



Tennessee Supreme Court
DISCRETIONARY APPEALS
Grants & Denials List
January 14, 2019 - January 18, 2019

GRANTS

Style/Appeal Number	County/Trial Judge/ Trial Court No.	Intermediate Court	Supreme Court Action
<u>Nashville</u>			
JEFFERY TODD BURKE v. SPARTA NEWSPAPERS, INC. M2016-01065-SC-R11-CV	White County Circuit Court Amy V. Hollars CC-2605	McBrayer, W. Neal: Reverse	Granted: Application of Sparta Newspaper, Inc. Order filed 1-17-19(See Attached Order)
<u>Knoxville</u>			
TENNESSEE FARMER'S MUTUAL INSURANCE COMPANY v. BRANDON DEBRUCE E2017-02078-SC-R11-CV	Bradley County Chancery Court Jeri Bryant 2015-CV-61	Frierson II, Thomas R.: Vacate	Granted: Application of Tennessee Farmers Assurance Company Order Filed 1-16-19 (See Attached Order)

DENIALS

Style/Appeal Number	County/Trial Judge/ Trial Court No.	Intermediate Court	Supreme Court Action
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Nashville

STATE OF TENNESSEE v. PHILLIP MATTHEW
BURGESS
M2013-00252-SC-R11-CD

Marshall County Circuit Court
Robert G. Crigler
2012CR1

Witt Jr., James Curwood: Affirm

Denied: Application of Phillip
Matthew Burgess

Order filed 1-18-19

STATE OF TENNESSEE v. STEPHEN DOUGLAS
SMITH
M2017-00216-SC-R11-CD

Marshall County Circuit Court
Franklin L. Russell
2013-CR-135, 2013-CR-136

McMullen, Camille R.: Affirm

Denied: Application of Stephen
Douglas Smith

Order Filed 1-17-19

CLAIR VANDERSCHAAF, ET AL v. VICTOR
BISHARA, ET AL.
M2017-00412-SC-R11-CV

Rutherford County Circuit Court (CIVIL)
Howard W. Wilson
66651

McBrayer, W. Neal: Affirm

Denied: Application of Clair
Vanderschaaf, and Donna
Vanderschaaf

Order Filed 1-16-19

STATE OF TENNESSEE v. AMAIL JOHN LAND
M2017-00422-SC-R11-CD

DeKalb County Criminal Court
David A. Patterson
2015-CR-254

Witt Jr., James Curwood: Affirm

Denied: Application of Amail
John Land

Order Filed 1-16-19

STATE OF TENNESSEE v. TAMMY TUTTLE M2017-00788-SC-R11-CD	Maury County Circuit Court Stella L. Hargrove 23036	Easter, Timothy L.: Affirm	Denied: Application of Tammy Ann Tuttle, Opinion of COA is designated "Not For Citation" accordance with SCT Rule 4(E) Order Filed 1-16-19(See Attached Order)
STATE OF TENNESSEE v. RYAN PATRICK BROADRICK M2017-01136-SC-R11-CD	Davidson County Criminal Court Mark J. Fishburn 2014-D-2844, 2016-C-1897	Thomas Jr., D. Kelly: Affirm	Denied: Application of Ryan Patrick Broadrick Order Filed 1-16-19
OSCAR ARMANDO DELGADO v. STATE OF TENNESSEE M2017-01231-SC-R11-PC	Marion County Circuit Court Thomas W. Graham 10237, 9610-A	Glenn, Alan E.: Affirm	Denied: Application of Oscar Armando Delgado Order Filed 1-17-19
DAVID BANKS v. UNIVERSITY OF TENNESSEE M2017-01358-SC-R11-CV	Davidson County Chancery Court William E. Young 16-617-II	Gibson, Brandon O.: Affirm	Denied: Application of David Banks Order filed 1-17-19

