

**SUPREME COURT OF TENNESSEE
 SUPREME COURT DISCRETIONARY APPEALS
Grants & Denials List**

Monday, February 26, 2007

GRANTS

STYLE/APPEAL NUMBER	COUNTY TRIAL JUDGE TRIAL COURT NO.	APPELLATE JUDGE JUDGMENT	NATURE OF APPEAL	ACTION
<u>Nashville</u>				
Vanory Askew v. State of Tennessee M2005-00524-SC-R11-HC	Wayne County Circuit Judge Robert L. Jones No. 13617	Wedemeyer, J. Reversed	Rule 11	Granted - for the purpose of remanding the case to the Court of Criminal Appeals for reconsideration in light of this Court's opinion in <u>Summers v. State</u> , No. M2004-02806-SC-R11-HC (Tenn. Jan. 23, 2007).
William W. Brown, Jr., Individually and as Surviving Spouse of Shirley Brown, Deceased v. ERACHEM COMILOG, INC. M2005-01825-SC-R11-CV	Humphreys County Chancery Judge George Sexton No. CH-03-067		Rule 11	Granted - Motion for review filed by the appellant, William W. Brown, Jr. * Filed on February 22, 2007 *
Larry Dotson v. State of Tennessee, et al. M2005-00436-SC-R11-CD	Davidson County Criminal Judge: Steve R. Dozier No: 3619	McLin, J. Reversed and Remanded	Rule 11	Granted - for the purpose of remanding the case to the Court of Criminal Appeals for reconsideration in light of the holding in <u>Summers v. State</u> , No. M2004-02806-SC-R11-HC (Tenn. Jan. 23, 2007).

Dwight K. Pritchard v. State of Tennessee M2005-00594-SC-R11-HC	Davidson County Criminal Judge Cheryl Blackburn No. 3612	Welles, J. Reversed & Remanded	Rule 11	Granted - for the purpose of remanding the case to the Court of Criminal Appeals. The Court of Criminal Appeals is directed to decide the case on its merits in accordance with this Court's opinion in <u>Charles G. Summers v. State of Tennessee</u> , M2004-02806-SC-R11-HC (Tenn. Jan. 23, 2007).
Simpson Strong-Tie Company v. Stewart, Estes & Donnell M2006-02407-SC-R23-CQ	U. S. D. C, Middle District of Tennessee Judge Aleta A. Trauger No. 3:06-0094		Rule 23 Certified Question	Accepted - this Court accepts certification of the following question of law: Does the absolute litigation privilege apply to communications made preliminary to a proposed judicial procedure, where such communications are directed at recipients unconnected with the proceeding in hopes of soliciting them to become parties to it?
State of Tennessee v. James Edward Taylor M2005-01060-SC-R11-CD	Davidson County Criminal Judge Cheryl Blackburn No. 2002-B-713	Ogle, J. Affirmed	Rule 11	Granted - Application of James Edward Taylor
<u>Knoxville</u>				
None				

Jackson

Dickey L. Cotton v. David Mills, Warden W2004-02523-SC-R11-HC	Lauderdale County Circuit Judge Joseph H. Walker, III No. 5904	McLin, J. Reversed and Remanded	Rule 11	Granted - for the purpose of remanding to the Court of Criminal Appeals for reconsideration in light of the holdings in <u>Smith v. Lewis</u> , 202 S.W.3d 124, 128 (Tenn. 2006), <u>Shaun Hoover v. State</u> , No. W2005-01921-SC-R11-HC (Tenn. Jan 23, 2007), and <u>Summers v. State</u> , M2004-02806-SC-R11-HC (Tenn. Jan 23, 2007).
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DENIALS

STYLE/APPEAL NUMBER	COUNTY TRIAL JUDGE TRIAL COURT NO.	APPELLATE JUDGE JUDGMENT	NATURE OF APPEAL	ACTION
<u>Nashville</u>				
William K. Alphin v. Kara E. Ryan, John V. Ryan and Red Door Saloon, LLC M2006-01966-SC-S09-CV	Davidson County Circuit Judge Barbara N. Haynes No. 03C-1726	Per Curiam Rule 9 Denied	Rule 9	Denied - Application of Red Door Saloon, LLC
Shelvy Antwain Baker v. State of Tennessee M2005-01760-SC-R11-PC	Davidson County Criminal Judge Cheryl Blackburn No. 2000-B-806	Ogle, J. Affirmed	Rule 11	Denied - Application of Shelvy Antwain Baker
Harper-Wittbrodt Automotive Group, LLC v. Sam Teague and Sam Teague Chrysler M2005-00203-SC-R11-CV	Dickson County Chancery Judge Robert E. Burch No.7010-01	Harris, J. Affirmed and Remanded	Rule 11	Denied - Application of Sam Teague, et al.
Jorge Herrera v. State of Tennessee M2005-02962-SC-R11-PC	Davidson County Criminal Judge Cheryl Blackburn No. 2002-B-1003	Glenn, J. Affirmed	Rule 11	Denied - Application of Jorge Herrera

