

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

**Monday, February 28, 2005**

**GRANTS**

STYLE/APPEAL NUMBER	COUNTY TRIAL JUDGE TRIAL COURT NO.	APPELLATE JUDGE JUDGMENT	NATURE OF APPEAL	ACTION
<b><u>Nashville</u></b>				
Abu Ali Abdur'Rahman v. Phil Bredesen (formerly Don Sundquist), et. al. M2003-01767-SC-R11-CV	Davidson Chancery Ellen H. Lyle 02-2236-III	Koch, PJ, MS Affirmed	Rule 11	<b>Granted</b> - Application of Abu Ali Abdur'Rahman
Sunil Kawatra v. Neelam Mantri Kawatra M2003-01855-SC-R11-CV	Sumner Chancery Tom E. Gray 99D-343	Lee, J Affirmed in Part; Reversed in Part; and Remanded	Rule 11	<b>Granted</b> - Application of Sunil Kawatra
Thomas Sallee v. Tyler Barrett M2003-01893-SC-R11-CV	Montgomery Circuit Ross H. Hicks 50300248	Crawford, PJ, WS	Rule 11	<b>Granted</b> - Application of Tyler Barrett
William Glenn Wiley v. State M2003-00661-SC-R11-PC	Davidson Circuit Walter C. Kurtz 95-C-1918	Riley, J Affirmed	Rule 11	<b>Granted</b> - Application of William Glenn Wiley and State of Tennessee
<b><u>Knoxville</u></b>				

State v. Timothy Wade Davis E2003-02162-SC-R11-CD	Knox Criminal Richard Baumgartner 69067	Williams, J Affirmed	Rule 11	<b>Granted</b> - Application of Timothy Wade Davis
Angela Kamille Draper, as parent, survivor and next friend of Bryanna Faith Draper, Deceased v. Larry Westerfield, M.D., et. al. E2003-02381-SC-R11-CV	Sullivan Circuit John S. McLellan, III C34189(M)	Franks, J Vacated in Part; Affirmed in Part; and Remanded	Rule 11	<b>Granted</b> - Application of Larry H. Westerfield
In Re: Estate of Merle Jeffers McFarland E2003-01833-SC-S09-CV	Hawkins Chancery Thomas R. Frierson, II PC 3554	Susano, J Affirmed and Remanded	Rule 11	<b>Granted</b> - Application of Stephen D. McFarland
State v. David Scarbrough E2003-02850-SC-S09-CD	Knox Criminal Ray Jenkins 62279B	Glenn, J Reversed	Rule 9	<b>Granted</b> - Application of the State of Tennessee
State v. William George Soller E2003-02970-SC-R11-CD	Sevier Circuit Richard Vance 8040 & 8659	Hayes, J Affirmed	Rule 11	<b>Granted</b> - Application of William George Soller
<b><u>Jackson</u></b>				
None				

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**DENIALS**

STYLE/APPEAL NUMBER	COUNTY TRIAL JUDGE TRIAL COURT NO.	APPELLATE JUDGE JUDGMENT	NATURE OF APPEAL	ACTION
<b><u>Nashville</u></b>				
James David Alder v. State M2003-02766-SC-R11-PC	Franklin Circuit Buddy D. Perry 12715	Welles, J Affirmed	Rule 11	<b>Denied</b> - Application of James David Alder
Antonio Batts v. State M2004-00470-SC-R11-HC	Wayne Circuit Jim T. Hamilton 13321	Smith, J Affirmed	Rule 11	<b>Denied</b> - Application of Antonio Batts
Moses Coury v. State M2003-01800-SC-R11-PC	Williamson Circuit Russ Heldman 203-081	Ogle, J Affirmed	Rule 11	<b>Denied</b> - Application of Moses Coury
State v. Lalon R. Davenport M2003-02303-SC-R11-CD	Rutherford Circuit James K. Clayton, Jr. 53941	Wedemeyer, J Affirmed	Rule 11	<b>Denied</b> - Application of Lalon R. Davenport
Wayne Davidson v. Ricky Bell, Warden M2003-01128-SC-R11-HC	Davidson Circuit Barbara N. Haynes 03-C760	Ogle, J Affirmed	Rule 11	<b>Denied</b> - Pro Se Application of Wayne Davidson

