

SUPREME COURT OF TENNESSEE
 SUPREME COURT DISCRETIONARY APPEALS
March 12, 2001

STYLE/APPEAL NUMBER	COUNTY TRIAL JUDGE TRIAL COURT NO.	APPELLATE JUDGE JUDGMENT	NATURE OF APPEAL	ACTION
Shirley Ann Earls vs. Clark Matthew Earls M1999-00035-SC-R11-CV	Williamson Circuit Russ Heldman II-98458	Koch, J. Revised in part, modified in part, and remanded	Rule 11	Denied - Application of Shirley Ann Earls
George A. Henderson vs. Marilyn Jo Tucker Henderson M1999-00912-SC-R11-CV	Williamson Chancery Donald P. Harris 24601	Goddard, J. Affirmed in part, vacated in part and remanded	Rule 11	Denied - Application of Marilyn Jo Tucker Henderson
International Flight Center vs. City of Murfreesboro M1999-00324-SC-R11-CV	Rutherford Chancery Royce Taylor 95CV-1139	Farmer, J. Affirmed in part, reversed in part, vacated in part, and remanded	Rule 11	Denied - Application of International Flight Center
David Mills vs. Linda Soloman M1998-00393-SC-R11-CV	Cannon Chancery Robert E. Corlew III 95-54	Farmer, J. Affirmed, reversed and remanded	Rule 11	Denied - Application of Linda Soloman
Cynthia Richardson, et al vs. James Miller, M.D., et al M1997-00205-SC-R11-CV	Davidson Circuit Marietta M. Shipley 94C-1993	Koch, J. Vacated and remanded	Rule 11	Denied - Applications of James Miller, M.D, and Tokos Medical Corporation
South Central Tennessee Railroad Authority, et al vs. Andre Harakes, et al M1999-00567-COA-R3-CV	Hickman Chancery Donald P. Harris 9713197	Cottrell, J. Reversed and remanded	Rule 11	Denied - Application of South Central TN Railroad Authority; recommended that the Court of Appeals opinion be published.

Kimberly Tittle vs. Larry L. Wilson M2000-00115-SC-R11-CV	Sumner Circuit Arthur E. McClellan 17344-C	Highers, J. Affirmed	Rule 11	Denied - Application of Kimberly Tittle
Kellye Wair Wilson vs. Paul David Wilson M1999-02045-SC-R11-CV	Davidson Circuit Muriel Robinson 95D-3581	Cantrell, J. Reversed and remanded	Rule 11	Denied - Application of Kellye Wair Wilson
State of Tennessee vs. Terry E. Ballard M1998-00201-SC-R11-CD	Williamson Circuit Donald P. Harris II96-344B	Ogle, J. Affirmed	Rule 11	Denied - Application of Terry E. Ballard
State of Tennessee vs. Rita Davis M1999-01281-SC-R11-CD	Marshall William C. Lee 13808	Wade, J. Affirmed as modified	Rule 11	Denied - Application of Rita Davis
State of Tennessee vs. Billy G. Debow, Sr. M1999-02678-SC-R11-CD	Sumner Criminal Jane W. Wheatcraft CTI-CR-358-1998	Welles, J. Affirmed	Rule 11	Denied - Application of Billy G. Debow, Sr.
State of Tennessee vs. Edward T. Flye M1999-01183-SC-R11-CD	Davidson Criminal J. Randall Wyatt, Jr. 98B-1307	Wade, J. Affirmed	Rule 11	Denied - Application of Edward Flye
State of Tennessee vs. Charles Kilpatrick, Jr. M1999-01121-SC-R11-CD	Overton Leon C. Burns, Jr. 3786	Wade, J. Affirmed	Rule 11	Denied - Application of Charles Kilpatrick, Jr.

