Supreme Court Appeals
Pending Cases
(05-16-14)

1.	Style	Guadalupe Arroyo v. State
2.	Docket Number	E2012-02703-SC-R11-PC
3.	Lower Court Decision Link	http://www.tncourts.gov/sites/default/files/arroyoguadalupeopn.pdf
4.	Lower Court Summary	Petitioner, Guadalupe Arroyo, pleaded guilty to two counts of vehicular homicide and received an effective sentence of twenty-four years in the Tennessee Department of Correction. He appealed his sentence twice, and this court remanded his case to the trial court both times. *See State v. Guadalupe Arroyo*, No. E2002-00639-CCA-R3-CD, 2003 WL 1563209, at *1 (Tenn. Crim. App. Mar. 27, 2003); *State v. Guadalupe Arroyo*, No. E2003-02355-CCA-R3-CD, 2004 WL 1924033, at *1 (Tenn. Crim. App. Aug. 30, 2004). After the second remand, the trial court again sentenced petitioner to twenty-four years. Petitioner filed a petition for post-conviction relief alleging that he received ineffective assistance of counsel and that he was unconstitutionally denied the right to appeal the trial court's last sentencing order. The post-conviction court dismissed the petition twice, and petitioner successfully appealed both times. *See Guadalupe Arroyo v. State*, No. E2006-01037-CCA-R3-PC, 2007 WL 3144999, at *1 (Tenn. Crim. App. Oct. 29, 2007); *Guadalupe Arroyo v. State*, No. E2008-01220-CCA-R3-PC, 2009 WL 2503152, at *1 (Tenn. Crim. App. Aug. 17, 2009). Eventually, the post-conviction court held an evidentiary hearing and denied post-conviction relief. Petitioner now appeals, arguing that he received ineffective assistance of counsel and requesting a delayed appeal. Following our review, we affirm the judgment of the post-conviction court.
5.	Status	Submitted on briefs 01/08/14 in Knoxville

1.	Style	In re Baby et al.
2.	Docket Number	M2012-01040-SC-R11-JV
3.	Lower Court Decision Link	http://www.tncourts.gov/sites/default/files/inre_baby_opn.pdf
4.	Lower Court Summary	This case involves the status of the parties with respect to a baby conceived pursuant to a surrogacy agreement. The juvenile court determined that there was a valid surrogacy agreement and denied the surrogate's requests for relief from a final order ratifying the surrogacy agreement. We affirm the decision of the juvenile court.
5.	Status	Heard 10/01/13 at the MTSU S.C.A.L.E.S. project

1.	Style	R. Sadler Bailey v. Board of Professional Responsibility
2.	Docket Number	W2013-01979-SC-R3-BP
3.	Lower Court Decision Link	n/a
4.	Lower Court Summary	n/a
5.	Status	Heard 04/09/14 in Jackson

1.	Style	Brenda Benz-Elliott v. Barrett Enterprises, LP et al.
2.	Docket Number	M2013-00270-SC-R11-CV
3.	Lower Court Decision Link	http://www.tncourts.gov/sites/default/files/benz-elliottb_opn.pdf
4.	Lower Court Summary	In this dispute concerning a real estate sale contract, we have concluded that the gravamen of the action is for injury to property and that, under the applicable legal principles, the evidence preponderates against the trial court's finding as to when the statute of limitations began to run. Because the action is barred by the statute of limitations, we reverse the decision of the trial court.
5.	Status	Application granted 12/11/13; Appellant's brief filed 01/13/14; Appellee's response brief filed 02/11/14; Appellant's reply brief filed 02/26/14

1.	Style	Calvin Eugene Bryant v. State
2.	Docket Number	M2012-01560-SC-R11-PC
3.	Lower Court Decision Link	http://www.tncourts.gov/sites/default/files/bryantcalvinopn.pdf
4.	Lower Court Summary	The Petitioner, Calvin Eugene Bryant, appeals the Davidson County Criminal Court's denial of post-conviction relief. The Petitioner argues on appeal that trial counsel provided ineffective assistance of counsel by failing to request a jury instruction on the lesser included offense of facilitation. Upon review, we affirm the judgment of the post-conviction court.
5.	Status	To be heard 05/29/14 at the Girls State S.C.A.L.E.S. project in Nashville

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1.	Style	State v. Fred Chad Clark, II
2.	Docket Number	M2010-00570-SC-R11-CD

3.	Lower Court Decision Link	http://www.tncourts.gov/sites/default/files/clarkfredchadopn.pdf
4.	Lower Court Summary	The Defendant, Fred Chad Clark, II, was found guilty by a Davidson County Criminal Court jury of seven counts of rape of a child and two counts of aggravated sexual battery. *See* T.C.A. §§ 39-13-522 (Supp. 2005, 2006) (amended 2007, 2011) (rape of a child), -504 (2006) (aggravated sexual battery). He was sentenced as a Range I offender to seventeen years for each rape of a child conviction and to ten years for each aggravated sexual battery conviction, to be served at 100% as a child rapist. The trial court ordered partial consecutive sentencing, for an effective thirty-four year sentence. On appeal, the Defendant contends that (1) the evidence is insufficient to support the convictions because the State failed to establish the corpus delicti; (2) there was a material variance between the proof and the State's election of offenses; (3) the trial court erred in admitting surreptitiously recorded conversations he had with his wife on January 18, 2007; (4) the trial court erred in admitting evidence of the Defendant's use of pornography; (5) the trial court erred in allowing a detective to offer opinion testimony about the Defendant's truthfulness; (6) the trial court erred in instructing the jury on the mental state of recklessness for the counts involving rape of a child; and (7) the trial court erred in sentencing by using an inapplicable enhancement factor and in imposing consecutive sentences. We affirm the judgments of the trial court in Counts V, VI, VII, IX, and X. Due to deficiencies in the election of offenses relative to Counts I, II, III, and IV, we reverse those convictions and remand the case for a new trial for those counts.
5.	Status	Heard 10/02/13 in Nashville

1.	Style	State v. Jacqueline Crank
2.	Docket Number	E2012-01189-SC-R11-CD
3.	Lower Court Decision Link	http://www.tsc.state.tn.us/sites/default/files/crankjopn.pdf
4.	Lower Court Summary	Jacqueline Crank ("the Defendant") was convicted after a bench trial of one count of misdemeanor child abuse or neglect. The trial court sentenced the Defendant to eleven months, twenty-nine days, suspended to probation. In this direct appeal, the Defendant challenges the constitutionality of the "spiritual treatment exemption" provision set forth in Tennessee Code Annotated section 39-15-402(c). The Defendant also contends that, if this Court affirms her conviction, this matter must be remanded for a hearing under Tennessee's "Preservation of Religious Freedom" statute, codified at Tennessee Code Annotated section 4-1-407. Upon our thorough review of the record and relevant authority, for the reasons stated herein, we conclude that it is not necessary to address the constitutional issue or to remand this matter. We affirm the judgment of the trial court.
5.	Status	Application granted 04/15/14; Appellant's brief filed 05/15/14; State's response brief due 06/16/14