James Dubose v. State M2004-01021-SC-R11-HC	Wayne Circuit Jim T. Hamilton 13370	Woodall, J Affirmed	Rule 11	<b>Denied</b> - Application of James Dubose
William B. Engstrom, et al v. Jack Mayfield; Baker, Donelson, Bearman & Caldwell M2004-02661-SC-R23-CQ	U.S. Court of Appeals Sixth Circuit 03-5234		Rule 23	<b>Accepted</b> - Certification accepted
State v. William Martin Frey, Jr. M2003-01996-SC-R11-CD	Davidson Criminal Walter Kurtz 98-C-2059	Welles, J Affirmed	Rule 11	<b>Denied</b> - Application of William Martin Frey, Jr.
Joseph D. Gaines v. State M2004-00725-SC-R11-HC	Wayne Circuit Robert Holloway 13160	Hayes, J Affirmed	Rule 11	<b>Denied</b> - Application of Joseph D. Gaines
David E. Garrison v. State M2003-02137-SC-R11-PC	Davidson Criminal Cheryl A. Blackburn 2000-C-1424	Welles, J Affirmed	Rule 11	<b>Denied</b> - Application of David E. Garrison
State v. Lamont E. Hayes M2003-01825-SC-R11-CD	Williamson Circuit Russ Heldman I-802-275-A	Woodall, J Affirmed in Part; Modified in Part	Rule 11	<b>Denied</b> - Application of Lamont E. Hayes
In Re: The Estate of J.D. Davis M2003-02614-SC-R11-CV	Davidson Probate Frank Clement, Jr. 02P-859	Farmer, J Reversed and Remanded	Rule 11	<b>Denied</b> - Application of J. Douglas Davis and Julie Ann Davis Griffing
Matthew M. Jackson v. State M2003-02057-SC-R11-CO	Sumner Criminal Jane Wheatcraft 906-2000	Welles, J Affirmed	Rule 11	<b>Denied</b> - Application of Matthew M. Jackson
Ricky H. Krantz v. State M2003-02819-SC-R11-HC	Wayne Circuit Robert Holloway 94-A-21	Wedemeyer, J Affirmed	Rule 11	<b>Denied</b> - Application of Ricky H. Krantz

Antonio Lyons v. State M2003-00545-SC-R11-PC	Davidson Criminal J. Randall Wyatt, Jr. 94-B-1260	Wedemeyer, J Affirmed	Rule 11	<b>Denied</b> - Application of Antonio Lyons
State v. Kevin Magness M2003-02990-SC-R11-CD	Warren Circuit Larry B. Stanley, Jr. F-9129	Per Curiam Dismissed	Rule 11	<b>Denied</b> - Petition of State to rehear application for permission to appeal
Early H. Miles v. State M2003-02849-SC-R11-PC	Davidson Criminal J. Randall Wyatt 99-A-118	Wedemeyer, J Affirmed	Rule 11	<b>Denied</b> - Application of Early Miles
State v. Randy David Miles M2003-01492-SC-R11-CD	Franklin Circuit J. Curtis Smith 13679	Glenn, J Affirmed in Part; Reversed in Part; Sentence Modified	Rule 11	<b>Denied</b> - Pro Se Application of Randy David Miles
Raymond Mitchell v. State M2003-02063-SC-R11-PC	Davidson Criminal Seth Norman 95-B-1222	Glenn, J Affirmed	Rule 11	<b>Denied</b> - Application of Raymond Mitchell
State v. William H. Morris, Jr. M2003-03001-SC-R11-CD	Dekalb Circuit Lillie A. Sells 02-011	Williams, J Affirmed	Rule 11	<b>Denied</b> - Application of William H. Morris, Jr.
Ralph W. Mello v. Lamar Advertising Company, Inc., et. al. M2004-02754-SC-S09-CV	Davidson Circuit Marietta M. Shipley 04C-422	Koch, PJ, MS Rule 9 Denied	Rule 11	<b>Denied</b> - Application of Lamar Advertising Company, Inc., Lawrence Paul Leibowitz, and Leibowitz & Cohen
Wade James Odum v. State M2004-00222-SC-R11-PC	Lincoln Circuit William C. Lee S0300117	Welles, J Affirmed	Rule 11	<b>Denied</b> - Petition for Habeas Corpus and Application for Permission to Appeal of Wade James Odum
Michael D. O'Guinn v. State M2003-02846-SC-R11-HC	Wayne Circuit Robert Holloway 13149	Wedemeyer, J Affirmed	Rule 11	<b>Denied</b> - Application of Michael D. O'Guinn

