

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

\* \* C O R R E C T E D \* \*

Tuesday, January 17, 2012

GRANTS

STYLE/APPEAL NUMBER	COUNTY TRIAL JUDGE TRIAL COURT NO.	APPELLATE JUDGE JUDGMENT	NATURE OF APPEAL	ACTION
<u>Nashville</u>				
State of Tennessee, by and through Robert E. Cooper, Jr., Attorney General and Reporter for the State of Tennessee v. NV Sumatra Tobacco Trading Company M2010-01955-SC-R11-CV	Davidson County Chancery Court Chancellor Carol L. McCoy No. 031613-II	Stafford, J., Reversed, Summary Judgment Granted, Remanded	Rule 11	<b>Granted</b> - Application of NV Sumatra Tobacco Trading Company  <b>(Order filed 1-11-2012; copy attached)</b>
Porsha Perkins v. The Metropolitan Government of Nashville and Davidson County M2010-02021-SC-R11-CV	Davidson County Circuit Court Judge Barbara N. Haynes No. 08C733	Cottrell, J., Affirmed	Rule 11	<b>Granted</b> - Application of Porsha Perkins; <b>Granted</b> - Tennessee Employment Lawyers Association's Motion for Leave to file Amicus Brief in Support of Application  <b>(Order filed 1-11-2012; copy attached)</b>

Paul Dennis Reid, Jr. v. State of Tennessee M2009-00128-SC-R11-PD; M2009-00360-SC-R11-PD; M2009-01557-SC-R11-PD	Montgomery County Circuit Court - No. 38887 Judge John Gasaway, III Davidson County Criminal Court - Nos. 97-C-1836 & 97-C-1834 Judge Cheryl Blackburn	Welles, J., Affirmed	Rule 11	<b>Granted</b> - Application of Paul Dennis Reid, Jr.  <b>(Order filed 1-11-2012; copy attached)</b>
State of Tennessee v. Carl J. Wagner M2010-00992-SC-R11-CD	Davidson County Criminal Court Judge Steve Dozier No. 2009-A-305	Witt, J., Affirmed in Part; Reversed and Dismissed in Part	Rule 11	<b>Granted</b> - Application of the State of Tennessee  <b>(Order filed 1-11-2012; copy attached)</b>
<b><u>Knoxville</u></b>				
Rondal Akers, et al. v. Prime Succession of Tennessee, Inc., et al. E2009-02203-SC-R11-CV	Bradley County Circuit Court Judge William Neil Thomas, III No. V02623	Swiney, J., Affirmed	Rule 11	<b>Granted</b> - Application of T. Ray Brent Marsh and Rondal & Lucinda Akers  <b>(Order filed 1-11-2012; copy attached)</b>
State of Tennessee v. Susan Renee Bise E2011-00005-SC-R11-CD	Greene County Circuit Court Judge John F. Dugger, Jr. No. 09CR353	Glenn, J., Modified & Remanded	Rule 11	<b>Granted</b> - Application of the State of Tennessee; Counsel appointed to Susan Renee Bise in the appeal  <b>(Order filed 1-11-2012; copy attached)</b>
Brandon Mobley v. State of Tennessee E2010-00379-SC-R11-PC	Knox County Criminal Court Judge McGee No. 89072	Witt, J., Reversed	Rule 11	<b>Granted</b> - Application of the State of Tennessee  <b>(Order filed 1-10-2012; copy attached)</b>

**Jackson**

State of Tennessee v. Guy Alvin Williamson W2011-00049-SC-R11-CD	Tipton County Circuit Court Judge Joseph H. Walker No. 6572	Glenn, J., Affirmed	Rule 11	<b>Granted</b> - Application of Guy Alvin Williamson  <b>(Order filed 1-11-2012; copy attached)</b>
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**SUPREME COURT OF TENNESSEE  
SUPREME COURT DISCRETIONARY APPEALS**

Tuesday, January 17, 2012

**\* \* C O R R E C T E D \* \***

**DENIALS**

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. Sandy L. Binkley M2010-00486-SC-R11-CD	Sumner County Criminal Court Judge Dee David Gay No. 2009CR63	Wedemeyer,J., Affirmed	Rule 11	<b>Denied</b> - Application of Sandy L. Binkley  <b>(Order filed 1-11-2012)</b>