In the Matter of: The Estate of Harry Sanders, Deceased v. Rosalyn Vine M2006-00314-SC-R11-CV	Bedford County Chancery Chancellor J. B. Cox No. 24,032	Cain, J. Cottrell, J. Clement, J. Dismissed	Rule 11	Denied - Application of Marshall Sanders
William M. Kincaid, Individually, Storage Florida, L.P., and Aegis Self Storage, LLC, f/k/a Derby Self Storage, LLC v. Southtrust Bank, N.A., SC Realty, LLC and PNL Storage M2005-00121-SC-R11-CV	Davidson County Chancery Chancellor Ellen Hobbs Lyle No. 04-2301-IV(III)	Clement, J. Affirmed	Rule 11	Denied - Application of William Kincaid, et al.
Leonard Masonet v. State of Tennessee M2005-01327-SC-R11-HC	Wayne County Circuit Judge Stella Hargrove No. 13704	Woodall, J. Affirmed	Rule 11	Denied - Application of Leonard Masonet
Anne McLeay v. Wava Huddleston, Wayne Moore, M.D., Jean Pennington and Metropolitan Government for Nashville Davidson County, Tennessee M2005-02118-SC-R11-CV	Davidson County Circuit Judge Barbara N. Haynes No. 03C-123	Crawford, J. Affirmed	Rule 11	Denied - Application of Anne McLeay
Metropolitan Development and Housing Agency v. James K. Eaton and wife, Toni C. Eaton, and Charles E. Cardwell in his capacity as Metropolitan Trustee M2005-02044-COA-R3-CV	Davidson County Circuit Judge Walter C. Kurtz No. 01C-1109	Cain, J. Affirmed and Remanded	Rule 11	Denied - Application of James K. Eaton and his wife, Toni C. Eaton
Duane E. Noland v. State of Tennessee M2006-00449-SC-R11-PC	Davidson County Criminal Judge Steve Dozier No. 2001-B-1137	Woodall, J. Affirmed Pursuant to Rule 20	Rule 11	Denied - Application of Duane E. Noland
State of Tennessee v. Lemar Brooks M2003-02304-SC-R11-CD	Montgomery County Circuit Judge John Gasaway, III No. 40877	Glenn, J. Affirmed	Rule 11	Denied - Application of Lemar Brooks

State of Tennessee v. Antonio D. Idelfonso Diaz M2006-00203-SC-R11-CD	Davidson County Criminal Judge Monte Watkins No. 2005-B-1061	Ogle, J. Reversed and Remanded	Rule 11	Denied - Application of Antonio D. Idelfonso Diaz
Darryl Ford v. State of Tennessee M2006-00627-SC-R11-HC	Wayne County Circuit Judge Robert L. Holloway, Jr. No. 13830	Woodall, J. Affirmed Pursuant to Rule 20	Rule 11	Denied - Application of Darryl Ford
State of Tennessee v. David L. Monroe, Jr. M2005-02750-SC-R11-CD	Davidson County Criminal Judge Cheryl Blackburn No. 2004-B-1197	Glenn, J. Affirmed	Rule 11	Denied - Application of David L. Monroe, Jr.
State of Tennessee v. Cornelius D. Pierce M2005-02650-SC-R11-CD	Davidson County Criminal Judge Cheryl Blackburn No. 2003-D-3045	Ogle, J. Affirmed	Rule 11	Denied - Application of Cornelius D. Pierce
State of Tennessee v. Jeffrey A. Simmons M2006-02364-SC-S10-CD	Warren County Circuit Judge Larry Stanley No. F-8245	Smith, J. Welles, J. Woodall, J. Denied Rule 10 Application	Rule 11	Denied - Application of Jeffrey A. Simmons
State of Tennessee v. William Thompson M2005-01947-SC-R11-HC	Davidson County Criminal Judge Cheryl Blackburn No. 84-W-582	Tipton, J. Affirmed	Rule 11	Denied - Application of William Thompson
State of Tennessee v. Wallace Willingham M2005-00717-SC-R11-CD	Giles County Circuit Judge Jim T. Hamilton No. 10334	McLin, J. Affirmed	Rule 11	Denied - Application of Wallace Wayne Willingham
Phebe M. Waterman v. Peter Helge Damp, M.D., and St. Thomas Hospital M2005-01265-SC-R11-CV	Davidson County Circuit Judge Hamilton V. Gayden, Jr. No. 03C1571	Cain, J. Affirmed in Part, Reversed in Part & Remanded	Rule 11	Dismissed - Application of Peter Helge Damp, M.D. as untimely

