

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE
AT JACKSON

FILED

10/01/2026

Clerk of the
Appellate Courts

STATE OF TENNESSEE v. SAIDRICK PEWITTE

**Circuit Court for Madison County
No. 24-612**

No. W2026-01333-CCA-R9-CD

ORDER

The Defendant, Saidrick Pewitte, requests permission to pursue an interlocutory appeal. Tenn. R. App. P. 9. He seeks review of the trial court's order denying his motion to suppress evidence. The State opposes the application. Upon review, the Court hereby denies the application for the reasons stated below.

Background

The Defendant is charged with multiple drug offenses and speeding. He filed a motion to suppress the drugs and paraphernalia seized following the traffic stop that led to his arrest. The 26th Judicial District Drug Task Force received an anonymous Crime Stoppers tip on November 10, 2023, alleging the Defendant was selling drugs out of his home. The initial surveillance of the Defendant's home resulted in "no conduct consistent with narcotics trafficking." The Defendant summarized in his motion to suppress the facts related to the subsequent traffic stop that ultimately led to his arrest:

That on or about November 30, 2023, law enforcement began following the Defendant's motor vehicle throughout various streets in Jackson and Madison County, Tennessee. One of the vehicles used by law enforcement was an unmarked gray Challenger. The second vehicle used by law enforcement was a maroon Dodge SUV. This continued targeted surveillance of the Defendant[] eventually resulted in the initiation of a stop of the Defendant's vehicle. The basis for the stop was a pretextual excuse of speeding. The [D]efendant was alleged to have been traveling 45-mph in a 35-mph zone. That the Defendant immediately pulled over onto the parking lot of the Burger King at 462 South Highland Avenue when the law enforcement officers activated their service lights. That at all times pertinent hereto, the Defendant was compliant with the instructions of law enforcement.

That even though the stop was supposed to be for driving 45-mph in a 35-mph zone [the] law enforcement officer . . . made the determination without reasonable suspicion or probable cause to ask the Defendant if there was anything illegal in the vehicle. The Defendant denied there was anything illegal in the vehicle. [The] [l]aw enforcement officer . . . made the determination without reasonable suspicion or probable cause to ask the Defendant for permission to search his vehicle. The Defendant would not give his permission.

That at all times pertinent hereto, the Defendant was being detained and held outside his vehicle. That after the Defendant[] refused to allow an illegal and unconstitutional search of his vehicle, that arose from a stop for speeding, a second law enforcement officer who just happened to be present and just happened to have his K9 Jax, in his vehicle, made a search around the exterior of the vehicle. It is alleged the K9 “alerted” at the passenger-side middle door of said vehicle.

That at this time[,] law enforcement conducted a warrantless search of the vehicle. The Defendant was not able to visualize the “search” of the vehicle but following this warrantless search it was alleged that law enforcement found alleged contraband including but not limited to marijuana, cocaine and a digital scale. The Defendant was arrested and transported to the criminal justice complex in Jackson, Madison County, Tennessee.

Following a hearing, the trial court denied the Defendant’s motion to suppress:

Considering the totality of the circumstances, [the law enforcement officer] had probable cause to search the [D]efendant’s vehicle. [The law enforcement officer] knew about the crime stoppers tip from 20 days before, had conducted physical surveillance on the home, noticed an irregular travel pattern close to another narcotics investigation, and the dog alerted to the presence of narcotics. *State v. Green*, 697 S.W.3d 634 (Tenn. 2024) (quoting *Florida v. Harris*, 568 U.S. at 243, 133 S. Ct. 1050).

Thereafter, the Defendant moved the trial court for permission to pursue an interlocutory appeal. The trial court held a hearing on that motion. Therein, it acknowledged it “felt like there was a valid stop of the vehicle for speeding.” The trial court also acknowledged the Defendant denied consent of the search of his vehicle, but that

“shortly thereafter” the canine unit was deployed and alerted to the scent of narcotics. The court then stated at the conclusion of the hearing that, if this Court were to reverse on appeal, “then obviously that saves a lot of time.”

Thereafter, the trial court filed its written order granting the appeal. It certified the following issues for appeal:

[Whether] [t]he warrantless search conducted by law enforcement after conducting targeted surveillance of the Defendant resulting in a pretextual stop for “speeding” which was followed by an inquiry made without reasonable suspicion or probable cause to ask the Defendant if there was anything illegal in the vehicle, followed by a denial of a request for permission to search the vehicle, resulting in an unwarranted, unjustified and unsupported detention followed by an illegal and unconstitutional search of the vehicle should have warranted the granting of the motion to suppress.

[Whether] [t]he warrantless search should be suppressed because said search was conducted in violation of the Defendant’s constitutional rights under Article 1, Section 7 of the Tennessee Constitution and the Fourth and Fourteenth Amendment to the United States Constitution.

The trial court concluded that, although appellate review can occur upon entry of final judgment, the Defendant, who is currently incarcerated, will suffer irreparable injury by having to wait until then. As to the need to prevent needless, expensive or protracted litigation, the court stated that “the suppression issue is dispositive of the State’s ability to prosecute this case” and, thus, “immediate appellate review . . . will avoid the expense and burden of a trial.” Finally, as to the need to develop a uniform body of law, the trial court concluded:

The Motion to Suppress raises questions concerning the continuing validity of the plain smell doctrine in light of the legalization of hemp in Tennessee, and the reasonableness of a warrantless search of a vehicle predicated on a canine alert that cannot reliably distinguish between legal hemp and marijuana. These are recurring issues of importance to the uniform administration of criminal law in this State that have not been squarely addressed by the appellate courts, and interlocutory review will assist in developing consistent guidance for trial courts and law enforcement.