State of Tennessee v. Frederick Edward Braxton and Leonard Cardell Harris M2009-01735-SC-R11-CD	Davidson County Criminal Court Judge Steve Dozier No. 2007-A-732	Woodall, J., Affirmed	Rule 11	<b>Denied</b> - Application of Frederick Edward Braxton and Leonard Cardell Harris  <b>(Order filed 1-10-2012)</b>
Renee N. Dhillon v. Gursheel S. Dhillon M2011-01614-SC-R11-CV	Williamson County Chancery Court Judge Jeffrey S. Bivins No. 33026	Per Curiam, Dismissed	Rule 11	<b>Denied</b> - Application of Gursheel S. Dhillon; <b>Denied</b> - "Emergency Motion to Seek Extension of Time for Filing of Brief", "Motion for Recusal of the Middle District Appellate Court and the Supreme Court And to Set Aside Orders in this Matter Motion to Grant a New Trial Rule 60.02" and letter to Chief Justice Cornelia Clark filed December 22, 2011 by Gursheel S. Dhillon  <b>(Order filed 1-12-2012)</b>
State of Tennessee v. James Earl Garrett, Jr. M2010-01391-SC-R11-CD	Dickson County Circuit Court Judge Larry Wallace No. 22CC-2008-CR-171	Witt, J., Affirmed	Rule 11	<b>Denied</b> - Application of James Earl Garrett, Jr.  <b>(Order filed 1-10-2012)</b>
Alisha J. Glisson v. State of Tennessee M2010-01483-SC-R11-PC	Davidson County Criminal Court Judge Seth Norman No. 2002-C-1508	McMullen, J., Affirmed	Rule 11	<b>Denied</b> - Application of Alisha J. Glisson  <b>(Order filed 1-13-2012)</b>
Kenneth Hoover v. State of Tennessee M2011-01333-SC-R11-PC	Davidson County Criminal Court Judge Steve Dozier No. 2004D2641	Smith, J., Order Dismissing Appeal	Rule 11	<b>Denied</b> - Application of Kenneth Hoover  <b>(Order filed 1-11-2012)</b>

Trevor Moore, et al. v. Houston County Board of Education M2010-02166-SC-R11-CV	Houston County Circuit Court Judge Robert E. Burch No. 1397	Dinkins, J., Reversed in Part and Affirmed in Part	Rule 11	<b>Denied</b> - Application of Houston County Board of Education  <b>(Order filed 1-13-2012)</b>
Jerry Ann Winn v. Welch Farm, LLC, et al. M2010-02558-SC-R11-CV	Montgomery County Chancery Court Chancellor Laurence McMillan No. MCCHCVCD0762	Dinkins, J., Affirmed	Rule 11	<b>Denied</b> - Application of Jerry Ann Winn  <b>(Order filed 1-11-2012)</b>
<b><u>Knoxville</u></b>				
State of Tennessee v. Dequon Letray Boyd, et al E2009-02071-SC-R11-CD	Hamilton County Criminal Court Judge Barry A. Steelman Nos. 270420 & 270421	Woodall, J., Affirmed	Rule 11	<b>Denied</b> - Applications of Dequon Letray Boyd and Jemarow Tillison  <b>(Order filed 1-11-2012)</b>
Dwayne R. Cross v. State of Tennessee E2009-02153-SC-R11-CO	Blount County Circuit Court Judge David Reed Duggan Nos. C10380, C10542	Witt, J., Tipton, J., Ogle, J., Affirmed	Rule 11	<b>Denied</b> - Application of Dwayne R. Cross  <b>(Order filed 1-12-2012)</b>
Jackie F. Curry v. State of Tennessee E2011-00607-SC-R11-HC	Johnson County Circuit Court Judge Cupp No. 5658	Glenn, J., Affirmed	Rule 11	<b>Denied</b> - Application of  <b>(Order filed 1-10-2012)</b>
State of Tennessee v. Valentino L. Dyer E2010-02578-SC-R11-CD	Rhea County Circuit Court Judge J. Curtis Smith No. 17043	Glenn, J., Affirmed	Rule 11	<b>Denied</b> - Application of Valentino L. Dyer  <b>(Order filed 1-11-2012)</b>