Nathaniel Williams v. State of Tennessee M2006-01530-SC-R11-HC	Wayne County Circuit Judge Robert Jones No. 13988	Wedemeyer, J. Affirmed Pursuant to Rule 20	Rule 11	Denied - Application of Nathaniel T. Williams
Mark Wood v. U-Haul Co. of Tennessee M2005-00600-SC-R11-CV	Davidson County Circuit Judge Walter Kurtz No. 02C-568	Scott, Sr. J. Affirmed and Remanded	Rule 11	Denied - Application of Mark Wood
<u>Knoxville</u>				
Dean L. Battleson v. Lara L. Battleson E2005-02931-SC-R11-CV	Washington County Chancery Judge G. Richard Johnson No. 8094	Lee, J. Affirmed in Part, Reversed in Part, Remanded	Rule 11	Denied - Application of Dean L. Battleson
Dawn Brown, et al. V. Tennessee Title Loans, Inc. E2006-00887-SC-R11-CV	Hamilton County Circuit Judge Jackie Shulten No. 04C1682	Swiney, J. Reversed and Remanded	Rule 11	Denied - Application of Tennessee Title Loans, Inc.
Diagnostic Center, et al. v. Steven B. Stubblefield, M.D., P.C., et al. E2005-02662-SC-R11-CV	Hamilton County Circuit Judge Samuel H. Payne No. 04C851	Franks, J. Affirmed and Remanded	Rule 11	Denied - Application of Steven B. Stubblefield, M.D., P.C., et al.
Jonathan Ellis v. State of Tennessee E2005-01445-SC-R11-HC	Johnson County Circuit Judge Lynn Brown No. 4639	Tipton, J. Affirmed in Part; Reversed in Part; Remanded	Rule 11	Denied - Application of Jonathan Ellis
Leonard Hartman v. Clarence Everett "Bud" Cunningham, et al. E2005-02663-SC-R11-CV	Greene County Circuit Judge John K. Wilson No. 04CV970	Swiney, J. Affirmed and Remanded	Rule 11	Denied - Application of Leonard Hartman

In the Matter of B. F. J. State of Tennessee, Department of Children's Services, Glenn and Patricia Mullins v. S. R. J. E2005-02742-SC-R11-PT	Monroe County Juvenile Judge Edwin C. Harris No. J98-232	Franks, J. Vacated and Remanded	Rule 11	Denied - Application of Glenn and Patricia Mullins
Faron Douglas Pierce v. State of Tennessee E2005-01390-SC-R11-PC	Blount County Circuit Judge D. Kelly Thomas No. C-15526	Hayes, J. Affirmed	Rule 11	Denied - Application of Faron Douglas Pierce
State of Tennessee v. Charles Joshua Collins E2005-02152-SC-R11-CD	Sevier County Circuit Judge Richard Vance No. 10094-II	Hayes, J. Affirmed	Rule 11	Denied - Application of Charles Joshua Collins
State of Tennessee v. Brandon Compton E2005-01419-SC-R11-CD	Know County Criminal Judge Mary Beth Leibowitz No. 78832	Hayes, J. Vacated, Modified and Remanded	Rule 11	Denied - Application of the State of Tennessee
State of Tennessee v. Janet Dych E2004-02870-SC-R11-CD	Sevier County Circuit Judge Rex Ogle No. 8608	Smith, J. Affirmed	Rule 11	Denied - Application of Janet Dych
State of Tennessee v. Daisy Marie Gibbs E2005-02504-SC-R11-CD	Greene County Circuit Judge James Beckner No. 05CR085	McLin, J. Affirmed	Rule 11	Denied - Application of Daisy Marie Gibbs
State of Tennessee v. Harold Holloway, Jr. E2004-09772-SC-R11-CD	Hamilton County Criminal Judge Rebecca Stern No. 240270	Hayes, J. Affirmed in Part; Modified in Part	Rule 11	Denied - Application of Harold Holloway, Jr.
State of Tennessee v. Telly Jones E2006-00004-SC-R11-CD	Bledsoe County Circuit Judge J. Curtis Smith No. 75-2004	McLin, J. Affirmed	Rule 11	Denied - Application of Telly Jones

