

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

Monday, September 28, 2009

GRANTS

STYLE/APPEAL NUMBER	COUNTY TRIAL JUDGE TRIAL COURT NO.	APPELLATE JUDGE JUDGMENT	NATURE OF APPEAL	ACTION
<u>Nashville</u>				
NONE				
<u>Knoxville</u>				
NONE				
<u>Jackson</u>				
State of Tennessee v. Mike Brotherton W2007-02016-SC-R11-CD	Carroll County Circuit Court Judge Donald E. Parish No. 07-CR66	Williams, J., Reversed and Dismissed	Rule 11	Granted - Application of the State of Tennessee (Order attached hereto)

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DENIALS

STYLE/APPEAL NUMBER	COUNTY TRIAL JUDGE TRIAL COURT NO.	APPELLATE JUDGE JUDGMENT	NATURE OF APPEAL	ACTION
<u>Nashville</u>				
State of Tennessee v. Mark Robert Carter M2007-02706-SC-R11-CD	Bedford County Circuit Court Nos. 16207, 16208, 16209, 16210 & 16211; Lincoln County Circuit Court No. S0700090; Moore County Circuit Court No. 1049 Judge Robert Crigler	Thomas, J., Affirmed in Part; Reversed in Part; Remanded	Rule 11	Denied - Application of Mark Robert Carter
John Broadbent Cundiff v. Callie Ginn Cundiff (Wells) M2007-01538-SC-R11-CV	Davidson County Circuit Court Judge Muriel Robinson No. 03D-070	Dinkins, J., Affirmed	Rule 11	Denied - Application of John Broadbent Cundiff

State of Tennessee v. Cyntoia Denise Brown M2007-00427-SC-R11-CD	Davidson County Criminal Court Judge J. Randall Wyatt, Jr. No. 2005-A-215	Thomas, J., Affirmed in Part and Reversed in Part; Case Remanded	Rule 11	Denied - Application of Cyntoia Denise Brown
State of Tennessee, ex rel., Walter J. Davis, Trustee, et al v. A & F Construction, et al, Delinquent Taxpayers for 2002 M2008-00360-SC-R11-CV	Williamson County Chancery Court Judge R. E. Lee Davies No. 30499	Kurtz, J., Reversed and Remanded	Rule 11	Denied - Application of Caterpillar Financial Services Corp. and CNH Capital America, LLC f/k/a New Holland Credit Co., LLC
Mindy S. Dodd v. State of Tennessee M2009-00829-SC-R11-PC	Rutherford County Circuit Court Judge James Clayton No. F-56340	Welles, J., Motion to Re-open Denied	Rule 11	Denied - Application of Mindy S. Dodd
John Doe v. State of Tennessee M2008-00807-SC-R11-CV	Davidson County Circuit Court Judge Amanda McClendon No. 08C-359	Franks, J., Affirmed and Remanded	Rule 11	Denied - Application of John Doe; <i>The opinion of the Court of Appeals is designated "Not For Citation" in accordance with Supreme Court Rule 4, § (E)(1).</i>
State of Tennessee v. Anthony Drew Drake M2008-02441-SC-R11-CD	Marshall County Criminal Court Judge Robert Crigler No. 08-CR-3	Welles, J., Affirmed	Rule 11	Denied - Application of Anthony Drew Drake
Amber Hobbs, et al v. Seton Corporation d/b/a Baptist Hospital, et al M2006-01548-SC-R11-CV	Davidson County Circuit Court Judge Marietta M. Shipley No. 03C-3238	Cottrell, J., Affirmed and Remanded (Cain, J., not participating)	Rule 11	Denied - Application of Amber Hobbs, as next friend and guardian of Chloe King, a minor

