



Tennessee Supreme Court
DISCRETIONARY APPEALS
Grants & Denials List
August 2, 2021 - August 6, 2021

GRANTS

Style/Appeal Number	County/Trial Judge/ Trial Court No.	Intermediate Court	Supreme Court Action
<u>Nashville</u>			
STATE OF TENNESSEE v. RONALD LYONS, JAMES MICHAEL USINGER, LEE HAROLD CROMWELL, AUSTIN GARY COOPER, AND CHRISTOPHER ALAN HAUSER M2019-01946-SC-R11-CD	Davidson County Criminal Court Cheryl A. Blackburn 2017-A-79	Easter, Timothy L.: Affirm	Granted: Application of Ronald James Lyon, Et Al. Order filed 8-5-21 (See Attached Order)
<u>Knoxville</u>			
PRIORITY PARTNERSHIP v. AMT PROPERTIES, LLC ET AL. E2020-00511-SC-R11-CV	Hamilton County Circuit Court Kyle E. Hedrick 17C1340	Frierson II, Thomas R.: Affirm	Granted: Application of priority Partnership Order filed 8-6-21 (See Attached Order)
<u>Jackson</u>			
STATE OF TENNESSEE v. DOUGLAS E. LINVILLE W2019-02180-SC-R11-CD	Hardin County Circuit Court Charles C. McGinley 18-CR-145	Williams, John Everett: Affirm	Granted: Application of Douglas E. Linville Order filed 8-5-21 (See Attached Order)

DENIALS

Style/Appeal Number	County/Trial Judge/ Trial Court No.	Intermediate Court	Supreme Court Action
<u>Nashville</u>			
STATE OF TENNESSEE v. JAMIE P. DENNIS M2018-01894-SC-R11-CD	Stewart County Circuit Court Larry J. Wallace 2018-CR-4	Glenn, Alan E.: Affirm	Denied: Application of Jamie Paul Dennis Order filed 8-4-21
DAVID CHASE v. CHRIS STEWART ET AL. M2018-01991-SC-R11-CV	Williamson County Circuit Court Michael Binkley 2015-200	McBrayer, W. Neal: Vacate	Denied: Application of Dean Chase, Sandra Chase, and D. F. Chase, Inc., Opinion of COA designated "Not For Citation" accordance with Supreme Court Rule 4(E) Order filed 8-6-21 (See Attached Order)
PROGRESSIVE SPECIALTY INSURANCE COMPANY v. JEE YUN KIM ET AL. M2019-01998-SC-R11-CV	Montgomery County Circuit Court Ross H. Hicks 63CC1-2017-CV-2567	Bennett, Andy D.: Reverse	Denied: Application of Progressive Specialty Insurance Company Order filed 8-4-21