State v. Dwight Garner Padgett M2003-00542-SC-R11-CD	Putnam Circuit Leon Burns, Jr. 01-0450	Wade, J Affirmed	Rule 11	<b>Denied</b> - Application of Dwight Garner Padgett
State v. Lawrence Warren Pierce M2003-01924-SC-R11-CD	Davidson Criminal Steve R. Dozier 2002-B-803	Glenn, J Affirmed as Modified	Rule 11	<b>Denied</b> - Application of Lawrence Warren Pierce
Paul Dennis Reid, Jr. v. State M2004-02931-SC-R10-PD	Davidson Criminal Cheryl Blackburn 97-C-1834	Per Curiam Rule 10 Denied	Rule 10	<b>Denied</b> - Application of Paul Dennis Reid, Jr.
Kenneth Lamar Tucker v. State M2003-02847-SC-R11-PC	Van Buren Circuit Larry B. Stanley 1668F	Smith, J Affirmed	Rule 11	<b>Denied</b> - Application of Kenneth Lamar Tucker **The opinion of the Court of Criminal Appeals is designated "Not for Citation" in accordance with Supreme Court Rule 4, §F.
Waggoner Motors, Inc. v. Waverly Church of Christ M2002-01165-SC-R11-CV	Humphreys Circuit Robert E. Burch 8699	Koch, PJ, MS Affirmed as Modified	Rule 11	<b>Denied</b> - Application of Waggoner Motors, Inc.
Adrian Wilkerson v. State M2003-01385-SC-R11-HC	Davidson Criminal J. Randall Wyatt, Jr. 95-B-856	Wedemeyer, J Affirmed	Rule 11	<b>Denied</b> - Application of Adrian Wilkerson
<b><u>Knoxville</u></b>				
Danny L. Davis Contractors, Inc. v. B. Allen Hobbs, et. al. E2003-02780-SC-R11-CV	Blount Circuit D. Kelly Thomas, Jr. L-13641	Susano, J Affirmed and Remanded	Rule 11	<b>Denied</b> - Application of Mullen Construction Co., Inc.
Derrick Bryant v. State E2003-02911-SC-R11-PC	Hamblen Circuit James E. Beckner 03CR063	Welles, J Affirmed	Rule 11	<b>Denied</b> - Application of Derrick Bryant