State of Tennessee vs. Y’Vette V. Vaden M1999-02142-SC-R11-PC	Rutherford Circuit J. Steve Daniel F-47880	Woodall, J. Rule 20 affirmed	Rule 11	Denied - Application of Y’Vette V. Vaden
Daniel Benson Taylor vs. State of Tennessee M1999-01416-SC-R11-PC	Hickman Circuit Donald P. Harris 98-5073C-1	Welles, J. Affirmed	Rule 11	Denied - Application of Daniel Benson Taylor
Mary E. Fossett, et al vs. Dorothy Gray, et al W2000-03052-SC-R10-CV	Fayette Chancery Dewey C. Whittenton 9581	Lillard and Crawford, JJ. Denied	Rule 10	Denied - Application of John W. Harris, Jr.
Mona Zayyat Koja vs. Abed Salam Koja W1999-00993-SC-R11-CV	Shelby Circuit Karen R. Williams 148332-3 R.D.	Crawford, J. Reversed in part and remanded	Rule 11	Denied - Application of Abed Salam Koja
Clementine Newman vs. Allstate Insurance Co., et al W1999-02064-SC-R11-CV	Shelby Circuit Robert L. Childers 95575-9	Crawford, J. Affirmed and remanded	Rule 11	Denied - Application of Clementine Newman
Roy Taylor vs. TN Department of Corrections W2000-00078-SC-R11-CV	Lauderdale Chancery Martha Brasfield 11096	Farmer and Highers, JJ. Dismissed	Rule 11	Denied - Application of Roy Taylor
State of Tennessee vs. Timothy E. Higgs W1999-01534-SC-R11-CD	Weakley Circuit William B. Acree CT1-CR66-1999	Witt, J. Affirmed	Rule 11	Denied - Application of Timothy E. Higgs

State of Tennessee vs. Tony Jamerson W1999-00935-SC-R11-CD	Shelby Criminal Joseph B. Dailey 98-10234	Witt, J. Affirmed	Rule 11	Denied - Application of Tony Jamerson
State of Tennessee vs. Jere Lowell Joseph, Jr. W1999-00651-SC-R11-PC	Dyer Circuit J. Steven Stafford C96-16 and C97-284	Tipton, J. Affirmed	Rule 11	Denied - Application of Jere Lowell Joseph, Jr.
State of Tennessee vs. Aaron McFarland W1999-01410-SC-R11-CD	Shelby Criminal Arthur T. Bennett 97-08162	Glenn, J. Affirmed	Rule 11	Denied - Application of Aaron McFarland
State of Tennessee vs. Kelli Anne Newmon W1999-01497-SC-R11-CD	Carroll Circuit R. Lee Moore, Jr. 98CR-1304	Glenn, J. Affirmed	Rule 11	Denied - Application of Kelli A. Newmon
State of Tennessee vs. Bobby Earl Perkins W1999-01368-SC-R11-CD	Haywood Circuit J. Steven Stafford 4114	Tipton, J. Affirmed as modified	Rule 11	Denied - Application of Bobby Earl Perkins
State of Tennessee vs. Jeffery Vaughn W1999-01490-SC-R11-PC	Dyer Circuit R. Lee Moore, Jr. C-95-37	Tipton, J. Affirmed	Rule 11	Denied - Application of Jeffery Vaughn
Jimmy Rogers vs. State of Tennessee W1999-01453-SC-R11-PC	Shelby Criminal John P. Colton, Jr. P-17811	Welles, J. Affirmed	Rule 11	Denied - Application of Jimmy Rogers

Martin Thomas Terrell vs. State of Tennessee W2000-01133-SC-R11-CO	Lauderdale Circuit Joe H. Walker, III 5350	Riley, J. Affirmed pursuant to Rule 20	Rule 11	Denied - Application of Martin Thomas Terrell
Nancy D. Bracken vs. Richard Earl, d/b/a Financial Services Company E2000-00202-SC-R11-CV	Knox Circuit Harold Wimberly 2-506-97	Franks, J. Affirmed	Rule 11	Denied - Application of Richard Earl
Jack P. Carr vs. David Mills, Warden E2000-00156-SC-R11-PC	Morgan Criminal E. Eugene Eblen 8629	Williams, J. Affirmed	Rule 11	Denied - Application of Jack Carr
Joseph Spottswood Crowell vs. Mayme Modena Robertson Crowell E1999-00348-SC-R11-CV	Roane Chancery Frank V. Williams, III 13,202	Susano, J. Affirmed as modified and remanded	Rule 11	Denied - Application of Joseph Spottswood Crowell
Jimmy B. Hillard, et al vs. Buddie Ruth Franklin E2000-00402-SC-R11-CV	Jefferson Chancery Richard R. Vance 97-031	Susano, J. Affirmed	Rule 11	Denied - Application of Buddie Ruth Franklin; recommended that the Court of Appeals opinion be published.
Kimberly Diane Ramsey vs. Elmer Cole Ramsey E2000-00577-SC-R11-CV	Greene Circuit Ben K. Wexler 99-CV162	Goddard, J. Affirmed	Rule 11	Denied - Application of Elmer Cole Ramsey
Gary Wayne Robertson vs. Lori Vanhooser Robertson E2000-01698-SC-R11-CV	Hamilton Circuit W. Neil Thomas 96DR2492	Susano, J. Affirmed	Rule 11	Granted - Application of Gary Wayne Robertson

