

IN THE COURT OF APPEALS OF TENNESSEE
AT JACKSON
FEBRUARY 17, 2009 Session

**IN RE: J. G. H., Jr., DOB 11/04/05, A Child Under 18 Years of Age
JAMES and TERI WOLFE v. JENNIFER LYNN DUCKHORN**

**Direct Appeal from the Juvenile Court for Shelby County
No. S3119 Herbert Lane, Special Judge**

No. W2008-01913-COA-R3-PT - Filed August 17, 2009

J. STEVEN STAFFORD, J., DISSENTING:

I respectfully dissent from the majority opinion. It is my belief that the same procedure was utilized in this case as was used for the appointment of the special judge in the case of *State of Tennessee Department of Children's Services v. Ruth Sails, et al.*, No. W2008-01352-COA-R3-PT, 2009 Tenn. App., LEXIS 431 (Tenn. Ct. App. July 10, 2009) (Stafford, J., dissenting). Consequently I believe that the special judge was not appointed in conformity with the statutory and case law and should not be considered a special judge. I am of the opinion that all action taken by the special judge in this case is a nullity. I hereby adopt and reiterate the reasoning set out in the dissenting opinion in the *Sails* case. I would remand this case to the trial court for further proceedings in accordance with this opinion

J. STEVEN STAFFORD, J.