

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

Monday, October 25, 2010

**GRANTS**

STYLE/APPEAL NUMBER	COUNTY TRIAL JUDGE TRIAL COURT NO.	APPELLATE JUDGE JUDGMENT	NATURE OF APPEAL	ACTION
<b><u>Nashville</u></b>				
NONE				
<b><u>Knoxville</u></b>				
State of Tennessee v. Gabriel Cordova Delarosa E2008-01940-SC-R11-CD	Knox County Criminal Court Judge Mary B. Leibowitz No. 88414	Ogle, J., Affirmed	Rule 11	<b>Granted</b> - Application of Gabriel Cordova Delarosa  (Order filed 10-19-2010; copy attached)
<b><u>Jackson</u></b>				
NONE				

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

**Monday, October 25, 2010**

**DENIALS**

STYLE/APPEAL NUMBER	COUNTY TRIAL JUDGE TRIAL COURT NO.	APPELLATE JUDGE JUDGMENT	NATURE OF APPEAL	ACTION
<b><u>Nashville</u></b>				
Eric L. Blackwell, Sr. v. State of Tennessee M2009-02227-SC-R11-HC	Montgomery County Circuit Court Judge Michael R. Jones Nos. 40901296, 40901208	Welles, J., Smith, J. and Woodall, J., Dismissed	Rule 11	<b>Denied</b> - Application of Eric L. Blackwell, Sr.  (Order filed 10-20-2010)
Stevie Caldwell, et al. v. State of Tennessee M2010-01211-SC-R11-WM	White County Criminal Court Judge Leon Burns, Jr. No. 95-1F	Welles, J., Writ of Mandamus Denied	Rule 11	<b>Denied</b> - Application of Stevie Caldwell and Randy Caldwell  (Order filed 10-21-2010)
Saundra J. Counce, RN v. Ascension Health, et al. M2009-00741-SC-R11-CV	Davidson County Circuit Court Judge Hamilton V. Gayden No. 06-C-2137	Clement, J., Affirmed and Remanded	Rule 11	<b>Denied</b> - Application of Saundra J. Counce, RN  (Order filed 10-21-2010)

State of Tennessee v. Gary Vincent Elmore M2008-00076-SC-R11-CD	Davidson County Criminal Court Judge Cheryl Blackburn No. 2007-C-2022	Smith, J., Affirmed	Rule 11	<b>Denied</b> - Application of Gary Vincent Elmore  (Order filed 10-20-2010)
State of Tennessee v. George C. Kilgore M2009-01539-SC-R11-CD	Montgomery County Circuit Court Judge John Gasaway No. 40800608	Smith, J., Affirmed	Rule 11	<b>Denied</b> - Application of George C. Kilgore  (Order filed 10-20-2010)
Diana S. Lowry v. Tennessee Department of Children's Services M2010-00712-SC-R11-CV	Davidson County Chancery Court Chancellor Carol L. McCoy No. 05-483-II	Per Curiam, Dismissed	Rule 11	<b>Denied</b> - Application of Diana S. Lowry  (Order filed 10-21-2010)
Linda G. McConnell, et al. v. Councill C. Rudolph, M.D. M2010-01658-SC-S10-CV	Franklin County Circuit Court Judge Thomas W. Graham No. 16222-CV	Per Curiam, Rule 10 Denied	Rule 10	<b>Denied</b> - Application of Councill C. Rudolph, M.D.  (Order filed 10-21-2010)
State of Tennessee v. Tony A. Pitts M2009-01177-SC-R11-CD	Wayne County Circuit Court Judge Jim T. Hamilton No. 14499	Williams, J., Affirmed	Rule 11	<b>Dismissed as Untimely</b> - Application of Tony A. Pitts  (Order filed 10-20-2010)
State of Tennessee, et al. v. Delinquent Taxpayers, et al. M2010-00400-SC-R11-CV	Montgomery County Chancery Court Chancellor Laurence M. McMillan No. MC-CH-CV-DQ-09-1	Per Curiam, Appeal Dismissed	Rule 11	<b>Denied</b> - Robert Thomas Irvin's Motion to Reconsider Denial of Application for Permission to Appeal  (Order filed 10-20-2010)
State of Tennessee v. Kristen A. Wilson M2008-01243-SC-R11-CD	Davidson County Criminal Court Judge Monte Watkins No. 2007-B-1020	Woodall, J., Dismissed	Rule 11	<b>Denied</b> - Application of Kristen A. Wilson  (Order filed 10-20-2010)

