



Tennessee Supreme Court
DISCRETIONARY APPEALS
Grants & Denials List
March 21, 2022 - March 25, 2022

GRANTS

Style/Appeal Number	County/Trial Judge/ Trial Court No.	Intermediate Court	Supreme Court Action
<u>Nashville</u>			
IN RE MARKUS E. M2019-01079-SC-R11-PT	Davidson County Circuit Court Philip E. Smith 16D2220	McBrayer, W. Neal: Affirm	GRANTED - Application of the father, Mark E., and adopted and joined by the mother, Nakesha M.; Order filed 3-23-2022 (See Attached Order)
STATE OF TENNESSEE v. JOSEPH GEVEDON M2020-00359-SC-R11-CD	Giles County Circuit Court Stella L. Hargrove CR-14841, CR-14842	McMullen, Camille R.: Dismiss Williams, John Everett: Dissent	GRANTED - Application of Joseph Gevedon; Order filed 3-24-2022 (See Attached Order)
ROBERT CROTTY, ET AL. v. MARK FLORA, M.D. M2021-01193-SC-R11-CV	Davidson County Circuit Court Joseph P. Binkley, Jr. 17C614	Per Curiam: Case Dispositional Decision	GRANTED - Application of Mark Flora; DENIED - Motion of Jennifer

Crotty and Robert Crotty to dismiss the Application as untimely;

Order Filed 3-24-2022
(See Attached Order)

GREG ADKISSON, ET AL v. JACOBS
ENGINEERING GROUP, INC.
M2021-01239-SC-R23-CV

U. S. DISTRICT COURT OF TENNESSEE
Thomas A. Varlan
3-13-CV-505-TAV-HBG, 3-13-CV-666-TAV-HBG, 3-14-CV-20-TAV-HBG, 3-15-CV-17-TAV-HBG, 3-15-CV-274-TAV-HBG, 3-15-CV-420-TAV-HBG, 3-15-CV-460-TAV-HBG, 3-15-CV-462-TAV-HBG, 3-16-CV-635-TAV-HBG, 3-17-CV-282-TAV-HBG, 3-17-CV-547-TAV-HBG, 3-18-CV-153-TAV-HBG, 3-19-CV-219-TAV-HBG

ACCEPTED - SCT RULE 23
QUESTIONS - regarding TSCPA requirements;
GRANTED - Motion to file an amicus brief by the Coalition for Litigation Justice, Inc.;

Order filed 3-24-2022 (See Attached Order)

Knoxville

STATE OF TENNESSEE v. JOHNNY SUMMERS
CAVIN
E2020-01333-SC-R11-CD

Sullivan County Criminal Court
James F. Goodwin, Jr.
S72963

McMullen, Camille R.: Dismiss
Holloway Jr., Robert L.: Dissent

GRANTED - Application of Johnny Summers Cavin;

Order Filed 3-24-2022
(See Attached Order)

Jackson

PAUL ZACHARY MOSS v. SHELBY COUNTY
CIVIL SERVICE MERIT BOARD
W2017-01813-SC-R11-CV

Shelby County Chancery Court
JoeDae L. Jenkins
CH-15-1669

McGee, Carma Dennis: Affirm in Part

GRANTED - Application of Shelby County Civil Service Board;

Order Filed 3-25-2022

DENIALS

Style/Appeal Number	County/Trial Judge/ Trial Court No.	Intermediate Court	Supreme Court Action
<u>Nashville</u>			
STATE OF TENNESSEE v. JEREMY LEE CARTER M2019-00454-SC-R11-CD	Macon County Criminal Court Brody N. Kane 13-CR-165, 16-CR-307	Williams, John Everett: Affirm	DENIED - Application of Jeremy Lee Carter; Order Filed 3-23-2022
STATE OF TENNESSEE v. MARGLE OTIS WARD M2019-02172-SC-R11-CD	Warren County Circuit Court Larry B. Stanley, Jr. 15-CR-748, 19-CR-2166, F-14486	Holloway Jr., Robert L.: Affirm	DENIED - Application of Margle Otis Ward; Order Filed 3-25-2022
STATE OF TENNESSEE v. HOMER ALSON MADDIN, III M2020-00795-SC-R11-CD	Davidson County Criminal Court Steve R. Dozier 2003-A-393	Williams, John Everett: Affirm	DENIED - Application of Homer Alson Maddin, III; Order Filed 3-24-2022

