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Clerk of the
Appellate Courts

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE
AT KNOXVILLE

March 24, 2026 Session¹

STATE OF TENNESSEE v. RALHELLE ANTRE JAMES

Appeal from the Criminal Court for Knox County

No. 119317

Steven W. Sword, Judge

No. E2024-01485-CCA-R3-CD

A Knox County jury convicted the Defendant, Ralphelle Antre James, of second degree murder, unlawful possession of a weapon by a convicted felon, and felony reckless endangerment with a deadly weapon. The trial court sentenced the Defendant to an effective thirty-six years of incarceration. On appeal, the Defendant raises two related issues. First, he asserts that the trial court improperly denied his motion to continue the trial to investigate a late-added witness. He also argues that the trial court erred in allowing the late-added witness to testify, contending that the testimony violated Tennessee Rule of Evidence 404(b) and denied him a fair trial. Upon our review, we respectfully affirm the judgments of the trial court.

**Tenn. R. App. P. 3 Appeal as of Right;
Judgments of the Criminal Court Affirmed**

TOM GREENHOLTZ, J., delivered the opinion of the court, in which TIMOTHY L. EASTER and J. ROSS DYER, JJ., joined.

Mike Whalen, Knoxville, Tennessee, for the appellant, Ralphelle Antre James.

¹ Oral argument in this case was heard at the University of Tennessee Winston College of Law. The panel wishes to express its gratitude to the University and our court staff for their efforts in bringing this project to fruition, as well as to both the students and attorneys who were present and participated in the session.

Jonathan Skrmetti, Attorney General and Reporter; Elizabeth Evan, Assistant Attorney General; Charne P. Allen, District Attorney General; and Rachel Hill and Teddy Ryan, Assistant District Attorneys General, for the appellee, State of Tennessee.

OPINION

FACTUAL BACKGROUND

A. THE DAY OF THE SHOOTING

On May 20, 2021, the Defendant, Azely Taylor, and two other men were selling drugs out of a Knoxville apartment where they were living. That day, a large water balloon fight broke out at the apartment complex. During the commotion, several children were allowed into the men's apartment to refill their balloons.

Later, one of the men "cussed at" the children, and the victim, who was the children's father, confronted the men about it. The men and the victim briefly argued, but the victim removed his children from the apartment and then returned. When the victim came back, the men encircled him with guns visible. The victim then attempted to retreat, displaying a gun by his side without pointing it at anyone. The altercation eventually de-escalated, and the victim left the apartment.

Mr. Taylor witnessed another man telling the Defendant to "pop" the victim. The Defendant and that man then went upstairs for some time before eventually leaving the apartment. Upon leaving, the Defendant headed for the victim's car and approached the victim once again.

At the victim's car, the two men had a brief conversation. Mr. Taylor testified that the victim reached toward his side, and then two gunshots went off. However, according to the victim's wife, the victim did not have a weapon on him when the Defendant pulled a gun from his jacket pocket and began shooting. Officers with the Knoxville Police Department ("KPD") later testified that they did not find a weapon on the victim's person.

After locating the Defendant in a car that fled the scene, KPD officers interviewed the Defendant at the police station. The Defendant told officers that the victim had threatened him and reached for his side during their encounter. He then stood up and stated,

“And so I killed him in front of his kids and his baby mama, and I’d do it again if I had to.” Later in the interview, after repeatedly asking the officers if the victim was dead, the Defendant stated, “If he ain’t dead, then I didn’t do the job. If he ain’t dead, I didn’t accomplish what I set out to do.” A few minutes later, the Defendant said, “If he ain’t dead, I’m gonna kill him.”

B. TRIAL PROCEEDINGS

On July 28, 2021, a Knox County grand jury indicted the Defendant for first degree premeditated murder, unlawful possession of a weapon by a convicted felon, and felony reckless endangerment with a deadly weapon.

The case proceeded to a jury trial in September 2023. At trial, the State called several witnesses, including Mr. Taylor, who testified to the above facts. The jury convicted the Defendant of second degree murder as a lesser-included offense of first degree premeditated murder and all other offenses as charged. The trial court later imposed an effective sentence of thirty-six years.

