

IN THE COURT OF APPEALS OF TENNESSEE
AT KNOXVILLE
June 25, 2002 Session

JONATHAN H., ET AL. v. JAMES STEWART, ET AL.

**Appeal from the Chancery Court for Anderson County
No. 00CH0424 William E. Lantrip, Chancellor**

**No. E2001-02485-COA-R3-CV
August 9, 2002**

This is a suit brought by Jonathan H., through his mother and next friend, Lisa S., and Lisa S., individually, seeking by means of a writ of certiorari and supercedes, to reverse a determination of the Anderson County School Board expelling Jonathan H. for one year because the Board found that he had violated its zero tolerance policy by possessing drugs on a school campus. We vacate the judgment below, dismiss the appeal and remand.

**Tenn.R.App.P. 3 Appeal as of Right; Judgment of the Chancery Court Vacated;
Appeal Dismissed; Cause Remanded**

HOUSTON M. GODDARD, P.J., delivered the opinion of the court, in which HERSCHEL P. FRANKS and CHARLES D. SUSANO, JR., joined.

Jerry Shattuck, Clinton, Tennessee, for the Appellants, James Stewart, Director, Anderson County Schools, and Sylvia Brinkman, John Burrell, Ron Hagans, Gail Martin, Arthur Nelson, John Price, Kent Worthington, Jerry White, and Jim Zitzman, Members of the Anderson County Board of Education

Lenny L. Croce, Oak Ridge, Tennessee, for the Appellees, Jonathan H., by Next Friend Lisa S. and Lisa S.

OPINION

During oral argument counsel for both the Petitioners and the Respondents represented that all issues in this litigation have become moot.

In light of these concessions we deem it appropriate that the judgment of the Trial Court reversing the action of the Board be vacated, the appeal dismissed and the cause remanded for collection of costs below. Exercising our discretion, we adjudge one-half of the costs of appeal to

the Appellants, James Stewart, Sylvia Brinkman, John Burrell, Ron Hagans, Gail Martin, Arthur Nelson, John Price, Kent Worthington, Jerry White, Jim Zitzman and their surety, and one-half to the Appellee, Lisa S.

HOUSTON M. GODDARD, PRESIDING JUDGE