

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE
AT JACKSON

FILED

03/18/2025

Clerk of the
Appellate Courts

CARLOS STOKES v. STATE OF TENNESSEE

**Criminal Court for Shelby County
No. 16-05861**

No. W2025-00298-CCA-WR-CO

ORDER

This matter is before the Court upon a petition for writ of certiorari filed by the Petitioner, Carlos Stokes. The Petitioner asserts that the trial court has failed to rule upon his motion to recuse, which has been pending since September 5, 2024. The Petitioner requests this Court to reassign the underlying post-conviction and coram nobis proceedings to a different trial court judge. The State has filed a response agreeing that the Petitioner is entitled to an order either granting or denying the recusal motion but disagreeing that this Court can bypass the requirements of Tennessee Supreme Court Rule 10B by reassigning the case to a different judge.

Pursuant to Tennessee Supreme Court Rule 10B, when a party has filed a written motion seeking the recusal or disqualification of a judge, “the judge shall act promptly by written order and either grant or deny the motion.” Tenn. Sup. Ct. R. 10B, § 1.03. The judge can “take no further action on the case” while a recusal motion is pending. *Id.* at § 1.02. While no rule or appellate opinion specifically defines the term “promptly” in this context, Tennessee Supreme Court Rule 11 provides that “no motion, or other decision of the trial judge that delays the date of trial or final disposition in the trial court, shall be held under advisement for more than thirty days, absent the most compelling of reasons.” Tenn. Sup. Ct. R. 11, § III(d). As of this date, the Petitioner’s recusal motion has been pending in the trial court for more than six months.

The issuance of a common law writ of certiorari is governed by Tennessee Code Annotated § 27-8-101, which states:

The writ of certiorari may be granted whenever authorized by law, and also in all cases where an inferior tribunal, board, or officer exercising judicial functions has exceeded the jurisdiction conferred, or is acting illegally, or when, in the judgment of the court, there is no other plain, speedy, or

adequate remedy. This section does not apply to actions governed by the Tennessee Rules of Appellate Procedure.

T.C.A. § 27-8-101 (emphasis added). The writ of certiorari is an “extraordinary judicial remedy” available “to correct (1) fundamentally illegal rulings; (2) proceedings inconsistent with essential legal requirements; (3) proceedings that effectively deny a party his or her day in court; (4) decisions beyond the lower tribunal’s authority; and (5) plain and palpable abuses of discretion.” *State v. Lane*, 254 S.W.3d 349, 355 (Tenn. 2008).

In this case, there is another “plain, speedy, or adequate remedy” in that the Petitioner could have filed a “Motion to Render Decision” with either or both the presiding judge or the circuit justice for the judicial district. *See* Tenn. Sup. Ct. R. 11, § III(d). However, this Court also acknowledges that the trial court’s inaction in this case is “inconsistent with essential legal requirements” and serves to “effectively deny a party his or her day in court.” *See Lane*, 254 S.W.3d at 355. Thus, the writ of certiorari is appropriate in this case.

Accordingly, it is hereby ORDERED that this case is REMANDED to the trial court for the entry of an order either granting or denying the Petitioner’s recusal motion.¹ Mandate shall issue immediately.

s/ John W. Campbell, Judge
s/ Camille R. McMullen, Presiding Judge
s/ Matthew J. Wilson, Judge

¹ This Court takes no position on the merits of the recusal motion, which must be properly litigated pursuant to Tennessee Supreme Court Rule 10B.