The Defendant filed a timely motion for a new trial, which the trial court denied through a written order entered on August 29, 2024. The Defendant filed a timely notice of appeal twenty-nine days later. *See* Tenn. R. App. P. 4(a).

ANALYSIS

The Defendant raises two related issues on appeal. First, he argues that the trial court erred in denying his motion to continue the trial to investigate a witness disclosed shortly before trial. Second, he contends that the trial court erred in allowing that witness to testify, arguing that the testimony violated Tennessee Rule of Evidence 404(b) and denied him a fair trial.

We address each issue in turn.

A. THE MOTION TO CONTINUE

The Defendant first contends that the trial court abused its discretion in denying his motion to continue the trial. Specifically, the Defendant argues that additional time would

have allowed him to recover a potential “snitch file” from the KPD, which he describes as a “gold mine of information.” The State responds that the trial court acted within its discretion, that the Defendant failed to exercise due diligence in obtaining the alleged file, and that he cannot establish prejudice from the denial. We agree with the State.

1. Background

About twenty days before trial, the State filed a motion in limine identifying Mr. Taylor as a witness. The trial court held a hearing on that motion three days before trial to determine whether Mr. Taylor’s testimony was admissible under Tennessee Rule of Evidence 404(b).

At the hearing, Mr. Taylor testified about his role in the events on the day of the murder, including the altercation between the men and the victim and the Defendant’s approach to the victim’s car. Mr. Taylor also admitted that he had discussed the drug dealings and the murder during his “federal proffer interview” in May 2023, which the State had provided to defense counsel approximately two months before trial.

Mr. Taylor further testified that he was a confidential informant for a KPD officer he called “Captain Tony,” that he called that officer after the murder, that the officer told him to “hang low,” and that the two spoke again a few days later. The record contains no documentation of those communications—a fact the State acknowledged by stipulating at trial that no evidence corroborated Mr. Taylor’s account of those contacts.

The morning of the trial, the court issued a written order admitting Mr. Taylor’s testimony. The court found by “clear and convincing evidence” that the Defendant and the men from the apartment were involved in illegal narcotics sales. It further found that Mr. Taylor’s testimony was credible, both favorable and critical of the parties involved, and relevant to show a motive for the Defendant to kill the victim. The court also determined that the probative value of Mr. Taylor’s testimony was not substantially outweighed by the danger of unfair prejudice.

Following that order, the Defendant moved to continue the trial. Defense counsel argued that Mr. Taylor’s testimony was new to him, had altered his trial strategy, and prevented him from effectively impeaching Mr. Taylor. Specifically, he sought time to recover “paperwork” documenting any conversations between Mr. Taylor and KPD officers.

The prosecutor responded that the State had provided the federal proffer interview approximately two months before trial and that Mr. Taylor's anticipated testimony was detailed in the motion in limine filed approximately twenty days before trial. The State conceded that it had no evidence of any conversations between Mr. Taylor and KPD officers and agreed to stipulate that Mr. Taylor had claimed to speak with those officers but that no corroborating documentation existed.

The trial court denied the motion to continue, finding Mr. Taylor's testimony credible.

2. Standard of Appellate Review

The grant or denial of a motion to continue rests within the trial court's sound discretion, and its determination will be overturned "only if it appears that the trial court abused its discretion to the prejudice of the defendant." *State v. Odom*, 137 S.W.3d 572, 589 (Tenn. 2004). A defendant demonstrates an abuse of discretion by showing either that the denial of a continuance deprived him of a fair trial or that a different result would reasonably have followed had the continuance been granted. *State v. Hines*, 919 S.W.2d 573, 579 (Tenn. 1995).

3. Relevant Law

In considering whether to continue proceedings, "[a] trial court should balance the potential harm to the defendant caused by a delay against the potential harm to the State caused by no delay[.]" *Wyatt v. State*, No. M2019-00250-CCA-R3-PC, 2020 WL 1674014, at *7 (Tenn. Crim. App. Apr. 6, 2020) (citation omitted), *no perm. app. filed*; *State v. Mendenhall*, No. M2018-02089-CCA-R3-CD, 2020 WL 2494479, at *32 (Tenn. Crim. App. May 14, 2020), *perm. app. denied* (Tenn. Nov. 12, 2020). These harms should be balanced "within the context of the court's duty to administer the criminal justice system within its circuit, including the control of its docket." *Wyatt*, 2020 WL 1674014, at *7.