STATE OF TENNESSEE v. SIMON DEAN PORTER M2020-00860-SC-R11-CD	Lawrence County Circuit Court Stella L. Hargrove 35602	McMullen, Camille R.: Affirm	DENIED - Application of Simon Dean Porter; Order Filed 3-24-2022
RACHEL RANSOM STRICKLAND v. PATRICK DUSTIN STRICKLAND M2020-01070-SC-R11-CV	Williamson County Chancery Court Joseph A. Woodruff 94CH1-2016-CV-45100	Bennett, Andy D.: Reverse in Part	DENIED - Application of Rachel Ransom Strickland; Order Filed 3-23-2022
JOHN L. MITCHELL, ADMINISTRATOR FOR THE ESTATE OF LOUISIANA CLARDY MCCLARON, DECEASED v. WILLIAM C. JOHNSON, ET AL. M2020-01243-SC-R11-CV	Montgomery County Chancery Court Laurence M. McMillan, Jr. MC CH CV RE-18-12	Clement Jr., Frank G.: Affirm	DENIED - Application of Rita Y. Johnson and William C. Johnson; Order Filed 3-23-2022
TENNESSEANS FOR SENSIBLE ELECTION LAWS v. HERBERT H. SLATERY, III ET AL. M2020-01292-SC-R11-CV	Davidson County Chancery Court Ellen Hobbs Lyle 20-0312-III	Clement Jr., Frank G.: Vacate	DENIED - Application of Tennesseans for Sensible Election Laws; GRANTED-Motions to file amicus briefs Institute for Justice, S.E. Legal Foundation & Beacon Center of TN; Order Filed 3-24-2022

STATE OF TENNESSEE v. CASSIUS DOMINQUE IVORY M2020-01458-SC-R11-CD	Rutherford County Circuit Court (CRIMINAL) David M. Bragg 81766-A	Witt Jr., James Curwood: Affirm	DENIED - Application of Cassius Dominque Ivory; Order Filed 3-23-2022
STATE OF TENNESSEE v. JOSEPH STREET M2021-00036-SC-R11-CD	Rutherford County Circuit Court (CRIMINAL) David M. Bragg 2018-CR-79278	Witt Jr., James Curwood: Affirm	DENIED - Application of Joseph Street; Order Filed 3-24-2022
FRED AUSTON WORTMAN, III v. STATE OF TENNESSEE, TENNESSEE BOARD OF PAROLE ET AL. M2021-00068-SC-R11-CV	Davidson County Chancery Court Russell T. Perkins 20-217-IV	Swiney, D. Michael: Affirm	DENIED - Application of Fred Auston Wortman, II; DENIED - Motion to take judicial notice of Fred Auston Wortman, II; Order Filed 3-24-2022
ROBERT WELCH ET AL. v. CATHERINE WELCH ET AL. M2021-00081-SC-R11-CV	Davidson County Circuit Court Amanda Jane McClendon 20C1889	Goldin, Arnold B.: Affirm	DENIED - Application of Kelly Welch, Robert Welch and Kim Stangenberg; Order Filed 3-25-2022

PERRY SINGO v. STATE OF TENNESSEE
M2021-00299-SC-R11-HC

Hickman County Circuit Court
Michael E. Spitzer
20-CV-37

Dyer, J. Ross: Affirm

DENIED - Application of Perry
Singo;
Order Filed 3-24-2022

STATE OF TENNESSEE v. ARNOLD DRAPER
SHAWELL
M2021-00507-SC-R11-CD

Davidson County Criminal Court
Monte Watkins
2017-C-1581

Holloway Jr., Robert L.: Affirm

DENIED - Application of Arnold
Draper Shawell;
Order Filed 3-25-2022

MOHAMMAD CHORAZGHIAZAD v.
MOHAMMAD NASER CHORAZGHIAZAD
M2021-01124-SC-R11-CV

Wilson County Chancery Court
Charles K. Smith
2020-CV-432

Per Curiam: Case Dispositional
Decision

DENIED - Application of
Mohammad Chorazghiazad;
remand to trial court;
Order Filed 3-23-2022