Diana (Schutts) Gilbert v. Drew Edward Gilbert E2009-02118-SC-R11-CV	Knox County Chancery Court Chancellor Daryl R. Fansler No. 1645202	McClarty, J., Affirmed	Rule 11	<b>Denied</b> - Application of Drew Edward Gilbert  <b>(Order filed 1-11-2012)</b>
State of Tennessee v. William Toby Johnson E2009-02374-SC-R11-CD	Hamilton County Criminal Court Judge Don W. Poole No. 270432	Woodall, J., Affirmed	Rule 11	<b>Denied</b> - Application of William Toby Johnson  <b>(Order filed 1-11-2012)</b>
Bobby Murray, et al. v. Dennis Miracle, et al. E2010-02425-SC-R11-CV	Roane County Chancery Court Judge Frank V. Williams, III No. 16543	McClarty, J., Reversed and Remanded	Rule 11	<b>Denied</b> - Application of Dennis Miracle and Robert Daniel Smith  <b>(Order filed 1-11-2012)</b>
Anne Payne v. CSX Transportation, Inc. E2011-02107-SC-R10-CV	Knox County Circuit Court Judge Harold Wimberly, Jr. No. 223107	Swiney, J., Franks, J., McClarty, J., Denied	Rule 10	<b>Denied</b> - Application of Anne Payne  <b>(Order filed 1-13-2012)</b>
Billie Seay v. Betty S. Walsh, et al. E2010-02598-SC-R11-CV	Knox County Circuit Court Judge Wheeler A. Rosenbalm No. 3-322-06	Susano, J., Affirmed	Rule 11	<b>Denied</b> - Application of Thomas Walsh  <b>(Order filed 1-11-2012)</b>
Daniel Wade Wilson v. State of Tennessee E2010-00451-SC-R11-PC	Sullivan County Criminal Court Judge Robert H. Montgomery, Jr. Nos. C55,388 & S42735	Ogle, J., Dismissed	Rule 11	<b>Denied</b> - Application of Daniel Wade Wilson  <b>(Order filed 1-11-2012)</b>

**Jackson**

State of Tennessee v. Korey Bradley W2009-02024-SC-R11-CD	Shelby County Criminal Court Judge W. Mark Ward No. 0800512	Woodall, J., Affirmed	Rule 11	<b>Denied</b> - Application of Korey Bradley  <b>(Order filed 1-11-2012)</b>
State of Tennessee v. Janice Gates In Re: Javier Michael Bailey W2010-02155-SC-R11-CD	Shelby County Criminal Court Judge John Fowlkes No. 09-06381	Smith, J., Wedemeyer, J. Contempt Order against Bailey	Rule 11	<b>Denied</b> - Application of Javier Michael Bailey  <b>(Order filed 1-10-2012)</b>
Stephen Lynn Hugueley v. State of Tennessee W2009-00271-SC-R11-PD	Hardeman County Circuit Court Judge J. Weber McCraw No. 6665	Williams, J., Affirmed	Rule 11	<b>Denied</b> - Stephen Lynn Hugueley's Petition for Rehearing Denial of Application for Permission to Appeal  <b>(Order filed 1-11-2012)</b>
State of Tennessee v. Terry Johnson W2009-01253-SC-R11-CD	Shelby County Criminal Court Judge Lee V. Coffee No. 0801531	Woodall, J., Affirmed	Rule 11	<b>Denied</b> - Application of Terry Johnson  <b>(Order filed 1-13-2012)</b>
Jason Kayser v. State of Tennessee W2010-02234-SC-R11-PC	Weakley County Circuit Court Judge William B. Acree, Jr. No. 2010CR35	Tipton, J., Affirmed	Rule 11	<b>Denied</b> - Application of Jason Kayser  <b>(Order filed 1-11-2012)</b>
State of Tennessee v. Shawn Macklin W2011-01488-SC-S09-CD	Dyer County Circuit Court Judge Lee Moore No. 08-CR9238	McMullen, J., Denied Rule 9	Rule 9	<b>Denied</b> - Application of Shawn Macklin  <b>(Order filed 1-11-2012)</b>
State of Tennessee v. Steven Malone W2010-00947-SC-R11-CD	Shelby County Criminal Court Judge Paula Skahan No. 07-05771	Welles, J., Affirmed	Rule 11	<b>Denied</b> - Application of Steven Malone  <b>(Order filed 1-10-2012)</b>

State of Tennessee v. Roderick Moore W2010-01233-SC-R11-CD	Shelby County Criminal Court Judge Carolyn Wade Blackett No. 05-02464	Welles, J., Affirmed and Remanded	Rule 11	<b>Denied</b> - Application of Roderick Moore <b>(Order filed 1-13-2012)</b>
State of Tennessee v. Matthew Perry W2010-00951-SC-R11-CD	Shelby County Criminal Court Judge Paula Skahan No. 08-02978	Wedemeyer,J., Affirmed	Rule 11	<b>Denied</b> - Application of Matthew Perry <b>(Order filed 1-10-2012)</b>
Robert Earl Smith v. State of Tennessee W2010-00305-SC-R11-PC	Shelby County Criminal Court Judge Chris Craft No. 0209026	McMullen, J., Affirmed	Rule 11	<b>Denied</b> - Application of Robert Earl Smith <b>(Order filed 1-13-2012)</b>

