

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

**Monday, October 18, 2010**

**GRANTS**

STYLE/APPEAL NUMBER	COUNTY TRIAL JUDGE TRIAL COURT NO.	APPELLATE JUDGE JUDGMENT	NATURE OF APPEAL	ACTION
<b><u>Nashville</u></b>				
State of Tennessee v. Larry Edward Moore M2008-00703-SC-R11-CD	Davidson County Criminal Court Judge Monte Watkins No. 2007-A-514	Woodall, J., Affirmed	Rule 11	<b>Granted and Remanded to Court of Criminal Appeals</b> - Application of Larry Edward Moore  (Order filed 10-15-2010; copy attached)
Pam Webb v. Nashville Area Habitat For Humanity, Inc. M2009-01552-SC-R11-CV	Davidson County Circuit Court Judge Barbara N. Haynes No. 09C1221	Franks, J., Vacated and Remanded	Rule 11	<b>Granted</b> - Application of Nashville Area Habitat for Humanity, Inc.  (Order filed 10-12-2010; copy attached)
State of Tennessee v. Jason Lee White M2009-00941-SC-R11-CD	Montgomery County Circuit Court Judge Michael R. Jones No. 40800449	Welles, J., Affirmed in Part; Reversed in Part	Rule 11	<b>Granted</b> - Application of the State of Tennessee  (Order filed 10-12-2010; copy attached)

**Knoxville**

Timmy Sykes, et al. v. Chattanooga Housing Authority, et al. E2008-00525-SC-R11-CV	Hamilton County Circuit Court Judge Ward Jeffrey Hollingsworth No. 05C556	Susano, J., Affirmed	Rule 11	<b>Granted</b> - Applications of Timmy Sykes and Curtis Green, the Chattanooga Housing Authority and Jeff Hazelwood.  (Order filed 10-12-2010; copy attached)
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**Jackson**

NONE				
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**SUPREME COURT OF TENNESSEE  
SUPREME COURT DISCRETIONARY APPEALS**

**Monday, October 18, 2010**

**DENIALS**

STYLE/APPEAL NUMBER	COUNTY TRIAL JUDGE TRIAL COURT NO.	APPELLATE JUDGE JUDGMENT	NATURE OF APPEAL	ACTION
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**Nashville**

Levi Battle, III v. State of Tennessee M2009-00949-SC-R11-PC	Davidson County Criminal Court Judge Cheryl Blackburn No. 2003-A-519	Wedemeyer,J., Affirmed	Rule 11	<b>Denied</b> - Application of Levi Battle, III  (Order filed 10-13-2010)
City of Brentwood v. George M. Cawthon M2009-02330-SC-R11-CV	Williamson County Circuit Court Judge Robbie T. Beal No. 07036	Dinkins, J., Affirmed	Rule 11	<b>Denied</b> - Application of the City of Brentwood  (Order filed 10-12-2010)
State of Tennessee v. Antonio S. Jones M2008-01254-SC-R11-CD	Davidson County Criminal Court Judge Monte Watkins No. 2007-A-628	Tipton, J., Affirmed	Rule 11	<b>Denied</b> - Application of Antonio S. Jones  (Order filed 10-13-2010)
State of Tennessee v. Christ Koulis M2007-02781-SC-R11-CD	Williamson County Circuit Court Judge Jeffrey S. Bivins No. I-CR111479	Wedemeyer,J., Welles, J., Smith, J., Appeal Dismissed; Prosecution abated <i>ab initio</i> by death of Appellant	Rule 11	<b>Denied</b> - Application of the State of Tennessee  (Order filed 10-13-2010)
Robert L. Leach, Jr. v. State of Tennessee M2008-02386-SC-R11-PD	Davidson County Criminal Court Judge J. Randall Wyatt, Jr. No. 99-D-2508	Welles, J., Affirmed	Rule 11	<b>Denied</b> - Application of Robert L. Leach, Jr.  (Order filed 10-18-2010)