1.	Style	Jerry Ray Davidson v. State
2.	Docket Number	M2010-02663-SC-R11-PD
3.	Lower Court Decision Link	http://www.tncourts.gov/sites/default/files/davidson_jerry_ray_pc_-_draft_opinion.pdf
4.	Lower Court Summary	The Dickson County Circuit Court denied the Petitioner, Jerry Ray Davidson, post-conviction relief from his convictions of first degree premeditated murder and aggravated kidnapping and his sentence of death. The Petitioner appeals. Having discerned no error, we affirm the post conviction court's denial of relief.
5.	Status	Heard 02/05/14 in Nashville

1.	Style	State v. Marlo Davis
2.	Docket Number	W2011-01548-SC-R11-CD
3.	Lower Court Decision Link	http://www.tncourts.gov/sites/default/files/davismarloopn.pdf
4.	Lower Court Summary	The Defendant, Marlo Davis, was convicted by a Shelby County jury of second degree murder and reckless homicide. Subsequently, the trial court merged the reckless homicide into the second degree murder conviction and imposed a sentence of forty years. In this direct appeal, the Defendant challenges (1) the sufficiency of the evidence supporting his convictions; (2) the mutually exclusive nature of the verdicts and whether the offenses were properly merged; (3) the admission of prior inconsistent statements by a witness, who had no memory of making those statements at the time of trial, as substantive evidence; (4) the imposition of the maximum forty-year sentence in violation of *Blakely v. Washington*, 542 U.S. 296 (2004); and (5) the cumulative effect of these errors. After a thorough review of the record and the applicable authorities, we affirm the judgment of the trial court.
5.	Status	Application granted 11/13/13; Appellant's brief filed 12/16/13; State's response brief filed 03/06/14

1.	Style	State v. Jessie Dotson
2.	Docket Number	W2011-00815-SC-DDT-DD
3.	Lower Court Decision Link	http://www.tncourts.gov/sites/default/files/dotsonjessieopn.pdf
4.	Lower Court Summary	A Shelby County jury convicted the defendant, Jessie Dotson, of six counts of premeditated first degree murder and three counts of attempted first degree murder.

The jury sentenced the defendant to death for each conviction of first degree murder. Following a separate sentencing hearing, the trial court sentenced the defendant as a Range II, multiple offender to forty years for each conviction for attempted first degree murder, to be served consecutively to each other and to the first degree murder sentences. On appeal, the defendant contends that: (1) the evidence is insufficient to support his convictions; (2) testimony regarding one of the victims' statement to police was hearsay and its admission violated the United States and Tennessee Constitutions; (3) the admission of the defendant's custodial statements violated his rights under the United States and Tennessee Constitutions; (4) the admission of testimony that the defendant invoked his right to counsel violated his due process rights; (5) the admission of testimony regarding the defendant's history of imprisonment violated his right to a fair trial; (6) the trial court's treatment of defense counsel in the jury's presence violated his right to a fair trial; (7) the admission of the pathologist's testimony regarding autopsies that she did not perform violated the defendant's confrontation rights; (8) the trial court erred in admitting photographs of the victims; (9) the trial court erred in denying the defendant's motion to provide DNA analysis of all those who came in contact with the crime scene; (10) the trial court erred in denying the defendant's motion for production of the statements of those not to be called as witnesses for the State; (11) the trial court improperly defined "reasonable doubt" in instructing the jury; (12) the trial court erred in refusing to instruct the jury on facilitation of first degree murder as a lesser included offense; (13) the trial court erred in denying the defendant's motion to strike aggravating circumstances; (14) the trial court erred in denying the defendant's motion for a probable cause finding regarding the aggravating circumstances; (15) the trial court erred in denying the defendant's motion for disclosure of information regarding the proportionality review; (16) the admission of victim impact evidence was improper; (17) the trial court erred in denying the defendant's motion to argue last during the penalty phase; (18) the State committed prosecutorial misconduct during its argument to the jury; (19) the trial court erred in allowing the death verdicts to stand; (20) the defendant's sentences for his three convictions for attempted first degree murder were excessive; and (21) cumulative error requires reversal. Based upon our review of the record and the applicable law, we affirm the judgments of the trial court.

5.	Status	Heard 04/09/14 in Jackson

1.	Style	State v. Shanice L. Dycus
2.	Docket Number	M2012-02297-SC-R11-CD
3.	Lower Court Decision Link	http://www.tncourts.gov/sites/default/files/dycusshanicelopn.pdf
4.	Lower Court Summary	The Defendant, Shanice L. Dycus, challenges the trial court's denial of judicial diversion for her multiple convictions for various drug-related offenses, including possession of marijuana in excess of one half of a gram with intent to sell or deliver within 1,000 feet of a school zone. *See* Tenn. Code Ann. §§ 39-17-417, -432. She contends that the trial court erred by failing to consider all of the required factors in deciding her suitability for judicial diversion and by failing to state on the record how it weighed the relevant factors. The State counters that possession of marijuana in excess of one half of a gram with intent to sell or deliver in a school zone is a

non-divertable offense and, regardless, that the trial court properly denied diversion under the standard announced in *State v. Bise*, 380 S.W.3d 682, 707 (Tenn. 2012). Following our review, we conclude that the offense for which the Defendant stands convicted is eligible for diversion but that the trial court failed to consider and weigh all of the factors relevant in its decision denying diversion. Therefore, we reverse the trial court's denial of judicial diversion and remand this case for a resentencing hearing.

5.	Status	Application granted 05/15/14; State's brief due 06/16/14

1.	Style	State v. Justin Ellis
2.	Docket Number	E2011-02017-SC-R11-CD
3.	Lower Court Decision Link	http://tncourts.gov/sites/default/files/ellisjustinopn.pdf http://tncourts.gov/sites/default/files/ellis_dissent.pdf
4.	Lower Court Summary	The Defendant, Justin Ellis, was convicted by a Knox County jury of aggravated burglary, employing a firearm during the commission of a dangerous felony, aggravated assault, and aggravated robbery. The aggravated assault conviction was merged with the aggravated robbery conviction. The trial court imposed an effective nineteen-year sentence. On appeal, the Defendant argues that the successor judge erroneously determined that he was qualified to act as thirteenth juror in this case. Following our review of the record and the applicable authorities, we conclude that the successor trial judge could not act as the thirteenth juror and reverse the judgments of the trial court and remand the case for a new trial.
5.	Status	State's application granted 08/13/13; State's brief filed 11/01/13; Appellee's response brief filed 11/20/13

1.	Style	State v. Broderick Devonte Fayne
2.	Docket Number	W2012-01488-SC-R11-CD
3.	Lower Court Decision Link	http://www.tncourts.gov/sites/default/files/faynebroderickopn.pdf
4.	Lower Court Summary	The defendant, Broderick Devonte Fayne, was convicted by a Tipton County jury of aggravated burglary and employing a firearm during the commission of a dangerous felony, both Class C felonies. The trial court sentenced him as a Range I, standard offender to consecutive terms of three years at 30% for the aggravated burglary conviction and to six years at 100% for the employing a firearm during a dangerous felony conviction, for a total effective sentence of nine years in the Department of Correction. In a timely appeal to this court, the defendant raises the following issues: (1) whether the evidence is sufficient to sustain his conviction for employing a firearm during the commission of a dangerous felony; (2) whether the trial court erred by denying his motion for a mistrial following the prosecutor's introduction of his defense counsel as employees of the public defender's office; (3)

		whether the trial court properly allowed the defendant's accomplice to testify regarding his understanding of the charges against him; (4) whether his right to a fair trial was violated by the State's arguing alternate theories of his guilt; and (5) whether the trial court erred by denying his request for jury instructions defining possession and constructive possession. Following our review, we affirm the judgments of the trial court.
5.	Status	Heard 04/10/14 at the 24th Judicial District S.C.A.L.E.S. project

