

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

MONDAY, NOVEMBER 26, 2012

GRANTS

STYLE/APPEAL NUMBER	COUNTY TRIAL JUDGE TRIAL COURT NO.	APPELLATE JUDGE JUDGMENT	NATURE OF APPEAL	ACTION
<u>Nashville</u>				
State of Tennessee v. Jeremy Keeton M2009-01928-SC-R11-CD	Wayne Cuonty Circuit Court Judge Stella L. Hargrove No. 14050	Wedemeyer, J. Affirmed (Tipton, P.J., Harris, Sr.J. - joined)	Rule 11	Granted - Application of Jeremy Keeton - summarily granted for the purpose of vacating the judgment of the Court of Criminal Appeals and remanding the case to the trial court for supplementation of the record with a statement of the evidence regarding the missing portion of the trial transcript) (Order filed - 11-21-12 - copy attached)
<u>Knoxville</u>				

Cleven Johnson v. State of Tennessee E2011-01621-SC-R11-PC	Knox County Criminal Court Judge Jon Kerry Blackwood No. 91888	Wedemeyer, J. Affirmed	Rule 11	Granted - Application of Cleven Johnson (Remanded to the Court of Criminal Appeals for reconsideration in light of this Court's decision in <u>Wlodarz v. State</u> , 361 S.W.3d 490 (Tenn. 2012)) (Order filed - 11-21-12 - copy attached)
<u>Jackson</u>				

**SUPREME COURT OF TENNESSEE
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DENIALS

STYLE/APPEAL NUMBER	COUNTY TRIAL JUDGE TRIAL COURT NO.	APPELLATE JUDGE JUDGMENT	NATURE OF APPEAL	ACTION
<u>Nashville</u>				

Estate of Robert Beazley, Jr. M2011-01914-SC-R11-CV	Davidson County Circuit Court Judge David Randall Kennedy No. 05P-399	Dinkins, J. Reversed	Rule 11	Denied - Application of Dennis C. Wright (Order filed - 11-21-12)
Barry Bethel v. Neill Sandler Buick Pontiac GMC, Inc. M2011-00356-SC-R11-CV	Rutherford County Circuit Court Judge J. Mark Rogers No. 52688	Dinkins, J. Affirmed	Rule 11	Denied - Application of Marty Luplow (Order filed - 11-21-12)
Robert Jason Burgess v. State of Tennessee M2011-01324-SC-R11-PC	Marshall County Circuit Court Judge Rogert Crigler No. 11-CF1-A, 11-CR1-B	Tipton, P.J. Affirmed	Rule 11	Denied - Application of Robert Jason Burgess (Order filed - 11-20-12)
Juan Cantu v. State of Tennessee M2011-02506-SC-R11-PC	Putnam County Circuit Court Judge David A. Patterson No. 06-0704A	Page, J. Affirmed	Rule 11	Danied - Application of Juan Cantu (Order filed - 11-26-12)
Ulysses Durham III, <u>et al.</u> v. John Noble, <u>et al.</u> M2011-01579-SC-R11-CV	Rutherford County Circuit Court Judge Robert E. Corlew III No. 54877	Dinkins, J. Affirmed	Rule 11	Denied - Application of Ulysses Durham III, <u>et al.</u> (Order flied - 11-20-12)
James W. Gann, Jr. V. State of Tennessee M2010-01944-SC-R11-PC	Coffee County Circuit Court Judge L. Craig Johnson No. 36573	Ogle, J. Affirmed	Rule 11	Denied - Application of James W. Gann, Jr. (Order filed - 11-20-12)
Marquise Harris v. State of Tennessee M2011-00941-SC-R11-PC	Davidson County Criminal Court Judge Cheryl Blackburn No. 2004-C, 2465; 2004-C- 2468	McMullen, J. Affirmed	Rule 11	Denied - Application of Marquise Harris (Order filed - 11-26-12)

