

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE
AT JACKSON

FILED

10/08/2025

Clerk of the
Appellate Courts

DEMARCUS KEYON COLE v. JULIAN WISER, SHERIFF

**Circuit Court for Madison County
No. C-25-260**

No. W2025-01502-CCA-WR-CO

ORDER

This matter is before the Court upon the pro se Appellant's Petition for Writ of Certiorari. The Appellant asks this Court to compel the trial court to rule upon his petition for writ of habeas corpus that was filed on or about August 22, 2025.

A common law writ of certiorari may be granted whenever a lower court "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." T.C.A. § 27-8-101. However, "[t]his section does not apply to actions governed by the Tennessee Rules of Appellate Procedure," including habeas corpus proceedings. *Id.*; *Tragle v. Burdette*, 438 S.W.2d 736, 737 (Tenn. 1969). Moreover, this Court's ability to grant such petitions is limited to "proper cases within its jurisdiction as provided by law," T.C.A. § 16-5-108(b), which extends only to appellate review of final orders. *See* T.C.A. § 16-5-108(a). Because the trial court has not issued a final order, there is nothing for this Court to review. This Court may not compel a trial court to act unless such is necessary to aid the exercise of its appellate functions. *See State v. Irick*, 906 S.W.2d 440, 442 (Tenn. 1995).

Accordingly, it is hereby ORDERED that the Appellant's Petition for Writ of Certiorari is DENIED. The costs associated with this proceeding shall be assessed against the Appellant.

s/ J. Ross Dyer, Judge
s/ John W. Campbell, Judge
s/ Matthew J. Wilson, Judge