

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

Tuesday, February 21, 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. Wayne Lamar Donaldson, Jr. M2010-00690-SC-R11-CD	Davidson County Criminal Court Judge Cheryl Blackburn No. 2009-C-2849	Woodall, J., Affirmed	Rule 11	Granted - Application of the State of Tennessee (Order filed 2-15-2012; copy attached)
Walter Word v. Metro Air Services, Inc., et al. M2011-02675-SC-R9-WC	Wilson County Chancery Court Judge Charles K. Smith No. 2011-CV-476		Rule 9	Granted - Application of Metro Air Services, Inc., Midwestern Insurance Alliance and Praetorian Insurance Company (Order filed 2-16-2012; copy attached)
<u>Knoxville</u>				

In Re: Taylor W. et al. E2011-00352-SC-R11-PT	McMinn County Chancery Court Chancellor Jerri Saunders Bryant No. 2009CV7240	Franks, J., Reversed	Rule 11	Granted - Application of Katina H. and Brenda T. (Order filed 2-16-2012; copy attached)
State of Tennessee v. James David Moats E2010-02013-SC-R11-CD	McMinn County Circuit Court Judge Carroll L. Ross No. 09048	Smith, J., Reversed	Rule 11	Granted - Application of State of Tennessee (Order filed 2-15-2012; copy attached)
<u>Jackson</u>				
State of Tennessee v. Prince Adams W2009-01492-SC-R11-CD	Shelby County Criminal Court Judge James M. Lammey, Jr. No. 0606987	Williams, J., Affirmed	Rule 11	Granted - Application of Prince Adams (Order filed 2-15-2012; copy attached)
State of Tennessee v. Kenneth D. Hubanks W2007-00906-SC-R11-CD	Hardin County Circuit Court Judge C. Creed McGinley No. 8561	Wedemeyer, J., Appeal Dismissed	Rule 11	Granted - Application of Kenneth D. Hubanks (Order filed 2-15-2012; copy attached)
Artis Whitehead v. State of Tennessee W2010-00784-SC-R11-PC	Shelby County Criminal Court Judge James C. Beasley No. 03-04835	Glenn, J., Affirmed	Rule 11	Granted - Application of Artis Whitehead (Order filed 2-15-2012; copy attached)

**SUPREME COURT OF TENNESSEE
SUPREME COURT DISCRETIONARY APPEALS**

Tuesday, February 13, 2012

DENIALS

STYLE/APPEAL NUMBER	COUNTY TRIAL JUDGE TRIAL COURT NO.	APPELLATE JUDGE JUDGMENT	NATURE OF APPEAL	ACTION
<u>Nashville</u>				
State of Tennessee v. Victor A. Askew M2010-00723-SC-R11-CD	Montgomery County Circuit Court Judge James E. Walton No. 038557	Williams, J. Affirmed	Rule 11	Denied - Application of Victor A. Askew (Order filed - 2-16-12)
State of Tennessee v. David Avery and Frederick Avery M2008-01809-SC-R11-CD	Davidson County Criminal Court Judge Cheryl Blackburn No. 2006-C-2451	Wedemeyer, J. Affirmed	Rule 11	Denied - Application of Frederick Avery (Order filed - 2-16-12)
Gdongalay P. Berry v. State of Tennessee M2010-01136-SC-R11-PD	Davidson County Criminal Court Judge J. Randall Wyatt, Jr. No. 96-B-866	Witt, J. Affirmed	Rule 11	Denied - Application of Gdongalay P. Berry (Order filed - 2-16-12)
State of Tennessee v. Jeffery Allen Boston M2010-00919-SC-R11-CD	Sumner County Criminal Court Judge Dee David Gay No. 784-2005	Witt, J., Affirmed	Rule 11	Denied - Applicaton of Jeffery Allen Boston (Order filed 2-21-2012)