State of Tennessee v. Bobby Lee Mathis E2006-00332-SC-R11-CD	Hancock County Circuit Judge James Beckner No. 05CR2571	Glenn, J. Affirmed	Rule 11	Denied - Application of Bobby Lee Mathis
State of Tennessee v. Charles Benny Seabolt, Jr. E2005-02038-SC-R11-CD	Claiborne County Criminal Judge Richard Vance No. 12175	Witt, J. Affirmed as Modified	Rule 11	Denied - Application of Charles Benny Seabolt, Jr.
State of Tennessee v. Billie Joe Welch E2005-02293-SC-R11-CD	Roane County Circuit Judge Eugene Eblen No. 12763	Wedemeyer, J. Affirmed	Rule 11	Denied - Application of Billie Joe Welch
<u>Jackson</u>				
Barry Bass v. Larry D. Billeaudeaux, Jr., Kathy Ruthledge and Larry Billeaudeaux W2006-01219-SC-R11-CV	Shelby County Circuit Judge John R. McCarroll No. CT-000575-06	Farmer, J. Reversed and Remanded	Rule 11	Denied - Application of Larry D. Billeaudeaux, Jr., Kathy Ruthledge and Larry Billeaudeaux
Terry D. Brewer v. State of Tennessee W2006-00579-SC-R11-HC	Lake County Circuit Judge R. Lee Moore No. 06-CR-8796	Tipton, J. Affirmed	Rule 11	Denied - Application of Terry D. Brewer
Ernest Lee Hill v. State of Tennessee W2005-02971-SC-R11-HC	Shelby County Criminal Judge Paula Skahan No. 88-05450-58; P-27581	Williams, J. Affirmed Pursuant to Rule 20	Rule 11	Denied - Application of Ernest Lee Hill
Clark Jones v. Tony Hays, et al. W2005-00991-SC-R11-CV	Hardin County Circuit Judge Charles O. McPherson No. 3414	Highers, J. Farmer, J. Inman, J. Dismissed	Rule 11	Denied - Applications of Tony Hays and Charles C. Thompson, II.
Farris Genner Morris, Jr. v. State of Tennessee W2005-00426-SC-R11-PD	Madison County Circuit Judge John Franklin Murchison No. C01-50	Welles, J. Affirmed	Rule 11	Denied - Application of Farris Genner Morris, Jr.

State of Tennessee v. Franklin Fitch W2004-02833-SC-R11-DD	Shelby County Criminal Judge James Beasley No. 02-07320	McLin, J. Affirmed in Part, Reversed in Part, and Remanded	Rule 11	Denied - Application of Franklin Fitch
State of Tennessee v. Rick Hanebutt W2005-01301-SC-R11-CD	Carroll County Circuit Judge C. Creed McGinley No. 04CR-49	McLin, J. Affirmed	Rule 11	Denied - Application of Rick Hanebutt
State of Tennessee v. Jimmie Lee Hart W2005-02938-SC-R11-CD	Lake County Circuit Judge R. Lee Moore, Jr. No. 05-CR-8715	Tipton, J. Affirmed	Rule 11	Denied - Application of Jimmie Lee Hart
State of Tennessee v. Christopher Kyle W2005-01339-SC-R11-CD	Shelby County Criminal Judge Chris Craft No. 03-08001	Smith, J. Affirmed	Rule 11	Denied - Application of Christopher Kyle
State of Tennessee v. Terrence McCray W2005-00479-SC-R11-CD	Shelby County Criminal Judge W. Otis Higgs, Jr. No. 04-00223	Ogle, J. Affirmed	Rule 11	Denied - Application of Terrence McCray
State of Tennessee v. Jacques Sherron W2005-00903-SC-R11-CD	Crockett County Circuit Judge Clayburn Peeples No. 3580	Smith, J. Affirmed	Rule 11	Denied - Application Jacques Sherron
State of Tennessee v. John F. Wallace W2005-02477-SC-R11-CD	Shelby County Criminal Judge Carolyn Wade Blackett No. 04-01333	Smith, J. Affirmed in Part; Reversed in Part; and Remanded	Rule 11	Denied - Application of John F. Wallace
Joseph W. Wilson State of Tennessee W2005-00808-SC-R11-PC	Madison County Circuit Judge Roger Page No. C04-249	Wedemeyer, J. Affirmed	Rule 11	Denied - Application of Joseph W. Wilson