

SUPREME COURT OF TENNESSEE  
STATE LIST FOR PERMISSION TO APPEAL  
**July 3, 2000**  
**AMENDED July 5, 2000**

| STYLE/APPEAL NUMBER   | COUNTY           | TRIAL JUDGE      | TRIAL COURT NO.   | APPELLATE JUDGE/JUDGMENT   | NATURE OF APPEAL | ACTION  |
|---|------------------|------------------|-------------------|--|------------------|---|
| <b>Steven Dargi</b><br>vs.<br><b>The Terminix International Company</b><br><b>M1999-00145-SC-R11-CV</b> | Davidson Circuit | Walter C. Kurtz  | 97C-1269          | Cantrell, P.J.<br>Affirmed and remanded                                      | Rule 11          | <b>Denied</b> - Application of Steven Dargi   |
|   |                  |                  |                   |  |                  |   |
| <b>State of Tennessee</b><br>vs.<br><b>Edward D. Coffee</b><br><b>M1998-00472-CCA-R3-CD</b>             | Wilson Criminal  | James O. Bond    | 98-0018           | Lafferty, J.<br>Affirmed   | Rule 11          | <b>Granted</b> - Application of State of Tennessee                                      |
| <b>State of Tennessee</b><br>vs.<br><b>Robert Derrick Johnson</b><br><b>M1998-00546-SC-R11-CD</b>       | Bedford Criminal | William C. Lee   | 14272             | Witt, J.<br>Affirmed   | Rule 11          | <b>Granted</b> - Application of Robert Derrick Johnson <sup>1</sup>                     |
|   |                  |                  |                   |  |                  |   |
| <b>Suzanne Kay Burlew</b><br>vs.<br><b>Brad Steven Burlew</b><br><b>W1998-01177-SC-R11-CV</b>           | Shelby Chancery  | Floyd Peete, Jr. | D-26813-2<br>R.D. | Lillard, J.<br>Affirmed in part,<br>reversed in part,<br>modified & remanded | Rule 11          | <b>Granted</b> - Applications of Suzanne Kay Burlew and Brad Steven Burlew <sup>2</sup> |

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<sup>1</sup>Oral argument is limited to the following issue: Whether the trial court erred in failing to require the State to elect the incident of sexual contact upon which it relied for the sexual battery count.

<sup>2</sup>Oral argument is limited to the following issue: Whether the Court of Appeals erred in affirming the trial court's award of alimony in solido in the amount of \$200,000.00 and in remanding the case to the trial court for the award of rehabilitative alimony in an amount not less than \$1,000.00 per month beginning no later than three (3) years after the date of the entry of the Final Decree of Divorce.

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|---|-----------------|------------------|----------------------------|-------------------------|---|--|
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| <b>State of Tennessee<br/>vs.<br/>Tony V. Carruthers, et al<br/>W1997-00097-SC-DDT-DD</b> | Shelby Criminal | Joseph B. Dailey | 94-02797-99,<br>95-1128-29 | Woodall, J.<br>Affirmed | Automatic 39-<br>13-206(A)(1)<br>appeal | <b>Granted</b> - The court requests<br>the parties to address certain<br>issues at oral argument. <sup>3</sup> |

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<sup>3</sup>The Court requests the parties to address the following issues at oral argument: Issues raised by appellant Tony V. Carruthers: 1. Whether Tony V. Carruthers was denied his right to due process when he was forced to defend himself in a capital case without the assistance of counsel. 2. Whether Tony V. Carruthers was denied effective assistance of counsel at either the guilt phase or sentencing phase. 3. Whether the “in absentia” sentencing of Tony V. Carruthers violated both his state and federal right to be present at every crucial stage of his trial. 4. Whether the trial court committed reversible error by issuing a gag order to prevent Tony V. Carruthers from speaking to the media. 5. Whether the proof was insufficient to support a verdict of guilt against Tony V. Carruthers. 6. Whether the indictment was defective by virtue of the manner in which it was obtained. 7. Whether statements of Jonathan Montgomery were admissible under the co-conspirator exception to the hearsay rule in Tennessee Rule of Evidence 803(1.2)(E). Issues raised by appellant James Montgomery: 1. Whether the evidence was sufficient to sustain the conviction of James Montgomery. 3. Whether the court erred in denying James Montgomery’s motions for severance. 3. Whether the court admitted as substantive evidence and allowed argument of hearsay statements that were admissible only to impeach. All issues mandated by TN Code Annotated 39-13-206(c)(1). The parties may file supplemental briefs if they so choose. This case is scheduled for argument on this Court’s October 2000 docket in Nashville.