

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

Monday, October 19, 2009

GRANTS

STYLE/APPEAL NUMBER	COUNTY TRIAL JUDGE TRIAL COURT NO.	APPELLATE JUDGE JUDGMENT	NATURE OF APPEAL	ACTION
<u>Nashville</u>				
State of Tennessee v. Curtis Lee Majors M2007-01911-SC-R11-CD	Davidson County Criminal Court Judge Cheryl Blackburn No. 2006-C-3084	Thomas, J., Affirmed	Rule 11	Granted - Application of Curtis Lee Majors (Order attached hereto)
Kristen Cox Morrison v. Paul Allen, et al M2007-01244-SC-R11-CV	Davidson County Chancery Court Chancellor Claudia Bonnyman No. 05-1489-I	Bennett, J., Affirmed in Part, Reversed in Part and Remanded.	Rule 11	Granted - Application of Paul Allen, Jody Roberts and Wiley Bros.- Aintree Capital, LLC (Order attached hereto)

Knoxville

Joseph Scott Richardson v. James Brown Contracting, Inc., et al E2009-01785-WC-R9-WC	Hamilton County Chancery Court Chancellor Howell Peoples No. 07-0538-II		Rule 9	Granted and Remanded to the Special Workers' Compensation Appeals Panel - Application of James Brown Contracting, Inc. (Order filed 10-14-2009; copy attached hereto)
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Jackson

Joann Abshure, et al v. Jeremiah Upshaw, M.D., et al W2008-01486-SC-R11-CV	Shelby County Circuit Court Judge John R. McCarroll No. CT-004109-03	Farmer, J., Affirmed	Rule 11	Granted - Application of JoAnn Abshure and Billy Jack Abshure (Order attached hereto)
Billie Gail Hall, as Surviving Spouse of Billy R. Hall v. Douglas B. Haynes, Jr., M.D. and Medsouth Healthcare, P.C. W2007-02611-SC-R11-CV	Dyer County Circuit Court Judge R. Lee Moore, Jr. No. 05-96	Kirby, J., Reversed and Remanded	Rule 11	Granted - Application of Billie Gail Hall (Order attached hereto)

**SUPREME COURT OF TENNESSEE
SUPREME COURT DISCRETIONARY APPEALS**

Monday, October 19, 2009

DENIALS

STYLE/APPEAL NUMBER	COUNTY TRIAL JUDGE TRIAL COURT NO.	APPELLATE JUDGE JUDGMENT	NATURE OF APPEAL	ACTION
<u>Nashville</u>				
Theresa S. Biancheri, Trustee of the Mercer Family Trust v. Charles M. Johnson, Jr., et al M2008-00599-SC-R11-CV * AND *	Davidson County Chancery Court Chancellor Claudia Bonnyman No. 05-2068-I	Clement, J., Reversed and Remanded	Rule 11	Denied - Application of Theresa S. Biancheri, Trustee of the Mercer Family Trust and Application of Ida Louise Cromwell and Shirley Zeitlin & Company
Charles M. Johnson, Jr., et al v. Ida Louise Cromwell, et al M2007-02861-SC-R11-CV	Davidson County Chancery Court Chancellor Claudia Bonnyman No. 05-2068-I and 06-394-I	Clement, J., Reversed and Remanded	Rule 11	
John E. Carter v. State of Tennessee M2009-00745-SC-R11-PC	White County Criminal Court Judge Leon Burns, Jr. No. 6734	Welles, J., Smith, J., and Woodall, J., Rule 28 Denied	Rule 11	Denied - Application of John E. Carter

State of Tennessee v. Charles Edward Claybrooks, Jr. M2007-02685-SC-R11-CD	Davidson County Criminal Court Judge Seth Norman No. 2006-A-97	Smith, J., Affirmed	Rule 11	Denied - Application of Charles Edward Claybrooks
Thomas P. Collier v. State of Tennessee M2008-00917-SC-R11-PC	Davidson County Criminal Court Judge Cheryl Blackburn No. 2006-A-792	Smith, J., Affirmed	Rule 11	Denied - Application of Thomas P. Collier
State of Tennessee, ex rel., Eric Crafton and Nashville English First v. Metro Government of Nashville-Davidson County, TN, et al M2008-01978-SC-R11-CV	Davidson County Chancery Court Chancellor Claudia Bonnyman No. 08-1912-I	Per Curiam, Dismissal (moot) 3-5-2009; Per Curiam Denied 3-25-2009	Rule 11	Denied - Application of State of Tennessee, ex rel., Eric Crafton and Nashville English First
Ronald Fielding v. State of Tennessee M2007-02356-SC-R11-PC	Davidson County Criminal Court Judge Cheryl Blackburn No. 2001-D-2358	Thomas, J., Affirmed	Rule 11	Denied - Application of Ronald Fielding; <i>The opinion of the Court of Criminal Appeals is designated "Not For Citation" in accordance with Supreme Court Rule 4, § F.</i>
State of Tennessee v. Joseph Gunter M2008-00675-SC-R11-CD	Fentress County Criminal Court Judge E. Shayne Sexton No. 8140	McMullen, J., Affirmed	Rule 11	Denied - Application of Joseph Gunter
State of Tennessee v. Joseph A. Hale M2008-00872-SC-R11-CD	Van Buren County Circuit Court Judge Larry B. Stanley No. 2005-F	Wedemeyer,J, Affirmed	Rule 11	Denied - Application of Joseph Hale