CHRISTOPHER LEWIS v. STATE OF TENNESSEE M2017-01386-SC-R11-PC	Putnam County Criminal Court David A. Patterson 10-0875	Thomas Jr., D. Kelly: Affirm	Denied: Application of Christopher Lewis, Opinion of CCA designated "Not For Citation" accordance with SCT Rule 4(E)(1) Order Filed 1-16-19(See Attached Order)
THIERNO MAMADOU DIALLO v. STATE OF TENNESSEE M2017-01410-SC-R11-ECN	Davidson County Criminal Court Cheryl A. Blackburn 2007-C-2549	Ogle, Norma McGee: Affirm	Denied: Application of Thierno Mamadou Diallo Order filed 1-18-19
CARLENE GUYE JUDD v. CARLTON GUYE M2017-01791-SC-R11-CV	Davidson County Chancery Court William E. Young 16-0277-II	Clement Jr., Frank G.: Affirm	Denied: Application of Carlton Guye Order Filed 1-16-19
STATE OF TENNESSEE v. LARRY W. HOPKINS M2017-01962-SC-R11-CD	Davidson County Criminal Court J. Randall Wyatt, Jr. 2015-C-1658	Montgomery Jr., Robert H.: Affirm	Denied: Application of Larry W. Hopkins Order Filed 1-17-19

STATE OF TENNESSEE v. KENDALL SOUTHALL M2017-01975-SC-R11-CO	Williamson County Circuit Court James G. Martin, III 1992-CR-1013, 1992-CR-1045, 1992-CR-916, 1994-CR-2571, 1995-CR-2701, 2001-CR-7691, 2002-CR-8614	Montgomery Jr., Robert H.: Dismiss	Denied: Application of Kendall Southall Order Filed 1-17-19
STATE OF TENNESSEE v. PATRICIA ANN BINGHAM, AKA PATRICIA ANN STARNES M2017-02059-SC-R11-CD	Davidson County Criminal Court Monte Watkins 2016-A-468	Thomas Jr., D. Kelly: Affirm	Denied: Application of Patricia Ann Bingham, a/k/a Patricia Ann Starnes Order filed 1-17-19
ERIKA LOUISE (BROWN) DEWALD v. BAYA PAUL DEWALD M2017-02158-SC-R11-CV	Wilson County General Sessions Court John Thomas Gwin 2014-DC-48	Clement Jr., Frank G.: Affirm	Denied: Application of Baya Paul Dewald Order Filed 1-16-19
MARVIN READUS v. STATE OF TENNESSEE M2017-02298-SC-R11-PC	Davidson County Criminal Court Steve R. Dozier 87-F-1521	Ogle, Norma McGee: Affirm	Denied: Application of Marvin Readus Order Filed 1-16-19

JACOB DAVIS v. TENNESSEE DEPARTMENT OF CORRECTION ET AL. M2017-02301-SC-R11-CV	Davidson County Chancery Court Claudia Bonnyman 15-857-I	Bennett, Andy D.: Affirm	Denied: Application of Jacob Lee Davis, Opinion of CCA designated "Not For Citation" accordance with SCT Rule 4(E) Order filed 1-18-19(See Attached Order)
DOYALE MONTEZ BLACKSMITH v. STATE OF TENNESSEE M2017-02323-SC-R11-PC	Davidson County Criminal Court Monte Watkins 2012-A-159	Thomas Jr., D. Kelly: Affirm	Denied: Application of Doyale Montez Blacksmith Order filed 1-18-19
HEADWATERS OF THE HARPETH, LLC v. TINA MAJORS M2017-02331-SC-R11-CV	Rutherford County Circuit Court (CIVIL) Howard W. Wilson 64217	Clement Jr., Frank G.: Affirm	Denied: Application of Tina Majors Order Filed 1-16-19
MOHAMMED BASSIM AL-KHAFAY, AKA MOHAMMED BASSIM AL-KHAFIY v. STATE OF TENNESSEE M2017-02392-SC-R11-PC	Davidson County Criminal Court Cheryl A. Blackburn 2016-B-963	Easter, Timothy L.: Affirm	Denied: Application of Mohammed Bassim Al-Khafajy Order Filed 1-16-19

