

SUPREME COURT OF TENNESSEE  
STATE LIST FOR PERMISSION TO APPEAL  
September 11, 2000

STYLE/APPEAL NUMBER	COUNTY	TRIAL JUDGE	TRIAL COURT NO.	APPELLATE JUDGE/JUDGMENT	NATURE OF APPEAL	ACTION
<b>Bobby Blackmon</b> vs. <b>Tennessee Board of Paroles, et al</b> <b>M1998-00887-SC-R11-CV</b>	Davidson Chancery	Irvin H. Kilcrease, Jr.	98-1355-I	Cantrell, P.J. Affirmed and remanded	Rule 11	<b>Denied</b> - Application of Bobby Blackmon
<b>Michael S. Bligh</b> vs. <b>Lurana Snider</b> <b>M1999-02645-SC-R11-CV</b>	Davidson Probate	Frank G. Clement	95P-93	Cantrell, P.J. Affirmed and remanded	Rule 11	<b>Denied</b> - Application of Michael S. Bligh
<b>Darryl Davis</b> vs. <b>Pirelli Armstrong Tire Corp., et al</b> <b>M1999-00008-WC-R3-CV</b>	Davidson Chancery	Carol McCoy	96-12-II	Lewis, Sp. J.	Motion for Full Court Review	<b>Denied</b> - Application of Darryl Davis
<b>Environmental Abatement, Inc.</b> vs. <b>Astrum R.E. Corporation</b> vs. <b>Mahan Roofing and Sheet Metal Co., Inc.</b> <b>M1998-00871-SC-R11-CV</b>	Rutherford Chancery	Robert E. Corlew	97CV-807	Cottrell, J. Reversed and remanded	Rule 11	<b>Denied</b> - Application of Environmental Abatement; recommended that the Court of Appeals opinion be published.
<b>Owner-Operator Independent Drivers Association, Inc., et al</b> vs. <b>Concord EFS, Inc., et al</b> <b>M1999-02560-SC-R11-CV</b>	Williamson Chancery	Cornelia A. Clark	I-25387	Cantrell, P.J. Affirmed in part, reversed in part, and remanded	Rule 11	<b>Granted</b> - Application of Pilot Corporation <sup>1</sup>

<sup>1</sup>Oral argument shall be limited to the following issue: Whether the plaintiff independent truckers were third-party beneficiaries of promises made by the defendant truck stop owners to the defendant bank and the credit card organizations that they would not add a surcharge to purchases?

<b>Oliver Patterson</b> vs. <b>Tennessee Department of Labor</b> <b>M2000-01259-SC-R10-CV</b>	Davidson Chancery	Ellen H. Lyle	00-510-III	Cantrell, P.J., Cain, J. Cottrell, J. Rule 10 Application denied	Rule 10	<b>Granted</b> - Application of Oliver Patterson
<b>Gregory Frank Puhl</b> vs. <b>Deborah Lynn Katz Puhl</b> <b>M1999-02404-SC-R11-CV</b>	Sumner Chancery	Tom Gray	98D-91	Koch, J., Cain, J., Cottrell, J. Appeal dismissed for failure to file timely notice of appeal	Rule 11	<b>Denied</b> - Application of Deborah Lynn Katz Puhl
<b>Kimberly Ross</b> vs. <b>Vanderbilt University Medical Center</b> <b>M1999-02644-SC-R11-CV</b>	Davidson Circuit	Thomas W. Brothers	95C-1770	Cain, J. Affirmed and remanded	Rule 11	<b>Denied</b> - Application of Kimberly Ross
<b>State of Tennessee</b> vs. <b>Robert L. Mallard</b> <b>M1999-00003-SC-R11-CD</b>	Rutherford Circuit	J.S. Daniel	M-46579	Wade, J. Affirmed	Rule 11	<b>Granted</b> - Application of Robert L. Mallard <sup>2</sup>
<b>State of Tennessee</b> vs. <b>David Neal</b> <b>M1998-00600-SC-R11-CD</b>	Wilson County	James O. Bond	96-2448	Lafferty, J. Affirmed	Rule 11	<b>Denied</b> - Application of David Neal; the opinion of the Court of Criminal Appeals is designated “Not for Citation” in accordance with Supreme Court Rule 4, § F.

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<sup>2</sup>Oral argument shall be limited to the following issue: Whether the provisions of TCA § 39-17-424, which provide that the fact-finder “shall” consider prior convictions relating to controlled substances when determining whether a particular object is drug paraphernalia, controls over the provisions of Tenn. R. Evid. 404(b), which addresses the admissibility of prior crimes, wrongs or acts, and requires a weighing of the probative value versus the prejudicial effect of such information.