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1.	Style	Jim Ferguson v. Middle Tennessee State University
2.	Docket Number	M2012-00890-SC-R11-CV
3.	Lower Court Decision Link	http://www.tncourts.gov/sites/default/files/fergusonj_opn.pdf
4.	Lower Court Summary	This appeal involves an employee's claim of retaliation for engaging in protected activity. The plaintiff employee filed a lawsuit against his employer, the defendant university, asserting several claims of employment discrimination under state and federal statutes. Subsequently, in a second lawsuit against the university, the plaintiff employee asserted that he suffered adverse job actions after he filed his charge of discrimination with the federal Equal Employment Opportunity Commission and the first discrimination lawsuit. The alleged adverse job actions included making the employee perform tasks that resulted in physical injuries. The lawsuits were consolidated and, after an eight-day jury trial, the jury awarded the employee $3 million in compensatory damages on the retaliation claim only. The defendant university appeals. We hold that, to prove a claim of retaliation for engaging in protected activity, the plaintiff was required to present material evidence to the jury that the decisionmaker, his supervisor at the university, was aware of the plaintiff's protected activity when she took the adverse job actions against the plaintiff. The plaintiff employee presented no material evidence at trial of such knowledge by his supervisor at the relevant time. Accordingly, we reverse the trial court's judgment and remand for entry of an order dismissing the plaintiff employee's complaint.
5.	Status	Heard 02/06/14 in Nashville

1.	Style	Samuel E. Foster et al. v. Walter William Chiles, III, M.D. et al.
2.	Docket Number	E2012-01780-SC-R11-CV
3.	Lower Court Decision Link	http://www.tncourts.gov/sites/default/files/fosterse.pdf
4.	Lower Court Summary	This is a health care liability case. Samuel E. Foster and his wife, Mary Foster, timely filed a complaint after properly sending pre-suit notices to the potential defendants as required by Tenn. Code Ann. § 29-26-121(a) (2012). After nonsuiting their first lawsuit, they timely filed a second complaint in which they alleged the

same cause of action against the same defendants. The second complaint alleged compliance with section 121(a), citing the notices already properly sent before the first complaint was filed. The trial court dismissed the second complaint with prejudice based upon the court's determination that plaintiffs failed to satisfy the notice requirement of section 121(a). We hold that plaintiffs complied with section 121(a)'s notice requirement by giving a written notice of their potential health care liability claim to each defendant at least 60 days prior to the filing of their second complaint. We further hold that section 121 does not mandate dismissal with prejudice for noncompliance with its terms, and that plaintiffs' inadvertent failure to file – with the second complaint – proof of their service of the subject notices does not warrant dismissal with prejudice. We vacate the trial court's order of dismissal and remand for further proceedings.

5.	Status	Application granted 11/13/13; Appellants' briefs filed 12/12/13 & 12/13/13; Appellee's response brief filed 01/08/14; Appellant's reply brief filed 01/22/14

1.	Style	State v. John T. Freeland, Jr.
2.	Docket Number	W2011-01828-SC-DDT-DD
3.	Lower Court Decision Link	http://www.tncourts.gov/sites/default/files/freelandjohntopn.pdf
4.	Lower Court Summary	Defendant, John T. Freeland, Jr., appeals from his Madison County Circuit Court convictions of first degree premeditated murder, *see* Tenn. Code Ann. § 39-13-202(a)(1); first degree murder committed in the perpetration of an especially aggravated kidnapping, *see id*. § 39-13-202(a)(2); especially aggravated kidnapping, *see id*. § 39-13-305; and tampering with evidence, *see id*. § 39-16-503(a)(1). Following a bench trial regarding both guilt and punishment, *see id*. § 39-13-205, the trial court sentenced Defendant to death for each first degree murder conviction based upon its findings that the defendant was previously convicted of one or more felonies whose statutory elements involve the use of violence, *see id*. § 39-13-204(i)(2); the murder was committed for the purpose of avoiding, interfering with, or preventing a lawful arrest or prosecution of the defendant, *see id*. § 39-13-204(i)(6); the murder was knowingly committed, solicited, directed, or aided by the defendant, while the defendant had a substantial role in committing or attempting to commit, an aggravated robbery, *see id*. § 39-13-204(i)(7); and that these aggravating circumstances outweighed any mitigating circumstances beyond a reasonable doubt. The trial court also imposed consecutive sentences of 20 years' incarceration for the especially aggravated kidnapping conviction and five years' incarceration for the tampering with evidence conviction. In addition to challenging the sufficiency of the evidence to support his convictions of first degree murder and especially aggravated kidnapping, Defendant challenges the trial court's denial of his motion to suppress statements and the imposition of the death penalty. Because we determine that the trial court failed to merge the first degree murder convictions at sentencing, we remand the case for correction of the judgments to effectuate proper merger. In all other respects, however, we affirm the judgments of the trial court.
5.	Status	Heard 04/10/14 at the 24th Judicial District S.C.A.L.E.S. project

1.	Style	C.L. Gilbert, Jr. v. Izak Frederick Wessels, M.D.
2.	Docket Number	E2013-00255-SC-R11-CV
3.	Lower Court Decision Link	http://www.tncourts.gov/sites/default/files/wesselsfinal.pdf
4.	Lower Court Summary	This Court granted an extraordinary appeal in this health care liability action to determine whether the trial court abused its discretion in declining to waive the contiguous state requirement for a testifying expert witness set forth in Tennessee Code Annotated section 29-26-115(b). Discerning no error, we affirm.
5.	Status	Application granted 03/05/14; Appellant's brief filed 04/03/14; Appellee's response brief filed 05/05/14; Appellant's reply brief due 05/19/14

1.	Style	Wilma Griffin v. Campbell Clinic, P.C.
2.	Docket Number	W2013-00471-SC-R11-CV
3.	Lower Court Decision Link	http://www.tncourts.gov/sites/default/files/griffinwaopn.pdf http://www.tncourts.gov/sites/default/files/griffinwilmadis.pdf
4.	Lower Court Summary	The Circuit Court dismissed this appeal from General Sessions Court based on the Appellant's failure to file a surety bond. Appellant paid costs in the General Sessions Court pursuant to Tennessee Code Annotated Section 8-21-401(b)(1)(C)(i), but did not submit a surety bond under Tennessee Code Annotated Section 27-5-103. The circuit court held that failure to post the surety bond under Section 27-5-103 resulted in a lack of subject matter jurisdiction in the circuit court. Based on this Court's holding in *Bernatsky v. Designer Baths & Kitchens, L.L.C.*, No. W2012-00803-COA-R3-CV, 2013 WL 593911 (Tenn. Ct. App. Feb. 15, 2013), we reverse and remand for further proceedings.
5.	Status	Heard 04/09/14 in Jackson

