

SUPREME COURT OF TENNESSEE
 SUPREME COURT DISCRETIONARY APPEALS
Monday, March 1, 2004

STYLE/APPEAL NUMBER	COUNTY TRIAL JUDGE TRIAL COURT NO.	APPELLATE JUDGE JUDGMENT	NATURE OF APPEAL	ACTION
Cynthia Ann Driver v. Ray Donovan Driver M2002-02113-SC-R11-CV	Marion Chancery Jackie Schulten 6539	Cain, J. Cottrell, J. Koch, J. Dismissed	Rule 11	Denied - Application of Cynthia Ann Driver. (Filed 2/26/04)
Jesse Randall Fiats v. Dr. Donald Arms d/b/a McMinnville Orthopedic Clinic & Dr. William Coger M2002-00655-SC-R11-CV	Warren Circuit Charles D. Haston, Sr. 31	Highers, J. Affirmed	Rule 11	Denied - Application of Jesse Randall Fiats.
Albert Gregurek and Sari Gregurek v. Swope M2002-02854-SC-R11-CV	Marion Circuit J. Curtis Smith 14252	Farmer, J. Reversed and Remanded	Rule 11	Denied - Application of Albert Gregurek and Sari Gregutck.
Sandra Ann Hensley, et al v. Daniel Scokin, M.D., et al M2002-00922-SC-R11-CV	Davidson Circuit Marietta M. Shipley 00C-2535	Kirby, J. Reversed in Part and Affirmed in Part	Rule 11	Denied - Application of Daniel Scokin, M.D.
Howard Michael Hill v. Jennifer Marie Hill v. James Locke and Helen Locke M2003-03021-SC-S10-CV	Wilson Chancery Charles K. Smith 02390	Koch, P.J., M.S. Cottrell, J. Clement, J. Denied R.10 app.	Rule 10	Denied - Application of Howard Michael Hill.

John A. McConkey v. State of Tennessee M2002-02671-SC-R11-CV	Tennessee Claims Commission William Baker 20,101,807	Swiney, J. Affirmed, Case Remanded	Rule 11	Denied - Application of John A. McConkey.
Steven Scott Means & Cheryl Lynn Means v. David Vincent Ashby & Tawni Anne Means M2002-00285-SC-R11-CV	Davidson Circuit Muriel Robinson 00A-35	Cain, J. Affirmed as Modified and Remanded	Rule 11	Denied - Application of Steven Scott Means.
The Estate of Elizabeth A. Haynes M2002-01896-SC-R11-CV	Franklin Probate Floyd D. Davis	Crawford, P.J.,, W.S. Reversed and Remanded	Rule 11	Dismissed - Application of Kenneth Hughes and Elaine Hughes.
State of Tennessee v. Randall Scott M2001-02911-SC-R11-CD	Davidson Criminal Cheryl Blackburn 96-C-1362	Smith, J. Affirmed	Rule 11	Denied - Application of Randall Scott.
Johnnie M. Talley, III v. State of Tennessee M1997-00330-SC-DAT-CD	Williamson Circuit Donald Harris 1199-360	Lafferty, J. Affirmed	Rule 11	Denied - Application of Johnnie M. Talley, III.
State of Tennessee v. Jamie Bailey W2003-02325-SC-R11-CD	Dyer Circuit Lee Moore C02-73	Hayes, J. Denied	Rule 11	Denied - Application of Jamie Bailey.
State of Tennessee v. Oscar C. Wells W2002-01486-SC-R11-CD	Shelby Criminal James C. Beasley, Jr. 01-03299, 01-13119	Ogle, J. Affirmed	Rule 11	Denied - Application of Oscar C. Wells.
Darrow Lynn Williams v. State of Tennessee W2002-03150-SC-R11-PC	Tipton Circuit Joseph H. Walker 3739	Witt, J. Affirmed	Rule 11	Denied - Application of Darrow Lynn Williams.

Roger L. Hickman v. State of Tennessee E2002-01916-SC-R11-PC	Knox Criminal Ray L. Jenkins 74318	Hayes, J. Affirmed	Rule 11	Granted - Application of Roger L. Hickman. In addition to the issue raised in the application for permission to appeal regarding the facial validity of the judgment of conviction, the parties are directed to brief and present oral argument on the following issues: ¹
John M. Johnson v. David Mills E2002-02175-SC-R11-PC	Morgan Criminal E. Eugene Eblen 8748	Welles, J. Affirmed	Rule 11	Denied - Application of John M. Johnson.
State of Tennessee v. Angelee Prater E2002-01774-SC-R11-CD	Rhea Circuit J. Curtis Smith 15552	Smith, J. Affirmed	Rule 11	Denied - Application of Angelee Bailey.

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- ¹1. Does the phrase “imprisoned or restrained of liberty, under any pretense whatsoever” in Tennessee Code Annotated section 29-21-101 require, as a prerequisite to habeas corpus relief, that the prisoner be in either actual or constructive custody of the sentence being challenged at the time the petition is filed?
2. Is a person in federal custody precluded by T.C.A. Sec. 29-21-102 from seeking state habeas corpus relief from a Tennessee judgment of conviction, as footnote 4 of the Opinion of the Court of Criminal Appeals appears to indicate?
3. Is dismissal required where the petitioner fails to comply with the statutory provisions regarding the form of a habeas corpus petition, including T.C.A. Sec. 29-21-107(a) & (b)(1), (3) and (4), but the State does not move to dismiss on this ground?