STATE OF TENNESSEE v. YASIN SOLOMON HAWKINS M2017-02439-SC-R11-CD	Davidson County Criminal Court Mark J. Fishburn 2015-C-2127	Wedemeyer, Robert W.: Affirm	Denied: Application of Yasin Solomon Hawkins Order Filed 1-16-19
STATE OF TENNESSEE v. DURWIN L. RUCKER M2017-02536-SC-R11-CD	Cheatham County Circuit Court Suzanne Lockert-Mash 18024, 18025	Ogle, Norma McGee: Affirm	Denied: Application of Durwin Rucker Order Filed 1-16-19
RICHARD BRYANT LONG v. STATE OF TENNESSEE M2018-00113-SC-R11-PC	Lawrence County Circuit Court Stella L. Hargrove 34492	Dyer, J. Ross: Affirm	Denied: Application of Richard Bryant Long Order Filed 1-16-19
AMY ELIZABETH LUKER v. TERRY EUGENE LUKER M2018-00138-SC-R11-CV	Williamson County Chancery Court Robert E. Lee Davies 46595	Swiney, D. Michael: Affirm in Part	Denied: Application of Amy Elizabeth Luker Order filed 1-17-19
RAYMOND ARTHUR KLEIN v. STATE OF TENNESSEE M2018-00155-SC-R11-CO	Montgomery County Circuit Court William R. Goodman, III 41400576	Easter, Timothy L.: Affirm	Denied: Application of Raymond Arthur Klein Order Filed 1-16-19

FREDERICK EDWARD BRAXTON, AKA
FREDERICK FRANK BROWN v. STATE OF
TENNESSEE
M2018-00443-SC-R11-ECN

Davidson County Criminal Court
Steve R. Dozier
2007-A-732

Montgomery Jr., Robert H.: Affirm

Denied: Application of Frederick
Edward Braxton

Order filed 1-18-19

JENNIFER DIANE VICKERS v. DIVERSICARE
LEASING CORPORATION D/B/A DIVERSICARE
OF SMYRNA, ET AL
M2018-01648-SC-R11-CV

Rutherford County Circuit Court (CIVIL)
Howard W. Wilson
73909

Per Curiam: Case Dispositional
Decision

Denied: Application of Paul H.
Straughn, Diversicare Leasing
Corporation, and OneCare
Dental Solutions, LLC

Order filed 1-17-19

Knoxville

STATE OF TENNESSEE v. SHAWN NELSON
SMOOT
E2017-00367-SC-R11-CD

Roane County Criminal Court
Jeffery Hill Wicks
2012-CR-119

Dyer, J. Ross: Affirm

Denied: Application of Shawn
Nelson Smoot

Order Filed 1-16-19

STATE OF TENNESSEE v. JOSHUA H. COOL
E2017-00877-SC-R11-CD

Knox County Criminal Court
G. Scott Green
102171

Montgomery Jr., Robert H.: Affirm

Denied: Application of Joshua H.
Cool

Order filed 1-18-19

FREDERICK JEROME BROWN, JR. v. ROXANA ISABEL BROWN E2017-01348-SC-R11-CV	Hamilton County Circuit Court L. Marie Williams 15D1336	Susano Jr., Charles D.: Reverse	Denied: Application of Frederick Jerome Brown, Jr. Order filed 1-18-19
COURTNEY P BRUNETZ v. NEIL A BRUNETZ E2017-01391-SC-R11-CV	Hamilton County Circuit Court Don R. Ash 13-D-1347	Frierson II, Thomas R.: Affirm	Denied: Application of Neil A. Brunetz Order filed 1-18-19
WALTER GEORGE GLENN v. STATE OF TENNESSEE E2017-02019-SC-R11-PC	Hamilton County Criminal Court Thomas C. Greenholtz 295738	Easter, Timothy L.: Affirm	Denied: Application of Walter George Glenn Order Filed 1-16-19
GEORGE A . BAVELIS v. TED DOUKAS ET AL. E2017-02050-SC-R11-CV	Knox County Chancery Court Clarence E. Pridemore, Jr. 191625-2	Goldin, Arnold B.: Reverse	Denied: Application of Athena of S.C., LLC, and FZA Note Buyers, LLC Order filed 1-18-19