Akim Horger v. Brandon Jennings, et al M2009-01394-SC-S09-CV	Van Buren County Circuit Court Judge Larry B. Stanley, Jr. No. 1348-C	Per Curiam, Rule 9 Denied	Rule 9	Denied - Application of Generations Health Associations, Inc., d/b/a Generations Center of Spencer. (Order filed 10-15-2009)
In Re: Estate of Berchie Cordelia Roberts M2006-01950-SC-R11-CV	Smith County Probate Court Chancellor Charles K. Smith No. P-1213	Cottrell, J., Affirmed and Remanded	Rule 11	Denied - Application of Marie R. Wiser
Bobby Ray Johnson v. State of Tennessee M2008-01864-SC-R11-PC	Coffee County Circuit Court Judge Charles Lee No. 36252	Witt, J., Affirmed	Rule 11	Denied - Application of Bobby Ray Johnson
Jermaine Jordan v. State of Tennessee M2008-00623-SC-R11-PC	Davidson County Criminal Court Judge J. Randall Wyatt, Jr. No. 2006-C-1984	McMullen, J., Affirmed	Rule 11	Denied - Application of Jermaine Jordan
State of Tennessee v. James Richard Lening M2008-01218-SC-R11-CD	Davidson County Criminal Court Judge Cheryl Blackburn No. 2007-B-1227	Welles, J., Affirmed	Rule 11	Denied - Application of James Richard Lening
Kymerly Ann Lyttle v. State of Tennessee M2008-00765-SC-R11-PC	Marshall County Circuit Court Judge Robert Crigler No. 2007-CR-152	Thomas, J., Affirmed	Rule 11	Denied - Application of Kymerly Lyttle
State of Tennessee v. Matthew Kirk McWhorter M2003-01132-SC-R11-CD	Montgomery County Criminal Court Judge John H. Gasaway No. 49900104	Wedemeyer, J., Affirmed in Part; Reversed in Part	Rule 11	Denied - Application of Matthew Kirk McWhorter

State of Tennessee v. Brandon Corey Medley and Thomas Jackson Tucker M2008-01286-SC-R11-CD	Marshall County Criminal Court Judge Robert G. Crigler Nos. 07-CR-154 and 07-CR-155	Witt, J., Affirmed	Rule 11	Denied - Application of Thomas Jackson Tucker
State of Tennessee v. Joshua Meeks M2008-00556-SC-R11-CD	Davidson County Criminal Court Judge Steve Dozier No. 2006-B-1091	Smith, J., Affirmed	Rule 11	Denied - Application of Joshua Meeks
State of Tennessee v. Marcus Anthony Pearson and Elvin Hubie Pearson M2007-02826-SC-R11-CD	Davidson County Criminal Court Judge Monte Watkins No. 2007-C-1912	Welles, J., Affirmed	Rule 11	Denied - Applications of Marcus Anthony Pearson and Elvin Hubie Pearson
State of Tennessee v. Matthew Wayne Sorrells M2208-00427-SC-R11-PC	Bedford County Circuit Court Judge Robert Crigler No. 11435	Williams, J., Affirmed	Rule 11	Denied - Application of Matthew Wayne Sorrells
Bobby Taylor v. State of Tennessee M2008-00335-SC-R11-PC	Robertson County Circuit Court Judge John Gasaway No. 6451	McLin, J., Affirmed	Rule 11	Denied - Application of Bobby Taylor
Rebecca Gail Wilhoite v. State of Tennessee M2008-01958-SC-R11-PC	Moore County Circuit Court Judge Robert Crigler No. 919	Welles, J., Affirmed	Rule 11	Denied - Application of Rebecca Gail Wilhoite