STATE OF TENNESSEE v. TIMOTHY LEON
LEDFOED
M2019-02045-SC-R11-CD

Bedford County Circuit Court
M. Wyatt Burk
19015

Williams, John Everett: Affirm

Denied: Application of Timothy
Leon Ledford

Order filed 8-4-21

STATE OF TENNESSEE V. JOHN DENNIS GREEN
M2019-02197-SC-R11-CD

Rutherford County Circuit Court
(CRIMINAL)
Royce Taylor
80760

Holloway Jr., Robert L.: Affirm

Denied: Application of John
Dennis Green

Order filed 8-6-21

STATE OF TENNESSEE v. JAVIER ALEXANDER
RIVAS AND HAYDEN S. FRYER
M2019-02241-SC-R11-CD

Davidson County Criminal Court
Steve R. Dozier
2016-B-661

Holloway Jr., Robert L.: Affirm

Denied: Application of Javier
Alexander Rivas and Hayden
Steven Fryer

Order filed 8-4-21

LIZANDRO GUEVARA v. STATE OF TENNESSEE
M2020-00118-SC-R11-PC

Davidson County Criminal Court
Steve R. Dozier
2009-D-3488

Wedemeyer, Robert W.: Affirm

Denied: Application of Lizandro
Antonio Guevara

Order filed 8-4-21

STATE OF TENNESSEE v. ELGENE K. PORTER M2020-00522-SC-R11-CD	Rutherford County Circuit Court (CRIMINAL) Barry R. Tidwell F-61561-A	McMullen, Camille R.: Affirm	Denied: Application of Elgene Kuntay Porter Order filed 8-4-21
STEPHEN GERARD SMITH v. STATE OF TENNESSEE M2020-00559-SC-R11-PC	Franklin County Circuit Court J. Curtis Smith 20336	Williams, John Everett: Affirm	Denied: Application of Stephen Gerard Smith Order filed 8-6-21
ERIN R. KNIGHT v. TENNESSEE STATE BOARD OF EDUCATION M2020-00770-SC-R11-CV	Davidson County Chancery Court Russell T. Perkins 19-900-IV	Armstrong, Kenny W.: Affirm	Denied: Application of Erin R. Knight Order filed 8-6-21
<u>Knoxville</u>			
FATMA ADEL SEKIK v. NEHAD ABDELNABI ET AL. E2019-01302-SC-R11-CV	Knox County 4th Circuit Court Gregory S. McMillan 126002	Stafford, J. Steven: Affirm	Denied: Application of Nahad Abdalnabi Order filed 8-9-21
STATE OF TENNESSEE v. ERICK EUGENE JONES, JR. E2019-01737-SC-R11-CD	Greene County Criminal Court John F. Dugger, Jr. 15-CR-188	Montgomery Jr., Robert H.: Reverse in Part	Denied: Application of Erick Eugene Jones, Jr. Order filed 8-4-21

STATE OF TENNESSEE v. RONNIE LUCAS
WILSON
E2019-01864-SC-R11-CD

Knox County Criminal Court
Bobby R. McGee
112976

Montgomery Jr., Robert H.: Affirm in
Part

Denied: Application of Ronnie
Lucas

Order filed 8-6-21

STATE OF TENNESSEE v. RICKY L. HELMICK JR.
E2019-02101-SC-R11-CD

Hamblen County Criminal Court
John F. Dugger, Jr.
18CR109

Witt Jr., James Curwood: Affirm

Denied: Application of Ricky L.
Helmick, Jr.

Order filed 8-4-21

JEFFERSON COUNTY, TENNESSEE v. WILMOTH
FAMILY PROPERTIES, LLC ET AL.
E2019-02283-SC-R11-CV

Jefferson County Chancery Court
Robert E. Lee Davies
17-CV-51

McClarty, John W.: Affirm

Denied: Application of Jefferson
County Zoning Board

Order filed 8-6-21

STATE OF TENNESSEE v. MCKINNLEY MCGEE
E2020-00015-SC-R11-CD

Anderson County Circuit Court
Donald Ray Elledge
B8C00123

McMullen, Camille R.: Affirm

Denied: Application of McKinney
McGee

Order filed 8-4-21

STATE OF TENNESSEE v. JOHNVYA T. SMITH E2020-00409-SC-R11-CD	Knox County Criminal Court Steven Wayne Sword 104174	Glenn, Alan E.: Affirm	Denied: Application of Johnvya T. Smith Order filed 8-4-21
STATE OF TENNESSEE v. NICHOLAS GRASSIA E2020-00627-SC-R11-CD	Knox County Criminal Court Steven Wayne Sword 116237, 116265, 116278	Witt Jr., James Curwood: Affirm	Denied: Application of Nicholas C. Grassia, III Order filed 8-4-21
STATE OF TENNESSEE v. JALEEN GENARD ALLEN E2020-00632-SC-R11-CD	Knox County Criminal Court G. Scott Green 112482	Montgomery Jr., Robert H.: Affirm	Denied: Application of Jaleen Genard Allen Order filed 8-6-21
RANDALL TURNER v. STATE OF TENNESSEE E2021-00185-SC-R11-PC	Hamilton County Criminal Court Don W. Poole 236894	Montgomery Jr., Robert H., Ogle, Norma McGee, Witt Jr., James Curwood: Case Dispositional Decision	Denied: Application of Randall Turner Order filed 8-6-21
<u>Jackson</u>			
ANTHONY D. HERRON JR. v. STATE OF TENNESSEE W2019-00595-SC-R11-CV	Tennessee Claims Commission Commissioner, TN. Claims Commission (Western Division) T20182106	McGee, Carma Dennis: Affirm	Denied: Application of Anthony D. Herron Order filed 8-6-21