SHAWN R. BOUGH v. TENNESSEE
DEPARTMENT OF CORRECTIONS ET AL.
E2017-02350-SC-R11-CV

Bledsoe County Chancery Court
Jeffrey F. Stewart
3326

Susano Jr., Charles D.: Affirm

Denied: Application of Shawn R.
Bough
Order Filed 1-17-19

KAREN GAYE THOMPSON BOUNDS v.
KENNETH NEWTON BOUNDS
E2017-02366-SC-R11-CV

Bradley County Circuit Court
Lawrence Howard Puckett
V-17-088

Swiney, D. Michael: Affirm

Denied: Application of Kenneth
Newton Bounds
Order filed 1-18-19

RAFIA NAFEES KHAN v. REGIONS BANK
E2017-02454-SC-R11-CV

Knox County Chancery Court
Clarence E. Pridemore, Jr.
194115-2

Susano Jr., Charles D.: Modify

Denied: Application of Rafia
Nafees Khan
Order filed 1-18-19

STATE OF TENNESSEE v. GORDON SCOT KATZ
E2017-02516-SC-R11-CD

Anderson County Circuit Court
Donald Ray Elledge
B6C00275

Dyer, J. Ross: Affirm

Denied: Application of Gordon
Scott Katz
Order Filed 1-16-19

STEVE ANDERSON v. ESCO JARNIGAN, SHERIFF
AND STATE OF TENNESSEE
E2017-02534-SC-R11-HC

Hamblen County Criminal Court
Alex E. Pearson
17CR441

Per Curiam: Affirm in Part
Williams, John Everett: Concur in
Part/Dissent in Part

Denied: Application of Steve
Douglas Anderson, Opinion of
CCA designated "Not For
Citation" accordance with SCT

Rule 4(E)

Order Filed 1-16-19(See Attached Order)

CITY OF CHURCH HILL v. ROGER ELLIOTT
E2018-00095-SC-R11-CV

Hawkins County Circuit Court
Alex E. Pearson
2016CV124

Swiney, D. Michael: Affirm

Denied: Application of Roger Elliott

Order Filed 1-17-19

TERRENCE JUSTIN FEASTER v. STATE OF TENNESSEE
E2018-00193-SC-R11-PC

Knox County Criminal Court
Steven Wayne Sword
108205

Witt Jr., James Curwood: Affirm

Denied: Application of Terrence Justin Feaster

Order Filed 1-16-19

CHARLES WEBSTER v. STEVE L WALKER
E2018-00611-SC-R11-CV

Knox County Chancery Court
Michael W. Moyers
192055-3

Bennett, Andy D.: Reverse

Denied: Application of Steve L. Walker

Order Filed 1-16-19

HAMILTON COUNTY v. BASIL MARCEAUX
E2018-01047-SC-R11-CV

Hamilton County Circuit Court
Kyle E. Hedrick
17C947

Denied: Application of Basil Marceaux

Order Filed 1-17-19

RICHARD MERRELL ET AL. v. RURAL METRO OF
TENNESSEE, L.P.
E2018-01497-SC-R11-CV

Knox County Circuit Court
Kristi M. Davis
1-37-18

Per Curiam: Case Dispositional
Decision

Denied: Application of Rural
Metro of Tennessee, L.P.

