

COURT OF CRIMINAL APPEALS OF TENNESSEE

Gregory Ryan Webb v. State of Tennessee

No. E2026-00261-CCA-R10-PC · No. E2026-00261-CCA-R10-PC · Decided February 26, 2026

SUMMARY

The Tennessee Court of Criminal Appeals denied Gregory Ryan Webb’s pleading seeking appointment of counsel, which the court construed alternatively as an application for an extraordinary appeal under Tennessee Rule of Appellate Procedure 10. The court held that the pleading failed to satisfy Rule 10’s requirements and that, as a direct motion for appointment of counsel, it was inapt and moot.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                                              |
|-----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Court of Criminal Appeals of Tennessee                                                                                                                                                                                                                                                                                                       |
| WRITING FOR THE COURT | Judge Robert H. Montgomery, Jr.; Judge Kyle A. Hixson; Judge Steven W. Sword                                                                                                                                                                                                                                                                 |
| JURISDICTION          | Tennessee Court of Criminal Appeals                                                                                                                                                                                                                                                                                                          |
| DECIDED               | February 26, 2026                                                                                                                                                                                                                                                                                                                            |
| DOCKET                | E2026-00261-CCA-R10-PC                                                                                                                                                                                                                                                                                                                       |
| DISPOSITION           | writ_denied                                                                                                                                                                                                                                                                                                                                  |
| PROCEDURAL POSTURE    | Webb filed a motion for appointment of counsel, which the appellate clerk construed as an application for an extraordinary appeal under Tennessee Rule of Appellate Procedure 10. The Court of Criminal Appeals denied relief because the pleading did not satisfy Rule 10's requirements and did not show grounds for extraordinary review. |
| STANDARD OF REVIEW    | An extraordinary appeal under Tennessee Rule of Appellate Procedure 10 is available only in the appellate court's discretion and upon the showing specified in Rule 10(a), with compliance with the pleading and record-submission requirements of Rule 10(c).                                                                               |
| PRECEDENTIAL VALUE    | Published Tennessee Court of Criminal Appeals order; no reporter citation appears in the source text.                                                                                                                                                                                                                                        |
| PARTIES               | Gregory Ryan Webb v. State of Tennessee                                                                                                                                                                                                                                                                                                      |

TOPICS

- appellate procedure
- interlocutory appeal
- post-conviction relief
- mootness
- criminal procedure

## PRACTICE AREAS

appellate procedure

post-conviction relief

criminal procedure

## QUESTIONS PRESENTED

1. Whether Webb's pleading, construed as an application for an extraordinary appeal under Tennessee Rule of Appellate Procedure 10, satisfied the rule's pleading and record-submission requirements.
2. Whether the trial court's preliminary order appointing counsel for post-conviction litigation constituted an extraordinary departure from the accepted and usual course of judicial proceedings warranting immediate appellate review.
3. Whether Webb's direct motion for appointment of counsel in the appellate court was properly before the court and remained justiciable.

## HOLDINGS

1. A Rule 10 extraordinary-appeal application must provide sufficient information about the proceedings and include the orders, opinions, or record portions necessary for the appellate court to determine whether extraordinary review is warranted. Webb's pleading was insufficient because it identified neither the relevant pending proceedings nor the required supporting record materials.
2. Extraordinary review was not warranted because the trial court's preliminary order determining indigency and appointing counsel for post-conviction proceedings did not represent a departure from the accepted and usual course of judicial proceedings requiring immediate review.
3. Construed as a motion for appointment of counsel filed directly in the appellate court, Webb's pleading was inapt and moot.

## KEY QUOTATIONS

*“An extraordinary appeal may be sought from an interlocutory order pursuant to Rule 10 of the Rules of Appellate Procedure “on application and in the discretion of the appellate court alone . . . (1) if the lower court has so far departed from the accepted and usual course of judicial proceedings as to require immediate review, or (2) if necessary for complete determination of the action on appeal as otherwise provided in these rules.”” (1)*

*“Accordingly, we conclude that the Petitioner’s pleading—if construed as an application for extraordinary appeal—is insufficient for this court’s determination and is, therefore, DENIED.” (2)*

## FACTUAL BACKGROUND

Webb sought appointment of counsel, asserting that he lacked the financial means to retain private counsel and requesting counsel unaffected by alleged political influence or interference. His pleading did not identify the nature of any pending state trial-court proceeding requiring appointment of counsel and did not attach the orders or record materials required for extraordinary review. The trial court had issued a preliminary order finding him indigent and appointing counsel for post-conviction litigation, but that order did not demonstrate an extraordinary departure from ordinary judicial proceedings.

