

IN THE CIRCUIT COURT FOR LAKE COUNTY, TENNESSEE  
TWENTY-NINTH JUDICIAL DISTRICT

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STATE OF TENNESSEE

VS.

Case Nos.: 25-CR-11185

AUSTIN DRUMMOND

Lake County Circuit Court  
FILED

DEFENDANT

MAY 21 2026  
*Chelsea Perry, DC*  
Jessica Avery  
Circuit Court Clerk

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ORDER DENYING REQUEST FOR SELF-REPRESENTATION

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This matter is before the Court on the defendant's *pro se* motion to discharge his counsel and represent himself in this case. The Court denies the motion for the reasons set out below.

1. This is a capital case, where heightened procedural protections apply. The defendant was indicted by the Lake County Grand Jury on felony charges, including four counts of first-degree murder. The state has filed notice of its intent to seek the death penalty.

2. By order dated November 12, 2025, the Court appointed counsel specially qualified under Tenn. Sup. Ct. R. 13, section 3, to represent the defendant. Counsel have appeared in court, filed motions, and advocated on the defendant's behalf.

3. On April 21, 2026, the Court received the defendant's two-page handwritten "Motion to Waive Right to Counsel and Exercise Right to Self-Representation." This motion, along with others, was heard on May 15, 2026. In connection with a motion to review the defendant's custody placement, the Court heard testimony regarding the defendant's manipulative behavior when he does not get his way and his failure to comply with rules. That behavior is also relevant to this motion to waive the assistance of counsel.

4. Importantly, the Court is without an expert assessment of the defendant's mental state because he refused to cooperate with a previously ordered mental health or competency evaluation. Upon the Court's inquiry, the defendant indicated he completed the tenth grade in school and later obtained a general equivalency diploma. He has not studied law and the only trial he has ever experienced was his trial on a felony charge at age 17. Although he says he has studied the applicable procedural rules and understands he must

follow them, the reasons the defendant provides for discharging counsel, in part, reflect a poor comprehension of the rules and case strategy at the General Sessions Court level.

5. The defendant's case is highly complex and requires the highest level of professional defense assistance from persons experienced in capital cases to provide the defendant with the best chance to avoid the worst-case outcome of conviction and execution. Although the defendant has a constitutional right to counsel or to waive counsel, any waiver of the right to representation must be unequivocal and made knowingly, voluntarily, and intelligently. It is evident that the defendant is making his request voluntarily. It is also evident that his request to proceed *pro se* is not clear and unequivocal, nor was it made with sufficient knowledge or understanding. Instead, the Court finds the request was made for retaliatory and manipulative purposes.

6. According to the defendant's motion, he wants to proceed *pro se* because he is dissatisfied with certain procedural and strategic choices made by his counsel. The complaints about his attorneys do not reflect a genuine desire to invoke the right to self-representation but rather an uninformed understanding of the proceedings, which has led to his frustration and his retaliation in the form of the instant motion. Numbered paragraphs 1 and 2 of the motion reflect the defendant's failure to understand the tactical choices made during the preliminary hearing, the nature of the proceeding, and the relaxed evidentiary rules applicable to it. Specifically, motive is not an element of the offenses, and hearsay is admissible. The defendant's failure to understand the application of legal rules contradicts his contention that he does and that he understands the significance of waiving the right to counsel.

7. The complaints in paragraphs 3 and 4 relate to dissatisfaction with orders of the Court that would have been entered regardless of counsel's concessions. A defendant may not use a request to represent himself as a means to challenge the Court's orders. The Court believes the defendant's motion is, in part, an attempt to challenge those orders which limit his ability to provide documents and information to the media and have restricted his control over documents produced in discovery. Those actions were taken to protect the defendant's right to a fair trial by curbing his release of discovery material to the media, some of which is detrimental to his defense. Notably, his attorneys have filed a motion to modify the protective order, the resolution of which may alleviate the defendant's stated complaints. Thus, to the Court's knowledge, counsel has listened to the defendant's concerns and acted on them. Nevertheless, on the morning of the hearing on this motion, the defendant filed 11

pro se motions, including a duplicative motion seeking a speedy trial and another to modify the protective order. It appears to the Court that the defendant's grievance is not with counsel but, instead, is an attempt to challenge, manipulate, or circumvent the Court's orders and the orderly progression of this case.

8. The motion also complains about the length of time required for tasks performed by counsel at the defendant's request. The pace of proceedings in criminal cases, especially capital cases, may be slower than desired, but this is not grounds for removing counsel. In fact, defense counsel plays an essential role in criminal proceedings. Notably, counsel have filed a motion for a speedy trial. The Court finds that the defendant's motion is more an attempt to manipulate the pace of pretrial proceedings rather than a genuine complaint about counsel and a desire to represent himself. The defendant's uninformed dissatisfaction with the pace and outcome of certain preliminary matters and his mild frustration are not adequate reasons to remove counsel. Nor do they constitute a clear and unequivocal, knowing and understanding waiver of the right to counsel.

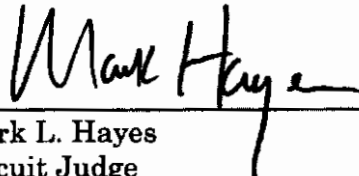
9. Defense counsel's statements during the motion hearing also cast doubt on the validity of the defendant's attempted waiver. According to counsel, based on their interactions with the defendant, he fails to understand the significance of any waiver and the obstacles and disadvantages he would face as a *pro se* litigant. Counsel also stated that the defendant does not comprehend the value of a mitigation investigation.

10. The Court has applied the presumption against waiver of the right to counsel and concludes that, on balance, the defendant's motion is not made with the requisite understanding. This conclusion is underscored by the fact that the issues the defendant alleges are easily remedied by improved communication between counsel and the defendant. The defendant was not aware that proceeding *pro se* would result in a waiver of post-conviction relief based upon ineffective assistance of counsel. He was unaware that he did not have an absolute right to access a law library and appeared confused. The defendant's demeanor, mannerisms, and intonations when he answered questions at the motion hearing were indicative of his failure to be aware of and consider the full implications of the decision to waive counsel. The Court finds the defendant has not made an unequivocal, knowing, and intelligent waiver. The Court also finds the defendant's motion is not a genuine request for self-representation but a thinly veiled attempt at manipulation.

IT IS, ACCORDINGLY, ORDERED that the defendant's motion to waive his right to counsel is denied.

The Defendant is advised that the Court's ruling is not a final judgment and, at this stage of these proceedings, cannot be appealed as of right. However, under Rule 9 of the Tennessee Rules of Appellate Procedure, the Defendant may seek permission to file an interlocutory appeal to the Tennessee Court of Criminal Appeals within 30 days after the date of entry of this order. Such an appeal requires permission from both the trial court and the appellate court and is granted only in the limited circumstances set forth in Rule 9. The Court expresses no opinion on the merits of any such application.

ENTER:

  
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Mark L. Hayes  
Circuit Judge  
Date: May 21, 2026

CERTIFICATE OF SERVICE

A copy of this document has been served upon each attorney or unrepresented party in accordance with TRCrP 49.

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CIRCUIT COURT CLERK

Date: 5/21/20