

FILED

10/25/2023

Clerk of the
Appellate Courts

IN THE COURT OF APPEALS OF TENNESSEE
AT NASHVILLE

Assigned on Briefs September 1, 2023

LEONARD BLACKSTOCK v. STATE OF TENNESSEE

Appeal from the Tennessee Claims Commission

No. 0546-GL-13-0503078-001 James A. Haltom, Commissioner

No. M2023-00066-COA-R3-CV

This appeal concerns an order of dismissal entered by the Tennessee Claims Commission. Though Appellant raises a number of issues on appeal, this Court is unable to review any of the issues due to Appellant's noncompliance with applicable appellate briefing requirements. Because all of Appellant's issues on appeal have been waived due to his failure to comply with the appellate briefing requirements, we affirm the judgment of the Tennessee Claims Commission.

**Tenn. R. App. P. 3 Appeal as of Right; Judgment of the Claims Commission
Affirmed and Remanded.**

ARNOLD B. GOLDIN, J., delivered the opinion of the Court, in which ANDY D. BENNETT and KRISTI M. DAVIS, JJ., joined.

Leonard Richmond Blackstock, Jr., Springfield, Tennessee, Pro se.

Jonathan Skrmetti, Attorney General and Reporter, and Hollie R. Parrish, Assistant Attorney General, for the appellee, State of Tennessee.

MEMORANDUM OPINION¹

Appellant, Leonard Blackstock, filed a complaint with the Tennessee Claims

¹ Rule 10 of the Rules of the Court of Appeals of Tennessee provides:

This Court, with the concurrence of all judges participating in the case, may affirm, reverse or modify the actions of the trial court by memorandum opinion when a formal opinion would have no precedential value. When a case is decided by memorandum opinion it shall be designated "MEMORANDUM OPINION", shall not be published, and shall not be cited or relied on for any reason in any unrelated case.

Commission on October 21, 2022. Subsequent to the filing of the complaint, the Commissioner entered a show cause order. Appellant filed a “Formal Complaint” in response, which consisted of a single sentence. In later dismissing the complaint, the Commissioner stated that “the Tribunal has not located any claims in the complaint that can be reasonably interpreted viable under Tenn. Code Ann. § 9-8-307(a)(I) ... [and the] pending claim also appears to be repetitive, redundant, frivolous, abusive to the system, or moot.”

Appellant, acting pro se in this appeal, has filed a brief that fails to include a single reference to the record. As a threshold matter, we address Appellant’s failure to comply with the Tennessee Rules of Appellate Procedure as well as the rules of this Court. Rule 27 of the Tennessee Rules of Appellate Procedure requires appellate briefs to include, among other elements, the following:

- (a) Brief of the Appellant. The brief of the appellant shall contain under appropriate headings and in the order here indicated:

....

- (6) A statement of facts, setting forth the facts relevant to the issues presented for review with **appropriate references to the record**;
- (7) An argument, which may be preceded by a summary of argument, setting forth:
 - (A) the contentions of the appellant with respect to the issues presented, and the reasons therefor, including the reasons why the contentions require appellate relief, with citations to the authorities and **appropriate references to the record** (which may be quoted verbatim) relied on[.]

Tenn. R. App. P. 27 (emphasis added). Additionally, Rule 6 of the Rules of the Court of Appeals of Tennessee requires the following:

No complaint of or reliance upon action by the trial court will be considered on appeal unless the argument contains a specific reference to the page or pages of the record where such action is recorded. **No assertion of fact will be considered on appeal unless the argument contains a reference to the page or pages of the record where evidence of such fact is recorded.**

Tenn. Ct. App. R. 6(b) (emphasis added). In the present appeal, Appellant’s brief attempts

to advance several arguments addressing alleged mistreatment of Appellant by various government agencies. None of these allegations are supported by references to the record. We have previously explained that references to the record are an integral component of appellate review, and, without such references, our ability to examine the issues raised on appeal is severely hampered. *Bean v. Bean*, 40 S.W.3d 52, 55-56 (Tenn. Ct. App. 2000); *England v. Burns Stone Co., Inc.*, 874 S.W.2d 32, 35 (Tenn. Ct. App. 1993). When such defects plague the entirety of the brief, the whole appeal is subject to waiver and dismissal. *Bean*, 40 S.W.3d at 56.

Because none of Appellant’s allegations are supported by references to the record, we are unable to verify the veracity of any raised allegation. Although we recognize that Appellant is proceeding pro se in this appeal, and although this Court makes every effort to accord such litigants equal treatment, *Chiozza v. Chiozza*, 315 S.W.3d 482, 486 (Tenn. Ct. App. 2009) (citing *Hodges v. Tenn. Att’y Gen.*, 43 S.W.3d 918, 920 (Tenn. Ct. App. 2000)), pro se litigants still “must comply with the same substantive and procedural law” in the same manner as represented parties. *Id.* (citing *Hodges*, 43 S.W.3d at 920-921). Having found no references to the record throughout Appellant’s entire appellate brief, we conclude that Appellant has waived all his raised issues.

Because we conclude that all of the issues raised by Appellant are waived due to Appellant’s noncompliance with applicable briefing requirements of both the Tennessee Rules of Appellate Procedures as well as the Rules of the Court of Appeals, the judgment of the Tennessee Claims Commission is affirmed.

s/ Arnold B. Goldin
ARNOLD B. GOLDIN, JUDGE