State of Tennessee v. Jonathan Dewayne Johnson M2008-00811-SC-R11-CO	Coffee County Circuit Court Judge John Rollins No. 34,725F	Williams, J., Affirmed	Rule 11	Denied - Application of Jonathan Dewayne Johnson
Jasper D. Lewis v. State of Tennessee M2008-02083-SC-R11-PC	Davidson County Criminal Court Judge Wyatt Nos. 95-A-153 and 95-B-1295	Smith, J., Rule 20 Affirmed	Rule 11	Denied - Application of Jasper D. Lewis
Daryl Madden v. State of Tennessee M2008-01630-SC-R11-HC	Davidson County Criminal Court Judge Cheryl Blackburn No. 98-A-627	Tipton, J., Affirmed	Rule 11	Denied - Application of Daryl Madden
Joe Clark Mitchell v. State of Tennessee M2008-01315-SC-R11-HC	Maury County Circuit Court Judge Robert Holloway Nos. 311-12, 2314, 2316-18 and 2320-22	Smith, J., Affirmed	Rule 11	Denied - Application of Joe Clark Mitchell
State of Tennessee v. David Offutt M2008-00697-SC-R11-CD	Rutherford County Circuit Court Chancellor Robert E. Corlew, III No. F-54887	Wedemeyer, J, Affirmed	Rule 11	Denied - Application of David Offutt
State of Tennessee v. Christopher Lee Pirtle M2007-02577-SC-R11-CD	Davidson County Criminal Court Judge Monte Watkins No. 2005-D-3036	Thomas, J., Affirmed	Rule 11	Denied - Application of Christopher Lee Pirtle
Norma Taylor v. Metropolitan Government of Nashville and Davidson County, et al M2007-01774-SC-R11-CV	Davidson County Circuit Court Judge Walter C. Kurtz No. 01C-8841	Dinkins, J., Vacated and Dismissed (Cottrell, J., Not Participating)	Rule 11	Denied - Application of Norma Taylor

State of Tennessee v. Derrick Brandon Wells M2008-00428-SC-R11-CD	Bedford County Circuit Court Judge Robert Crigler No. 16197	Wedemeyer, J, Affirmed	Rule 11	Denied - Application of Derrick Brandon Wells
<u>Knoxville</u>				
State of Tennessee v. Zendall Edward Campbell E2007-02819-SC-R11-CD	Campbell County Criminal Court Judge E. Shayne Sexton No. 12551	Smith, J., Affirmed	Rule 11	Denied - Application of Zendall Edward Campbell
Jonathan Claude Corn v. State of Tennessee E2008-00928-SC-R11-PC	Knox County Criminal Court Judge Kenneth Irvine No. 87063	Tipton, J., Affirmed	Rule 11	Denied - Application of Jonathan Claude Corn
Estate of Benjamin F. Darnell, Sr., et al v. Charles Fenn, et al E2007-02696-SC-R11-CV	Sevier County Chancery Court Chancellor Telford Forgety No. 05-12-469	Susano, J., Affirmed	Rule 11	Denied - Application of Charles Fenn, et al
J. Doe v. Richard L. Duncan, et al E2006-02506-SC-R11-CV	Knox County Circuit Court Judge Wheeler A. Rosenbalm No. 3-586-05	Cottrell, J., Affirmed	Rule 11	Denied - Application of J. Doe
The Homestead Group, LLC v. Bank of Tennessee E2008-00350-SC-R11-CV	Sevier County Chancery Court Judge Allen W. Wallace no. 05-11-442	Franks, J., Affirmed and Remanded	Rule 11	Denied - Application of Bank of Tennessee
In Re: Stephen L. K. v. James Brian Pirtle and Laura Pirtle E2009-01050-SC-S09-JV	Knox County Juvenile Court Judge Bill Swann No. 105912	Franks, J., Rule 9 Denied	Rule 9	Denied - Application of James Brian Pirtle, et al

State of Tennessee v. Basil Marceaux E2008-02447-SC-R11-CV	Hamilton County Criminal Court Judge Rebecca J. Stern No. 266948	Susano, J. and Swiney, J., Appeal Dismissed	Rule 11	Denied - Application of Basil Marceaux
Power Equipment Company v. Eugene England, Claiborne Builders and Developer, Inc., and Wilder Construction Company, Inc., d/b/a Lifetime Homes E2008-00919-SC-R11-CV	Claiborne County Chancery Court Chancellor Billy J. White No. 15,713	Franks, J., Reversed and Remanded	Rule 11	Denied - Application of Power Equipment Company
Lawrence D. Sellick, et al v. Gene S. Miller, et al E2008-00627-SC-R11-CV	Cumberland County Chancery Court Chancellor Ronald Thurman No. 07-CH-13	Susano, J., Vacated and Remanded	Rule 11	Denied - Application of Gene S. Miller and Lois J. Miller
State of Tennessee v. Ariel Ben Sherman E2009-00301-SC-S09-CD	Loudon County Circuit Court Judge E. Eugene Eblen Nos. 10611A and 10611B	Thomas, J., Tipton, J. And Witt, J., Rule 9 Denied	Rule 9	Denied - Application of Ariel Ben Sherman
David A. Stuart v. Anderson County Election Commission, et al E2008-00156-SC-R11-CV	Anderson County Chancery Court Judge Jon Kerry Blackwood No. 06-CH-6330	Swiney, J., Affirmed and Remanded	Rule 11	Denied - Application of David Stuart (Lee, J., not participating)
<u>Jackson</u>				
State of Tennessee v. Nancy Blue W2008-00187-SC-R11-CD	Haywood County Circuit Court Judge Clayburn Peeples No. 5797	Thomas, J., Affirmed in Part; Reversed in Part; Remanded	Rule 11	Denied - Application of Nancy Blue
O'Rane M. Cornish, Sr. v. Mark Caldwell, et al W2008-00600-SC-R11-CV	Shelby County Circuit Court Judge Karen R. Williams No. CT-002268-07	Farmer, J., Affirmed and Remanded	Rule 11	Denied - Application of O'Rane M. Cornish, Sr.