1.	Style	State v. William Eugene Hall
2.	Docket Number	M2012-00336-SC-DDT-DD
3.	Lower Court Decision Link	http://www.tncourts.gov/sites/default/files/hallwilliameugenedp_opn.pdf
4.	Lower Court Summary	The Appellant, William Eugene Hall, was convicted of two counts of felony murder, three counts of first degree burglary, three counts of grand larceny, and one count of petit larceny. The Appellant received the death penalty for one of the murder convictions, a life sentence for the other, and an effective eighty-year

sentence for the remaining convictions. The Appellant was unsuccessful in his original direct appeal. *State v. Hall*, 976 S.W.2d 121 (Tenn. 1998). The Appellant subsequently pursued post-conviction relief. This Court affirmed the trial court's denial of that relief. *William Eugene Hall v. State*, No. M2005-02959-CCA-R3-PD, 2008 WL 2649637 (Tenn. Crim. App. July 7, 2008). The supreme court, however, has granted the Appellant a delayed appeal. This appeal stems from the original and amended motions for new trial, which the trial court denied. Following our review, we affirm.

5.	Status	Transferred to Supreme Court 11/06/13; Appellant's brief filed 02/05/14; State's response brief filed 04/07/14

1.	Style	William Caldwell Hancock v. Board of Professional Responsibility
2.	Docket Number	M2012-02596-SC-R3-BP
3.	Lower Court Decision Link	n/a
4.	Lower Court Summary	n/a
5.	Status	Heard 02/05/14 in Nashville

1.	Style	Dennis Michael Harris et ux. v. Mickey Deanne Haynes et al.
2.	Docket Number	E2012-02213-SC-R11-CV
3.	Lower Court Decision Link	http://www.tncourts.gov/sites/default/files/harrisdmopn1.pdf
4.	Lower Court Summary	This appeal concerns whether certain exclusions in a coverage document are permissible. Dennis Michael Harris ("Harris"), then a patrolman with the Anderson County Sheriff's Department, was injured when he was struck by a vehicle driven by Mickey Deanne Haynes ("Haynes"). Harris and his wife, Judy A. Harris, (collectively, "the Plaintiffs") sued Haynes and the alleged owner of the vehicle, Richard H. Furrow, in the Circuit Court for Anderson County ("the Trial Court"). The Plaintiffs also raised claims against Anderson County's motor vehicle liability coverage provider, Tennessee Risk Management Trust ("TRMT"), for uninsured or underinsured motorist coverage. TRMT filed a motion for summary judgment, arguing that under the relevant coverage document ("the Coverage Document"), Harris was excluded from uninsured coverage as he was an employee of Anderson County who had received workers compensation. The Trial Court granted TRMT's motion. The Plaintiffs appeal. We hold that Anderson County was self-insured through TRMT, and, therefore, the uninsured/underinsured motorist statutes do not apply. The Coverage Document excluded employees such as Harris from uninsured coverage. We affirm.
5.	Status	Heard 05/06/14 in Knoxville

1.	Style	Charles Haynes v. Formac Stables, Inc.
2.	Docket Number	W2013-00535-SC-R11-CV
3.	Lower Court Decision Link	http://www.tncourts.gov/sites/default/files/haynescharlesopn.pdf
4.	Lower Court Summary	Plaintiff filed retaliatory discharge suit against his former employer, Defendant. According to his complaint, Defendant's owner engaged in illegal activity. Plaintiff complained to Defendant's owner of the illegal activity and was subsequently terminated. The trial court dismissed Plaintiff's complaint because Plaintiff did not report the illegal activity to any person or entity other than the Defendant's owner, who was a participant in the illegal activity. Plaintiff contends that where a company's owner is a participant in illegal activity, reporting the illegal activity solely to the owner should not preclude a retaliatory discharge claim premised on refusal to remain silent. We do not agree and therefore affirm the trial court's dismissal of Plaintiff's complaint.
5.	Status	Application granted 03/05/14; Appellant's brief filed 04/11/14; Appellee's response brief filed 05/08/14; Appellant's reply brief due 05/22/14

1.	Style	State v. Barry H. Hogg
2.	Docket Number	M2012-00303-SC-R11-CD
3.	Lower Court Decision Link	http://www.tncourts.gov/sites/default/files/hoggbopn.pdf
4.	Lower Court Summary	Appellant, Barry Hogg, was indicted by the Wilson County Grand Jury for eleven counts of especially aggravated sexual exploitation of a minor, nine counts of criminal exposure to HIV, nine counts of aggravated statutory rape, and one count of sexual battery. Prior to trial, the State dismissed one count of sexual battery, two counts of criminal exposure, and three counts of aggravated statutory rape. A jury found Appellant guilty of the remaining counts, including eleven counts of especially aggravated sexual exploitation, seven counts of criminal exposure of another to HIV, and six counts of aggravated statutory rape. As a result of the convictions, the trial court sentenced Appellant to twelve years at one hundred percent incarceration for the especially aggravated sexual exploitation convictions, six years at thirty percent for each of the criminal exposure of another to HIV convictions, and four years at thirty percent for each of the aggravated statutory rape convictions. The trial court ordered the convictions for especially aggravated sexual exploitation to be served consecutively to the seven convictions for criminal exposure of another to HIV and consecutively to each other. The trial court ordered Appellant's aggravated statutory rape sentences to run concurrently with one another and with all other counts, for a total effective sentence of 174 years. Appellant appeals his convictions, contesting the sufficiency of the evidence and his sentences. After a review of the record, we determine that the evidence was

sufficient support the convictions and that the evidence supported individual convictions for events that occurred during one sexual encounter. Further, the trial court properly sentenced Appellant. Accordingly, the judgments of the trial court are affirmed.

5.	Status	Heard 02/06/14 in Nashville

1.	Style	Roger David Hyman v. Board of Professional Responsibility
2.	Docket Number	E2012-02091-SC-R3-BP
3.	Lower Court Decision Link	n/a
4.	Lower Court Summary	n/a
5.	Status	Opinion filed 03/31/14

1.	Style	State v. Noura Jackson
2.	Docket Number	W2009-01709-SC-R11-CD
3.	Lower Court Decision Link	http://www.tncourts.gov/sites/default/files/jacksonnouraopn.pdf http://www.tncourts.gov/sites/default/files/jackson_noura_-_jsb_second_revised_concurring_opinion.pdf
4.	Lower Court Summary	The defendant, Noura Jackson, was convicted of second degree murder for the death of her mother, Jennifer Jackson, and sentenced to twenty years and nine months in the Department of Correction. On appeal, she argues that the trial court erred in the following rulings: (1) concluding that her conversation at the scene with a family friend, who is an attorney, was not subject to the attorney-client privilege; (2) concluding that the searches of the residence she shared with the victim and of a vehicle parked in the driveway were lawful; (3) allowing testimony of lay witnesses as to her use of "drugs"; (4) allowing testimony of her having sexual relations at a time after the murder, as to her eviction from an apartment after the murder, and as to her hospitalization at Lakeside Hospital after the murder; (5) allowing the victim's brother and sisters to testify as to arguments between the defendant and the victim prior to the murder; and (6) allowing certain photographs of the crime scene and the victim's body. Additionally, the defendant argues that she is entitled to a new trial because of (7) prosecutorial conduct consisting of references to the post-arrest silence of the defendant; suppression of the third statement of a State's witness; loudly beginning its opening statement by saying, "Give me the f*cking money"; using a misleading PowerPoint presentation during its closing argument; commenting on her right to remain silent; references to the Deity during closing arguments; commenting in closing argument on the length of the trial; treating as established facts which were not proven at trial; making personal attacks during closing statements upon her; and making additional improper statements during closing argument. Further, the defendant argues on

appeal that (8) the evidence is insufficient to support her conviction for second degree murder and that (9) the court erred in imposing more than a minimum sentence. We have carefully reviewed the record and conclude that the arguments of the defendant are without merit. Accordingly, we affirm the judgment of the trial court.