Knoxville

STATE OF TENNESSEE v. JONATHAN RICHENS
E2019-01854-SC-R11-CD

Sevier County Circuit Court
James L. Gass
24590, 25074-II

Montgomery Jr., Robert H.: Affirm

DENIED - Application of Jonathan
Richens;
Order Filed 3-23-2022

STATE OF TENNESSEE v. ADRIAN WAITE E2019-02017-SC-R11-CD	Hamilton County Criminal Court Thomas C. Greenholtz 303750, 303754	Thomas Jr., D. Kelly: Affirm	DENIED - Application of Adrian Waite; Order Filed 3-25-2022
STATE OF TENNESSEE v. CURTIS BROWN E2019-02052-SC-R11-CD	Hamilton County Criminal Court Thomas C. Greenholtz 300663	Ogle, Norma McGee: Affirm	DENIED - Application of Curtis Dewayne Brown; Order Filed 3-23-2022
STATE OF TENNESSEE v. ERIC BOYD E2019-02272-SC-R11-CD	Knox County Criminal Court Bobby R. McGee 112657	Easter, Timothy L.: Affirm	DENIED - Application of Eric Boyd; Order Filed 3-25-2022
STATE OF TENNESSEE v. ROBERT CHARLES ATKINS E2020-00351-SC-R11-CD	Monroe County Criminal Court Andrew M. Freiberg 17-023	Ogle, Norma McGee: Affirm	DENIED - Application of Robert Charles Atkins; Order Filed 3-25-2022
STATE OF TENNESSEE v. JOSEPH JOHN TURCHIN E2020-00491-SC-R11-CD	Monroe County Criminal Court Andrew M. Freiberg 17-380	Ogle, Norma McGee: Affirm	DENIED - Application of Joseph Turchin; Order Filed 3-23-2022

JENNIFER KING v. DELFASCO, LLC ET AL.
E2020-01038-SC-R11-CV

Greene County Circuit Court
Beth Boniface
14-CV-409

Swiney, D. Michael: Affirm

DENIED - Application of Delfasco Finance, LLC and Delfasco, LLC; GRANTED-Motion of TN Chamber of Commerce & Industry to file a brief in support of the Application;

Order Filed 3-23-2022

STATE OF TENNESSEE v. DAVID LEE RICHARDSON
E2020-01223-SC-R11-CD

Hamilton County Criminal Court
Thomas C. Greenholtz
301791

Witt Jr., James Curwood: Affirm

DENIED - Application of David Lee Richardson;

Order Filed 3-25-2022

KEVIN FARRELL WELLS v. STATE OF TENNESSEE
E2020-01278-SC-R11-PC

Sullivan County Criminal Court
James F. Goodwin, Jr.
C68-949

Ayers, Jill Bartee: Affirm

DENIED - Application of Kevin Farrell Wells;

Order Filed 3-23-2022

STATE OF TENNESSEE v. SHAWN CASEY WALKER
E2020-01418-SC-R11-CD

Cocke County Circuit Court
Carter Scott Moore
9170

Easter, Timothy L.: Affirm

DENIED - Application of Shawn Casey Walker;

Order Filed 3-23-2022

JOHN WILLIAM OWENS v. MEREDITH
ELIZABETH OWENS
E2020-01470-SC-R11-CV

Meigs County Chancery Court
Casey Mark Stokes
D-1746

McClarty, John W.: Reverse in Part

DENIED - Application of Meredith
Elizabeth Owens;

Order Filed 3-23-2022

STATE OF TENNESSEE v. JOSEPH SARKOZY
E2020-01724-SC-R11-CD

Bradley County Criminal Court
Sandra Donaghy
19CR261

McMullen, Camille R.: Affirm

DENIED - Application of Joseph
Sarkozy;
DENIED - Joseph Sarkozy's
Motion for Appointment of
Counsel;