To that end, a trial court may weigh the following factors, among others, when considering whether to grant a continuance to secure admissible and material evidence:

- the length of the requested delay and the probability of locating witnesses or securing the evidence within the requested time, *State v.*

Russell, No. M2017-01152-CCA-R3-CD, 2018 WL 3700922, at *11 (Tenn. Crim. App. Aug. 3, 2018), *perm. app. denied* (Tenn. Nov. 14, 2018);

- the length of time that the case has been pending, *State v. Perry*, No. M2019-01311-CCA-R3-CD, 2021 WL 1111368, at *16 (Tenn. Crim. App. Mar. 23, 2021), *perm. app. denied* (Tenn. July 12, 2021);
- whether other continuances have been requested and granted, *Mendenhall*, 2020 WL 2494479, at *32;
- the convenience or inconvenience to the litigants, witnesses, counsel, and the court, *id.*;
- whether the continuance “would have made relevant witnesses unavailable or added something to the defense,” *State v. Daniels*, 656 S.W.3d 378, 386 (Tenn. Crim. App. 2022); and
- whether “the testimony or evidence is not merely cumulative to other evidence” and whether “diligence was exercised to obtain the presence of the witness or evidence,” *State v. Bennett*, 798 S.W.2d 783, 787-88 (Tenn. Crim. App. 1990).

See, e.g., State v. Hurn, No. E2022-01192-CCA-R3-CD, 2023 WL 7001621, at *5 (Tenn. Crim. App. Oct. 24, 2023), *perm. app. denied* (Tenn. Apr. 11, 2024). When the complaint is a late-witness disclosure, the relevant question is not whether the witness’s testimony itself was prejudicial, but whether the defendant was prejudiced by the lack of advance notice. *See State v. Kendricks*, 947 S.W.2d 875, 883 (Tenn. Crim. App. 1996).

4. Prejudicial Effect

Applied here, many of these factors supported the trial court’s denial of a continuance. The case had been pending for over two years—a grand jury indicted the Defendant in July 2021, and the case did not reach trial until September 2023. The Defendant had previously received multiple continuances at the trial court’s discretion. By the morning of the trial, witnesses, jurors, and the court had already assembled. Granting a continuance at that point would have imposed substantial inconvenience on all parties and disrupted the administration of the court’s docket. *See Mendenhall*, 2020 WL 2494479,

at *32. The alleged file's existence was unverified, and no formal demand had yet been made of KPD. The continuance request, therefore, carried a substantial risk of further delay, with little likelihood of producing the sought-after evidence. *See State v. Joiner*, No. 02C01-9204-CR-00093, 1993 WL 424802, at *4 (Tenn. Crim. App. Oct. 20, 1993), *no perm. app. filed*. The trial court was entitled to weigh these factors and conclude that additional delay was not justified.

Of course, the Defendant may still be entitled to relief if the denial of a continuance deprived him of a fair trial or if the granting of a continuance would have produced a different result. *See Hines*, 919 S.W.2d at 579. In this case, the Defendant argues that Mr. Taylor's testimony surprised him and altered his trial strategy. He also asserts that the denial prevented him from obtaining documents that could effectively impeach Mr. Taylor. Based on our review, the record does not support either argument.

a. Notice and Preparation

As to the claim of surprise, the Defendant had substantial pretrial notice and multiple opportunities to prepare for Mr. Taylor's testimony. The State supplemented discovery and disclosed Mr. Taylor as a witness fifty-two days before trial, on July 21, 2023. Twenty days before trial, the State filed its Rule 404(b) motion detailing the substance of Mr. Taylor's anticipated testimony. These disclosures provided both the identity and substance of Mr. Taylor's proposed testimony well before trial. Further, the Defendant cross-examined Mr. Taylor at length in the pretrial hearing three days before trial, giving counsel a complete preview of his testimony and a full opportunity to probe for inconsistencies and impeachment material.