5. Status — Heard 11/06/13 in Jackson

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1. Style — State v. Henry Lee Jones

2. Docket Number — W2009-01655-SC-DDT-DD

3. Lower Court Decision Link — http://www.tncourts.gov/sites/default/files/joneshenryopn.pdf

4. Lower Court Summary — Appellant, Henry Lee Jones, appeals from his convictions of two counts of premeditated first degree murder and two counts of felony murder and his sentences of death resulting from the August 2003 deaths of Clarence and Lillian James. At the conclusion of the penalty phase, the jury unanimously found the presence of four statutory aggravating circumstances relating to the murder of Mrs. James: (1) Appellant was previously convicted of two or more felonies involving the use of violence; (2) the murder was especially heinous, atrocious, or cruel; (3) the murder was committed for the purpose of avoiding, interfering with, or preventing a lawful arrest or prosecution of Appellant or another; and (4) the murder was knowingly committed while Appellant had a substantial role in committing any robbery. *See* T.C.A. § 39-13-204(i)(2), (5), (6), (7). The jury unanimously found the presence of the same four statutory aggravating circumstances with regard to the murder of Mr. James, as well as an additional statutory aggravating circumstance, that the victim was 70 years of age or older. *See id.* at (i)(14). The jury determined that these aggravating circumstances outweighed any mitigating circumstances and imposed sentences of death. On appeal, the following issues are presented for our review: (1) whether the trial court erred in admitting evidence of a subsequent murder; (2) whether the evidence is sufficient to support the convictions; (3) whether the trial court erred in admitting photographs of the victims; and (4) whether Tennessee's sentencing statute for first degree murder is unconstitutional. After a review of the record and the applicable law, we affirm Appellant's convictions and sentences of death and remand this matter to the trial court for entry of a single judgment of conviction for first degree murder with regard to each victim.

5. Status — Heard 04/09/14 in Jackson

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1. Style — Terri Ann Kelly v. Willard Reed Kelly

2. Docket Number — E2012-02219-SC-R11-CV

3. Lower Court Decision Link — http://www.tncourts.gov/sites/default/files/kellytaopn.pdf
http://www.tncourts.gov/sites/default/files/kellytadis.pdf

4.	Lower Court Summary	This appeal arises from a divorce and child custody determination. After 18 years of marriage, Terri Ann Kelly ("Wife") sued Willard Reed Kelly ("Husband") for divorce in the Circuit Court for Hamilton County ("the Trial Court"). The Trial Court, among other things, awarded Wife alimony and custody of the parties' son, Will. Husband appeals, raising several issues. We reverse the Trial Court in its award of custody of Will to Wife. We modify the Trial Court's division of the marital estate and its award of alimony to Wife. Finally, we affirm the Trial Court as to its award of attorney's fees to Wife. We affirm, in part, as modified, and reverse, in part, the judgment of the Trial Court.
5.	Status	Heard 05/06/14 in Knoxville

1.	Style	Edward Thomas Kendrick, III v. State
2.	Docket Number	E2011-02367-SC-R11-PC
3.	Lower Court Decision Link	http://www.tncourts.gov/sites/default/files/kendrickeopn.pdf
4.	Lower Court Summary	Edward Thomas Kendrick, III ("the Petitioner") was convicted by a jury of first degree premeditated murder. This Court affirmed the Petitioner's conviction on direct appeal. The Petitioner filed for post-conviction relief, alleging ineffective assistance of counsel. After a hearing, the post-conviction court denied relief, and this appeal followed. Upon our thorough review of the record and the applicable law, we are constrained to conclude that the Petitioner established that he received the ineffective assistance of counsel at trial, because it is reasonably likely that a jury would have convicted him of a lesser degree of homicide absent the deficiencies in his trial counsel's performance. Accordingly, we must reverse the Petitioner's conviction and remand this matter for further proceedings.
5.	Status	To be heard 05/28/14 at the Boys State S.C.A.L.E.S. project in Cookeville

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1.	Style	State v. Kiara Tashawn King
2.	Docket Number	M2012-00236-SC-R11-CD
3.	Lower Court Decision Link	http://tncourts.gov/sites/default/files/kingopn3_1.pdf
4.	Lower Court Summary	The defendant, Kiara Tashawn King, pled guilty to aggravated burglary, a Class C felony, and theft of property with a value of $500 or more, a Class E felony. Following a sentencing hearing, the trial court sentenced the defendant as a Range I, standard offender, to an effective five-year sentence, to be served on probation. On appeal, the defendant contends that the trial court failed to follow the correct sentencing procedure, imposed an excessive sentence, and erred by denying judicial diversion. Upon review, we conclude that the trial court did not abuse its discretion by imposing an effective sentence of five years of probation and that its decision to

		deny judicial diversion did not wholly depart from the principles and purposes of the Sentencing Act. We affirm the sentences imposed by the trial court accordingly.
5.	Status	Opinion filed 04/23/14

1.	Style	Fletcher Whaley Long v. Board of Professional Responsibility
2.	Docket Number	M2013-01042-SC-R3-BP
3.	Lower Court Decision Link	n/a
4.	Lower Court Summary	n/a
5.	Status	Heard 02/05/14 in Nashville

1.	Style	Thomas Fleming Mabry v. Board of Professional Responsibility
2.	Docket Number	E2013-01549-SC-R3-BP
3.	Lower Court Decision Link	n/a
4.	Lower Court Summary	n/a
5.	Status	Heard 05/06/14 in Knoxville

1.	Style	State v. Barry D. McCoy
2.	Docket Number	M2013-00912-SC-R11-CD
3.	Lower Court Decision Link	n/a
4.	Lower Court Summary	n/a
5.	Status	Heard 02/06/14 in Nashville

1.	Style	Clarence Nesbit v. State
2.	Docket Number	W2009-02101-SC-R11-PD
3.	Lower Court Decision Link	http://www.tncourts.gov/sites/default/files/nesbitclarenceopn.pdf http://www.tncourts.gov/sites/default/files/nesbitclarencedis.pdf

