

**IN THE COURT OF APPEALS OF TENNESSEE
AT JACKSON**

STATE OF TENNESSEE, on behalf)	
of JUDGE JAMES BEASLEY,)	No. W1999-00984-COA-R10-CV
JUDGE ROBERT T. DWYER, retired,)	Shelby Circuit No. 97242-4 T.D.
and Criminal investigator)	
MARK GLANKLER, in their)	
official capacities,)	HON. JAMES E. SWEARENGEN
)	
Witnesses/Appellants,)	
)	
CORETTA SCOTT KING, ET AL.,))	VACATED AND REMANDED
)	
Plaintiff/Appellee,)	
)	OPINION FILED

FILED

December 7, 1999

**Cecil Crowson, Jr.
Appellate Court Clerk**

v.)	
)	
LLOYD JOWERS,)	
)	
Defendant/Appellee.)	

Paul G. Summers, Attorney General and Reporter
Michael E. Moore, Solicitor General
David M. Himmelreich, Deputy Attorney General
Micheal E. Meyer, Assistant Attorney General
For Witnesses/Appellants

Lewis K. Garrison, Sr., Memphis, Tennessee
John H. Bledsoe, Memphis, Tennessee
For Defendant/Appellee

MEMORANDUM OPINION¹

On December 1, 1999, the State of Tennessee on behalf of the appellants Judge James Beasley, Judge Robert T. Dwyer and Mark Glankler, filed a Rule 10 T.R.A.P. application for

extraordinary appeal. Specifically, the State sought to set aside the trial court's order denying the State's motion to quash the subpoenas served on the aforementioned appellants.

By Order entered December 1, 1999, this Court ordered that the subpoenas subject to this appeal be held in abeyance pending further orders of this Court, and the Court also directed the parties file briefs in support of their respective positions on or before 10:00 a.m. Monday December 6, 1999.

Both the State of Tennessee, on behalf of the appellants, and defendant Lloyd Jowers filed separate briefs before the deadline. According to the appellant's brief, Mr. Glankler had testified prior to entry of this Court's December 1, 1999, Order. Therefore, it would appear that the issue on appeal as to Mr. Glankler is moot. Upon consideration of the foregoing, the Court finds the appellants' application is well-taken and should be granted. Accordingly,

IT IS ORDERED that the appellants' Rule 10 T.R.A.P. application be granted.

Pursuant to the authority set forth in *McCleskey v. Kemp*, 481 U.S. 279 (1987) and *Wayte v. United States*, 470 U.S. 598 (1985), **IT IS FURTHER ORDERED** that the trial court's order denying the motion to quash the subpoenas of Judge James Beasley and Judge Robert T. Dwyer is vacated and the subpoenas are hereby quashed. This opinion disposes of this appeal, and costs on appeal are taxed to the appellee Lloyd Jowers for which execution may issue if necessary.

CRAWFORD, P.J., W.S.

FARMER, J.