Defense counsel's cross-examination of Mr. Taylor at trial was extensive and included the following aspects:

- counsel highlighted Mr. Taylor's federal indictment and his potential motive to seek leniency from federal prosecutors;
- he elicited inconsistent statements about whether Mr. Taylor expected any benefit from his cooperation;
- counsel exposed contradictions in Mr. Taylor's accounts of when he first reported the murder;

- he also confronted Mr. Taylor with the absence of documentation concerning his claimed contacts with “Captain Tony”; and
- counsel further identified additional inconsistencies regarding names, timelines, and factual details.

The manner and extent of cross-examination substantially undermine any claim that the Defendant lacked notice of the issues or adequate time to prepare for trial.

b. The Alleged Paperwork

As to the Defendant’s claim that he was denied the opportunity to obtain documents that could impeach Mr. Taylor, the Defendant has not shown that any “paperwork” concerning Mr. Taylor’s involvement with KPD actually existed. He insists the paperwork would have been a “gold mine of information,” yet he offers no evidence that the paperwork ever existed. By the time of the motion for a new trial hearing—nearly a year after trial and after ample opportunity to investigate—the Defendant still had not produced it. Without proof that the evidence existed, the Defendant cannot show prejudice from the denial of a continuance. *See State v. Russell*, 10 S.W.3d 270, 275 (Tenn. Crim. App. 1999).

But even if the paperwork did exist, it would not have materially aided the defense. The State had already stipulated at trial that KPD had no record of receiving homicide information from Mr. Taylor. That stipulation gave the defense the precise impeachment foundation it claimed to need. The Defendant has not explained what additional paperwork would have provided beyond what the stipulation already established. His assertion that it would have yielded something more rests entirely on speculation, and “[m]ere conclusory allegations or opinions, standing alone, are insufficient to support the granting of a continuance.” *Bennett*, 798 S.W.2d at 788. A continuance is not warranted unless the moving party shows that, despite diligent efforts, a reasonable additional delay will likely produce the evidence sought. *See State v. Morgan*, 825 S.W.2d 113, 118 (Tenn. Crim. App. 1991). The Defendant has made no such showing here.

c. Effect on the Outcome of the Trial

Even setting aside the question of the paperwork’s existence, the Defendant has also not shown that the denial of a continuance affected the outcome of the trial. The jury

convicted the Defendant of second degree murder rather than first degree murder. That verdict reflects that the defense successfully challenged the State's proof and secured meaningful consideration of a lesser-included offense—a result that undermines any claim that additional preparation time was necessary to mount an effective defense.

The proof of the Defendant's guilt did not depend solely—or even principally—on Mr. Taylor's testimony. In his own interview, the Defendant made highly incriminating statements about his intent. He stated that, if he had not killed the victim, he had not accomplished what he “set out to do.” He further stated that if the victim was not already dead, he intended to kill him. These statements provided powerful independent evidence of second degree murder, regardless of any additional impeachment of Mr. Taylor.

Moreover, Mr. Taylor's testimony was not uniformly adverse to the Defendant. He testified that the victim appeared to reach for a weapon before the shooting—evidence that may have supported the Defendant's theory of self-defense. That feature of his testimony further weakens the claim that additional investigation of Mr. Taylor would likely have changed the result.

None of these arguments establishes prejudice. At bottom, the Defendant equates surprise with prejudice. Surprise at the content of a witness's testimony, without more, does not establish that the denial of a continuance deprived the Defendant of a fair trial. The relevant question is not whether the defense was caught off guard. It is whether the lack of additional time meaningfully impaired the defense or affected the result. On this record, the Defendant has shown neither.

Accordingly, we conclude that the trial court acted within its discretion in denying the Defendant's motion to continue. *See State v. Goodman*, 643 S.W.2d 375, 378 (Tenn. Crim. App. 1982).