<b>State of Tennessee vs. Edward Lorenzo Samuels M1999-01821-SC-R11-CD</b>	Davidson Criminal	Cheryl A. Blackburn	IF-8702	Woodall, J. Affirmed after remand from the Supreme Court	Rule 11	<b>Granted</b> - Application of Edward L. Samuels <sup>3</sup>
<b>Blaylock &amp; Brown Construction Company, Inc., et al vs. The Collierville Board of Mayor and Alderman, et al W1998-00596-SC-R11-CV</b>	Shelby Chancery	Floyd Peete, Jr.	98-0120-2		Petition to Rehear Denial of Certiorari	<b>Denied</b> - Application of Blaylock & Brown Construction Co., Inc.
<b>State of Tennessee vs. Eric Amos W1998-01634-SC-R11-CD</b>	Shelby Criminal	Joseph B. Dailey	98-05207, 97-10984	Woodall, J. Affirmed judgment of trial court; reversed and dismissed theft conviction	Rule 11	<b>Denied</b> - Application of Eric Amos
<b>State of Tennessee vs. Gregory Davis W1999-02113-SC-R11-CD</b>	Shelby Criminal	Joseph B. Dailey	98-02051-52, 98-05320	Ogle, J. Affirmed	Rule 11	<b>Denied</b> - Application of Gregory Davis
<b>State of Tennessee vs. Mickey Jeffries W1998-00002-SC-R11-CD</b>	Shelby Criminal	Chris Craft	97-07865	Wade, J. Affirmed	Rule 11	<b>Denied</b> - Application of Mickey Jeffries

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<sup>3</sup>Oral argument shall be limited to the following issues: Whether the trial court erred in increasing the defendant's sentence upon revocation of his community corrections sentence? Whether State vs. Taylor, 992 S.W.2d 941 (Tenn. 1999), allows a trial court, when revoking a community corrections sentence, to modify that sentence by ordering it to be issued consecutively to an unrelated sentence when the original judgment provided for concurrent sentences?

<b>State of Tennessee vs. David McCraney W1998-02016-SC-R11-CD</b>	Shelby Criminal	Arthur T. Bennett	98-02815-16	Woodall, J. Affirmed; remanded for correction of clerical record	Rule 11	<b>Denied</b> - Application of David McCraney
<b>State of Tennessee vs. Franklin Dan Rickman W1999-01781-SC-R11-PC</b>	Dyer Circuit	R. Lee Moore, Jr.	C98-54-55	Woodall, J. Affirmed	Rule 11	<b>Denied</b> - Application of Franklin Dan Rickman
<b>State of Tennessee vs. Michael Stevenson W1999-00809-SC-R11-CD</b>	Shelby Criminal	Arthur T. Bennett	09-00989, 98-07416	Riley, J. Affirmed	Rule 11	<b>Denied</b> - Application of Michael Stevenson
<b>Alfonzo E. Anderson vs. State of Tennessee W1999-02036-SC-R11-PC</b>	Shelby Criminal	Joseph B. Dailey	P-17398	Ogle, J. Affirmed pursuant to Rule 20	Rule 11	<b>Denied</b> - Application of Alfonzo Anderson
<b>Freddie Russell vs. State of Tennessee W1999-01263-SC-R11-CO</b>	Lake Circuit	R. Lee Moore, Jr.	99-7903	Hayes, J. Order affirming Rule 20	Petition to rehear Rule 11 application	<b>Denied</b> - Application of Freddie Russell
<b>In the matter of the estate of Mary Timmons Austin vs. Robert Austin E1998-00825-SC-R11-CV</b>	Greene	Thomas R. Frierson, II	90-P-094	Goddard, J. Affirmed	Rule 11	<b>Denied</b> - Application of Robert Austin
<b>Barbara Beaty vs. L. Gene Irwin, D.D.S. E1999-00014-SC-R11-CV</b>	Knox	Dale C. Workman	1-716-97	Franks, J. Affirmed and remanded	Rule 11	<b>Denied</b> - Application of Barbara Beaty

<b>Michael Cureton vs. Progressive Northwestern Insurance Co. E2000-00817-SC-R10-CV</b>	Hamilton	Hamilton	99-0785	Goddard, Susano & Swiney Rule 10 Denied	Rule 11	<b>Denied</b> - Application of Progressive Northwestern Ins. Co.
<b>Ted Lankford, et ux vs. Gilbert L. Young E1999-01570-SC-R11-CV</b>	Morgan Chancery	Frank Williams, III	98-136	Franks, J. Affirmed and remanded	Rule 11	<b>Denied</b> - Application of Ted Lankford
<b>In re: Estate of Blanche Marie (Buckner) Peery E1999-01218-SC-R11-CV</b>	Blount Circuit	William D. Young	L-10003	Swiney, J.	Rule 11	<b>Denied</b> - Application of Charles Perkins
<b>Marjorie Elnora Spangler vs. East Tennessee Baptist Hospital E1999-01501-SC-R11-CV</b>	Knox Circuit	Harold Wimberly	2-167-98	Franks, J. Affirmed	Rule 11	<b>Denied</b> - Application of Marjorie Elonora Spangler
<b>Ralph E. Williams, Jr. vs. TN Department of Employment Security E1999-01528-SC-R11-CV</b>	Hamilton	W. Frank Brown, III	96-0719	Susano, J. Affirmed and remanded	Rule 11	<b>Denied</b> - Application of Ralph Williams
<b>State of Tennessee vs. Joe N. Anderson E1998-00378-WC-R11-CD</b>	Hamilton	Douglas A. Meyer	212844, 212966, 213497	Williams, J. Affirmed	Rule 11	<b>Denied</b> - Application of Joe N. Anderson
<b>State of Tennessee vs. Stacy Allen Bullard E1999-00796-SC-R11-CD</b>	Bradley	Carroll L. Ross	98-263	Smith, J. Affirmed	Rule 11	<b>Denied</b> - Application of Stacy Bullard