Daniel Wayne Gill, Sr. v. City of Church Hill and Rodney E. Miller, Jr. a/k/a Roddy E. Miller, Jr. E2004-00200-SC-R11-CV	Hawkins Circuit John K. Wilson CV-201	Franks, J Affirmed and Remanded	Rule 11	<b>Denied</b> - Application of Daniel Wayne Gill, Sr.
First Tennessee Bank National Association v. Bad Toys, Inc., et. al. E2003-02503-SC-R11-CV	Sullivan Circuit John S. McLellan, III C35289	Swiney, J Affirmed	Rule 11	<b>Denied</b> - Application of Bad Toys, Inc., Larry N. Lunan, and Susan H. Lunan
Teresa Fugate v. William Kendred Fugate, III E2004-00546-SC-R11-CV	Rhea General Sessions James W. McKenzie 21253	Lee, J Affirmed	Rule 11	<b>Denied</b> - Application of Teresa Fugate
In Re: Estate of Kathleen Lee Meade E2003-02629-SC-R11-CV	Sullivan Chancery Richard Ladd P-02-12468	Franks, PJ Reversed	Rule 11	<b>Denied</b> - Application of L. Grady Lee
Jaxie Raymond Jones v. Joe C. Crumley, Jr., Fred Phillips, and Law Enforcement & Special Prosecutions E2003-01598-SC-R11-CV	Johnson Chancery G. Richard Johnson 5386	Susano, J Affirmed	Rule 11	<b>Denied</b> - Application of Joe C. Crumley, Jr.
Robert Ledford v. George Raudenbush E2004-00170-SC-R11-CV	Polk Circuit John B. Hagler CV-03-144	Franks, PJ Affirmed	Rule 11	<b>Denied</b> - Petition to rehear application for permission to appeal of George Raudenbush
Marlin Financial & Leasing Corp. v. Nationwide Mutual Insurance Company E2003-01045-SC-R11-CV	Hamilton Chancery Howell N. Peoples 01-0722	Susano, J Affirmed and Remanded	Rule 11	<b>Denied</b> - Application of Nationwide Mutual Insurance Company
James Marvin Martin v. State E2004-00740-SC-R11-PC	Knox Criminal Richard Baumgartner 77512	Williams, J Affirmed	Rule 11	<b>Denied</b> - Application of James Marvin Martin
Jack Morgan, et. al. v. Charles Garrett E2004-02590-SC-S09-CV	Blount Circuit W. Frank Brown, III L-1392	Susano, J Swiney, J Lee, J Rule 9 Denied	Rule 9	<b>Denied</b> - Application of Jack Morgan, et. al.

Richard Lynn Norton v. State E2003-02596-SC-R11-CV	Greene Chancery William H. Inman 2003-0061	Swiney, J Affirmed and Remanded	Rule 11	<b>Denied</b> - Application of Richard Lynn Norton
Stefan Olaru v. Steven D. Brown E2003-02875-SC-R11-CV	Hamilton Circuit Jackie Schulten 02C1286	Susano, J Affirmed and Remanded	Rule 11	<b>Overruled</b> - Motion to reconsider of Stefan Olaru
Nina Kathryn Parker, et. vir. v. Scott D. Hodges, D.O., et. al. E2004-02600-SC-S10-CV	Hamilton Circuit L. Marie Williams 02C1077	Franks, J Susano, J Swiney, J Rule 10 Denied	Rule 10	<b>Denied</b> - Application of Nina Kathryn Parker and Edward Lebron Parker
James William Parsons, Jr. v. State E2004-01347-SC-R11-HC	Greene Circuit James E. Beckner 04CR066	Glenn, J Affirmed	Rule 11	<b>Denied</b> - Application of James William Parsons, Jr.
Kermit Penley v. State E2004-00129-SC-R11-PC	Greene Criminal James E. Beckner 03CR078	Williams, J Affirmed	Rule 11	<b>Denied</b> - Application of Kermit Penley
Joann Potts, et. al. v. Walter Ansel Rogers, Jr., et. al. E2003-00524-SC-R11-CV	Hamilton Chancery Frank R. Brown, III 98-0323	Inman, SrJ Affirmed as Modified and Remanded	Rule 11	<b>Denied</b> - Application of Walter Ansel Rogers, Jr.
James H. Sibley, et. al. v. W. Keith McCord, et. al. E2003-01324-SC-R11-CV	Knox Chancery William Everett Lantrip 149635-3	Clement, J Affirmed and Remanded	Rule 11	<b>Denied</b> - Application of James H. Sibley, et. al.
State v. Linc Sebastian Baird E2003-02506-SC-R11-CD	Knox Criminal Ray Jenkins 75360 & 76867	Hayes, J Affirmed	Rule 11	<b>Denied</b> - Application of Linc Sebastian Baird
State v. Darrell Wayne Syler E2003-02626-SC-R11-CD	Hamilton Criminal Rebecca J. Stern 238454, 238455, 238456	Welles, J Affirmed as Modified	Rule 11	<b>Denied</b> - Application of Darrell Wayne Syler



