We address each claim in turn.

I. Contempt

The courts possess a "purely statutory" power to punish contempt. *Konvalinka v. Chattanooga-Hamilton Cnty. Hosp. Auth.*, 249 S.W.3d 346, 354 (Tenn. 2008) (citations omitted). As is relevant here, Tennessee Code Annotated section 29-9-102 empowers the trial court to find and punish as contempt "[t]he willful misbehavior of any person in the presence of the court, or so near thereto as to obstruct the administration of justice" or the "[a]buse of, or unlawful interference with, the process or proceedings of the court." Tenn. Code Ann. § 29-9-102(1), (4). "Although acts constituting contempt cover a wide range, the most familiar forms of contempt are found in acts which hinder, delay, and obstruct the administration of justice." *In re Brown*, 470 S.W.3d 433, 443 (Tenn. Ct. App. 2015) (citations and internal quotation marks omitted). Contempt may be punished by a fine of \$50.00 and imprisonment of up to ten days. *See* Tenn. Code Ann. § 29-9-103.

Direct v. Indirect Contempt

Direct contempt involves summary punishment for acts committed in the presence of the court, and indirect contempt concerns acts not committed in the court's presence and, as a result, may be punished only after the offender has been given notice and an opportunity to respond to the charges. *See State v. Turner*, 914 S.W.2d 951, 955 (Tenn. Crim. App. 1995) (citations omitted); *see also State v. Beeler*, 387 S.W.3d 511, 520 (Tenn. 2012) (emphasizing importance of distinction because different procedural protections apply to each). Notably, “criminal contempt may be adjudicated summarily if the judge certifies that he or she saw or heard the conduct and that it was committed in the presence of the court, or it may be adjudicated by judgment after notice and a hearing.” *In re Brown*, 470 S.W.3d 433, 444-45 (Tenn. Ct. App. 2015) (citing *State v. Provencio*, No. E2005-01253-CCA-R3-CD, 2005 WL 3088078, at *2 (Tenn. Crim. App. Nov. 18, 2005); *see also* Tenn. R. Crim. P. 42(a) (“A judge may summarily punish a person who commits criminal contempt in the judge’s presence if the judge certifies that he or she saw or heard the conduct constituting the contempt. The contempt order shall recite the facts, be signed by the judge, and entered in the record.”)). This case involves direct contempt.

Due Process

The “summary punishment” for direct contempt represents a departure from traditional principles of due process, and, accordingly, “it is reserved for those circumstances in which it is essential” and “should be used sparingly.” *Turner*, 914 S.W.2d at 957 (citations omitted). Thus, “courts exercising summary contempt power must consider, in addition to the facial requirements of Rule 42(a), the nature of the conduct, its effect, if any, on the administration of justice, and the overall purpose of Rule 42(a) proceedings.” *Id.* at 958. “The courts’ summary contempt authority ‘must be viewed in light of its express purpose and function,’ which is ‘to punish certain conduct when necessary to vindicate the dignity and authority of the court.’” *In re Brown*, 470 S.W.3d at 445 (quoting *Turner*, 914 S.W.2d at 956). “Summary contempt is appropriate when there is a need to act swiftly and firmly to prevent contumacious conduct from disrupting the orderly progress of” the proceedings. *Id.* (quoting *Beeler*, 387 S.W.3d at 520 n.5). Such conduct “include[s] acts committed in the presence of the court that are disrespectful, unreasonable, or contemptuous; use of violent or loud language or noises; or ‘turbulent’ conduct that disrupts the proceedings.” *Id.* at 444 (quoting *Watkins ex rel. Duncan v. Methodist Healthcare Sys.*, W2008-013490-COA-R3-CV, 2009 WL 1328898, at *6 (Tenn. Ct. App. May 13, 2009)).

The Defendant’s due process argument revolves around notice and an opportunity to be heard—the traditional hallmarks of due process—but cases of summary punishment for direct contempt do not involve these traditional considerations. Here, the trial court warned the Defendant that, should he continue to interrupt, he risked being found in contempt. He continued to interrupt, and he was found in contempt. The trial court

complied with the requirement that it file a certification of its finding. The Defendant received all the process due under Rule 42(a). The trial court warned him repeatedly that further interruptions could result in contempt, satisfying the rule's notice requirement for summary adjudication. The record shows the Defendant continued to interrupt despite these warnings.

Sufficiency

In this case, the trial court's certification states that the finding of contempt is based on the Defendant's "purposely disobeying the Orders of the Court and interfering with the Court's attempts to rule on a motion filed by the Defendant." The court further described the Defendant's conduct as "deliberate" and "willful." See Tenn. Code Ann. 29-9-102(1) ("willful misbehavior of any person in the presence of the court, or so near thereto as to obstruct the administration of justice), (3) ("willful disobedience or resistance of any . . . person, to any lawful . . . order, rule, decree, or command of such courts"), (4) ("unlawful interference with[] the process or proceedings of the court").