Mid-South Industries, Inc. v. Martin Machine & Tool, Inc., et al. M2007-02175-SC-R11-CV	Davidson County Chancery Court Chancellor Richard H. Dinkins No. 04-1778-II	Highers, J., Affirmed in Part, Reversed in Part and Remanded	Rule 11	<b>Denied</b> - Application of Martin Machine & Tool, Inc. And Spydell Davidson  (Order filed 10-12-2010)
Carol E. Miller v. Joel S. Birdwell, et al. M2009-01730-SC-S09-CV	Coffee County Circuit Court Judge William C. Lee No. 32,935	Stafford, J., Reversed	Rule 9	<b>Denied</b> - Application of Carol E. Miller  (Order filed 10-12-2010)
State of Tennessee v. Kenneth Miller, et al. M2008-02267-SC-R11-CD	Davidson County Criminal Court Judge Cheryl Blackburn No. 2007-D-3535	Welles, J., Affirmed	Rule 11	<b>Denied</b> - Applications of Kenneth Miller and Ray Junior Turner  (Order filed 10-18-2010)
Ivan Moreno v. State of Tennessee M2009-00393-SC-R11-PC	Davidson County Criminal Court Judge Steve Dozier No. 2007-A-208	Smith, J., Affirmed	Rule 11	<b>Denied</b> - Application of Ivan Moreno  (Order filed 10-18-2010)
Garner Dwight Padgett v. State of Tennessee M2009-00297-SC-R11-PC	Putnam County Criminal Court Judge Leon C. Burns, Jr. No. 01-0450	Tipton, J., Affirmed	Rule 11	<b>Denied</b> - Application of Garner Dwight Padgett  (Order filed 10-18-2010)
Luther Thomas Smith v. Leslie Newman, Commissioner, Tennessee Department of Commerce and Insurance M2009-00636-SC-R11-CV	Davidson County Chancery Court Chancellor Carol L. McCoy No. 08-972-II	Dinkins, J., Affirmed and Remanded	Rule 11	<b>Denied</b> - Luther Thomas Smith, Jr.'s Petition for Reconsideration of Application for Permission to Appeal Denial  (Order filed 10-12-2010)
State of Tennessee v. Ket T. Voun M2009-01526-SC-R11-CD	Davidson County Criminal Court Judge Cheryl Blackburn No. 2008-C-3116	Welles, J., Affirmed	Rule 11	<b>Denied</b> - Application of Ket T. Voun  (Order filed 10-13-2010)

State of Tennessee v. James Carlos Ward M2009-00417-SC-R11-CD	Davidson County Criminal Court Judge J. Randall Wyatt No. 2008-B-2106	Witt, J., Affirmed, Modified and Remanded	Rule 11	<b>Denied</b> - Application of James Carlos Ward  (Order filed 10-13-2010)
Carl E. Watson v. Robert P. Fogolin, M.D. M2009-00327-SC-R11-CV	Davidson County Circuit Court Judge Joseph Binkley No. 08-C1535	McClarty, J., Affirmed and Remanded	Rule 11	<b>Denied</b> - Application of Carl E. Watson  (Order filed 10-12-2010)
<b><u>Knoxville</u></b>				
Baird Tree Company, Inc. v. City of Oak Ridge, et al. E2009-01094-SC-R11-CV	Anderson County Circuit Court Judge Donald Ray Elledge No. A7LA0505	Swiney, J., Affirmed and Remanded	Rule 11	<b>Denied</b> - Application of Baird Tree Company, Inc.  (Order filed 10-12-2010)
State of Tennessee v. Ronald Dillman, Jr. E2009-00648-SC-R11-CD	Claiborne County Circuit Court Judge E. Shayne Sexton No. 13,385	Tipton, J., Affirmed in Part; Vacated in Part	Rule 11	<b>Denied</b> - Application of Ronald C. Dillman, Jr.; <b>Denied</b> - Motion of Ronald C. Dillman, Jr. to appoint counsel  (Order filed 10-12-2010)
State of Tennessee v. Paul Wallace Dinwiddie, Jr. E2009-01752-SC-R11-CD	Knox County Criminal Court Judge Richard R. Baumgartner No. 88542	Witt, J., Affirmed in Part, Vacated in Part and Remanded	Rule 11	<b>Dismissed as Untimely</b> - Application of Paul Wallace Dinwiddie, Jr.  (Order filed 10-15-2010)
James W. Gentry, et al. v. Todd Clark McCain, et al. E2009-01457-SC-R11-CV	Hamilton County Chancery Court Chancellor Howell Peoples No. 08-0707	Swiney, J., Affirmed and Remanded	Rule 11	<b>Denied</b> - Application of James W. Gentry, et al.  (Order filed 10-12-2010)

