

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE
AT NASHVILLE

FILED

10/15/2026

Clerk of the
Appellate Courts

HARSHAL DILIP TRIVEDI v. STATE OF TENNESSEE

**Circuit Court for Lincoln County
No. 24-CR-9**

No. M2026-01588-CCA-T10B-CO

ORDER

This matter is before the Court upon petition of the Defendant, Harshal Dilip Trivedi, for an accelerated interlocutory appeal as of right pursuant to Supreme Court Rule 10B, Section 2. The Defendant seeks review of the trial judge's order denying his motion to recuse. Upon review, and for the reasons stated below, the petition is denied.

Background

The Defendant was convicted of three counts of simple assault and one count of resisting arrest, for which he received an effective sentence of eleven months and twenty-nine days suspended to probation after service of 150 days in jail. *State v. Trivedi*, No. M2025-00328-CCA-R3-CD, 2026 WL 2731441 (Tenn. Crim. App. Sep. 16, 2026). The events surrounding the Defendant's arrest occurred at his family-owned motel in Fayetteville. The Defendant assaulted utility subcontractors who were on the property working. The police responded to the scene after a 911 call was placed. "The officers reiterated at trial that they were responding to a call concerning a subject armed with a knife and gun and had not been able to rule out the presence of a weapon when the tasing occurred." *Id.* at 2. The knife turned out to be a letter opener. However, after the officers entered the motel to investigate the situation, the Defendant refused to comply with their demands and turned and attempted to flee. He was ultimately tased twice by the same officer, who "suffered a significant injury to his shoulder and torn biceps,[] requiring surgery, due to his struggle with the Defendant." *Id.*

While the direct appeal was pending before this Court, the Defendant filed a petition seeking a writ of error coram nobis. Tenn. Code Ann. § 40-26-105. The Defendant asserted he had since obtained evidence establishing that the officer who was allegedly

injured during the confrontation at the motel actually injured his shoulder in another incident prior to the events that occurred in this case. The Defendant thus argued “the new evidence may plausibly have changed the outcome of the trial because the evidence of any resistance was weak, and the new evidence undercuts it.” The Defendant further argued that, “although the new evidence relates most directly to Resisting Arrest, all the charges were tried and considered together, and thus it seems plausible that the new evidence (which bears on credibility) may have changed the result of the Simple Assault counts as well.” That petition is still pending.

After he filed his error coram nobis petition, the Defendant filed a motion to recuse the trial judge. The Defendant asserted therein the trial judge has already prejudged the issue raised in the error coram nobis petition. To that end, the Defendant stated the judge denied his post-trial request for the State to produce the officer’s medical records because the judge did not find them to be discoverable at that time. The judge summarily denied the motion to recuse by written order. After reciting the facts and the applicable law, the judge issued the following ruling:

In the instant matter, the Court refused to compel the State to produce the medical records of Deputy Minor because the same were not relevant or material to the preparation of the defense. The Defendant was not charged with any assault upon the deputy. Previous adverse rulings do not disqualify the Court from further participating in the matter. Should the Defendant provide sufficient proof a[t] the hearing on the Writ, the Court will act according to the proof. Thus, the Court subjectively can be impartial.

Further, the Court does not see objectively any appearance of bias or prejudice which might reasonably be questioned for the reasons set forth in Defendant’s motion. Even at trial, the Court did sustain some objections made by the Defendant and tailored a jury charge, perhaps not to Defendant’s complete liking, but generally to what the Defendant requested.

Tennessee Supreme Court Rule 10B

Any party seeking disqualification, recusal, or a determination of constitutional or statutory incompetence of a judge of a court of record, or a judge acting as a court of record, shall do so by a written motion filed promptly after a party learns or reasonably should have learned of the facts establishing the basis for recusal. The motion shall be filed no later than ten days before trial, absent a showing of good cause which must be supported by an affidavit. The motion shall be supported by an affidavit under oath or a declaration under penalty of perjury on personal knowledge and by other

appropriate materials. The motion shall state, with specificity, all factual and legal grounds supporting disqualification of the judge and shall affirmatively state that it is not being presented for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation. A party who is represented by counsel is not permitted to file a pro se motion under this Rule.

Tenn. Sup. Ct. R. 10B, Sec. 1.01. If the trial judge denies the motion, the party may then file a petition for appellate review, as the Defendant has done here. The petition must be filed within twenty-one days of the trial court's order, and the appealing party is required to promptly file a copy of the petition with the trial court clerk and serve all other parties. Tenn. Sup. Ct. R. 10B, Sec. 2.02. Rule 10B, Section 2.03, further requires the petition to include a statement of the issues presented for review, a statement of the relevant facts, a supporting argument requesting specific relief, as well as copies of the motion and all supporting documents filed in the trial court, the trial court's order or opinion, and any other parts of the record necessary for determination of the appeal. If this Court determines, based on the petition and supporting documents, that an answer from any other party is unnecessary, the Court may act summarily on the appeal. Tenn. Sup. Ct. R. 10B, Sec. 2.05. The Court will act summarily on the timely-filed petition at hand.