IN THE SUPREME COURT OF TENNESSEE  
AT NASHVILLE

**STATE OF TENNESSEE, by and through ROBERT E. COOPER, JR., Attorney General  
and Reporter for the State of Tennessee**

**v.**

**NV SUMATRA TOBACCO TRADING COMPANY**

**Chancery Court for Davidson County  
No. 031613II**

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**No. M2010-01955-SC-R11-CV - Filed January 11, 2012**

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**ORDER**

Upon consideration of the application for permission to appeal of NV Sumatra Tobacco Trading Company 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

**PORSHA PERKINS v. THE METROPOLITAN GOVERNMENT OF NASHVILLE AND  
DAVIDSON COUNTY**

**Circuit Court for Davidson County  
No. 08C733**

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**No. M2010-02021-SC-R11-CV - Filed January 11, 2012**

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**ORDER**

Upon consideration of the application for permission to appeal of Porsha Perkins and the record before us, the application is granted. The Tennessee Employment Lawyers Association's motion for leave to file an amicus brief in support of the application is also 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

**PAUL DENNIS REID, JR. v. STATE OF TENNESSEE**

**Circuit Court for Montgomery County**

**No. 38887**

**Criminal Court for Davidson County**

**Nos. 97-C-1836 & 97-C-1834**

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**Nos. M2009-00128-SC-R11-PD; M2009-00360-SC-R11-PD; &  
M2009-01557-SC-R11-PD - Filed January 11, 2012**

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**ORDER**

Upon consideration of the Tenn. R. App. P. 11 application for permission to appeal filed on behalf of Paul Dennis Reid, Jr., and the record before us, the application is granted.

Among the issues raised in Mr. Reid's application,<sup>1</sup> the Court is particularly interested in the following issues:

- (1) Whether the test for capacity to bring or maintain an action in Reid v. State, 197 S.W.3d 694, 699-702 (Tenn. 2006) and State v. Nix, 40 S.W.3d 459, 464 (Tenn. 2001) that requires a litigant to understand his or her legal rights and liabilities should include considering whether the petitioner possesses the present capacity to appreciate the petitioner's position and to make a rational choice with respect to initiating litigation or whether the petitioner is suffering from a mental disease, disorder, or defect which may substantially affect the petitioner's capacity. See Tenn. Sup. Ct. R. 28, § 11(B)(1).
- (2) Whether the trial courts' consideration and use of the civil capacity standard in In re Estate of Groves, 109 S.W.3d 317 (Tenn. Ct. App. 2003) is consistent with State v. Nix and effectively includes the capacity standard in Tenn. Sup. Ct. R. 28, § 11(B)(1).

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

PER CURIAM

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<sup>1</sup>The State elected not to file a response to Mr. Reid's Tenn. R. App. P. 11 application.

IN THE SUPREME COURT OF TENNESSEE  
AT KNOXVILLE

**STATE OF TENNESSEE v. SUSAN RENEE BISE**

**Circuit Court for Greene County  
No. 09CR353**

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**No. E2011-00005-SC-R11-CD - Filed January 11, 2012**

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**ORDER**

Upon consideration of the application for permission to appeal of the State of Tennessee and the record before us, the application is granted.

It appearing to the Court that Susan Renee Bise is presently without counsel, the Court is pleased to appoint Jonathan D. Cooper, 706 Walnut Street, Suite 902, Knoxville, Tennessee 37902, to represent Susan Renee Bise in the appeal in this Court.

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

**BRANDON MOBLEY v. STATE OF TENNESSEE**

**Criminal Court for Knox County  
No. 89072**

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**No. E2010-00379-SC-R11-PC - Filed January 10, 2012**

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**ORDER**

Upon consideration of the application for permission to appeal of 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 JACKSON

**STATE OF TENNESSEE v. GUY ALVIN WILLIAMSON**

**Circuit Court for Tipton County**  
**No. 6572**

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**No. W2011-00049-SC-R11-CD - Filed January 11, 2012**

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**ORDER**

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