Thomas Earl Lewis v. State of Tennessee M2011-01845-SC-R11-PC	Davidson County Criminal Court Judge Monte Watkins No. 4369	Woodall, J. Rule 20 Affirmed	Rule 11	Denied - Application of Thomas Earl Lewis (Order filed - 11-20-12)
Humberto Lopez v. State of Tennessee M2011-02349-SC-R11-PC	Putnam County Criminal Court Judge Leon Burns No. 04-0783, 04-0749	Ogle, J. Affirmed	Rule 11	Denied - Application of Humberto Lopez (The appellant's "Motion to Proceed as a Poor Person" is granted) (Order filed - 11-26-12)
Rhonda Medley v. State of Tennessee M2010-01181-SC-R11-PC	Bedford County Circuit Court Judge Robert Crigler No. 11729	Bivins, J. Affirmed	Rule 11	Denied - Application of Rhonda Medley (Order filed - 11-26-12)
Mike Dwayne Rahming v. State of Tennessee M2011-01574-SC-R11-PC	Davidson County Criminal Court Judge Monte Watkins No. 2007-1-928	Williams, J. Affirmed	Rule 11	Denied - Application of Mike Dwayne Rahming (Order filed - 11-20-12)
Ashley D. Ramsay v. Starlett J. Custer M2011-02490-SC-R11-CV	Rutherford County Circuit Court Judge Royce Taylor No. 59390	Franks, P.J., E.S. Affirmed	Rule 11	Denied - Ashley D. Ramsay (Order filed - 11-20-12)
Edward G. Rochelle v. Grange Mutual Casualty Co., <u>et al.</u> M2011-02697-SC-R11-CV	Humphreys County Circuit Court Judge George C. Sexton No. 10047	Stafford, J. Reversed	Rule 11	Denied - Application of Grange Mutual Casualty Company (Court of Appeals opinion designated "Not for Citation") (Order filed - 11-21-12)
David R. Smith v. Tennessee National Guard M2012-00160-SC-R11-CV	Davidson County Circuit Court Judge Thomas W. Brothers No. 11C3080	Clement, Jr., J. Affirmed	Rule 11	Denied - Application of David R. Smith (Order filed - 11-21-12)

Lisa Smith, <u>ex rel.</u> , Estate of Rodterrius M. Tinnel v. State of Tennessee, <u>e al.</u>	Rutherford County Circuit Court Chancellor Robert E. Corlew III No. 63295	Clement, J. Bennett, J. Dinkins, J. Appeal Dismissed	Rule 11	Denied - Application of Lisa Smith (Order filed - 11-21-12)
State of Tennessee v. Tina M. Dixon M 2010-02382-SC-R11-CD	Humphreys County Circuit Court Judge George C. Sexton No. 11671	Wedemeyer, J. Affirmed	Rule 11	Denied - Application of Tina M. Dixon (Order filed - 11-26-12)
State of Tennessee v. Jimmy Esters M2011-01132-SC-R11-CD	Lawrence County Circuit Court Judge Stella L. Hargrove No. 29198	Page, J. Affirmed	Rule 11	Denied - Application of Jimmy Esters (Order filed - 11-20-12)
State of Tennessee v. James Everett Ferrell M 2011-00870-SC-R11-CD	Cannon County Circuit Court Judge J. Mark Rogers No. 728	Ogle, J. Affirmed	Rule 11	Dismissed - Application of James Everett Ferrell (Order filed - 11-20-12)
Yvonne Rea Taylor, <u>et ux.</u> v. David J. Blazer, M.D. M2012-02222-SC-R10-CV	Dickson County Circuit Court Judge George C. Sexton No. 22CC-2011-CV-51	Per Curiam Rule 10 Denied	Rule 10	Denied - Application of David J. Blazer, M.D. - without prejudice to seeking relief from the trial court. (Order filed - 11-20-12)
VFS Leasing Co. v. Bric Constructors, LLC, <u>et al.</u> M2011-01894-SC-R11-CV	Williamson County Chancery Court Judge Jeffrey S. Bivins No. 35784	Bennett, J. Reversed	Rule 11	Denied - Application of VFS Leasing (Order filed - 11-21-12)