State of Tennessee vs. Emit Keith Cody E1999-00068-SC-R11-CD	Cocke Circuit	Ben W. Hooper, III	C-9356	Welles, J. Reversed and remanded	Rule 11	<b>Granted</b> - Application of the State of Tennessee <sup>4</sup> ; the application of Emit Keith Cody is denied.
State of Tennessee vs. Tyris Harvey E1999-02255-SC-R11-CD	Blount Circuit	D. Kelly Thomas, Jr.	C-9758, 10213, 10469	Wade, J. Affirmed	Rule 11	<b>Denied</b> - Application of Tyris Harvey
State of Tennessee vs. Earl Dewayne Holloway E1998-00891-SC-R11-CD	Hamilton Circuit	Gary D. Gerbitz	207724	Wade, J. Affirmed	Rule 11	<b>Denied</b> - Application of Earl D. Holloway
State of Tennessee vs. Harry David Johnson E1997-00057-SC-R11-CD	Sullivan	R. Jerry Beck	S37-883	Witt, J. Affirmed	Rule 11	<b>Denied</b> - Application of Harry David Johnson
State of Tennessee vs. Ray Anthony Nelson E1997-00200-SC-R11-CV	Hamilton	Stephen M. Bevil	205381	Witt, J. Affirmed	Rule 11	<b>Denied</b> - Application of Ray Anthony Nelson
State of Tennessee vs. David Andrew Nicholson E1999-00167-SC-R11-CD	Hamilton Criminal	Douglas A. Meyer	216863	Hayes, J. Affirmed	Rule 11	<b>Denied</b> - Application of David A. Nicholson; the opinion of the Court of Criminal Appeals is designated "Not for Citation" in accordance with Supreme Court Rule 4, § F.

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<sup>4</sup>The Court is of the opinion that the State's application should be, and is hereby, 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 State vs. Donald Ray Smith, No. W1998-00156-SC-R11-CD (Tenn. Filed at Jackson June 30, 2000).

<b>State of Tennessee vs. Kai (“Guy”) Nielsen, et al E1998-00525-SC-R11-CD</b>	Washington	Arden L. Hill	21737 A&B	Walker, J. Affirmed	Rule 11	<b>Granted</b> - Application of Kai and Betty Nielsen
<b>Chico Lopez Chigano vs. State of Tennessee E1999-01671-SC-R11-PC</b>	Knox Criminal	Ray Jenkins	52276	Witt, J. Affirmed pursuant to Rule 20	Rule 11	<b>Denied</b> - Application of Chico Lopez Chigano
<b>Jehiel Fields vs. State of Tennessee E1999-00915-SC-R11-CD</b>	Bradley Criminal	R. Steven Bebb	3-367-98, 98-069	Tipton, J. Affirmed	Rule 11	<b>Granted</b> - Application of Jehiel Fields <sup>5</sup>
<b>State of Tennessee vs. Gary William Holt E1998-00261-SC-R11-PC</b>	Hamilton Criminal	Douglas Meyer	215729	Glenn, J. Affirmed	Rule 11	<b>Denied</b> - Application of Gary William Holt
<b>Jerry L. Johns vs. State of Tennessee E1999-00260-SC-R11-CD</b>	Morgan Criminal	E. Eugene Eblen	8553	Tipton, J. Affirmed	Rule 11	<b>Denied</b> - Application of Jerry L. Johns
<b>Paul A. Mayes vs. State of Tennessee E1999-01374-SC-R11-CD</b>	Morgan	E. Eugene Eblen	8577	Wade, J. Affirmed	Rule 11	<b>Denied</b> - Application of Paul A. Mayes
<b>Edward Thompson vs. State of Tennessee E1998-00056-SC-R11-CD</b>	Cocke Circuit	Rex H. Ogle	23,273-II	Wade, J. Affirmed	Rule 11	<b>Denied</b> - Application of Edward Thompson

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<sup>5</sup>Oral argument shall be limited to the following issue: What is the standard of review in a petition for post-conviction relief in view of State v. Burns, 6 S.W.3d 453 (Tenn. 1999)?

The following Rule 11 Dismissals were filed the week of September 5<sup>th</sup> - September 8<sup>th</sup>, 2000

STYLE/APPEAL NUMBER	COUNTY	TRIAL JUDGE	TRIAL COURT NO.	APPELLATE JUDGE/JUDGMENT	NATURE OF APPEAL	ACTION
<b>State of Tennessee vs. Andrew Edwards W1999-01095-SC-R11-CD</b>	Shelby Criminal	W. Fred Axley	97-12105	Ogle, J. Affirmed	Rule 11	<b>Dismissed</b> - Application of Andrew Edwards