**Knoxville**

Julius T. Andrews v. William L. Gibbons, et al. E2010-01594-SC-S09-CO	Shelby County Criminal Court Judge James D. Todd No. 00000	Ogle, J., Tipton, J. and Thomas, J., Appeal Dismissed	Rule 9	<b>Denied</b> - Application of Julius T. Andrews  (Order filed 10-21-2010)
Christenberry Trucking & Farm, Inc. v. F & M Marketing Services, Inc. E2009-01325-SC-R11-CV	Knox County Chancery Court Chancellor John F. Weaver No. 165464-1	Susano, J., Vacated and Remanded	Rule 11	<b>Denied</b> - Application of Christenberry Trucking & Farm, Inc.  (Order filed 10-21-2010)
State of Tennessee v. Robin Lynn Cooper E2009-00291-SC-R11-CD	Knox County Criminal Court Judge Kenneth F. Irvine, Jr. No. 88529	Williams, J., Affirmed	Rule 11	<b>Denied</b> - Application of Robin Lynn Cooper  (Order filed 10-20-2010)
State of Tennessee v. Conley Ross Fair E1998-00216-SC-DAS-CD	Hamilton County Criminal Court Judge Arden L. Hill Nos. 4515, 4384	Tipton, J., Affirmed	Rule 28 § 9(D)(b)	<b>Denied</b> - Application of Conley Ross Fair  (Order filed 10-20-2010)
James P. Griffith, et al. v. Jellico Community Hospital, Inc. E2009-01431-SC-R11-CV	Campbell County Circuit Court Judge John D. McAfee No. 13324	McClarty, J., Affirmed	Rule 11	<b>Denied</b> - Application of James P. Griffith and Kimberly Griffith  (Order filed 10-20-2010)
State of Tennessee v. Terry Lynn Raney E2009-01966-SC-R11-PC	Sullivan County Criminal Court Judge Robert H. Montgomery, Jr. No. C55,800	Witt, J., Affirmed and Remanded	Rule 11	<b>Denied</b> - Application of Terry Lynn Raney  (Order filed 10-21-2010)

State of Tennessee v. Jonathan Jasper Smith E2009-01235-SC-R11-CD	Sullivan County Circuit Court Judge R. Jerry Beck Nos. S54,953 and S56,244	Thomas, J., Affirmed	Rule 11	<b>Denied</b> - Application of Jonathan Jasper Smith  (Order filed 10-20-2010)
<b><u>Jackson</u></b>				
Ricky Lynn Hill v. State of Tennessee W2009-01746-SC-R11-PC	Chester County Circuit Court Judge Roy B. Morgan No. 07-444	Williams, J., Affirmed	Rule 11	<b>Denied</b> - Application of Ricky Lynn Hill  (Order filed 10-20-2010)
Marcus D. Lee v. State of Tennessee W2009-02478-SC-R11-PC	Shelby County Criminal Court Judge James M. Lammey, Jr. Nos. 95-10473, 95-11561, 95-11562, 97-01964	Williams, J., Affirmed, Pursuant to Rule 20	Rule 11	<b>Denied</b> - Application of Marcus D. Lee  (Order filed 10-21-2010)
Courtney Means v. State of Tennessee W2008-01039-SC-R11-PC	Shelby County Criminal Court Judge James M. Lammey, Jr. No. 03-05190; 03-05192; 03-05194	Woodall, J., Affirmed	Rule 11	<b>Denied</b> - Application of Courtney Means  (Order filed 10-20-2010)
State of Tennessee v. Terry Rainey W2008-02459-SC-R11-CO	Chester County Circuit Court Judge Roger Page No. 07-043	McMullen, J., Dismissed	Rule 11	<b>Denied</b> - Application of State of Tennessee  (Order filed 10-20-2010)

IN THE SUPREME COURT OF TENNESSEE  
AT KNOXVILLE

**STATE OF TENNESSEE v. GABRIEL CORDOVA DELAROSA**

**Criminal Court for Knox County**  
**No. 88414**

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**No. E2008-01940-SC-R11-CD - Filed October 19, 2010**

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**ORDER**

Upon consideration of the application for permission to appeal of Gabriel Cordova Delarosa and the record before us, the application is GRANTED.

The parties are directed to brief the following issues:

1. Whether the intermediate court had jurisdiction to recall the mandate for the sole purpose of extending the time for the defendant/appellant to file a timely Tenn. R. App. Proc. 11 application; and
2. If the intermediate court had jurisdiction, whether it abused its discretion in granting the motion to recall the mandate under the circumstances of this case.

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

PER CURIAM