State v. Terrell Thomas E2003-02658-SC-R11-CD	Cocke Circuit Ben W. Hooper, II 8975 & 8976	Welles, J Affirmed	Rule 11	<b>Denied</b> - Application of Terrell Thomas
State v. Charles Williams E2003-02517-SC-R11-CD	Sullivan Circuit R. Jerry Beck S46, 764	Smith, J Affirmed	Rule 11	<b>Denied</b> - Application of Charles Williams
<b><u>Jackson</u></b>				
Jerry Anderson v. Tony Parker, Warden W2004-01516-SC-R11-HC	Lake Circuit R. Lee Moore, Jr. 04-CR-8568	Williams, J Affirmed	Rule 11	<b>Denied</b> - Application of Jerry Anderson
Travis Baggett, et. al. V. Takata Corp., et. al. W2004-01973-SC-S09-CV	Haywood Circuit Clayburn L. Peebles 3594	Farmer, J Highers, J Rule 9 Denied	Rule 9	<b>Denied</b> - Application of TK Holdings, Inc., et. al.
Darrell Braddock v. State W2004-00979-SC-R11-PC	Shelby Criminal James C. Beasley, Jr. P-28242	Glenn, J Affirmed	Rule 11	<b>Denied</b> - Pro Se Application of Darrell Braddock
James Clark v. State W2004-00326-SC-R11-CO	Shelby Criminal J.C. McLin M-27596	Wade, PJ Dismissed	Rule 11	<b>Denied</b> - Application of James Clark. **The opinion of the Court of Criminal Appeals is designated "Not for Citation" in accordance with Supreme Court Rule 4, § F.
Ellington-Foster, Inc. v. Victor O. Schinnerer & Co, Inc., et. al. W2004-01919-SC-S09-CV	Shelby Chancery Walter L. Evans CH-03-1222	Highers, J Farmer, J Rule 9 Denied	Rule 9	<b>Denied</b> - Application of H. B. Cantrell Insurance Agency and John F. Cantrell
Thaddeus D. Daniel v. David Mills, Warden W2004-01460-SC-R11-HC	Lauderdale Circuit Joe H. Walker, III 5868	Hayes, J Affirmed	Rule 11	<b>Denied</b> - Application of Thaddeus D. Daniel

Vincent Hatch v. State W2003-02821-SC-R11-PC	Shelby Circuit James C. Beasley, Jr. P-27090	Wade, PJ Affirmed	Rule 11	<b>Denied</b> - Application of Vincent Hatch
Jacqueline Hurt v. State W2004-00151-SC-R11-PC	Shelby Criminal Arthur T. Bennett P-25587	Williams, J Affirmed and Remanded	Rule 11	<b>Denied</b> - Application of Jacqueline Hurt
In Re: Estate of Angula Wilson Whitehorn Turner W2003-02652-SC-R11-CV	Tipton Chancery Dewey C. Whitenton P-1398	Crawford, PJ, WS Affirmed	Rule 11	<b>Denied</b> - Application of Jack R. Whitehorn
Roger Neal James v. State W2004-00302-SC-R11-PC	Obion Circuit William B. Acree, Jr. 3-259	Wade, PJ Affirmed	Rule 11	<b>Denied</b> - Application of Roger Neal James
Tony Mabry v. State W2003-02197-SC-R11-PC	Shelby Criminal Carolyn Wade Blackett P-24164	Woodall, J Affirmed	Rule 11	<b>Denied</b> - Application of Tony Mabry
Donald Mays v. State W2003-02761-SC-R11-PC	Shelby Criminal John P. Colton, Jr. P-26606	Wade, PJ Affirmed; Cause Remanded	Rule 11	<b>Denied</b> - Application of Donald Mays
Shari Parker Morrow, et. al. v. Fay A. Jones W2002-01088-SC-R11-CV	Shelby Chancery D.J. Alissandratos 98-0885-11-1	Farmer, J Affirmed in Part; Modified in Part; and Remanded	Rule 11	<b>Denied</b> - Application of Shari Parker Morrow
Steven R. Ouzts v. Michael L. Womack, et. al. W2003-01502-SC-R11-CV	Shelby Chancery Walter L. Evans CH-02-1430-1	Kirby, J Affirmed	Rule 11	<b>Denied</b> - Application of Steven R. Ouzts
Sam Posey, et. al. v. City of Memphis W2002-00531-SC-R11-CV	Shelby Chancery Walter Evans 102072-1	Kirby, J Affirmed	Rule 11	<b>Denied</b> - Application of Sam Posey, Danny Todd, William "Billy" A. Chitwood, and Jimmy I. Porter