Order Filed 3-25-2022

TERRELL BIGGS, JR. v. LIBERTY MUTUAL
INSURANCE COMPANY
E2021-00138-SC-R11-CV

Sullivan County (Kingsport) Law Court
John S. McLellan, III
C41023

Frierson II, Thomas R.: Affirm

DENIED - Application of Terrell
Biggs, Jr.;

Order Filed 3-23-2022

Jackson

JONAH PAUL ANDERS v. MAYLA C. ANDERS
W2018-02172-SC-R11-CV

Shelby County Circuit Court
Gina C. Higgins
CT-005367-14

Goldin, Arnold B.: Affirm

DENIED - Application of Jonah
Paul Anders;

Order Filed 3-24-2022

STATE OF TENNESSEE v. MICKEY VERCHELL SHANKLIN W2019-01460-SC-R11-CD	Madison County Circuit Court Donald H. Allen 18-854-B	Williams, John Everett: Affirm in Part McMullen, Camille R.: Dissent	DENIED - Application of Mickey Verchell Snanklin and Motion for Appointment of Counsel; Order Filed 3-24-2022
STATE OF TENNESSEE v. MICHAEL E. WHITE W2020-00857-SC-R11-CD	Madison County Circuit Court Roy B. Morgan, Jr. 19-634	Dyer, J. Ross: Affirm	DENIED - Application of Michael E. White; Order Filed 3-24-2022
STATE OF TENNESSEE v. CRYSTAL MICHELLE RICKMAN W2020-00901-SC-R11-CD	Madison County Circuit Court Donald H. Allen 19-743	Wedemeyer, Robert W.: Affirm	DENIED - Application of Crystal Michelle Rickman; Order Filed 3-24-2022
MICHAEL KIZER v. STATE OF TENNESSEE W2020-00929-SC-R11-ECN	Shelby County Criminal Court Jennifer Johnson Mitchell 10-08128	Wedemeyer, Robert W.: Affirm	DENIED - Application of Michael Kizer; Order Filed 3-24-2022

STATE OF TENNESSEE v. CASEY LYNN HOPPER W2020-00935-SC-R11-CD	Madison County Circuit Court Donald H. Allen 19-570	Thomas Jr., D. Kelly: Affirm	DENIED - Application of Casey Lynn Hopper; Order Filed 3-24-2022
STATE OF TENNESSEE v. ANNON SARA ALOQILI W2020-01219-SC-R11-CD	Madison County Circuit Court Roy B. Morgan, Jr. 19-608	Ayers, Jill Bartee: Affirm	DENIED - Application of Annon Sara Aloqili; Order Filed 3-24-2022
FIRST COMMUNITY MORTGAGE INC. v. APPRAISAL SERVICES GROUP INC. ET AL. W2020-01246-SC-R11-CV	Weakley County Chancery Court W. Michael Maloan 24599	Stafford, J. Steven: Affirm	DENIED - Application of First Community Mortgage, Inc.; Order Filed 3-24-2022
STATE OF TENNESSEE v. BENJAMIN BARTON W2020-01273-SC-R11-CD	Shelby County Criminal Court James M. Lammey 17-02023	Williams, John Everett: Affirm	DENIED - Application of Benjamin Barton; Order Filed 3-24-2022
STATE OF TENNESSEE v. TORIUS SAVILLE RUSSELL W2020-01323-SC-R11-CD	Dyer County Circuit Court R. Lee Moore, Jr. 17-CR-50, 17-CR-51	Easter, Timothy L.: Affirm	DENIED - Application of Torius Saville Russell; Order Filed 3-24-2022

STATE OF TENNESSEE v. VERN BRASWELL
W2021-00152-SC-R11-CD

Shelby County Criminal Court
Paula L. Skahan
05-03038

Easter, Timothy L.: Affirm

DENIED - Application of Vern
Braswell;

Order Filed 3-24-2022

LARRY PITTMAN v. STATE OF TENNESSEE
W2021-00491-SC-R11-ECN

Madison County Circuit Court
Kyle C. Atkins
C-19-105

Witt Jr., James Curwood: Affirm

DENIED - Application of Larry
Pittman;