Rule of Appellate Procedure 9

Rule 9 outlines the procedure for obtaining interlocutory appellate review of a trial

court order. Both the trial and appellate court must approve the appeal. To that end, a party must first file a motion in the trial court requesting the appeal within thirty days of the order being appealed. Tenn. R. App. P. 9(b). If the trial court determines the interlocutory appeal shall be allowed to proceed, the party must then file an application for permission to appeal in this Court within ten days of the trial court's order granting the appeal. Tenn. R. App. P. 9(c). The application must be accompanied by copies of the trial court order from which appellate review is being sought, the trial court's statement of reasons for granting the appeal, and the other parts of the record necessary for consideration of the application. Tenn. R. App. P. 9(d). Thus, and because there is generally no record already on file when a party seeks a Rule 9 appeal, it is that party's responsibility to provide this Court with an *ad hoc* record of the proceeding below. The Defendant's application is timely and sufficient for this Court's review.

This Court's review of an application for an interlocutory appeal must begin with the supreme court's caution: "[I]nterlocutory appeals to review pretrial orders or rulings, i.e., those entered before a final judgment, are 'disfavored,' *particularly in criminal cases.*" *State v. Gilley*, 173 S.W.3d 1, 5 (Tenn. 2005) (emphasis added). Again, Rule 9 requires permission from both the trial court and this Court to pursue an interlocutory appeal. Tenn. R. App. P. 9(a). To that end, Rule 9(a) sets forth the "character of reasons" the courts should consider when ruling on a request for an interlocutory appeal. "[W]hile neither controlling nor fully measuring the courts' discretion," an interlocutory appeal may be granted if both the trial and appellate court determine:

(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) 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.

Tenn. R. App. P. 9(a).

Rule 9(b) requires a trial court to "specify: (1) the legal criteria making the order appealable, as provided in subdivision (a) of this rule; (2) the factors leading the trial court to the opinion those criteria are satisfied; and (3) any other factors leading the trial court to exercise its discretion in favor of permitting an appeal." Tenn. R. App. P. 9(b). The rule

also requires a trial court to also “state in writing the specific issue or issues the court is certifying for appeal and the reasons for its opinion.” *Id.*

Discussion

In his application before this Court, the Defendant reiterates the trial court’s reasons for granting the appeal. He also asserts “[t]his case presents a complex and unique set of facts,” but “[a]t the heart of this case is a purely legal question.” The Defendant argues his stop was pretextual based on the anonymous tip received earlier. In support thereof, the Defendant contends there was no evidence either officer smelled anything that indicated the presence of contraband before employing the canine unit. The Defendant thus argues the warrantless search of his vehicle was unconstitutional. The Defendant is, in essence, asking this Court to interrupt trial court proceedings at this stage of the prosecution to obtain guidance as to whether the trial court correctly applied the law to the facts presented.

Upon review, this Court disagrees with the Defendant and the trial court that interrupting further proceedings at this stage of the prosecution is warranted. The underlying issue here involves a common search and seizure analysis. First and foremost, it is apparent the order of the trial court denying the motion to suppress is merely a step towards final disposition of the merits of this case and the rights of the Defendant will not be lost if review of the issue is delayed until entry of final judgment. If the Defendant is acquitted, the question becomes moot. If convicted, he may appeal the issue to this Court pursuant to Rule of Appellate Procedure 3. In other words, the Defendant will not be denied the opportunity to appeal the issue at a later date, if necessary.

Similarly, this Court disagrees that an interlocutory appeal will result in a net reduction in the duration and expense of this litigation. The trial court did not adequately explain why immediate review is necessary, especially when the suppression issue presented is one which is typically raised on direct appeal. The trial court surmised only that review now *may* prevent needless, expensive, and protracted litigation. However, if this Court affirms the trial court’s ruling in an interlocutory appeal, the case will become even more prolonged. Neither the trial court nor the Defendant identify anything especially unique about the nature of the litigation in this case. The trial court and the Defendant both suggest there is no factual dispute and that the suppression issue is likely dispositive of the case. As the Defendant acknowledges, he “is pursuing what amounts to a dispositive ruling to determine the ultimate outcome of this case. Although the question presented may be eligible for review upon entry of a final judgment in this matter, [his] liberty is at stake and any delays on making this determination would be detrimental to him.” If that is so, and to obtain quicker review, nothing prevents the Defendant from utilizing the procedure set forth in Rule of Criminal Procedure 37(b)(2)(A) for appealing a certified question of law. *See State v. Bishop*, -- S.W.3d. --, 2026 WL 2329478 (Tenn. 2026) (discussing procedure

for obtaining such review).

Rule 9 further contemplates “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.” Tenn. R. App. P. 9(a). Neither the trial court nor the Defendant highlights any inconsistent orders or opinions on the issue, however. Instead, they summarily assert interlocutory review will assist in the uniform development of law. Again, appellate review of the trial court’s ruling can occur upon entry of final judgment, if necessary. This Court has repeatedly held that Rule 9 is not an appropriate vehicle for obtaining an advisory opinion on an issue which would otherwise be available for review later on direct appeal.

By granting the application in this instance, interlocutory review would be reduced to the standard rather than the exceptional procedural avenue it is meant to be. The Defendant merely wants an answer to the question now. Having to wait for appellate review of an issue raised in a pretrial motion to suppress is common in criminal cases.

Conclusion

For these reasons, the Defendant’s application is hereby denied. Because the Defendant was declared indigent, costs are taxed to the State.

Dyer, Campbell, Wilson, JJ.