

TENNESSEE COURT OF CRIMINAL APPEALS

Jonathan Hamilton v. State of Tennessee

No. W2026-00147-CCA-R10-PC · No. W2026-00147-CCA-R10-PC · Decided March 3, 2026

SUMMARY

The Tennessee Court of Criminal Appeals denied Jonathan Hamilton’s application for an extraordinary appeal under Tennessee Rule of Appellate Procedure 10 and his request for mandamus relief. The court concluded that Hamilton failed to satisfy Rule 10’s procedural requirements, that mandamus was unnecessary because his post-conviction proceedings were proceeding appropriately, and that his request for recusal was not proper under Rule 10.

CASE DETAILS

COURT	Tennessee Court of Criminal Appeals
WRITING FOR THE COURT	J. Ross Dyer; John W. Campbell; Matthew J. Wilson
JURISDICTION	Tennessee Court of Criminal Appeals
DECIDED	March 3, 2026
DOCKET	W2026-00147-CCA-R10-PC
DISPOSITION	writ_denied
PROCEDURAL POSTURE	Hamilton filed an application for an extraordinary appeal under Tennessee Rule of Appellate Procedure 10 and alternatively sought a writ of mandamus concerning the handling of his post-conviction proceedings. The Tennessee Court of Criminal Appeals denied both forms of relief.
STANDARD OF REVIEW	The court applied the procedural requirements governing extraordinary appeals and the limited availability of mandamus relief; the order does not identify a separate formal standard of review.
PRECEDENTIAL VALUE	published
PARTIES	Jonathan Hamilton v. State of Tennessee

TOPICS

- appellate procedure
- state post-conviction relief
- post-conviction relief
- criminal procedure
- remedies

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Hamilton was entitled to an extraordinary appeal under Tennessee Rule of Appellate Procedure 10 despite failing to attach an order of the trial court.
2. Whether a writ of mandamus was warranted to compel compliance with the Post-Conviction Procedure Act.
3. Whether Hamilton's request for recusal of the trial judge was appropriate under Rule 10.

HOLDINGS

1. Hamilton's failure to comply with the procedural requirements of Rule 10, including failing to attach an order of the trial court for which review might be available, was fatal to his request for extraordinary review.
2. Mandamus relief was unavailable because the writ is entertained only when necessary to aid the appellate court's functions, and those circumstances were not present.
3. The request for recusal was not appropriate under Tennessee Rule of Appellate Procedure 10.

KEY QUOTATIONS

“The Appellant’s failure to comply with the procedural requirements of Rule 10 is fatal to his request for extraordinary review.”

“Moreover, this Court will only entertain a request for the writ of mandamus when the writ is necessary to aid the exercise of our appellate functions, and such circumstances are not present in this case.”

FACTUAL BACKGROUND

Hamilton's post-conviction petition was being processed in the Shelby County Criminal Court. The trial court issued a preliminary order less than 30 days after the petition was filed, found that Hamilton had asserted a colorable claim, and stated that counsel would be appointed. Although the case had apparently been reset multiple times, counsel had recently been appointed and the appellate court concluded that neither extraordinary appeal nor mandamus relief was warranted.

PROCEDURAL HISTORY

Hamilton filed a post-conviction petition in the Shelby County Criminal Court. The trial court issued a preliminary order within 30 days, found a colorable claim, and stated that counsel would be appointed; attorney Earnest Beasley was subsequently appointed. Hamilton then sought an extraordinary appeal and mandamus relief in the Tennessee Court of Criminal Appeals, which denied the application because he failed to comply with Rule 10 and because mandamus was not necessary to aid the court's appellate functions.

DISPOSITION

CASES CITED

- State v. Fiveash, 626 S.W.2d 477 (Tenn. Crim. App. 1981)
- State v. Irick, 906 S.W.2d 440, 442 (Tenn. 1995)
- State v. Davis, 141 S.W.3d 600, 615 n.12 (Tenn. 2004)
- State v. Burkhardt, 541 S.W.2d 365, 371 (Tenn. 1976)

OPINION

JUDGE J. ROSS DYER, JUDGE JOHN W. CAMPBELL, JUDGE MATTHEW J. WILSON, J.

03/03/2026 IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE AT JACKSON
JONATHAN HAMILTON v. STATE OF TENNESSEE Criminal Court for Shelby County No.
C1800426 _____ No. W2026-00147-CCA-R10-PC
_____ ORDER On February 4, 2026, the pro se Appellant
filed an application for an extraordinary appeal pursuant to Tennessee Rule of Appellate Procedure
10.

On February 6, 2026, this Court issued an order noting that the Appellant failed to comply with the procedural requirements of Rule 10 by failing to attach to his application any order issued by the trial court for which review may be available. See Tenn. R. App. P. 10(a), (c).

However, the Appellant also requested relief pursuant to the writ of mandamus, asserting that the trial court had failed to comply with the procedural requirements of the Post-Conviction Procedure Act. This Court requested a response from the State regarding the current status of the trial court proceedings and the appropriateness of the writ of mandamus.

On February 12, 2026, the State filed a response arguing that the Appellant's application should be dismissed. In addition to the Appellant's failure to comply with Rule 10, the State asserted that a writ of mandamus was not appropriate because the Appellant's post-conviction petition was proceeding in accordance with the statutory requirements.

The State attached a copy of the trial court's preliminary order, issued less than 30 days after the Appellant filed his petition, which found that the Appellant had asserted a colorable claim and stated that counsel would be appointed. See T.C.A. § 40-30-106(a). This Court has been informed that attorney Earnest Beasley was recently appointed by the trial court to represent the Appellant in his post-conviction proceedings.¹ Neither the Appellant's request for an extraordinary appeal nor mandamus relief is well-taken.

The Appellant's failure to comply with the procedural requirements of Rule 10 is fatal to his request for extraordinary review. See generally State v. Fiveash, 626 S.W.2d 477 (Tenn. Crim.

App. 1981). Moreover, this Court will only entertain a request 1 It has long been the rule that an appellant may not be represented by counsel and simultaneously proceed pro se in this Court.

See *State v. Davis*, 141 S.W.3d 600, 615 n.12 (Tenn. 2004); *State v. Burkhart*, 541 S.W.2d 365, 371 (Tenn. 1976). for the writ of mandamus when the writ is necessary to aid the exercise of our appellate functions, and such circumstances are not present in this case. See *State v. Irick*, 906 S.W.2d 440, 442 (Tenn. 1995).

Although it appears that the Appellant's case has been reset multiple times, this Court does not control the trial court's handling of its docket. Finally, the Appellant's request for the trial court judge to be recused is not appropriate under Rule 10. See Tenn. Sup. Ct. R. 10B, § 2, Adv. Comm. Cmt. It is hereby ORDERED that the Appellant's application for an extraordinary appeal is DENIED.

Because it appears that the Appellant is indigent, costs associated with this proceeding shall be taxed to the State. The Clerk is directed to send a copy of this order to the Appellant, the State, attorney Earnest Beasley, and the trial court clerk. s/ J. Ross Dyer, Judge s/ John W. Campbell, Judge s/ Matthew J. Wilson, Judge