Order Filed 1-17-19

Jackson

STATE OF TENNESSEE v. LAVELLE MOORE
W2016-00336-SC-R11-CD

Shelby County Criminal Court
Chris Craft
14-01286

Glenn, Alan E.: Affirm

Denied: Application of Lavelle
Moore

Order filed 1-18-19

ALAN C. CARTWRIGHT v. ALICE CARTWRIGHT
GARNER ET AL.
W2016-01423-SC-R11-CV

Shelby County Chancery Court
James R. Newsom
CH-14-0938-3

McBrayer, W. Neal: Affirm

Denied: Application of Alan C.
Cartwright

Order filed 1-18-19

STATE OF TENNESSEE v. DEVIN BUCKINGHAM
W2016-02350-SC-R11-CD

Shelby County Criminal Court
W. Mark Ward
14-03628

Ogle, Norma McGee: Affirm

Denied: Application of Devin
Buckingham

Order Filed 1-16-19

STATE OF TENNESSEE v. JOHN SEARS W2017-00938-SC-R11-CD	Shelby County Criminal Court Lee V. Coffee 12-05907	Holloway Jr., Robert L.: Affirm	Denied: Application of John Sears Order filed 1-18-19
CINDY HATFIELD, ET AL. v. ALLENBROOKE NURSING AND REHABILITATION CENTER, LLC, ET AL. W2017-00957-SC-R11-CV	Shelby County Circuit Court Donna M. Fields CT-004249-10	Stafford, J. Steven: Affirm in Part	Denied: Application of Cindy Hatfield, Allenbrooke Nursing and Rehabilitation Center, LLC, and Aurora Cares, LLC Order filed 1-17-19
STATE OF TENNESSEE v. GAINES RICHARDSON W2017-01102-SC-R11-CD	Shelby County Criminal Court Paula L. Skahan 14-04610	Easter, Timothy L.: Affirm	Denied: Application of Gaines Richardson Order filed 1-18-19
STATE OF TENNESSEE v. ERIC BATTLE W2017-01234-SC-R11-CD	Shelby County Criminal Court Lee V. Coffee 15-03271	Wedemeyer, Robert W.: Remand	Denied: Application of Eric Battle Order filed 1-18-19
STATE OF TENNESSEE v. MICHAEL ANTHONY RODGERS W2017-01254-SC-R11-CD	Madison County Circuit Court Kyle Atkins 15-441	Glenn, Alan E.: Affirm	Denied: Application of Michael Anthony Rodgers Order filed 1-18-19

