

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE
AT JACKSON

FILED

10/21/2026

Clerk of the
Appellate Courts

STATE OF TENNESSEE v. CHARLES GARY BLANKENSHIP, II

**Circuit Court for Madison County
No. 26-112**

No. W2026-01493-CCA-R10-CD

ORDER

The Defendant, Charles Gary Blankenship, II, has filed a pro se application for extraordinary appeal, *see* Tenn. R. App. P. 10, seeking review of the trial court's August 24, 2026 capias for failure to appear. 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 and its supporting documents, we conclude that the Defendant has not demonstrated grounds for extraordinary relief under Rule 10. Accordingly, the application is DENIED.

FACTUAL BACKGROUND

The application and attachments thereto reflect that the Defendant is charged with harassment. The Defendant, who resides in Florida, affirms that he failed to appear on August 24, 2026, for a pretrial hearing regarding his case. He further affirms that he was represented by retained counsel at the hearing, who advised the Defendant that the trial court had issued a capias for failure to appear when the Defendant was not present. That said, the Defendant now claims to have discharged retained counsel but acknowledges that the trial court has not issued an order permitting counsel's withdrawal or appointing counsel. The Defendant also acknowledges that he has not obtained copies of any orders either revoking his pretrial release or of the capias that was purportedly issued for his failure to appear.

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).

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 issuance of a *capias* for his failure to appear at a pretrial hearing. That said, he has provided no evidence that a *capias* for his arrest has been issued. Moreover, he concedes that he did, in fact, fail to appear for a pretrial hearing.¹

¹ We also note that the Defendant’s representation status may present a jurisdictional bar to this court’s review if the Defendant filed the pro se application and remains represented by counsel. See *State v. Bobo*, No. E2025-01092-CCA-R3-CD, 2026 WL 1847340, at *2 (Tenn. Crim. App. June 26, 2026); *Robinson v. State*, No. W2024-01916-CCA-R3-PC, 2026 WL 1781863, at *7 (Tenn. Crim. App. June 22, 2026); *State v. Huerta*, No. E2025-00063-CCA-R3-CD, 2026 WL 1450981, at *4-5 (Tenn. Crim. App. May 22, 2026) (holding that a notice of appeal filed pro se while represented by counsel is a nullity).

CONCLUSION

The Defendant failed to provide a sufficient record for this court's review. Accordingly, he has not established that extraordinary relief is required in this matter, and the application is DENIED. Because the Defendant has not established his indigency to proceed on appeal, the costs associated with this action are taxed to the Defendant, Charles Gary Blankenship, II, for which let execution issue, if necessary.

JUDGE CAMILLE R. McMULLEN

JUDGE J. ROSS DYER

JUDGE JOHN W. CAMPBELL, SR.