Lisa Bradford v. Abe Stephens M2010-01828-SC-R11-CV	Franklin County Circuit Court Judge J. Curtis Smith No. 15,091-CV	Bennett, J. Affirmed	Rule 11	Denied - Application of Abe Stephens (Order filed- 2-16-12)
State of Tennessee v. Joshua Lee Brown M2010-00437-SC-R11-CV	Davidson County Criminal Court Judge Seth W. Norman No. 2007-A-708	Tipton, P.J. Affirmed	Rule 11	Denied - Application of Joshua Lee Brown (Order filed - 2-16-12)
Jerrie Bryant v. State of Tennessee M2010-01954-SC-R11-PC	VanBuren County Circuit Court Judge Larry Stanley No. 1959-F	Wedemeyer, J. Affirmed	Rule 11	Denied - Application of Jerrie Bryant (Order filed - 2-15-12)
State of Tennessee v. Marcos Enrique Collazo, Sr. M2009-02319-SC-R11-CD	Davidson County Criminal Court Judge Monte Watkins No. 2008-A-832	Ogle, J. Affirmed	Rule 11	Denied - Application of Marcos Enrique Collazo, Sr. (Order filed - 2-16-12)
Fernandez C. Davenport v. State of Tennessee M2010-02058-SC-R11-HC	Wayne County Circuit Court Judge Stella Hargrove No. 14913	Woodall, J., Affirmed, pursuant to Rule 20	Rule 11	Denied - Application of Fernandez D. Davenport (Order filed 2-21-2012)
Aubrey E. Givens, et al. v. Vanderbilt University, et al. M2011-00186-SC-R11-CV	Davidson County Circuit Court Judge Amanda Jane McClendon No. 10C3764	Bennett, J., Affirmed	Rule 11	Denied - Application of Aubrey E. Givens and Jessica R. Givens (Order filed 2-21-2012)
Mark Greene v. Tennessee Commission of Indian Affairs M2011-00871-SC-R11-CV	Davidson County Chancery Court Chancellor Ellen H. Lyle No. 101053III	Per Curiam Dismissed	Rule 11	Denied - Application of Lee Vest, Bonnie Knuckles, and Alice Gwin Henry (Order filed- 2-16-12)

Donald R. Jett v. State of Tennessee M2011-00167-SC-R11-PC	Bedford County Circuit Court Judge Robert Crigler No. 12146	Witt, J. Affirmed	Rule 11	Denied - Application of Donald R. Jett (Order filed - 2-15-12)
Kathy Mauk et al. V. CRC Health Tennessee, Inc., et al M2011-02676-SC-S10-CV	Dickson County Circuit Court Judge George Sexton No. 22CC-2011-CV-115	Per Curiam Rule 10 Denied	Rule 10	Denied - Application of CRC Health TN, Inc., d/b/a New Life Lodge, and CRC Health Group, Inc., d/b/a New Life Lodge (Order filed - 2-15-12)
State of Tennessee v. Lajeanra Y. Polk M2011-00226-SC-R11-CD	Montgomery County Circuit Court Judge Michael R. Jones No. 40801092	Witt, J. Affirmed	Rule 11	Denied - Application of Lajeanra Y. Polk (Order filed - 2-16-12)
Delmar Reed v. State of Tennessee M2010-01178-SC-R11-PC	Davidson County Circuit Court Judge Steve Dozier No. 2006-B-1756	Witt, J. Affirmed	Rule 11	Denied - Application of Delmar Reed (Order filed - 2-15-12)
Timothy Roberson v. State of Tennessee M2011-00130-SC-R11-HC	Davidson County Criminal Court Judge Cheryl Blackburn No. 4254	Wedemeyer, J. Affirmed	Rule 11	Denied - Application of Timothy Roberson (Order filed- 2-16-12)
Gerome J. Smith v. State of Tennessee M2011-02205-SC-R11-WM	Sumner County Criminal Court Judge C.L. Rogers No. 3301998	Wedemeyer, J. Writ of Mandamus Denied	Rule 11	Denied - Application of Gerome J. Smith (Order filed - 2-16-12)
Terrell Tigg v. State of Tennessee M2011-00842-SC-R11-PC	Rutherford County Circuit Court Judge James K. Clayton No. 58381	Wedemeyer, J. Dismissed	Rule 11	Denied - Application of Terrell Tigg (Order filed - 2-16-12)