B. TESTIMONY FROM A LATE-ADDED WITNESS

The Defendant asserts that the trial court should not have permitted Mr. Taylor to testify. He argues, first, that Mr. Taylor's testimony should have been excluded under Tennessee Rule of Evidence 404(b) because it “brought a whole new theory” to the case. He argues, second, that allowing Mr. Taylor to testify deprived him of a constitutionally fair trial.

The State responds that the Defendant waived the first claim by failing to raise it in his motion for a new trial, but does not address the second. We agree with the State as to the first claim. As to the second, we conclude that the Defendant has waived appellate consideration by failing to present a developed argument in support of it.

1. Tennessee Rule of Evidence 404(b)

To preserve an issue for appeal, a party must first raise a timely and specific objection in the trial court. The party must then raise that same issue in a timely, written motion for a new trial. A failure to satisfy either requirement results in a waiver of plenary review of that issue on appeal. *See State v. Ruiz*, 716 S.W.3d 439, 453 (Tenn. Crim. App. 2024). These principles apply to evidentiary claims, including those arising under Tennessee Rule of Evidence 404(b). *See State v. Duncan*, No. M2023-01159-CCA-R3-CD, 2025 WL 1721045 (Tenn. Crim. App. June 20, 2025) (concluding that a defendant waived plenary review of a Rule 404(b) challenge when he failed to raise the issue in his motion for a new trial), *perm. app. denied* (Tenn. Dec. 11, 2025).

The Defendant did not raise a Rule 404(b) issue in his motion for a new trial. Instead, he argued only in general terms that his theory of the case changed when he learned of Mr. Taylor’s testimony. At the hearing on his motion, the Defendant did not mention Rule 404(b) as a ground for relief. He argued instead that Mr. Taylor was likely untrustworthy because no “snitch file” existed to impeach Mr. Taylor and that his trial strategy had changed when that testimony came to light on the Friday before trial. He further argued that the State’s ability to “throw anything, no matter how untrustworthy, at the jury” affected his right to a fair trial. The only mention of Rule 404(b) at the hearing came from the trial court, which recounted the scope of what it had permitted Mr. Taylor to testify to at the pretrial hearing.

A motion for a new trial is not merely a procedural formality—and treating it as one has consequences. The motion is a defendant’s last opportunity to advance a preserved issue before the trial court and to develop the record necessary to support that issue on appeal. *See* Tenn. R. Crim. P. 33(c). A defendant who bypasses that opportunity in the trial court cannot reclaim it here. *See* Tenn. R. App. P. 3(e). The Defendant raised no Rule 404(b) issue in his motion for a new trial. He has, therefore, waived plenary review of that issue on appeal. *See State v. Hatcher*, 310 S.W.3d 788, 808 (Tenn. 2010); *State v. Funk*, No. E2022-01367-CCA-R3-CD, 2023 WL 7130289, at *2 (Tenn. Crim. App. Oct. 30, 2023), *no perm. app. filed*.

Because the Defendant has waived plenary review of this issue, he may seek relief, if at all, only through the plain error doctrine. *See State v. Dotson*, 450 S.W.3d 1, 54 (Tenn. 2014). A party seeking plain error relief must raise and argue that theory in the opening brief, just as with any other claim for appellate relief. *See, e.g., Ruiz*, 716 S.W.3d at 453. Because the appellant generally bears the “burden to persuade an appellate court that the trial court committed plain error,” *State v. Bledsoe*, 226 S.W.3d 349, 355 (Tenn. 2007), the doctrine ordinarily applies only when a party affirmatively invokes it and advances a developed argument for its application.

The Defendant has neither requested plain error review nor analyzed the factors necessary to obtain such relief. *See State v. Enix*, 653 S.W.3d 692, 701 (Tenn. 2022) (identifying plain error factors). We, therefore, decline to conduct plain error review on our own. *See, e.g., State v. Gardner*, 716 S.W.3d 388, 417 (Tenn. Crim. App. 2024). The Defendant is not entitled to relief on this ground.