4.	Lower Court Summary	Petitioner, Clarence Nesbit, was convicted by a Shelby County Criminal Court jury of first degree murder and sentenced to death. He sought post-conviction relief, and the post-conviction court vacated the death sentence and granted a new sentencing hearing, which the State has not appealed. The post-conviction court denied Petitioner relief from his first degree murder conviction. On appeal, Petitioner contends that the post-conviction court erred by denying his claim that he received the ineffective assistance of counsel during the guilt phase of the trial. We affirm the judgment of the post-conviction court.
5.	Status	Heard 04/10/14 at the 24th Judicial District S.C.A.L.E.S. project

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1.	Style	Greg Parker et al. v. Holiday Hospitality Franchising et al.
2.	Docket Number	E2013-00727-SC-R11-CV
3.	Lower Court Decision Link	http://www.tncourts.gov/sites/default/files/parkergregopn.pdf
4.	Lower Court Summary	This is a premises liability case in which Plaintiffs alleged that a shower bench in Hotel collapsed, causing Husband to fall and sustain injuries. Plaintiffs filed suit against Defendant, claiming negligence. Defendant filed a motion for summary judgment, asserting that he did not install the bench and did not have actual or constructive notice of the independent contractor's negligent installation of the bench. The trial court granted the motion for summary judgment and dismissed the case. Plaintiffs appeal. We reverse the decision of the trial court and remand for further proceedings.
5.	Status	To be heard 05/29/14 at the Girls State S.C.A.L.E.S. project in Nashville

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1.	Style	Mack Phillips et al. v. Montgomery County, Tennessee et al.
2.	Docket Number	M2012-00737-SC-R11-CV
3.	Lower Court Decision Link	http://www.tncourts.gov/sites/default/files/phillipsm._opn.pdf
4.	Lower Court Summary	Property owners submitted a subdivision plat to the local planning commission for approval. The planning commission denied the proposed plan because the property lies in the path of a planned highway extension. The property owners filed a complaint alleging the planning commission's denial constitutes a regulatory taking that is prohibited by the Tennessee Constitution, Article I, Section 21, and, also, inverse condemnation that is compensable pursuant to Tenn. Code Ann. § 29-16-123. The trial court denied the government's motion to dismiss for failure to state a claim for which relief could be granted. We affirm the trial court's judgment as to the claim based on inverse condemnation, but reverse the judgment refusing to dismiss the regulatory taking claim.

5.	Status	Heard 02/05/14 in Nashville

1.	Style	Jose Rodriguez a/k/a Alex Lopez v. State
2.	Docket Number	M2011-01485-SC-R11-PC
3.	Lower Court Decision Link	http://www.tncourts.gov/sites/default/files/rodriguezjopn3_final.pdf http://www.tncourts.gov/sites/default/files/rodriguezjosedis.pdf
4.	Lower Court Summary	The petitioner, Jose Rodriguez, brings a post-conviction challenge to his guilty plea, asserting that he received the ineffective assistance of counsel. The petitioner claims that, under *Padilla v. Kentucky*, 130 S.Ct. 1473, 1483 (2010), his counsel was deficient in failing to advise him regarding the deportation consequences of his guilty plea. The petition was filed more than one year after the guilty plea, and the post-conviction court denied relief based on the statute of limitations pursuant to Tennessee Code Annotated section 40-30-102(a). We conclude that a post-conviction action does not lie when the petitioner's record has been expunged and no conviction exists. In addition, the trial court was correct in concluding the petition was time-barred. Accordingly, we affirm the post-conviction court's summary dismissal.
5.	Status	Opinion filed 04/04/14

1.	Style	State v. Henry Floyd Sanders
2.	Docket Number	M2011-00962-SC-R11-CD
3.	Lower Court Decision Link	http://www.tncourts.gov/sites/default/files/sandershenryfloyd.pdf
4.	Lower Court Summary	Appellant, Henry Floyd Sanders, was indicted for six counts of aggravated sexual battery and four counts of rape of a child. On appellant's motion, the trial court dismissed one count of aggravated sexual battery on the grounds of insufficient evidence. The jury returned verdicts of guilty on all remaining counts. The trial court ordered appellant to serve partial consecutive sentences of ten years each for the aggravated sexual battery convictions and twenty years each for the rape of a child convictions, yielding an effective forty-year sentence. Appellant raises three issues on appeal: (1) whether the trial court erred in denying his motion to suppress his statements to a third party; (2) whether the trial court erred in denying his motion for judgment of acquittal due to a variance between the bill of particulars and the State's election; and (3) whether the trial court erred in ordering partial consecutive sentences. Discerning no error, we affirm the judgments of the trial court.
5.	Status	Heard 10/02/13 in Nashville

1.	Style	State v. Glover P. Smith
2.	Docket Number	M2011-00440-SC-R11-CD
3.	Lower Court Decision Link	http://www.tncourts.gov/sites/default/files/smithgloveropn.pdf
4.	Lower Court Summary	A Rutherford County Circuit Court Jury convicted the appellant, Glover P. Smith, of fabricating evidence in counts 1 and 2 and filing a false report in counts 3 through 8. During a sentencing hearing, the trial court merged the appellant's convictions of filing a false report in counts 3, 4, and 5 and ordered that he serve an effective sentence of one year in jail followed by six years of probation. Subsequently, the trial court granted the appellant's motion for judgment of acquittal as to the fabricating evidence convictions based upon insufficient evidence. On appeal, the State contends that the trial court erred by granting the appellant's motion for judgment of acquittal. In a counter-appeal, the appellant maintains that the evidence is insufficient to support the convictions; that the trial court improperly instructed the jury on "knowingly"; that newly discovered evidence warrants a new trial; that the State committed a Brady violation; that his multiple convictions in counts 3, 4, and 5 and in counts 6, 7, and 8 violate double jeopardy; that the trial court improperly enhanced his sentences and improperly denied his request for full probation; and that the cumulative effect of the errors warrants a new trial. Based upon the oral arguments, the record, and the parties' briefs, we conclude that the trial court erred by granting the appellant's motion for judgment of acquittal and reinstate his convictions of fabricating evidence in counts 1 and 2, the merger of the convictions, and the sentence. We also conclude that the trial court should have dismissed the charges of filing a false report in counts 4 and 5 because they were multiplicitous with the charge in count 3. The appellant's remaining convictions and sentences for filing a false report in counts 6, 7, and 8 are affirmed.
5.	Status	Heard 10/01/13 at the MTSU S.C.A.L.E.S. project

1.	Style	Mary C. Smith v. UHS of Lakeside, Inc.
2.	Docket Number	W2011-02405-SC-R11-CV
3.	Lower Court Decision Link	http://www.tncourts.gov/sites/default/files/smithmcopn.pdf
4.	Lower Court Summary	Appellant appeals the trial court's grant of summary judgment in favor of Appellee mental health facility, effectively dismissing the case. Having determined that the trial court failed to state the legal grounds upon which it was granting summary judgment, we vacate the orders at issue and remand for entry of orders that comply with Rule 56.04 of the Tennessee Rules of Civil Procedure.
5.	Status	Heard 11/06/13 in Jackson