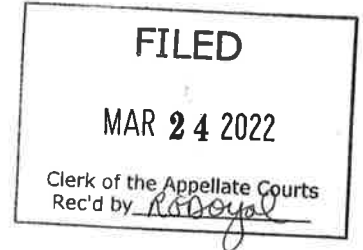
Order Filed 3-24-2022
(Chief Justice Roger A. Page, not
participating)

IN THE SUPREME COURT OF TENNESSEE
AT KNOXVILLE

STATE OF TENNESSEE v. JOHNNY SUMMERS CAVIN

Criminal Court for Sullivan County
No. S72963

No. E2020-01333-SC-R11-CD



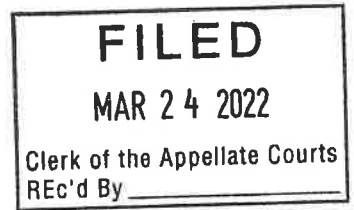
ORDER

Upon consideration of the application for permission to appeal of Johnny Summers Cavin and the record before us, the application is granted.

This case shall be set for oral argument with *State of Tennessee v. Joseph Gevedon*, No. M2020-00359-SC-R11-CD, Circuit Court for Giles County, on the September 2022 Docket in Knoxville. These appeals share a common issue, but they shall not be considered consolidated pursuant to Tenn. R. App. P. 16(a). Separate oral arguments shall be permitted pursuant to Tenn. R. App. P. 35(c).

PER CURIAM

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE



ROBERT CROTTY, ET AL. v. MARK FLORA, M.D.

**Circuit Court for Davidson County
No. 17C614**

No. M2021-01193-SC-R11-CV

ORDER

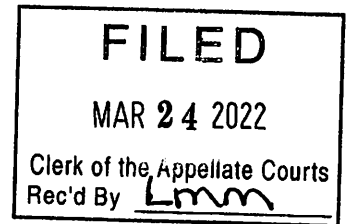
The appellees, Jennifer Crotty and Robert Crotty, filed a motion to dismiss the application for permission to appeal of Mark Flora as untimely. The Court respectfully denies the motion.

Upon consideration of the application for permission to appeal of Mark Flora 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. JOSEPH GEVEDON

**Circuit Court for Giles County
No. CR-14841, CR-14842**

No. M2020-00359-SC-R11-CD

ORDER

Upon consideration of the application for permission to appeal of Joseph Gevedon and the record before us, the application is granted. For purposes of supplemental briefing and oral argument, the Court is particularly interested in the following issues:

1. Whether a trial court's judgment is final for purposes of Rule 3 of the Tennessee Rules of Appellate Procedure when the trial court orders restitution pursuant to Tennessee Code Annotated section 40-35-304 but does not specify a payment schedule for restitution.
2. Whether the trial court in this case abused its discretion by ordering the defendant to pay \$30,490.76 in restitution without considering the defendant's future ability to pay, after revoking the defendant's probation and ordering him to serve three consecutive sentences of eleven months and twenty-nine days in confinement.
3. Whether the trial court erred by converting the judgment ordering restitution into a civil judgment without following the process prescribed by Tennessee Code Annotated section 40-35-304(h).

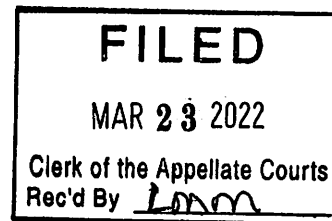
This case shall be set for oral argument with *State of Tennessee v. Johnny Summers Cavin*, No. E2020-01333-SC-R11-CD, Criminal Court for Sullivan County, on the September 2022 Docket in Knoxville. These appeals share a common issue, but they shall not be considered consolidated pursuant to Tenn. R. App. P. 16(a). Separate oral arguments shall be permitted pursuant to Tenn. R. App. P. 35(c).

PER CURIAM

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

IN RE MARKUS E.