Willie German, et al v. John Ford, et al W2007-02768-SC-R11-CV	Dyer County Chancery Court Judge James F. Butler No. 04C-60	Kirby, J., Reversed in Part; Reversed in Part and Remanded	Rule 11	Denied - Application of Dyer Investment Company, LLC
Bryan Gibson v. Dawne Jones W2008-00042-SC-R11-CV	Shelby County Chancery Court Judge Arnold B. Goldin No. CH-06-0488-2	Stafford, J., Affirmed	Rule 11	Denied - Application of Bryan Gibson
Wayne B. Gillard v. James A. Taylor, et al W2008-00937-SC-R11-CV	Shelby County Circuit Court Judge Rita L. Stotts No. CT-001065-04	Stafford, J., Reversed	Rule 11	Denied - Application of Wayne Gillard
Oliver J. Higgins v. State of Tennessee W2008-02694-SC-R11-PC	Hardin County Circuit Court Judge Charles C. McGinley No. 6205	McMullen, J., Affirmed	Rule 11	Denied - Application of Oliver J. Higgins
State of Tennessee v. John Fred Howard W2008-00208-SC-R11-CD	Shelby County Criminal Court Judge John P. Colton, Jr. No. 03-05005	Williams, J., Affirmed	Rule 11	Denied - Application of John Fred Howard
Deborah Jenkins, et al v. Southland Capital Corporation, et al W2007-01180-SC-R11-CV	Shelby County Circuit Court Judge Jerry Stokes No. CT-000369-03	Kirby, J., Affirmed	Rule 11	Denied - Application of Deborah Jenkins, Malcom Williams, Sr., Maria Akpotu, Carol Overzet, and James Overzet
Mattie Piana, et al v. Old Town of Jackson, et al W2007-02832-SC-R11-CV	Madison County Circuit Court Judge Roger A. Page No. C-03-225	Stafford, J., Affirmed in Part and Reversed in Part	Rule 11	Denied - Application of Town & Country Property Management, Inc.
State of Tennessee v. Anthony Poole W2007-00447-SC-R11-CD	Shelby County Criminal Court Judge James c. Beasley, Jr. No. 05-02290	Ogle, J., Affirmed as Modified	Rule 11	Denied - Application of Anthony Poole

Frank Lee Tate v. State of Tennessee W2008-00763-SC-R11-PC	Fayette County Circuit Court Judge J. Weber McCraw No. 5452	Tipton, J., Affirmed	Rule 11	Denied - Application of Frank Lee Tate
State of Tennessee v. Shurrod Towns W2007-00446-SC-R11-CD	Shelby County Criminal Court Judge Carolyn Wade Blackett Nos. 04-01201 and 04-01202	Ogle, J., Affirmed in Part; Modified in Part	Rule 11	Denied - Application of Shurrod Towns
Mullandric Webb v. State of Tennessee W2008-00094-SC-R11-PC	Shelby County Criminal Court Judge Lee V. Coffee No. 03-06789	McLin, J., Affirmed	Rule 11	Denied - Application of Mullandric Webb
State of Tennessee v. Tony Wolfe W2007-01243-SC-R11-CD	Shelby County Criminal Court Judge John P. Colton, Jr. No. 05-00559	Williams, J., Affirmed	Rule 11	Denied - Application of Tony Wolfe. Further, case remanded to trial court for amendment of the Judgment Order and, trial court is directed to file a Rule 12 Report with the Appellate Court Clerk in Nashville.

IN THE SUPREME COURT OF TENNESSEE
AT JACKSON

STATE OF TENNESSEE v. MIKE BROTHERTON

**Circuit Court for Carroll County
No. 07CR66**

No. W2007-02016-SC-R11-CD

ORDER

Upon consideration of the Tenn. R. App. P. 11 application for permission to appeal of the State of Tennessee and the record before us, the application is granted.

The Clerk is directed to place this matter on the docket for oral argument upon the completion of briefing.

PER CURIAM