John Ruff v. James G. Neely, Tennessee Commissioner of Labor and Workforce Development, et. al. W2004-02502-SC-S10-CV	Shelby Chancery CH-04-1206-1	Per Curiam Denied	Rule 10	<b>Denied</b> - Application of John Ruff
Danny Silsbe v. Houston Levee Industrial Park, LLC W2003-00717-SC-R11-CV	Shelby Chancery Walter L. Evans CH-02-0191-1	Kirby, J Affirmed	Rule 11	<b>Denied</b> - Application of Danny Silsbe
State v. Ricky Joe Awatt W2003-02680-SC-R11-CD	Madison Circuit Roy B. Morgan, Jr. 02-170	Ogle, J Affirmed	Rule 11	<b>Denied</b> - Application of Ricky Joe Awatt
State v. Robert Banks W2003-02353-SC-R11-CD	Shelby Criminal W. Fred Axley GS-01052	Glenn, J Affirmed as Modified and Remanded	Rule 11	<b>Denied</b> - Application of Robert Banks
State v. Tracy Lynn Franks W2004-00076-SC-R11-CD	Hardin Circuit C. Creed McGinley 8290	Ogle, J Affirmed	Rule 11	<b>Denied</b> - Application of Tracy Lynn Franks
State v. Christopher David Hodge W2003-01513-SC-R11-CD	Lauderdale Circuit Joseph H. Walker, III 7359	Williams, J Affirmed	Rule 11	<b>Denied</b> - Applicaiton of Christopher David Hodge
State v. Mario Merritt W2003-02868-SC-R11-CD	Shelby Criminal James C. Beasley, Jr. 02-05448	Ogle, J Affirmed	Rule 11	<b>Denied</b> - Application of Mario Merritt
State v. Gregory Morrow W2003-02401-SC-R11-CD	Shelby Criminal Bernie Weinman 01-11992	Ogle, J Affirmed and Remanded	Rule 11	<b>Denied</b> - Application of Gregory Morrow
State v. William E. Ross W2004-00079-SC-R11-CD	Hardin Circuit C. Creed McGinley 8270	Tipton, J Affirmed	Rule 11	<b>Denied</b> - Application of William E. Ross

State v. Bennie Nelson Thomas, Jr. W2004-00498-SC-R11-CD	Gibson Circuit 7219 Clayburn L. Peeples	Glenn, J Affirmed and Remanded	Rule 11	<b>Denied</b> - Application of Bennie Nelson Thomas, Jr.
Darrell Taylor v. Allstate Insurance Company W2003-00341-SC-R11-CV	Shelby Circuit Kay S. Robilio CT-004937-02	Kirby, J Affirmed	Rule 11	<b>Denied</b> - Pro Se motion of Darrell Taylor to reconsider order denying Rule 11 Application.
Robert Walker, et. al. v. Michael S. Mullins, et. al. W2004-01174-SC-R11-CV	Fayette Chancery Dewey C. Whitenton 12920	Farmer, J 12920	Rule 11	<b>Denied</b> - Application of Michael S. Mullins and Stephanie J. Mullins
Rosetta Willis v. Mike Settle, et. al. W2004-00636-SC-R11-CV	Madison Circuit Roger A. Page C-00-279	Crawford, PJ, WS Affirmed	Rule 11	<b>Denied</b> - Application of Corrections Corporation of America