Bob Keith Watson v. State of Tennessee Department of Safety M2010-02193-SC-R11-CV	Davidson County Chancery Court Sr. Judge Walter C. Kurtz No. 0513181	Kirby, J., Affirmed	Rule 11	Denied - Application of Bob Keith Watson; Denied - Bob Keith Watson's Motion for leave to file a reply, motion for remand, and motion to disqualify his attorney. (Order filed - 2-16-12)
Dimarko B. Williams v. State of Tennessee M2010-02180-SC-R11-PC	Maury County Circuit Court Judge Jim T. Hamilton No. 9190	Thomas, J., Affirmed	Rule 11	Denied - Application of Dimarko B. Williams (Order filed 2-17-2012)
Richard L. Williams v. State of Tennessee M2009-01016-SC-R11-PC	Davidson County Criminal Court Judge J. Randall Wyatt, Jr. No. 2003-C-1662	McMullen, J., Affirmed	Rule 11	Denied - Application of Richard L. Williams (Order filed 2-17-2012)
<u>Knoxville</u>				
First Tennessee Bank N.A. v. Harold Woodward, et al. E2011-00599-SC-R11-CV	Knox County Chancery Court Judge Daryl R. Fansler No. 1780622	Susano, J. Reversed	Rule 11	Denied - Application of Harold Woodward (Order filed - 2-16-12)
State of Tennessee v. Jeremy Lieutenant Fuqua E2010-02148-SC-R11-CD	Hamilton County Criminal Court Judge Rebecca Stern Nos. 261746 and 261820	Woodall, J. Affirmed	Rule 11	Denied - Application of Jeremy Lieutenant Fuqua (Order filed - 2-15-12)
Gene Lovelace Enterprises, LLC et al v. City of Knoxville E2011-02279-SC-S09-CV	Knox County Circuit Court Judge Harold Wimberly No. 239105	McClarty, J. Franks, J. Susano, J. Rule 9 Denied	Rule 9	Denied - Application of Gene Lovelace Enterprises, LLC and Bambis, LLC (Order filed 2-15-12)

State of Tennessee ex rel. Bettye Grooms et al v. The City of Newport E2011-00105-SC-R11-CV	Cocke County Chancery Court Chancellor Telford E. Forgety Jr. No. 08115	Swiney, J. Affirmed	Rule 11	Denied - Application of Bettye Grooms, Edna Bush, John Clark, Clayton Owenby, Charles Edmonds, Donnie Miller, Kathy Miller, A.R. Kyker, Tennessee Tobacco Sales, Inc., Kevin Wilder, Jimmy Miller, Jimmy Fox, Nora Freshour, Arlie C. Mason, Patty Jenkins, and Elizabeth Dewey Strange (Order filed - 2-15-12)
Shaun Alexander Hodge v. State of Tennessee E2009-02508-SC-R11-PC	Knox County Criminal Court Judg Mary Beth Leibowitz No. 80222	Williams, J. Affirmed	Rule 11	Denied - Application of Shaun Alexander Hodge (Order filed - 2-15-12)
Amanda Kate Hollis v. Nathan Hadley Early E2011-02397-SC-S09-CV	Hamilton County Circuit Court Judge Jacqueline E. Bolton No. 11C996	Susano, J. Swiney, J McClarty, J. Rule 9 Denied	Rule 9	Denied - Application of Nathan Hadley Early (Order filed - 2 16-12)
Shannon Lee Jarnigan v. State of Tennessee E2010-01254-SC-R11-PC	Hamblen County Circuit Court Judge John F. Dugger, Jr. No. 08CR679	Smith, J. Affirmed	Rule 11	Denied - Application of Shannon Lee Jarnigan (Order filed 2-15-2012)
Barbara Lynch et al v. Loudon County, Tennessee, et al E2010-02231-SC-R11-CV	Loudon County Circuit Court Judge Russell E. Simmons No. 2008CV239	Franks, J. Reversed	Rule 11	Denied - Application of Loudon County, Tennessee (Order filed - 2-15-12)
State of Tennessee v. Jeremy McMillon E2010-01091-SC-R11-CD	Hamilton County Criminal Court Judge Barry A. Steelman No. 265349	Smith, J. Affirmed	Rule 11	Denied - Application of Jeremy McMillon (Order filed - 2-15-12)