1.	Style	Larry Sneed v. The City of Red Bank, Tennessee
2.	Docket Number	E2012-02112-SC-R11-CV
3.	Lower Court Decision Link	http://www.tncourts.gov/sites/default/files/sneedopn.pdf
4.	Lower Court Summary	After his discharge as the Chief of Police for Red Bank, Tennessee, Larry Sneed filed suit against Red Bank pursuant to the Tennessee Human Rights Act and the Tennessee Public Protection Act. He requested a jury trial on both claims. Red Bank filed a motion to transfer to circuit court and to proceed without a jury pursuant to the Tennessee Governmental Tort Liability Act. The trial court transferred the case and ordered the case to proceed without a jury on the Tennessee Public Protection Act claim. Relying on *University of Tennessee of Chattanooga v. Farrow*, E2000-02386-COA-R9-CV, 2001 WL 935467 (Tenn. Ct. App. Aug. 16, 2001), the court held that the Tennessee Governmental Tort Liability Act did not preclude a jury trial on the remaining claim. Red Bank pursued this interlocutory appeal. We reverse the decision of the trial court and hold that the Tennessee Governmental Tort Liability Act applies to claims brought against a municipality pursuant to the Tennessee Human Rights Act; therefore, that claim must also be tried without a jury.
5.	Status	Application granted 11/12/13; Appellant's brief filed 12/10/13; Appellee's response brief filed 01/07/14; Appellant's reply brief filed 01/21/14

1.	Style	Andrew Spencer v. Norfolk Southern Railway
2.	Docket Number	E2012-01204-SC-R11-CV
3.	Lower Court Decision Link	http://www.tncourts.gov/sites/default/files/spenceraopn.pdf
4.	Lower Court Summary	Andrew Spencer ("Plaintiff") sued Norfolk Southern Railway Company ("Railroad") for negligence under the Federal Employers' Liability Act. After a jury trial, the Trial Court entered judgment on the jury's verdict finding and holding, inter alia, that the Railroad was not at fault for Plaintiff's injury. Plaintiff appeals raising an issue regarding jury instructions concerning foreseeability and notice. We find that the jury instruction regarding foreseeability and notice was misleading, and we vacate and remand for a new trial.
5.	Status	To be heard 05/28/14 at the Boys State S.C.A.L.E.S. project in Cookeville

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1.	Style	State v. Charles D. Sprunger
2.	Docket Number	E2011-02573-R11-CV
3.	Lower Court Decision Link	http://www.tncourts.gov/sites/default/files/sprungercopn.pdf
4.	Lower Court Summary	This is a forfeiture case. Appellant was convicted of a Class B felony for sexual exploitation of children pursuant to Tennessee Code Annotated Section 39-17-1003. Appellant tendered his home computer to a repair shop. Upon examination of the hard drive, the technician discovered unlawful images and notified local law enforcement. A search warrant was subsequently executed for Appellant's home, where parts of the computer in question were discovered. After Appellant's arrest, a forfeiture warrant was executed and, after his mortgage indebtedness was satisfied, proceeds from the sale of Appellant's real property were forfeited to the State pursuant to Tennessee Code Annotated Section 39-17-1008. Appellant appeals the forfeiture of these proceeds. Discerning no error, we affirm and remand.
5.	Status	Application granted 12/12/13; Appellant's brief filed 02/06/14; State's response brief filed 04/22/14; Appellant's reply brief filed 05/06/14

1.	Style	Lea Ann Tatham v. Bridgestone Americas Holding, Inc. et al.
2.	Docket Number	W2013-02604-SC-R11-CV
3.	Lower Court Decision Link	n/a
4.	Lower Court Summary	Now pending before the Court is the application for an interlocutory appeal filed in this matter by Applicants Bridgestone Retail Operations, LLC and GITI Tire (USA) Ltd. on November 27, 2013, pursuant to Rule 9 of the Tennessee Rules of Appellate Procedure. Respondent Lea Ann Tatham filed a response in opposition to the application on December 9, 2013. Upon due consideration, the Court hereby denies the application. Costs of this matter are assessed to Applicants Bridgestone Retail Operations, LLC and Gill Tire (USA) Ltd. and their surety for which execution may issue, if necessary.
5.	Status	Application granted 05/15/14; Record due 06/16/14; Appellant's supplemental brief due 30 days from filing of record on appeal

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1.	Style	Quantel Taylor v. State
2.	Docket Number	W2012-00760-SC-R11-PC
3.	Lower Court Decision Link	http://www.tncourts.gov/sites/default/files/taylorquantelopn.pdf

4.	Lower Court Summary	Petitioner, Quantel Taylor, appeals from the denial of his petition for post-conviction relief. Petitioner entered "best interest" guilty pleas to second degree murder, attempted first degree murder, and especially aggravated robbery, and received agreed upon sentences of 20 years for each offense to be served concurrently at 100 percent. In this direct appeal, Petitioner asserts that the trial court erred by denying post-conviction relief because Petitioner's trial counsel was ineffective and his plea was involuntarily and unknowingly entered. The postconviction court erred by granting the State's prehearing motion to quash subpoenas and by refusing to allow Petitioner to present an offer of proof at that hearing. However, in light of the proof at the post-conviction hearing the error, though flagrant, was harmless. The judgment is therefore affirmed.
5.	Status	Heard 04/09/14 in Jackson

1.	Style	State v. Jerome Maurice Teats
2.	Docket Number	M2012-01232-SC-R11-CD
3.	Lower Court Decision Link	http://www.tncourts.gov/sites/default/files/teatsjopn.pdf http://www.tncourts.gov/sites/default/files/teatsjeromedis.pdf
4.	Lower Court Summary	Jerome Maurice Teats ("the Defendant") was convicted by a jury of one count of aggravated robbery and four counts of especially aggravated kidnapping. The trial court subsequently imposed an effective sentence of fifty years' incarceration. In this direct appeal, the Defendant raises the following issues: (1) the trial court erred in denying his motion to suppress; (2) the trial court erred in denying his motion to disqualify the district attorney general's office; (3) his convictions for especially aggravated kidnapping must be reversed on due process and double jeopardy grounds; (4) the trial court improperly instructed the jury on criminal responsibility; (5) the evidence was not sufficient to support his convictions; (6) cumulative error; and (7) his sentence is excessive. Upon our thorough review of the record and applicable law, we affirm the judgments of the trial court.
5.	Status	Application granted 05/15/14; Appellant's brief due 06/16/14

1.	Style	Bradley Teplitsky v. Board of Professional Responsibility
2.	Docket Number	W2013-02871-SC-R3-BP
3.	Lower Court Decision Link	n/a
4.	Lower Court Summary	n/a
5.	Status	Notice of appeal filed 01/08/14; Record due 04/23/14 (pending request for extension until 06/06/14)

1.	Style	State v. Jeremy Wendell Thorpe
2.	Docket Number	M2012-02676-SC-R11-CD
3.	Lower Court Decision Link	http://www.tncourts.gov/sites/default/files/thorpejeremywendellopn.pdf
4.	Lower Court Summary	The defendant, Jeremy Wendell Thorpe, appeals his Davidson County Criminal Court jury conviction of attempted sexual battery by an authority figure, claiming that the trial court erred by providing a jury instruction on attempted sexual battery by an authority figure as a lesser included offense of sexual battery by an authority figure and that the evidence was insufficient to support his conviction. Discerning no error, we affirm.
5.	Status	Application granted 02/11/14; Appellant's brief filed 03/12/14; State's response brief filed 04/30/14