STATE OF TENNESSEE v. TERRY PATTERSON
W2017-01481-SC-R11-CD

Shelby County Criminal Court
Carolyn W. Blackett
16-00715

Glenn, Alan E.: Affirm

Denied: Application of Terry
Patterson

Order filed 1-18-19

RAPHAEL LOVE v. STATE OF TENNESSEE
W2017-01515-SC-R11-PC

Shelby County Criminal Court
Paula L. Skahan
05-08431

Easter, Timothy L.: Affirm

Denied: Application of Raphael
Love

Order filed 1-18-19

ROBBIE HUNTER v. KROGER LIMITED
PARTNERSHIP I ET AL.
W2017-01789-SC-R11-CV

Shelby County Circuit Court
Rhynette N. Hurd
CT-001509-16

Stafford, J. Steven: Affirm

Dismissed: Application of Robbie
Hunter

Order filed 1-14-19

DEVIN ROGERS v. STATE OF TENNESSEE
W2017-01991-SC-R11-PC

Shelby County Criminal Court
James M. Lammey
12-01853

Witt Jr., James Curwood: Affirm

Denied: Application of Devin
Rogers

Order filed 1-18-19

STATE OF TENNESSEE v. TIMERELL NELSON
W2017-02279-SC-R11-CD

Shelby County Criminal Court
Chris Craft
17-00970

Glenn, Alan E.: Affirm

Denied: Application of Timerell
Nelson

Order filed 1-18-19

RICHARD E. MACK ET AL. v. COMCAST
CORPORATION ET AL.
W2017-02326-SC-R11-CV

Shelby County Circuit Court
Felicia Corbin Johnson
CT-004954-14

Goldin, Arnold B.: Affirm

Denied: Application of Richard E.
Mack, and Carol T. Mack

Order filed 1-18-19

KELVIN REED v. STATE OF TENNESSEE
W2017-02419-SC-R11-ECN

Shelby County Criminal Court
W. Mark Ward
07-05352

McMullen, Camille R.: Affirm

Denied: Application of Kelvin
Reed

Order filed 1-18-19

STATE OF TENNESSEE v. WILLIE MITCHELL
W2018-00101-SC-R11-CD

Shelby County Criminal Court
Lee V. Coffee
17-00856

Holloway Jr., Robert L.: Affirm

Denied: Application of Willie
Mitchell

Order filed 1-18-19

FLORENCE COLLIER HALL v. SHELBY COUNTY
RETIREMENT BOARD CHAIRPERSON MARK
LUTTRELL ET AL.
W2018-00231-SC-R11-CV

Shelby County Chancery Court
JoeDae L. Jenkins
CH-17-0831

Clement Jr., Frank G.: Affirm

Denied: Application of Florence
Collier Hall

Order filed 1-18-19

IN THE SUPREME COURT OF TENNESSEE
AT KNOXVILLE

FILED

01/16/2019

Clerk of the
Appellate Courts

**STEVE ANDERSON v. ESCO JARNIGAN, SHERIFF AND STATE OF
TENNESSEE**

**Criminal Court for Hamblen County
No. 17CR441**

No. E2017-02534-SC-R11-HC

ORDER

Upon consideration of the application for permission to appeal of Steve Douglas Anderson and the record before us, the application is denied.

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

PER CURIAM

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

FILED
01/17/2019
Clerk of the
Appellate Courts

JEFFERY TODD BURKE v. SPARTA NEWSPAPERS, INC.

**Circuit Court for White County
No. CC-2605**

No. M2016-01065-SC-R11-CV

ORDER

Upon consideration of the application for permission to appeal of Sparta Newspapers, Inc. and the record before us, the application is granted only with respect to the following issues, as stated in the application:

1. Whether the Court of Appeals' holding in the Opinion that a fair and accurate report of on-the-record statements made by a sheriff's department public information officer about a pending criminal case during an interview with a newspaper reporter does not qualify for protection under Tennessee's fair report privilege is contrary to Tennessee law.
2. Whether the Court of Appeals' analysis of the supposed "distinction between reports of official actions or proceedings on the one hand and sources within the government on the other" is contrary to Tennessee law.
3. Whether the Court of Appeals' requirement imposed by the Opinion that, "[t]o rely on the fair report privilege, the article should be written in such a manner that an average reader can 'understand the article (or the pertinent section thereof) to be a report on or summary of an official document or proceeding,'" is contrary to Tennessee law.

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

01/18/2019

Clerk of the
Appellate Courts

JACOB DAVIS v. TENNESSEE DEPARTMENT OF CORRECTION ET AL.

**Chancery Court for Davidson County
No. 15-857-I**

No. M2017-02301-SC-R11-CV

ORDER

On December 17, 2018, Mr. Davis filed a motion for leave to supplement his application for permission to appeal. Said motion is granted. Upon consideration of the application for permission to appeal of Jacob Lee Davis and the record before us, the application is denied.

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

PER CURIAM

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

FILED

01/16/2019

Clerk of the
Appellate Courts

CHRISTOPHER LEWIS v. STATE OF TENNESSEE

**Criminal Court for Putnam County
No. 10-0875**

No. M2017-01386-SC-R11-PC

ORDER

Upon consideration of the application for permission to appeal of Christopher Lewis and the record before us, the application is denied.

The opinion of the Court of Criminal Appeals is designated “Not For Citation” in accordance with Supreme Court Rule 4(E)(1).

PER CURIAM

IN THE SUPREME COURT OF TENNESSEE
AT KNOXVILLE

FILED

01/16/2019

Clerk of the
Appellate Courts

**TENNESSEE FARMER'S MUTUAL INSURANCE COMPANY v.
BRANDON DEBRUCE**

**Chancery Court for Bradley County
No. 2015-CV-61**

No. E2017-02078-SC-R11-CV

ORDER

Upon consideration of the application for permission to appeal of Tennessee Farmers Assurance 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

FILED
01/16/2019
Clerk of the
Appellate Courts

STATE OF TENNESSEE v. TAMMY TUTTLE

**Circuit Court for Maury County
No. 23036**

No. M2017-00788-SC-R11-CD

ORDER

Upon consideration of the application for permission to appeal of Tammy Ann Tuttle and the record before us, the application is denied.

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

PER CURIAM