2. Constitutional Right to a Fair Trial

The Defendant’s broader suggestion that Mr. Taylor’s testimony deprived him of a constitutionally fair trial stands on a different procedural footing. The Rule 404(b) claim was waived because the Defendant failed to raise it in a written motion for a new trial. The fair trial claim, by contrast, was expressly raised in the Defendant’s amended motion for a new trial. There, the Defendant argued that allowing Mr. Taylor to testify at the last moment called into question “whether or not [the Defendant] got his constitutionally required FAIR TRIAL.” The trial court considered and rejected that claim at the hearing on the motion, finding that the defendant was not “denied a right to a fair trial by allowing [Mr. Taylor] to testify, either truthfully or untruthfully.” The amended motion preserved the fair trial claim for plenary review. *See State v. Vance*, 596 S.W.3d 229, 253 (Tenn. 2020); *State v. Smith*, 492 S.W.3d 224, 242 (Tenn. 2016).

The claim fails, however, at the next step. We have recognized that “simply raising an issue is not sufficient to preserve it for appellate review.” *State v. Cunningham*, No. M2023-00909-CCA-R3-CD, 2024 WL 3634259, at *2 (Tenn. Crim. App. Aug. 2, 2024) (citation omitted), *no perm. app. filed*. Tennessee Rule of Appellate Procedure 27(a)(7)(A) requires an appellant to present an argument supported by citations to authority and appropriate references to the record. Rule 10(b) of this court reinforces that requirement: issues unsupported by argument, citation to authorities, or references to the record are waived. *See also State v. Molthan*, No. M2021-01108-CCA-R3-CD, 2022 WL 17245128,

at *2 (Tenn. Crim. App. Nov. 28, 2022) (recognizing waiver when the defendant did not “make any argument in support of this issue in his brief” and did not “cite to any authorities or appropriate references in the record”), *no perm. app. filed*.

In his brief, the Defendant does not identify the constitutional standard that governs a claim of this kind, cite any relevant authority, or develop a factual argument under any recognized legal framework. He argues that Mr. Taylor’s testimony “brought a whole new theory” to the case and characterizes Mr. Taylor as untrustworthy. But he does not identify what constitutional standard that contention is meant to invoke, why the record satisfies that standard, or what relief would follow from its application.

In essence, to address this claim on the merits, we would first need to construct the constitutional framework on the Defendant’s behalf and identify the specific legal standard that applies. We would then need to marshal the relevant evidence under that standard and assess whether it compels relief. Our role as an error-correction court does not permit us to undertake those efforts. *See City of Memphis v. Edwards by & Through Edwards*, No. W2022-00087-SC-R11-CV, 2023 WL 4414598, at *2 (Tenn. July 5, 2023) (Order) (“[D]ecades of caselaw and the very foundations of our adversarial justice system dictate that courts cannot and should not shoulder the burden of fashioning the arguments of the parties who have chosen not to do so for themselves.” (citation omitted)). Because the Defendant has failed to present any developed argument in support of his constitutional fair trial claim, we conclude that he has waived appellate consideration of this issue.² *See* Tenn. R. App. P. 27(a)(7); *State v. Hamilton*, No. W2023-01127-CCA-R3-CD, 2024 WL 4130757, at *5 (Tenn. Crim. App. Sept. 10, 2024), *perm. app. denied* (Tenn. Feb. 20, 2025). The Defendant is not entitled to relief on this ground.

CONCLUSION

In summary, we hold that the trial court acted within its discretion in denying the Defendant’s motion to continue the trial. We further hold that the Defendant waived

² A constitutional claim that admitted evidence deprived a defendant of a fair trial arises under the Due Process Clause of the Fourteenth Amendment. In general, the governing standard asks whether the evidence “so infused the trial with unfairness as to deny due process of law.” *Estelle v. McGuire*, 502 U.S. 62, 75 (1991) (citation omitted); *accord Donnelly v. DeChristoforo*, 416 U.S. 637, 643 (1974). An ordinary evidentiary ruling typically does not satisfy this demanding standard. *See Estelle*, 502 U.S. at 75. Because the Defendant has not developed a factual argument under this framework, we do not address whether this standard is satisfied on the present record.

appellate review of his Rule 404(b) challenge and his constitutional fair trial claim. We respectfully affirm the judgments of the trial court.

s/ Tom Greenholtz

TOM GREENHOLTZ, JUDGE