State of Tennessee v. Laythaniel Haney, Jr. E2009-00875-SC-R11-CD	Cocke County Circuit Court Judge Ben W. Hooper, II No. 0380	Thomas, J., Affirmed in Part	Rule 11	<b>Denied</b> - Application of Laythaniel Haney, Jr.  (Order filed 10-12-2010)
State of Tennessee v. Marvin Joseph Hill E2008-02210-SC-R11-CD	Knox County Criminal Court Judge Richard Baumgartner No. 84920	Witt, J., Affirmed	Rule 11	<b>Denied</b> - Application of Marvin Joseph Hill  (Order filed 10-12-2010)
In Re: Madison N.J.M. E2009-01625-SC-R11-JV	Knox County Circuit Court Judge Bill Swann No. 112305	Susano, J., Affirmed and Remanded	Rule 11	<b>Denied</b> - Application of the Maternal Grandmother  (Order filed 10-12-2010)
Robert M. Linder v. State of Tennessee E2008-00693-SC-R11-PC	Blount County Circuit Court Judge Dale Workman No. C-16859	Ogle, J., Affirmed	Rule 11	<b>Denied</b> - Application of Robert M. Linder; <b>Deemed as Moot</b> - Application of Robert M. Linder for appointment of counsel  (Order filed 10-12-2010)
Jesse L. Longacre v. Harold W. Alison E2009-02388-SC-R11-CV	Washington County Circuit Court Judge Thomas Seeley No. 10212C	Franks, J., Dismissed	Rule 11	<b>Denied</b> - Application of Jesse L. Longacre  (Order filed 10-12-2010)
Robert M. Winters v. Jim Morrow E2009-01334-SC-R11-HC	Bledsoe County Circuit Court Judge Thomas W. Graham No. 2009-CR-17	Thomas, J., Affirmed	Rule 11	<b>Denied</b> - Application of Robert M. Winters  (Order filed 10-12-2010)

**Jackson**

Courtney Anderson v. State of Tennessee W2008-02814-SC-R11-PC	Shelby County Criminal Court Judge Carolyn Wade Blackett No. P-28024	McMullen, J., Affirmed	Rule 11	<b>Denied</b> - Application of Courtney Anderson  (Order filed 10-12-2010)
Uvautai Brooks v. State of Tennessee W2009-00682-SC-R11-PC	Shelby County Criminal Court Judge Paula Skahan No. 05-01284	McLin, J., Affirmed	Rule 11	<b>Denied</b> - Application of Uvautai Brooks  (Order filed 10-12-2010)
In Re: Estate of Anderson Charles Carter, III, Deceased W2009-01765-SC-R11-CV	Lauderdale County Probate Court Judge Rachel Anthony No. JJ-53	Highers, J., Affirmed	Rule 11	<b>Denied</b> - Application of Estate of Edna Carter (William Carter, Executor)  (Order filed 10-13-2010)
State of Tennessee v. Darryl Hubbard W2008-02437-SC-R11-CD	Shelby County Criminal Court Judge Lee V. Coffee No. 07-01581	McLin, J., Affirmed	Rule 11	<b>Denied</b> - Application of Darryl Hubbard; <i>The opinion of the Court of Criminal Appeals is designated "Not For Citation" in accordance with Supreme Court Rule 4 § E.</i>  (Order filed 10-13-2010)