State of Tennessee v. Danthony Michael Pender E2010-01859-SC-R11-CD	Sullivan County Criminal Court Judge Robert H. Montgomery No. S50417	Smith, J. Affirmed	Rule 11	Denied - Application of Danthony Michael Pender (Order filed - 2-16-12)
State of Tennessee v. Bryant Kelly Pride E2010-01623-SC-R11-CD	Sullivan County Circuit Court Judge R. Jerry Beck No. S50700	Wedemeyer, J. Affirmed	Rule 11	Denied - Application of Bryant Kelly Pride; Denied - motion for appointment of counsel filed by Bryant Kelly Pride (Order filed - 2-15-12)
State of Tennessee v. Bryant Kelly Pride E2010-02214-SC-R11-CD	Sullivan County Circuit Court Judge R. Jerry Beck No. S52681	Wedemeyer, J. Affirmed	Rule 11	Denied - Application of Bryant Kelly Pride; Denied - motion for appointment of counsel filed by Bryant Kelly Pride (Order filed - 2-16-12)
Kimberly L. Smith v. Gary E. Mills et al E2010-01506-SC-R11-CV	Hamilton County Circuit Court Judge W. Neil Thomas, III No. 07C298	McClarty, J. Affirmed	Rule 11	Denied - Application of Kimberly L. Smith (Order filed - 2- 15-12)
TRI AM Construction, Inc., et al v. J & V Development, Inc., et al E2010-01952-SC-R11-CV	Rhea County Chancery Court Chancellor Jeffrey F. Stewart Nos. 10410; 10424; 10426; 10428; 10432; 10450	Swiney, J. Affirmed	Rule 11	Denied - Application of Branch Banking and Trust Company and Richard Gossett (Order filed - 2-15-12)
Nelson Troglin v. State of Tennessee E2010-01838-SC-R11-PC	Bledsoe County Circuit Court Judge Thomas W. Graham No. 642007	Glenn, J. Affirmed	Rule 11	Denied - Application of Nelson Troglin (Order filed - 2-15-12)

James Gregory Watson v. Howard Carlton Warden, et al E2009-02500-SC-R11-HC	Johnson County Criminal Court Judge Robert E. Cupp No. 5382	McMullen, J. Affirmed	Rule11	Denied - Application of James Gregory Watson (Order filed - 2-15-12)
<u>Jackson</u>				
State of Tennessee v. Deandre Blake W2010-00468-SC-R11-CD	Shelby County Criminal Court Judge John T. Fowlkes No. 08-06637	Witt, J. Affirmed in Part, Vacated; Case Remanded No. 08-06637	Rule11	Denied - Application of Deandre Blake <i>The opinion of the Court of Criminal Appeals is designated "Not For Citation" in accordance with Supreme Court Rule 4(E)</i> (Order filed - 2-15-12)
Joe Burnette ex rel. Joshua Burnette et al v. Joel Porter, Jr., et al W2010-01287-SC-R11-CV	Shelby County Circuit Court Judge Robert L. Childers No. 002021-08	Stafford, J. Affirmed	Rule 11	Denied - Application of Joe Burnette <i>The opinion of the Court of Appeals is designated "Not For Citation in accordance with Supreme Court Rule 4(E)</i> (Order filed - 2-15-12)
Timothy Casterlow v. State of Tennessee W2011-00969-SC-R11-PC	Shelby County Criminal Court Judge James C. Beasley, Jr. No. 98-14186	Witt, J. Affirmed	Rule11	Denied - Application of Timothy Casterlow (Order filed- 2-15-12)
Cityhouse Memphis Condominium Owners' Association, Inc., et al v. Architectural Customworks, LLC, et al W2011-02609-SC-S10-CV	Shelby County Chancery Court Chancellor Walter E. Evans No. CH-08-2000-1	Per Curiam Rule10 Denied	Rule 10	Denied - Application of Cityhouse Memphis Condominium Owners' Association (Order filed - 2-15-12)