STATE OF TENNESSEE v. VICTOR VALLE
W2019-01767-SC-R11-CD

Shelby County Criminal Court
James M. Lammey
17-03946

Williams, John Everett: Affirm

Denied: Application of Victor
Valle

Order filed 8-5-21

ROBERT ECHOLS v. STATE OF TENNESSEE
W2019-01982-SC-R11-PC

Shelby County Criminal Court
Paula L. Skahan
11-00459

Thomas Jr., D. Kelly: Dismiss

Denied: Application of Robert
Luther Echols

Order filed 8-5-21

STATE OF TENNESSEE v. DAMON JOHNSON
W2020-00260-SC-R11-CD

Shelby County Criminal Court
W. Mark Ward
17-04436, C1704948

Dyer, J. Ross: Affirm

Denied: Application of Damon
Johnson

Order filed 8-5-21

CORA M. HAYWOOD v. TREXIS INSURANCE
CORPORATION ET AL.
W2020-00418-SC-R11-CV

Shelby County Circuit Court
Yolanda Kight Brown
CT-5295-19

Armstrong, Kenny W.: Affirm

Denied: Application of Cora M.
Haywood

Order filed 8-5-21

MELVIN HOPKINS v. STATE OF TENNESSEE W2020-00420-SC-R11-PC	Shelby County Criminal Court W. Mark Ward 13-02392	Dyer, J. Ross: Affirm	Denied: Application of Melvin Hopkins Order filed 8-5-21
STATE OF TENNESSEE v. LINDA HOLMES W2020-00424-SC-R11-CD	Madison County Circuit Court Donald H. Allen 19-483	Dyer, J. Ross: Affirm	Denied: Application of Linda Holmes Order filed 8-5-21
O'NEAL JOHNSON v. STATE OF TENNESSEE W2020-00638-SC-R11-PC	Shelby County Criminal Court Chris Craft 08-05447	Holloway Jr., Robert L.: Affirm	Denied: Application of O'Neal Johnson Order filed 8-6-21
STATE OF TENNESSEE v. DONALD L. ELLIOTT W2020-00769-SC-R11-CD	Weakley County Circuit Court Jeff Parham 2019-CR-65	Dyer, J. Ross: Affirm	Denied: Application of Donald L. Elliott Order filed 8-5-21

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

FILED
08/06/2021
Clerk of the
Appellate Courts

DAVID CHASE v. CHRIS STEWART ET AL.

**Circuit Court for Williamson County
No. 2015-200**

No. M2018-01991-SC-R11-CV

ORDER

Upon consideration of the application for permission to appeal of Dean Chase, Sandra Chase, and D. F. Chase, Inc., and the record before us, the application is denied.

The opinion of the Court of Appeals is designated “Not For Citation” in accordance with Supreme Court Rule 4, § E.

PER CURIAM

IN THE SUPREME COURT OF TENNESSEE
AT JACKSON

FILED
08/05/2021
Clerk of the
Appellate Courts

STATE OF TENNESSEE v. DOUGLAS E. LINVILLE

**Circuit Court for Hardin County
No. 18-CR-145**

No. W2019-02180-SC-R11-CD

ORDER

Upon consideration of the application for permission to appeal of Douglas E. Linville and the record before us, the application is granted solely as to the following issue:

Whether the Court of Criminal Appeals erred in its statutory interpretation of Tennessee Code Annotated section 39-17-432(b) when it found that the defendant is subject to sentencing at one classification higher than is provided for in section 39-17-417(b)-(i) when the drug-free zone is created by a park.

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

FILED

08/05/2021

Clerk of the
Appellate Courts

**STATE OF TENNESSEE v. RONALD LYONS, JAMES MICHAEL
USINGER, LEE HAROLD CROMWELL, AUSTIN GARY COOPER, AND
CHRISTOPHER ALAN HAUSER**

**Criminal Court for Davidson County
No. 2017-A-79**

No. M2019-01946-SC-R11-CD

ORDER

Upon consideration of the applications for permission to appeal of Ronald James Lyons, James Michael Usinger, Lee Harold Cromwell, Austin Gary Cooper, and Christopher Alan Hauser and the record before us, the applications are granted solely on the issue of whether the evidence was sufficient to support the convictions for forgery under Tennessee Code Annotated section 39-14-114.

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

FILED

08/06/2021

Clerk of the
Appellate Courts

PRYORITY PARTNERSHIP v. AMT PROPERTIES, LLC ET AL.

**Circuit Court for Hamilton County
No. 17C1340**

No. E2020-00511-SC-R11-CV

ORDER

Upon consideration of the application for permission to appeal of Pryority Partnership, the answer of AMT Properties, LLC and David Crick, and the record before us, the application is granted with respect to the following two issues only:

1. Whether the affirmative defense of comparative fault is applicable to a negligent misrepresentation cause of action in which the conduct of the plaintiff constituting the basis for that defense also pertains to the justifiable reliance element of the negligent misrepresentation cause of action?
2. Whether the rules of contract construction may be applied to an ambiguous contractual attorney's fee provision to determine the intent of that provision and conclude that it is enforceable?

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

PER CURIAM