State of Tennessee ex rel Jessica Smith, et al vs. Ralph E. Williams E2000-01030-SC-R11-CV	Hamilton Juvenile Suzanne Bailey 20443	Goddard and Swiney, JJ. Dismissed	Rule 11	Denied - Application of Ralph Williams
Joe H. Walker vs. Sidney Gilreath & Associates, et al E1999-01012-SC-R11-CV	Knox Circuit Dale C. Workman 1-319-96	Cain, J. Reversed and remanded	Rule 11	Denied - Applications of Sidney Gilreath & Associates and Gary McDonald
Latasha Marie Whittington-Barrett vs. Hubert Johnson E2000-00700-SC-R11-CV	Johnson Circuit Jean A. Stanley 1901	Goddard, J. Affirmed	Rule 11	Denied - Application of Latasha M. Whittington-Barrett
State of Tennessee vs. Lester Douglas Giles E1999-02236-SC-R11-CD	Monroe Criminal Carroll L. Ross 98-156	Glenn, J. Reversed	Rule 11	Denied - Application of State of Tennessee
State of Tennessee vs. Bobby G. Godsey E1997-00207-SC-R11-DD	Sullivan Criminal R. Jerry Beck S38648	Wade, J. Affirmed in part, modified in part and reversed in part	Rule 11	Granted - Applications of the State of Tennessee and Bobby G. Godsey ¹

¹For oral argument, the Court is particularly interested in the following issues: ISSUES RAISED BY THE STATE: (1) Whether the Court of Criminal Appeals erred in modifying the defendant's sentence to life without parole because his sentence of death was disproportionate under TCA § 39-13-206(c)(1)(D); (2) Whether the Court of Criminal Appeals erred when it dismissed the conviction and sentence for aggravated child abuse; ISSUES RAISED BY BOBBY G. GODSEY: (1) Whether felony murder can be predicated upon the felony of aggravated child abuse (i.e., the doctrine of merger for assaultive offenses); (2) Whether use of the aggravating circumstance in TCA § 39-13-204(i)(1) sufficiently narrows the class of death-eligible defendants in a felony murder based on aggravated child abuse; (3) Whether the death penalty is per se unconstitutional for felony (aggravated child abuse) murder (in connection with the comparative proportionality issue in the State's application); and (4) Whether the defendant's statements to the police should have been electronically recorded. This statement of the issues for oral argument does not prevent the parties from

State of Tennessee vs. James David Lamor Perry E1999-00271-SC-R11-CD	Sullivan Criminal Phyllis H. Miller S40,657	Woodall, J. Affirmed	Rule 11	Denied - Application of James David Lamor Perry
State of Tennessee vs. Mitchell L. Waldroop E1999-01187-SC-R11-CD	Campbell Criminal Bobby H. Capers 9593	Glenn, J. Affirmed	Rule 11	Denied - Application of Mitchell Waldroop
Angela Manning vs. State of Tennessee E2001-00165-SC-OT-CO	Bradley Circuit R. Steven Bebb		Petition to Rehear Rule 11 Denial	Denied - Application of Angela Manning

The following Rule 11 Dismissals were filed the weeks of March 5th - March 9th, 2001

STYLE/APPEAL NUMBER	COUNTY TRIAL JUDGE TRIAL COURT NO.	APPELLATE JUDGE JUDGMENT	NATURE OF APPEAL	ACTION
State of Tennessee vs. Rhonda Jennings M1999-01093-SC-R11-CD	Williamson Circuit Timothy L. Easter II-397-92	Smith, J. Affirmed	Rule 11	Dismissed - Application of Rhonda Jennings; application was not timely filed and Court is without jurisdiction to consider the merits of the application.

raising additional issues pursuant to Rule 13(a), TRAP.