Knoxville

Pat Brown v. Clifford Leon Houston and Rocky Joe Houston E2012-01110-SC-R11-CV	Cumberland County Circuit Court Judge Amy V. Hollars No. CV005529	Per Curiam Dismissed	Rule 11	Denied - Application of Clifford Leon Houston and Rocky Joe Houston (Cornelia A. Clark, J., Not Participating) (Order filed - 11-21-12)
Sterling Cooper v. State of Tennessee E2012-00383-SC-S10-PC	Anderson County Circuit Court Judge Donald Ray Elledge No. B1CO0002	Witt, Jr., J. Motion to Dismiss Court-appointed Counsel Denied	Rule 11	Denied - Application of Sterling Cooper (Order filed - 11-21-12)
In Re: Estate of Mary Gladys Gibson E2010-01029-SC-R11-CV	Hamilton County Chancery Court Chancellor Howell N. Peoples No. 00P056	McClarty, J. Affirmed	Rule 11	Denied - Application of bobbie Bryant (The appellant's motion for Supreme Court review pursuant to Tennessee Code Annotated section 16-3-201 is denied) (Order filed - 11-21-12)
Sidney Cleve Metcalf v. David Sexton, Warden E2011-02532-SC-R11-HC	Johnson County Circuit Court Judge Thomas J. Wright No. 5952	Thomas, J. Affirmed	Rule 11	Denied - Application of Sidney Cleve Metcalf (Order filed - 11-21-12)
Almond Reid v. Nigel Reid, Sr. E2011-02663-SC-R11-CV	Hamblen County Circuit Court Judge Tom Wright No. 11CV227TJW	Kirby, J. Affirmed	Rule 11	Denied - Application of Nigel Reid, Sr. (Order filed - 11-20-12)
Roger D. Roach, <u>et al.</u> v. Don Bunch, <u>et al.</u> E2011-00159-SC-R11-CV	Grainger County Chancery Court Chancellor Telford E. Forgety, Jr. No. 07095	Franks, P.J., E.S. Affirmed	Rule 11	Denied - Application of Leon Epling and Rhonda Epling (Order filed - 11-20-12)

Brenda W. Sneyd v. Washington County, Tennessee E2011-01964-SC-R11-CV	Washington County Chancery Court Walter C. Kurtz, Sr. Judge No. 40557	Franks, P.J., E.S. Affirmed	Rule 11	Denied - Application of Brenda Sneyd (Order filed - 11-20-12)
State of Tennessee v. Terry Bonds E2011-01199-SC-R11-CO	Hamilton County Criminal Court Judge Don W. Poole No. 245247	Page, J. Affirmed	Rule 11	Denied - Application of Terry Bonds (Order filed - 11-20-12)
State of Tennessee v. Ricky Lee Burris E2012-00325-SC-R11-CD	Blount County Circuit Court Judge David Reed Duggan No. C16529	Bivins, J. Affirmed	Rule 11	Denied - Application of Ricky Lee Burris (Order filed - 11-21-12)
State of Tennessee v. Michael Alvin Young E2012-00726-SC-R11-CD	Sullivan County Criminal Court Judge Robert H. Montgomery, Jr. No. S52875	Wedemeyer, J. Affirmed	Rule 11	Denied - Application of Michael Alvin Young (Court of Criminal Appeals opinion designated "Not for Citation") (Order filed - 11-21-12)
Cynthia A. Wilkerson v. Raynella Dossett Leath E2011-00467-SC-R11-CV	Knox County Circuit Court Judge Wheeler A. Rosenbalm No. 39306	McClarty, J. Reversed	Rule 11	Denied - Cynthia A. Wilkerson (Order filed - 11-21-12)
<u>Jackson</u>				
Dwayne Anderson v. Anita Benson, <u>et al.</u> W2012-00071-SC-S10-CV	Shelby County Circuit Court No. CT00335910	Highers, P.J., W.S. Farmer, J. Appeal Denied	Rule 10	Denied - Application of Dwayne Anderson (Order filed - 11-21-12)
Mario Bateman v. State of Tennessee W2011-01178-SC-R11-PC	Shelby County Circuit Court Judge Paula Skahan No. 05-01008	Tipton, P.J. Affirmed	Rule 11	Denied - Application of Mario Bateman (Order filed - 11-21-12)

Tony Holmes v. State of Tennessee W2011-02524-SC-R11-PC	Shelby County Criminal Court Judge James C. Beasley, Jr. No. 04-03960	Page, J. Affirmed	Rule 11	Denied - Application of Tony Holmes (Order filed - 11-21-12)
Darnell Hubbard v. State of Tennessee W2011-02037-SC-R11-PC	Shelby County Criminal Court Judge Paula Skahan No. 06-08051	Wedemeyer, J. Affirmed	Rule 11	Denied - Application of Darnell Hubbard (Order filed - 11-20-12)
In Re: The Application of Tony Cox (Seeking to Qualify as Agent for Memphis Bonding) and State of Tennessee v. Cheryl D. Gray and Samuel R. Brisco W2010-02510-SC-R11-CD	Shelby County Criminal Court Judge James M. Lammey, Jr. No. P-35352, P-35417	McMullen, J. Affirmed	Rule 11	Denied - Application of Tony and Samuel R. Brisco (Order filed - 11-21-12)
Joe Eddie Maclin v. State of Tennessee W2011-01112-SC-R11-PC	Tipton County Circuit Court Judge Joseph H. Walker No. 6270, 6271	McMullen, J. Affirmed	Rule 11	Denied - Application of Joe Eddie Maclin (Order filed - 11-20-12)
Kevin McDougle v. State of Tennessee W2011-01430-SC-R11-PC	Shelby County Criminal Court Judge John Fowlkes, Jr. No. 0604208, 0604209, 0701739	Wedemeyer, J. Affirmed	Rule 11	Denied - Application of Kevin McDougle (Order filed - 11-21-12)
State of Tennessee v. Joshua Beadle W2010-01101-SC-R11-CD	Shelby County Circuit Court Judge Lee V. Coffee No. 06-00729	Woodall, J. Affirmed	Rule 11	Denied - Application of Joshua Beadle (Order filed - 11-21-12)
State of Tennessee v. Randy Boxley W2011-02054-SC-R11-CD	Shelby County Criminal Court Judge James C. Beasley, Jr. No. 10-04990	Glenn, J. Affirmed	Rule 11	Denied - Application of Randy Boxley (Order filed - 11-21-12)