Valerie Cossar Clark et al v. Donnie Houston et al W2011-01709-SC-R11-CV	Hardeman County Chancery Court Chancellor William C. Cole No. 15832	Safford, J. Dismissed	Rule 11	Denied - Application of Valerie Cossar Clark and the Estate of Ricky Cossar (Order filed - 2-15-12)
Kenneth E. Diggs v. Genetic Profiles Corporation W2011-01270-SC-R11-CV	Shelby County Circuit Court Judge Robert Childers No. CT00419810	Per Curiam Dismissed	Rule 11	Denied - Application of Kenneth E. Diggs (Order filed - 2-15-12)
Almeta Ellis, et al. v. Minder Music Limited, et al. W2010-01023-SC-R11-CV	Shelby County Chancery Court Judge Arnold B. Goldin No. CH-08-2250-2	Kirby, J., Reversed and Remanded	Rule 11	Denied - Application of Minder Music Limited (Order filed 2-17-2012)
State of Tennessee v. Frederick Hobson W2010-01766-SC-R11-CD	Shelby County Criminal Court Judge Paula L. Skahan Nos. 09-01898, 09-01899, 09-01900	Tipton, J. Vacated and Remanded	Rule 11	Denied - Application of Frederick Hobson (Order filed - 2 -15-12)
In Re: Jozie C. C. W2010-02070-SC-R11-JV	Madison County Juvenile Court Judge Christy Little Nos. 49-44, 450	Stafford, J., Affirmed	Rule 11	Denied - Application of Karen C. (Order filed 2-15-2012)
State of Tennessee v. Roy A. Jamison, Jr. W2010-02314-SC-R11-CD	Hardin County Circuit Court Judge C. Creed McGinley No. 9191	Wedemeyer, J., Affirmed	Rule 11	Denied - Application of Roy A. Jamison, Jr. (Order filed 2-15-2012)
State of Tennessee v. Michael D. Johnson W2010-02315-SC-R11-CD	Hardin County Circuit Court Judge C. Creed McGinley No. 9171	McMullen, J., Affirmed	Rule 11	Denied - Application of Michael D. Johnson (Order filed 2-15-2012)

Ginny Beth King ex rel. Steve R. Taylor W2010-00526-SC-R11-CV	McNairy County Circuit Court Judge J. Weber McCraw No. 6040	Highers, J., Affirmed in Part; Reversed in Part and Remanded	Rule 11	Denied - Application of Flowmaster, Inc. (Order filed 2-15-2012)
John V. L. v. State of Tennessee, Department of Children's Services W2011-01397-SC-R11-JV	Shelby County Circuit Court Judge John R. McCarroll, Jr. No. CH-00582910	Farmer, J., Affirmed and Remanded	Rule 11	Denied - Application of John V. L. (Order filed 2-15-2012)
Michael Lancaster v. Ferrell Paving, Inc. et al. v. Everest Indemnity Insurance Company W2010-02632-SC-R11-CV	Shelby County Circuit Court Judge Donna M. Fields No. CT-002187-08	Highers, J., Reversed and Remanded	Rule 11	Denied - Application of Everest Indemnity Insurance Company (Order filed 2-15-2012)
Danielle Malmquist v. Shem Malmquist W2010-00970-SC-R11-CV	Shelby County Circuit Court Judge Jerry Stokes No. CT00435606	Stafford, J., Affirmed and Remanded	Rule 11	Denied - Application of Danielle Malmquist (Order filed 2-21-2012)
Northwest Tennessee Motorsports Park, LLC v. Tennessee Asphalt Company W2011-00450-SC-R11-CV	Weakley County Chancery Court Judge W. Michael Maloan No. 20074	Stafford, J., Reversed and Remanded	Rule 11	Denied - Application of Northwest Tennessee Motorsports Park, LLC (Order filed 2-15-2012)
State of Tennessee v. Antonio Oliver W2006-01736-SC-R11-CD	Shelby County Criminal Court Judge James C. Beasley, Jr. No. 04-08346	Tipton, J., Affirmed	Rule 11	Denied - Application of Antonio Oliver (Order filed 2-15-2012)
Robert Page v. State of Tennessee W2010-02268-SC-R11-PC	Shelby County Criminal Court Judge Chris Craft No. 99-09509	Wedemeyer, J., Affirmed	Rule 11	Denied - Application of Robert Page (Order filed 2-15-2012)