Knoxville

State of Tennessee v. Kenneth S. Bartley E2007-01649-SC-R11-CD	Campbell County Circuit Court Judge Jon K. Blackwood No. 13222	Smith, J., Affirmed	Rule 11	Denied - Application of Kenneth S. Bartley
State of Tennessee v. Hamadi Gyasi Haley E2007-02075-SC-R11-PC	Knox County Criminal Court Judge Mary Beth Leibowitz No. 78351	Tipton, J., Affirmed	Rule 11	Denied - Application of Hamadi Gyasi Haley; Granted - Lance B. Mayes' Motion to Withdraw; Denied as Moot - Motion of Hamadi Gyasi Haley to Appoint Counsel
Joyce Holt v. State of Tennessee Department of Children's Services E2007-02798-SC-R11-JV	Hamblen County Juvenile Court Judge Mindy N. Seals Nos. 8871, 9421, 9942, 10656 and 12868	Franks, J., Affirmed	Rule 11	Denied - Application of Joyce Holt
Thomas E. Kotewa v. State of Tennessee E2007-02193-SC-R11-PC	Anderson County Circuit Court Judge Donald Ray Elledge No. A7-CR-0020	Williams, J., Affirmed	Rule 11	Denied - Application of Thomas E. Kotewa

State of Tennessee v. Dalton Lister E2007-00524-SC-R11-CD	Bradley County Criminal Court Judge Carroll L. Ross No. 05-072	Tipton, J., Affirmed	Rule 11	Denied - Application of Dalton Lister
Victor E. McConnell v. Harold Carlton, Warden E2008-00986-SC-R11-HC	Johnson County Criminal Court Judge Robert E. Culp No. 5080	Witt, J., Affirmed	Rule 11	Denied - Application of Victor E. McConnell
State of Tennessee v. Dexter McMillan E2008-00649-SC-R11-CD	Knox County Criminal Court Judge Richard R. Baumgartner No. 84674	Witt, J., Affirmed	Rule 11	Denied - Application of Dexter McMillan
Clint T. Melton v. State of Tennessee E2008-01277-SC-R11-PC	Knox County Criminal Court Judge Kenneth F. Irvine, Jr. No. 73934	Thomas, J., Affirmed	Rule 11	Denied - Application of Clint T. Melton
Edwina Montgomery, ex rel., Thomas M. Montgomery v. Kali Orexi, LLC, et al E2008-01207-SC-R11-CV	Sevier County Circuit Court Judge Rex H. Ogle No. 2006-0790-III	Susano, J. Affirmed and Remanded	Rule 11	Denied - Application of Edwina Montgomery
Charles Ray O'Quinn v. State of Tennessee E2008-02728-SC-R11-HC	Washington County Criminal Court Judge Lynn W. Brown Nos. 17527 and 17999	Witt, J., Affirmed	Rule 11	Denied - Application of Charles Ray O'Quinn
State of Tennessee v. Michael Shane Smith E2008-01396-SC-R11-CD	Hamilton County Criminal Court Judge Barry a. Steelman No. 266871	Ogle, J., Affirmed	Rule 11	Denied - Application of Michael Shane Smith
State of Tennessee v. Michael E. Stewart E2007-00841-SC-R11-CD	Polk County Circuit Court Judge Carroll Ross No. 02-180	Tipton, J., Affirmed	Rule 11	Denied - Application of Michael E Stewart

Jackson

State of Tennessee v. Junior Aldridge W2007-01722-SC-R11-CD	Shelby County Criminal Court Judge Chris Craft No. 05-08430	Thomas, J., Affirmed	Rule 11	Denied - Application of Junior Aldridge
Steven Amodeo, D.C., et al v. Conservcare, LLC, et al W2007-02610-SC-R11-CV	Shelby County Circuit Court Judge Jerry Stokes No. CT-001172-03	Highers, J., Affirmed	Rule 11	Denied - Application of Steven Amodeo, D.C., Michael Bast, D.C., Glenn R. Burford, D.C., William J. Cromer, D.C., Dwayne Curle, D.C., Craig Gangwish, D.C., Tom Gill, D.C., David C. Hall, II, D.C., Michael C. Holliman, D.C., Ben Kemker, D.C. and Rock Wooster, D.C. (Holder, C.J., not participating)
State of Tennessee v. Deangelo Davis W2008-00992-SC-R11-CD	Shelby County Criminal Court Judge W. Otis Higgs, Jr. No. 07-02319	McLin, J., Affirmed	Rule 11	Denied - Application of Deangelo Davis
Anthony H. Dean v. Joe Easterling, Warden (State of Tennessee) W2008-01302-SC-R11-HC	Hardeman County Circuit Court Judge Joe Walker, III No. 08-02-0323	McLin, J., Affirmed	Rule 11	Denied - Application of Anthony H. Dean
State of Tennessee v. Rickey Dickerson W2008-00301-SC-R11-CD	Shelby County Criminal Court Judge John T. Fowlkes, Jr. No. 04-02309	Glenn, J., Affirmed	Rule 11	Denied - Application of Rickey Dickerson
Eddie Wayne Gordon v. State of Tennessee W2008-01172-SC-R11-PC	Gibson County Circuit Court Judge Jerry Scott No. 12785	McLin, J., Reversed	Rule 11	Denied - Application of Eddie Wayne Gordon