Circuit Court for Davidson County
No. 16D2220



No. M2019-01079-SC-R11-PT

ORDER

Upon consideration of the application for permission to appeal filed by the father, Mark E., and adopted and joined by the mother, Nakesha M., and the record before us, the application is granted.

In addition to the issue raised in the father's application, the Court, pursuant to Tenn. R. App. P. 13(b), directs the parties to address the following:

1. Whether the evidence supports the two grounds for termination of parental rights as to the mother.
2. Whether the termination proceeding was fundamentally fair, particularly as to the mother based on the exclusion of her mental health assessment.

This cause shall be set for oral argument on the Court's June 1, 2022 docket in Nashville. An expedited briefing schedule is necessary. The father and the mother shall file their respective briefs no later than April 18, 2022. The appellee, Tennessee Department of Children's Services, and the guardian ad litem shall file their respective briefs no later than May 13, 2022. Any reply briefs shall be filed no later than May 20, 2022. As a part of the expedited procedure in this appeal, the parties shall file and serve their respective briefs electronically in accordance with Tennessee Supreme Court Rule 46.

PER CURIAM

IN THE SUPREME COURT OF TENNESSEE
AT JACKSON

**PAUL ZACHARY MOSS v. SHELBY COUNTY CIVIL SERVICE MERIT
BOARD**

Chancery Court for Shelby County
No. CH-15-1669

No. W2017-01813-SC-R11-CV

FILED

MAR 25 2022

Clerk of the Appellate Courts
Rec'd By 

ORDER

Upon consideration of the application for permission to appeal of Shelby County Civil Service Board 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

FILED

MAR 24 2022

Clerk of the Appellate Courts
Rec'd By _____

**IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE**

GREG ADKISSON, ET AL. v. JACOBS ENGINEERING GROUP, INC.

**Rule 23 Certified Question of Law
from the United States District Court
for the Eastern District of Tennessee**

**Nos. 3:13-CV-505-TAV-HBG, 3:13-CV-666-TAV-HBG, 3:14-CV-20-TAV-HBG,
3:15-CV-17-TAV-HBG, 3:15-CV-274-TAV-HBG, 3:15-CV-420-TAV-HBG,
3:15-CV-460-TAV-HBG, 3:15-CV-462-TAV-HBG, 3:16-CV-635-TAV-HBG,
3:17-CV-282-TAV-HBG, 3:17-CV-547-TAV-HBG, 3:18-CV-153-TAV-HBG,
3:19-CV-219-TAV-HBG**

No. M2021-01239-SC-R23-CV

ORDER

Pursuant to Tennessee Supreme Court Rule 23, a certification order was filed in this Court on October 18, 2021, by the United States District Court for the Eastern District of Tennessee. Briefs have now been filed pursuant to Section 7, and, upon consideration of the certification order and the briefs filed by the parties, this Court accepts certification of the following questions of law:

1. Are the requirements of the TSCPA an affirmative defense that must be pleaded in a responsive pleading, or are they prima facie requirements which can be raised at any stage of litigation?
2. Do the TSCPA's requirements apply to all cases involving exposure to silica or mixed dust, or, if coal ash is silica or mixed dust within the meaning of the TSCPA, are plaintiffs' claims exempted from the TSCPA's requirements because they are raised under the common law?
3. Does coal ash, which contains silica, fibrogenic dusts, and other components that may cause injury, but are not "fibrogenic dusts," constitute "silica" or "mixed dust" such that the requirements of the TSCPA would apply in these cases?

4. If coal ash does qualify as silica or mixed dust, does the TSCPA apply even if plaintiffs' claims are based on injury resulting from exposure to elements of coal ash that are not silica or fibrogenic dusts?

Pursuant to Rule 23, Section 7(B) of the Supreme Court Rules, this Court desires to have oral argument by the parties. This case shall be set for hearing at the Court's June 1, 2022 session in Nashville.

Additionally, the motion to file an amicus brief by the Coalition for Litigation Justice, Inc. ("the Coalition") is hereby granted. The Coalition may file its brief within twenty days of the date of this order. The parties to this action may file briefs in response within ten days of the Coalition's filing.

PER CURIAM