State of Tennessee v. Walter Andrew Ware W2010-01992-SC-R11-CD	Obion County Circuit Court Judge William Acree No. CC-09-CR-133	Wedemeyer,J., Affirmed	Rule 11	Denied - Application of Walter Andrew Ware (Order filed 2-15-2012)
State of Tennessee v. Courtney Watkins W2010-01851-SC-R11-CD	Shelby County Criminal Court Judge John P. Colton No. 0805482	Welles, J., Affirmed	Rule 11	Denied - Application of Courtney Watkins (Order filed 2-15-2012)

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

STATE OF TENNESSEE v. WAYNE LAMAR DONALDSON, JR.

**Criminal Court for Davidson County
No. 2009-C-2849**

No. M2010-00690-SC-R11-CD - Filed February 15, 2012

ORDER

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

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

PER CURIAM

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

WALTER WORD v. METRO AIR SERVICES, INC. ET AL.

**Chancery Court for Wilson County
No. 2011-CV-476**

No. M2011-02675-SC-R9-WC - Filed February 16, 2012

ORDER

Upon consideration of the Tenn. R. App. P. 9 application for interlocutory appeal filed on behalf of Metro Air Services, Inc., Midwestern Insurance Alliance, and Praetorian Insurance Company, and the record before us, the application is granted.

The trial court clerk shall assemble and transmit the record in accordance with Tenn. R. App. P. 9(e), and the parties shall thereafter file their briefs in accordance with Tenn. R. App. P. 29.

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

PER CURIAM

IN THE SUPREME COURT OF TENNESSEE
AT KNOXVILLE

IN RE: TAYLOR W. ET AL.

**Chancery Court for McMinn County
No. 2009CV7240**

No. E2011-00352-SC-R11-PT - Filed February 16, 2012

ORDER

Upon consideration of the application for permission to appeal of Katina H. and Brenda T. 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 KNOXVILLE

STATE OF TENNESSEE v. JAMES DAVID MOATS

Circuit Court for McMinn County
No. 09048

No. E2010-02013-SC-R11-CD - Filed February 15, 2012

ORDER

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

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

PER CURIAM

IN THE SUPREME COURT OF TENNESSEE
AT JACKSON

STATE OF TENNESSEE v. PRINCE ADAMS

Criminal Court for Shelby County
No. 0606987

No. W2009-01492-SC-R11-CD - Filed February 15, 2012

ORDER

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

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

PER CURIAM

IN THE SUPREME COURT OF TENNESSEE
AT JACKSON

STATE OF TENNESSEE v. KENNETH D. HUBANKS

Circuit Court for Hardin County
No. 8561

No. W2007-00906-SC-R11-CD - Filed February 15, 2012

ORDER

Upon consideration of the application for permission to appeal of Kenneth D. Hubanks, and the record before us, the application is granted.

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

PER CURIAM

IN THE SUPREME COURT OF TENNESSEE
AT JACKSON

ARTIS WHITEHEAD v. STATE OF TENNESSEE

**Criminal Court for Shelby County
No. 03-04835**

No. W2010-00784-SC-R11-PC - Filed February 15, 2012

ORDER

Upon consideration of the application for permission to appeal of Artis Whitehead, 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