State of Tennessee v. Lamario Hill W2007-01741-SC-R11-CD	Shelby County Criminal Court Judge James C. Beasley, Jr. No. 05-08627	Thomas, J., Affirmed	Rule 11	Denied - Application of Lamario Hill
Tony Jamerson v. State of Tennessee W2007-01451-SC-R11-PC	Shelby County Criminal Court Judge W. Fred Axley No. P-26216	McLin, J., Affirmed	Rule 11	Denied - Application of Tony Jamerson
Lakreasha Kimble v. State of Tennessee W2008-02184-SC-R11-PC	Shelby County Criminal Court Judge James M. Lammey No. P-21281	Williams, J., Oder Dismissing Appeal	Rule 11	Denied - Application of Lakreasha Kimble
State of Tennessee v. Joseph May W2006-02479-SC-R11-CD	Shelby County Criminal Court Judge Carolyn Wade Blackett No. 04-03616	McLin, J., Affirmed	Rule 11	Denied - Application of Joseph May
State of Tennessee v. Louis Mayes W2007-02483-SC-R11-CD	Shelby County Criminal Court Judge Chris Craft No. 06-04104	McMullen, J., Affirmed	Rule 11	Denied - Application of Louis Mayes
Ronald Donnell Moore v. State of Tennessee W2008-00034-SC-R11-PC	Shelby County Criminal Court Judge Carolyn Wade Blackett No. P-01892	McLin, J., Affirmed	Rule 11	Denied - Application of Ronald Donnell Moore

Ricky Lee Nelson v. State of Tennessee W2008-02279-SC-R11-PC	Shelby County Criminal Court Judge John P. Colton No. 86-00228	McLin, J., Affirmed	Rule 11	Denied - Application of Ricky Lee Nelson; Granted - Motion of Ricky Lee Nelson to proceed in <i>forma pauperis</i> ; Denied as Moot - “Request for Discovery, Inspection and Notice of Intent to Use Evidence” and “Motion for Transcripts of Prior Proceedings” of Ricky Lee Nelson.
Daniel Sanders v. Henry County, Tennessee W2008-01832-SC-R11-CV	Henry County Circuit Court Judge Donald E. Parish No. 2895	Highers, J., Affirmed	Rule 11	Denied - Application of Daniel Sanders
State of Tennessee v. Quinton Sanders W2006-00760-SC-R11-CD	Shelby County Criminal Court Judge Joseph B. Dailey No. 00-04327	McLin, J., Affirmed	Rule 11	Denied - Application of Quinton Sanders
State of Tennessee v. Martino Wright W2006-02342-SC-R11-PC	Shelby County Criminal Court Judge Paula Skahan No. 02-08614	Ogle, J., Affirmed	Rule 11	Dismissed - Application of Martino Wright

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

STATE OF TENNESSEE v. CURTIS LEE MAJORS

**Criminal Court for Davidson County
No. 2006-D-3084**

No. M2007-01911-SC-R11-CD

ORDER

Upon consideration of the application for permission to appeal of the Curtis Lee Majors 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

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

KRISTEN COX MORRISON v. PAUL ALLEN ET AL.

No. M2007-01244-SC-R11-CV

ORDER

Upon consideration of the application for permission to appeal of Paul Allen, Jody Roberts, and Wiley Bros.-Aintree Capital, LLC 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

IN THE SUPREME COURT OF TENNESSEE
AT KNOXVILLE

JOSEPH SCOTT RICHARDSON v. JAMES BROWN CONTRACTING, INC., ET AL.

**Chancery Court for Hamilton County
No. 07-0538 Part II**

No. E2009-01785-WC-R9-WC

ORDER

Upon consideration of the Rule 9 application for interlocutory appeal of James Brown Contracting, Inc., and the record before us, the Court is of the opinion that the application should be, and is hereby, granted and remanded to the Special Workers' Compensation Appeals Panel.

The Clerk is directed to place this matter on the docket for oral argument for the Special Workers' Compensation Appeals Panel upon the completion of briefing.

PER CURIAM

IN THE SUPREME COURT OF TENNESSEE
AT JACKSON

JOANN ABSHURE ET AL. v. JEREMIAH UPSHAW, M.D. ET AL.

No. W2008-01486-SC-R11-CV

ORDER

Upon consideration of the application for permission to appeal of JoAnn Abshure and Billy Jack Abshure 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

IN THE SUPREME COURT OF TENNESSEE
AT JACKSON

BILLIE GAIL HALL, as Surviving Spouse of BILLY R. HALL
v.
DOUGLAS B. HAYNES, JR., M.D. AND MEDSOUTH HEALTHCARE, P.C.

Circuit Court for Dyer County
No. 05-96

No. W2007-02611-SC-R11-CV

ORDER

Upon consideration of the application for permission to appeal of Billie Gail Hall 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