1.	Style	Richard Thurmond v. Mid-South Infectious Disease Consultants, PLC et al.
2.	Docket Number	M2012-02270-SC-R11-CV
3.	Lower Court Decision Link	http://www.tncourts.gov/sites/default/files/thurmondr_opn_0.pdf
4.	Lower Court Summary	In this malpractice action, the plaintiff failed to attach proof of service of the statutory notice and the required affidavit with the complaint. The trial court dismissed the action. We affirm.
5.	Status	Opinion filed 04/24/14

1.	Style	Diane West et al. v. Shelby County Health Care Corp.
2.	Docket Number	W2012-00044-SC-R11-CV
3.	Lower Court Decision Link	http://www.tncourts.gov/sites/default/files/westdopn.pdf
4.	Lower Court Summary	This an appeal from the trial court's denial of Appellants' motion to quash Appellee's hospital liens, which were filed pursuant to Tennessee Code Annotated Section 29-22-101 *et seq*. In each Appellant's case, the hospital filed a lien and then recovered adjusted amounts for services rendered pursuant to the hospital's agreements with the Appellant's respective insurance providers. Despite having received payment, the hospital argues that it may return these adjusted payments to the insurance provider and may, instead, seek to recover its full, unadjusted bill from the Appellants' third-party tortfeasors by foreclosing its liens. We conclude that: (1) a lien, under the HLA, presupposes the existence of a debt; (2) Appellants

are third-party beneficiaries of their respective insurer's service contract with the Appellee hospital; (3) having chosen to accept a price certain for services as "payment in full" and having, in fact, accepted payment from Appellants' insurance providers, the underlying debt is extinguished; (4) in the absence of an underlying debt, the hospital may not maintain its lien; (5) the right to subrogate belongs to the insurance provider and a hospital lien does not create a subrogation right in the hospital. Reversed and remanded.

5. Status — Heard 04/09/14 in Jackson

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1. Style — Ike J. White, III v. David A. Beeks, M.D.

2. Docket Number — E2012-02443-SC-R11-CV

3. Lower Court Decision Link — http://www.tncourts.gov/sites/default/files/whiteopn_0.pdf
http://www.tncourts.gov/sites/default/files/whiteijcon.pdf
http://www.tncourts.gov/sites/default/files/whiteijopndissenting.pdf

4. Lower Court Summary — This appeal involves the question of whether the trial court properly limited a medical expert's testimony at trial regarding the standard of care in an informed consent health care liability action. In the case at bar, the defendant filed a motion in limine seeking to limit the testimony of the plaintiff's expert at trial regarding risks that should have been disclosed to the plaintiff to only those risks that actually resulted in injury. The trial court granted the motion. A jury trial was held, and the jury found in favor of the defendant. Plaintiff appeals, asserting that the trial court committed reversible error when it restricted the ability of the plaintiff's medical expert to testify about other known risks. Discerning no error, we affirm.

5. Status — Application granted 05/15/14; Appellant's brief due 06/16/14

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1. Style — Larry D. Williams v. City of Burns, Tennessee

2. Docket Number — M2012-02423-SC-R11-CV

3. Lower Court Decision Link — http://www.tncourts.gov/sites/default/files/williamsl._v.city_of_burns_opn.pdf

4. Lower Court Summary — A police officer who was terminated for violating chain of command and insubordination filed suit for retaliatory discharge pursuant to Tenn. Code Ann. § 50-1-304, alleging that he had been terminated for reporting illegal activities of the Police Chief to the Mayor. Following a trial, the court held that the evidence did not establish that the officer had been terminated solely for his refusal to remain silent about the illegal activities. Finding that the reasons given for the officer's termination were pretextual within the meaning of the applicable statute, we reverse the judgment of the trial court and remand for further proceedings.

5. Status — Application granted 12/17/13; Appellant's brief filed 01/16/14; Appellee's response brief due 02/13/14; Appellant's reply brief filed 02/26/14

1.	Style	State v. Ricco R. Williams
2.	Docket Number	W2013-01897-SC-R11-CD
3.	Lower Court Decision Link	http://www.tncourts.gov/sites/default/files/williamsriccofinal.pdf http://www.tncourts.gov/sites/default/files/williamsriccorcon.pdf
4.	Lower Court Summary	A jury convicted Ricco R. Williams ("the Defendant") of five counts of especially aggravated kidnapping, two counts of aggravated robbery, one count of aggravated burglary, two counts of employing a firearm during the commission of a dangerous felony, and one count of unlawful possession of a firearm by a convicted felon. The Defendant appealed and contended, among other issues, that the evidence was not sufficient to support his convictions. Upon our review, this Court reversed the Defendant's two convictions of employing a firearm during the commission of a dangerous felony and remanded those counts for a new trial; modified one of the Defendant's aggravated robbery convictions to a conviction of the lesser-included offense of aggravated assault; reversed and dismissed the Defendant's conviction of unlawful possession of a firearm by a convicted felon; and affirmed the Defendant's convictions of and sentences for especially aggravated kidnapping, aggravated burglary, and the remaining aggravated robbery. *See State v. Ricco R. Williams*, No. W2011-02365-CCA-R3-CD, 2013 WL 167285, at *1 (Tenn. Crim. App. Jan. 14, 2013) ("*Williams I*"). Upon the Defendant's application for permission to appeal, the Tennessee Supreme Court remanded the case to this Court for consideration in light of *State v. White*, 362 S.W.3d 559 (Tenn. 2012), and *State v. Cecil*, 409 S.W.3d 599 (Tenn. 2013). *See State v. Ricco R. Williams*, No. W2011-02365-SC-R11-CD (Tenn. Aug. 21, 2013). Upon our consideration of the Defendant's especially aggravated kidnapping convictions in light of *White* and *Cecil*, we affirm the Defendant's three convictions of especially aggravated kidnapping as to the victims A.R., K.R., and M.R. We reverse the Defendant's two convictions of especially aggravated kidnapping as to the victims Timothy Currie and Sherita Currie and remand those charges for a new trial. Our previous holdings regarding the Defendant's remaining convictions are unaffected by the remand and, thus, remain valid.
5.	Status	Application granted 05/15/14; Appellant's brief due 06/16/14

1.	Style	Sandy Womack et al. v. Corrections Corp. of America, d/b/a Whiteville Correctional Facility
2.	Docket Number	M2012-00871-SC-R11-CV
3.	Lower Court Decision Link	http://www.tncourts.gov/sites/default/files/womacksandyopn.pdf

4.	Lower Court Summary	This appeal involves the transfer of a state prisoner's action based on improper venue. The prisoner was housed in a correctional facility located in Hardeman County, Tennessee. The correctional facility is operated by a private entity. Pursuant to Tennessee Code Annotated section 41-21-803, the Circuit Court of Davidson County transferred this action to Hardeman County, where the correctional facility is located. Discerning no error, we affirm.
5.	Status	Heard 02/06/14 in Nashville

1.	Style	Cha Yang v. Nissan North America, Inc. et al.
2.	Docket Number	M2012-01196-SC-WCM-WC
3.	Lower Court Decision Link	n/a
4.	Lower Court Summary	n/a
5.	Status	Heard 02/06/14 in Nashville