PROCEDURAL HISTORY

Webb was convicted of domestic assault and sentenced to eleven months and twenty-nine days in county jail at seventy-five percent service. The Court of Criminal Appeals affirmed his conviction on direct appeal, and the Tennessee Supreme Court denied permission to appeal. Webb did not file a state post-conviction petition following direct review; a trial court preliminary order later determined him indigent and appointed counsel for post-conviction litigation. The present pleading sought appointment of counsel or extraordinary appellate review.

DISPOSITION

writ\_denied

CASES CITED

- State v. Webb, No. E2023-00464-CCA-R3-CD, 2023 WL 8233126 (Tenn. Crim. App. Nov. 28, 2023), perm. app. denied (Tenn. Feb. 13, 2024)
- Webb v. State of Tennessee, No. 2:24-cv-00040, 2024 WL 3870294, at \*1 (M.D. Tenn. Aug. 19, 2024)

OPINION

Gregory Ryan Webb v. State of Tennessee  
JUDGE MONTGOMERY, JUDGE HIXSON, JUDGE SWORD, J.  
02/26/2026  
IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE  
AT KNOXVILLE  
GREGORY RYAN WEBB v. STATE OF TENNESSEE  
Criminal Court for Cumberland County No. CR-22-130  
No. E2026-00261-CCA-R10-PC

ORDER

The Petitioner, Gregory Ryan Webb, has filed a Motion for Appointment of Counsel. The Petitioner alleges that he “does not have the financial means to retain private counsel in this appeal.” He, therefore, requests “that this Court enter an Extraordinary Attorney to represent [him] Pursuant to Tennessee Rules of Appellate Procedure, Rule 10, Requesting Application for Extraordinary Appeal that requires urgency.” The Petitioner further states that he is “additionally requesting an Attorney who will not allow political influence, blackmail, and ‘other,’ to interfere with effective assistance of counsel.” Because the Petitioner cited to Rule 10 in his pleading, the appellate court clerk has entered this pleading as an application for an extraordinary appeal. Tenn. R. App. P. 10. Following our review, we deny the requested relief.

PROCEDURAL BACKGROUND

The Petitioner was convicted of one count of domestic assault and sentenced to serve eleven

months, twenty-nine days in the county jail at seventy-five percent service. On direct appeal, this court affirmed the trial court's judgment, and the Tennessee Supreme Court denied the Petitioner's application for permission to appeal. *State v. Webb*, No. E2023-00464-CCA-R3-CD, 2023 WL 8233126 (Tenn. Crim. App. Nov. 28, 2023), perm. app. denied (Tenn. Feb. 13, 2024). As noted by the federal district court adjudicating the Petitioner's first federal habeas corpus petition, the "Petitioner did not file a post-conviction petition in state court following the denial of his direct appeal." *Webb v. State of Tennessee*, No. 2:24-cv-00040, 2024 WL 3870294, at \*1 (M.D. Tenn., Aug. 19, 2024).

#### APPLICABLE LAW

An extraordinary appeal may be sought from an interlocutory order pursuant to Rule 10 of the Rules of Appellate Procedure "on application and in the discretion of the appellate court alone . . . (1) if the lower court has so far departed from the accepted and usual course of judicial proceedings as to require immediate review, or (2) if necessary for complete determination of the action on appeal as otherwise provided in these rules." Tenn. R. App. P. 10(a). The application for an extraordinary appeal "shall be accompanied by copies of any order or opinion or parts of the record necessary for determination of the application." Tenn. R. App. P. 10(c) (emphasis added).

#### ANALYSIS

The pleading before this court contains no information informing this court of the nature of any pending state trial court proceedings in which the appointment of counsel is required. Likewise, the Petitioner has not attached to his pleading any trial court order or part of the record from which this court could ascertain whether extraordinary review is warranted. Tenn. R. App. P. 10(c). The trial court clerk has provided to this court the trial court's September 17, 2025 preliminary order determining the Petitioner to be indigent and appointing counsel for litigation of a petition for post-conviction relief. To the extent that the order does provide some insight into the nature of the trial court proceedings, the trial court clerk's providing the court with this information does not obviate the strict pleading requirements of Rule 10. Further, the preliminary order does not represent an extraordinary departure "from the accepted and usual course of judicial proceedings as to require immediate review." Tenn. R. App. P. 10(a).

#### CONCLUSION

Accordingly, we conclude that the Petitioner's pleading—if construed as an application for extraordinary appeal—is insufficient for this court's determination and is, therefore, DENIED. If construed as a motion for the appointment of counsel filed directly to this court, the pleading is both inapt and moot. Because the Petitioner has been determined to be indigent, the costs of this proceeding are taxed to the State of Tennessee. JUDGE ROBERT H. MONTGOMERY, JR.

JUDGE KYLE A. HIXSON

JUDGE STEVEN W. SWORD

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