In Re: Arteria H. W2010-00443-SC-R11-PT	Shelby County Chancery Court Chancellor Walter L. Evans No. CH-08-1615-I	Stafford, J., Affirmed	Rule 11	<b>Denied</b> - Application of Arterio H.  (Order filed 10-14-2010)
Stephanie Jones, et al. v. Renga I. Vasu, et al. W2009-01873-SC-R11-CV	Shelby County Circuit Court Judge Kay S. Robilio No. CT-004911-07	Kirby, J., Reversed	Rule 11	<b>Denied</b> - Application of Stephanie Jones and Howard Jones; <b>Granted</b> - Motion of attorney Bryant D. Guy to appear <i>pro hac vice</i> <b>(Holder, J., Not Participating)</b>  (Order filed 10-12-2010)
Jason Martindill v. State of Tennessee W2009-01003-SC-R11-PC	Chester County Circuit Court Judge Donald H. Allen No. 07-0432	McLin, J., Affirmed	Rule 11	<b>Denied</b> - Application of Jason Martindill  (Order filed 10-13-2010)
William Mitchell v. Madison County Sheriff's Department, et al. W2009-00099-SC-R11-CV	Madison County Chancery Court Judge Allen Wallace No. 64109	Kirby, J., Reversed and Remanded	Rule 11	<b>Denied</b> - Application of Madison County Sheriff's Department, et al.  (Order filed 10-12-2010)
State of Tennessee v. Jereco A. Tynes W2010-01420-SC-S09-CD	Shelby County Criminal Court Trial Judge Unknown Nos. 09-04173; 10-02861	McMullen, J.; Williams and Glenn, JJ., Denied Rule 9	Rule 9	<b>Denied</b> - Application of Jereco A. Tynes  (Order filed 10-13-2010)
Tony Walker v. State of Tennessee W2009-00988-SC-R11-CO	Gibson County Circuit Court Judge Allen W. Wallace No. 15248	Glenn, J., Affirmed	Rule 11	<b>Denied</b> - Application of Tony Walker; <b>Denied</b> - Motions of Tony Walker to hold appeal in abeyance and to supplement motion  (Order filed 10-13-2010)



IN THE SUPREME COURT OF TENNESSEE  
AT NASHVILLE

**STATE OF TENNESSEE v. LARRY EDWARD MOORE**

**Criminal Court for Davidson County  
No. 2007-A-514**

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**No. M2008-00703-SC-R11-CD**

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**ORDER**

Upon consideration of the application for permission to appeal of Larry Edward Moore and the record before us, this Court has determined that the videotape admitted as trial exhibit 6 and included in the record on appeal is now defective and unavailable for review. Therefore, in accordance with Tennessee Rule of Appellate Procedure 24 and this Court's decision in State v. Byington, 284 S.W.3d 220 (Tenn. 2009), the defendant is hereby ordered to supplement the record on appeal with a non-defective DVD version of exhibit 6. The supplemental record shall be filed no later than November 8, 2010.

Furthermore, the application for permission to appeal of Larry Edward Moore is granted, and this case is remanded to the Court of Criminal Appeals for reconsideration in light of the supplemental record. Specifically, the Court of Criminal Appeals shall review the non-defective version of exhibit 6 and re-consider on the merits Mr. Moore's argument that the trial court erred in not redacting from exhibit 6 certain portions of Mr. Moore's statement to the police.

It is so ORDERED.

PER CURIAM

IN THE SUPREME COURT OF TENNESSEE  
AT NASHVILLE

**PAM WEBB v. NASHVILLE AREA HABITAT FOR HUMANITY, INC.**

**Circuit Court for Davidson County**  
**No. 09C1221**

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**No. M2009-01552-SC-R11-CV**

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**ORDER**

Upon consideration of the application for permission to appeal of the Nashville Area Habitat for Humanity, Inc. 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

**STATE OF TENNESSEE v. JASON LEE WHITE**

**Circuit Court for Montgomery County**  
**No. 40800449**

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**No. M2009-00941-SC-R11-CD**

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**ORDER**

Upon consideration of the Tenn. R. App. P. 11 application for permission to appeal filed on behalf 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

IN THE SUPREME COURT OF TENNESSEE  
AT KNOXVILLE

**TIMMY SYKES ET AL. v. CHATTANOOGA HOUSING  
AUTHORITY ET AL.**

**Circuit Court for Hamilton County  
No. 05C556**

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**No. E2008-00525-SC-R11-CV**

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**ORDER**

Upon consideration of the applications for permission to appeal of Timmy Sykes and Curtis Green, the Chattanooga Housing Authority and Jeff Hazelwood, and the record before us, the applications are granted.

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

PER CURIAM