Although our supreme court has "not defined the exact contours of 'willful misbehavior'" as it is used in the statute, the high court has consistently stated that willfulness "entails an *intentional*" action. *Beeler*, 387 S.W.3d at 523. As the court explained, "in criminal law, 'willfully' connotes a culpable state of mind. In the criminal context, a willful act is one undertaken for a bad purpose." *Konvalinka*, 249 S.W.3d at 357 (first citing *Bryan v. United States*, 524 U.S. 184, 191 (1998); and then citing *State v. Braden*, 867 S.W.2d 750, 761 (Tenn. Crim. App. 1993)). "[I]n the context of criminal contempt, willfulness has two elements: (1) intentional conduct; and (2) a culpable state of mind." *Hill v. Hill*, 682 S.W.3d 184, 211 (Tenn. Ct. App. 2023) (quoting *Duke v. Duke*, No. M2013-00624-COA-R3-CV, 2014 WL 4966902, at *31 (Tenn. Ct. App. Oct. 3, 2014)). In *Beeler*, the supreme court equated "willful" with "'intentional,' as defined by" Tennessee Code Annotated section 39-11-302: "'Intentional' refers to a person who acts intentionally with respect to the nature of the conduct or to a result of the conduct when it is the person's conscious objective or desire to engage in the conduct or cause the result." *Beeler*, 387 S.W.3d at 523 (citing Tenn. Code Ann. § 39-11-302(a)). The court also observed that the statute applies specifically to "'willful *misbehavior*'—not 'willful behavior.'" *Id.* at 524. "Acts of willful disobedience or disrespectful conduct, by their nature, pose the risk of obstructing the administration of justice." *Turner*, 914 S.W.2d at 958.

"Exceptional circumstances justifying summary contempt 'certainly include acts threatening the judge or disrupting a hearing or obstructing court proceedings, or other unusual situations . . . where instant action is necessary to protect the judicial institution itself.'" *In re Brown*, 470 S.W.3d at 446 (quoting *Turner*, 914 S.W.2d at 957). "Some factors for consideration are 'the reasonably expected reactions of those in the courtroom,

the manner in which the remarks are delivered, the delay in the proceedings caused by a disrespectful outburst, and the failure to heed explicit directives of the court.” *Id.* (quoting *Turner*, 914 S.W.2d at 958).

“A person charged with criminal contempt is presumed innocent, and guilt must be proven beyond a reasonable doubt.” *Beeler*, 387 S.W.3d at 519 (first citing *Black v. Blount*, 938 S.W.2d 394, 399 (Tenn. 1996); and then citing *Robinson v. Air Draulics Eng’g Co.*, 377 S.W.2d 908, 912 (Tenn. 1964)). A finding of contempt removes the presumption of innocence and replaces it with the burden of overcoming the presumption of guilt on appeal. *Id.* (first citing *Black*, 938 S.W.2d at 399; and then citing *Robinson*, 377 S.W.2d at 912). This court will reverse a finding of contempt only “when the facts in the record, and any inferences that may be drawn therefrom,” considered in the light most favorable to the finding of contempt, “are insufficient as a matter of law for a rational trier of fact to find the accused guilty of the crime beyond a reasonable doubt.” *Id.* (first citing *Black*, 938 S.W.2d at 399; and then citing Tenn. R. App. P. 13(e)); *see also Baker v. State*, 417 S.W.3d 428, 436 (Tenn. 2013) (stating that “an alleged criminal contemnor, like a person charged with a criminal offense, is presumed to be innocent, [and] must be proven guilty beyond a reasonable doubt” (citations omitted)); *State v. Boldus*, No. M2008-01274-CCA-R3-CD, 2009 WL 2567629, at *4 (Tenn. Crim. App. Aug. 18, 2009) (applying general sufficiency analysis to trial court’s finding of direct contempt).

The decision to summarily punish direct contempt lies solely within the sound discretion of the court making the finding, and accordingly we review the imposition of summary punishment for an abuse of discretion. *In re Brown*, 470 S.W.3d at 448. Thus, in this case, we first consider whether the evidence was sufficient to support the finding of direct contempt and, if so, whether the trial court abused its discretion by summarily punishing the Defendant. *See id.*

The record establishes that the finding of contempt can be traced directly to the Defendant’s fundamental and continuing misunderstanding of the purpose of Tennessee Rule of Appellate Procedure 24(b), which led to his failure to comprehend the procedural posture of his case, refusal to accept the trial court’s attempts to explain it to him, and disrespectful and contumacious conduct when the trial court attempted to rule on his motion related to Rule 24. On appeal, the Defendant insists, as he did in the trial court, that he was attempting to “preserve the appellate record” and “protect his constitutional right to meaningful appellate review.” However, as the trial court attempted to explain to him, a Rule 24 statement of the evidence was not necessary to accomplish either goal in this instance.

