

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE
AT NASHVILLE

FILED

11/12/2025

Clerk of the
Appellate Courts

STATE OF TENNESSEE v. KORTNEY DALON BALL

Criminal Court for Davidson County
No. 2021-B-825

No. M2025-01724-CCA-R10-CD

ORDER

The Appellant, Kortney Dalon Ball, is appealing his conviction and the sentence he received for one count of domestic assault. *See* Docket No. M2025-01458-CCA-R3-CD. Although he was represented by appointed counsel at the time notice of appeal was filed in Docket No. M2025-01458-CCA-R3-CD, he has since been permitted permission to proceed on his own in that appeal. The record has not yet been filed therein.

In the meantime, the Appellant has filed an application for an extraordinary appeal pursuant to Rule of Appellate Procedure 10, to which the Clerk assigned the above docket number. For the reasons stated below, that application is denied.

In his application, the Appellant raises issues more appropriately suited for review in his pending direct appeal in Docket No. M2025-01458-CCA-R3-CD. The Appellant advances challenges to the jury instructions, the sufficiency of the indictment and the sentence he received. He also raises double jeopardy and due process claims. An extraordinary appeal may be granted from an *interlocutory order* of a trial court if the appellate court determines the trial court has so far departed from the accepted and usual course of judicial proceedings as to require immediate review or if necessary for complete determination of the action on appeal. Tenn. R. App. P. 10(a). As noted above, the Appellant is currently pursuing an appeal as of right from his judgment of conviction. Tenn. R. App. P. 3(b) (“an appeal as of right by a defendant lies from any judgment of conviction entered by a trial court”). Thus, by the plain intent of the rules, Rule 10 is inapplicable in this situation. The Appellant will be afforded the opportunity to present the issues raised in the instant application in his appellate brief after the record is filed in Docket No. M2025-01458-CCA-R3-CD. *See* Tenn. R. App. P. 27 through 30.

Accordingly, the instant application for an extraordinary appeal is hereby denied. Because the Appellant is indigent, costs are taxed to the State. The Clerk shall forward a copy of this order to the trial court clerk.

Easter, J., Wedemeyer, P.J., Ayers, J.