Standard of Review and Law on Recusal

This Court reviews a trial court's ruling on a motion to recuse under a *de novo* standard of review. Tenn. Sup. Ct. R. 10B, Sec. 2.01. "A judge should grant a motion to recuse when the judge has any doubt as to his or her ability to preside impartially in the case or when a person of ordinary prudence in the judge's position, knowing all of the facts known to the judge, would find a reasonable basis for questioning the judge's impartiality." *Smith v. State*, 357 S.W.3d 322, 341 (Tenn. 2011) (internal quotation omitted). "Hence, the test is ultimately an objective one since the appearance of bias is as injurious to the integrity of the judicial system as actual bias." *Davis v. Liberty Mut. Ins. Co.*, 38 S.W.3d 560, 564-65 (Tenn. 2001).

A judge's duty to recuse springs from a constitutional source: Article VI, section 11 of the Tennessee Constitution provides that "[n]o Judge of the Supreme or Inferior Courts shall preside on the trial of any cause in the event of which he [or she] may be interested . . ." Our Supreme Court has explained "[t]he purpose of Article 6, § 11 of our Constitution is to insure every litigant the cold neutrality of an impartial court." *Leighton v. Henderson*, 414 S.W.2d 419, 421 (Tenn. 1967). Similarly, the Code of Judicial Conduct requires a judge to perform the duties of his or her office without bias or prejudice. Tenn. Sup. Ct. R. 10, R. 2.3(A). Accordingly, the Code demands that "[a] judge shall disqualify himself or herself in any proceeding in which the judge's impartiality might reasonably be

questioned.” *Id.*, R 2.11(A). One such circumstance described by the Code is when “[t]he judge has a personal bias or prejudice concerning a party or a party’s lawyer, or personal knowledge of facts that are in dispute in the proceeding.” *Id.*, R. 2.11(A)(1).

“The words ‘bias’ and ‘prejudice’ are central to the determination of whether a recusal should be granted.” *State v. Rimmer*, 250 S.W.3d 12, 38 (Tenn. 2008). “Generally, the terms refer to a state of mind or attitude that works to predispose a judge for or against a party.” *Alley v. State*, 882 S.W.2d 810, 821 (Tenn. Crim. App. 1994). This Court certainly acknowledges that not every bias, partiality, or prejudice merits recusal. *Id.* “To disqualify, prejudice must be of a personal character, directed at the litigant, must stem from an extrajudicial source and result in an opinion on the merits on some basis other than what the judge learned from . . . participation in the case.” *Id.* (internal quotation omitted). Further, “[a]dverse rulings by a trial court are not usually sufficient grounds to establish bias” and “[r]ulings of a trial judge, even if erroneous, numerous and continuous, do not, without more, justify disqualification.” *Id.* (citations omitted). Finally, “[w]hen a trial court’s comments indicate that the judge has prejudged factual issues, Tennessee courts have required disqualification.” *Id.* at 822.

Discussion

After conducting a *de novo* review based on the material provided by the Defendant, this Court concludes the trial judge did not err in denying the Defendant’s motion to recuse. Again, the thrust of the Defendant’s argument centers on the trial judge’s post-trial ruling on a discovery request. That ruling occurred before the Defendant filed his error coram nobis petition, which is still pending. The trial judge stated he will independently consider the error coram nobis petition and will rule according to the proof presented therein. There is nothing before this Court suggesting the original trial judge cannot partially preside over that proceeding. *See, e.g.*, Tenn. Sup. Ct. R. 28, Sec. 6(B); Tenn. Code Ann. § 40-30-105(b) (authorizing original trial judge to preside over post-conviction proceeding). Furthermore, recusal is not warranted simply because the trial court is familiar with the facts of a case. *State v. Reid*, 213 S.W.3d 792, 815 (Tenn. 2006).

As this Court has recognized, “[a]ny comments made by the trial court must be construed in the context of all the facts and circumstances to determine whether a reasonable person would construe those remarks as indicating partiality on the merits of the case.” 882 S.W.2d at 822. The trial judge’s comments about the officer’s medical records occurred during a post-trial hearing related to the motion for new trial. The Defendant has since obtained those records and filed a separate petition challenging the judgments based thereon. The fact the judge denied the discovery request after trial has no bearing on his ability to independently rule on the merits of the pending error coram nobis petition. There is simply no objective basis to reasonably question the judge’s impartiality.

Conclusion

Thus, for the reasons stated above, this Court concludes the trial judge did not err in denying the Defendant's motion to recuse. The Defendant's petition is, therefore, denied. Costs are taxed to the Defendant. The Clerk shall forward a copy of this order to the trial judge.

Holloway, Easter, Ayers, JJ.