The purpose of a Rule 24(c) statement of the evidence is not to “preserve” the record for purposes of appeal. With regard to the December 17, 2025 motions hearing, we observe that because the Sumner County Criminal Court is a court of record, the proceedings were

recorded and necessarily preserved. The Defendant did not need to take any action to “preserve this record.” Instead, the purpose of a statement of the evidence on appeal is to substitute for a verbatim transcript of the proceedings when no transcript is available. *See* Tenn. R. App. P. 24(a). Granted, the transcript likely had not yet been prepared when the Defendant attempted to appeal to this court, a scenario fully contemplated by Rule 24, which gave the Defendant, as the appellant, “15 days after filing the notice of appeal” to “order from the reporter a transcript of such parts of the evidence or proceedings not already on file as the appellant deems necessary.” Tenn. R. App. P. 24(b). When prepared “by a court employee as in criminal cases,” the verbatim transcript of the proceedings “is presumed to be available absent unusual circumstances.” *Beef N’ Bird of Am., Inc. for Use & Benefit of Galbreath v. Cont’l Cas. Co.*, 803 S.W.2d 234, 240 (Tenn. Ct. App. 1990); *see also id.* (interpreting “Rule 24 to express a preference for a verbatim record if reasonably available, and an approval of other statements of evidence and proceedings if a verbatim record is not available”). As the trial court explained, a transcript of the motions hearing would be prepared and made a part of the appellate record at the conclusion of the proceedings in the trial court should the Defendant be convicted and elect to appeal.

Because this court dismissed the Defendant’s attempt to perfect a Rule 3 appeal as of right on January 20, no matter that might implicate Rule 24 was pending before this court when the Defendant filed his statement of the evidence in the trial court on January 22, 2026. The Defendant subsequently filed an application for extraordinary appeal, but a Rule 24(c) statement of the evidence is not required to file a Rule 10 application. *See* Tenn. R. App. P. 10(b) (listing required contents of application, including “a statement of the facts necessary to an understanding of why an extraordinary appeal lies, with appropriate references to the documents contained in the appendix to the application” and “an appendix containing copies of any order or opinion relevant to the questions presented in the application and any other parts of the record necessary for determination of the application”). By the time the trial court heard the Defendant’s request for approval of the statement of the evidence he had prepared, this court had denied his Rule 10 application. Accordingly, contrary to the Defendant’s repeated assertions, there was no “ongoing litigation concerning the appellate record.”

Instead of listening to the trial court’s explanation of the procedural posture of the case, the Defendant repeatedly interrupted the court, laughed at the court, and, quite simply, refused to listen. Even on a cold record, the Defendant’s conduct was disrespectful. Consequently, it is our view that the evidence was sufficient to support the finding of contempt. The trial court warned the Defendant not to interrupt and had repeatedly attempted to explain the procedural posture of the case and the purpose of Rule 24 to the Defendant. The Defendant’s continued interrupting after being ordered not to do so qualifies as the “willful disobedience” of the court’s lawful order, and his refusal to listen to the trial court’s admonishments and his continued arguing hindered the progress of the

proceeding and can be classified as willful misbehavior that obstructed “the administration of justice” and interfered with the “proceedings of the court.” See T.C.A. § 29-9-102(a)(1),(3)-(4).

Further, we conclude that the trial court did not abuse its discretion by “exercising its permissive discretionary authority to summarily punish [Defendant] for direct criminal contempt” because immediate action was “necessary to vindicate the dignity and authority of the court.” *In re Brown*, 470 S.W.3d at 445 (quoting *Turner*, 914 S.W.2d at 956); *id.* at 448 (citing *Watkins*, 2009 WL 1328898, at *5). At the time of the contempt finding, it was clear that the Defendant would not listen. The trial court had twice attempted to conclude the proceeding and excuse the Defendant by the time that the court told the Defendant to “shut up.” Although we do not condone the trial court’s language, it does not alter our conclusion that the court did not err. The judge’s brief incivility does not negate the Defendant’s repeated willful disobedience or undermine the necessity for immediate action to restore order.

Conclusion

Based upon the foregoing, we affirm the finding of contempt and the accompanying sentence of ten days’ incarceration.

s/ *Stacy L. Street*

STACY L. STREET, JUDGE