State of Tennessee v. Christopher Hubbard W2011-01078-SC-R11-CD	Shelby County Criminal Court Judge James C. Beasley, Jr. No. 1004027	Bivins, J. Affirmed	Rule 11	Denied - Application of Christopher Hubbard (Order filed - 11-21-12)
State of Tennessee v. George Lee Jones W2011-02144-SC-R11-CD	Madison County Circuit Court Judge Donald H. Allen No. 10-760	Glenn, J. Affirmed	Rule 11	Denied - Application of George Lee Jones (Order filed - 11-21-12)
Lamario Sumner v. State of Tennessee W2012-01018-SC-R11-PC	Shelby County Criminal Court Judge Chris Craft No. 0307118	Williams, J. Rule 28 Denied	Rule 11	Denied - Application of Lamario Sumner (Order filed - 11-21-12)
Bruce Alexander Tuck v. State of Tennessee W2011-00262-SC-R11-PC	Weakley County Circuit Court Judge William B. Acree, Jr. No. 2010-CR-99	Glenn, J. Affirmed	Rule 11	Denied - Application of Bruce Alexander Tuck (Order filed - 11-21-12)
Leah Joy Ward v. State of Tennessee W2012-01283-SC-S09-PC	Shelby County Criminal Court Judge W. Otis Higgs, Jr. No. 0304434	Williams, J. Rule 9 Denied	Rule 9	Denied - Application of Leah Joy Ward (The motion for appointment of counsel filed by Leah Joy Ward is denied as moot) (Order filed - 11-20-12)

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

STATE OF TENNESSEE v. JEREMY KEETON

Circuit Court for Wayne County
No. 14050

No. M2009-01928-SC-R11-CD

ORDER

Upon consideration of the application for permission to appeal of Jeremy Keeton, and the record before us, the application is summarily granted for the purpose of vacating the judgment of the Court of Criminal Appeals and remanding the case to the trial court for supplementation of the record with a statement of the evidence regarding the missing portion of the trial transcript. *See* Tenn. R. App. P. 24(c). We acknowledge the trial court's findings that counsel for the parties, as well as former trial counsel for the defendant, have made diligent and exhaustive efforts to compile and prepare a statement of the evidence and that their efforts were unsuccessful due to the length of time since the trial of the matter and the fact that the only notes available were those of the trial court. Pursuant to Tenn. R. App. P. 24(e), however, the trial court has the responsibility to correct or modify the record to conform to the truth. Therefore, the trial court may use its notes to correct or modify a statement of the evidence in this case. Within sixty days of the filing of this order, the trial court clerk shall transmit to the Court of Criminal Appeals as a supplemental record a statement of the evidence prepared pursuant to Tenn. R. App. P. 24(c) and (e). Upon the filing of the supplemental record, the Court of Criminal Appeals may order additional briefing, if appropriate, and thereafter shall reconsider the case.

PER CURIAM

IN THE SUPREME COURT OF TENNESSEE
AT KNOXVILLE

CLEVEN JOHNSON v. STATE OF TENNESSEE

**Criminal Court for Knox County
No. 91888**

No. E2011-01621-SC-R11-PC

ORDER

Upon consideration of Cleven Johnson's application for permission to appeal and the entire record in this cause, the application is granted for the purpose of remanding the case to the Court of Criminal Appeals for reconsideration in light of this Court's opinion in Wlodarz v. State, 361 S.W.3d 490 (Tenn. 2012).

PER CURIAM