

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

Monday, December 19, 2005

**GRANTS**

STYLE/APPEAL NUMBER	COUNTY TRIAL JUDGE TRIAL COURT NO.	APPELLATE JUDGE JUDGMENT	NATURE OF APPEAL	ACTION
<b><u>Nashville</u></b>				
Himelda Fuentes Guzman v. Salvador Guzman Alvarez M2003-02902-SC-R11-CV	Williamson Chancery Donald P. Harris 29126	Farmer, J Affirmed as Modified & Remanded	Rule 11	<b>Granted</b> - Application of Salvador Guzman Alvarez.
State of Tennessee v. Alice Smotherman M2004- 01724-SC-R11-CD	Wayne Circuit Jim T. Hamilton 13269	Woodall, J Affirmed	Rule 11	<b>Granted</b> - Application of Alice Smotherman. <sup>1</sup>

---

<sup>1</sup> For oral argument, the Court is particularly interested in the following issue:

Whether or not the affidavit submitted to the judge in support of the search warrant, which simply refers to the affiant's information as coming from an "agent" - without language specifying the basis for the agent's veracity or reliability - is sufficient to meet the Aguilar - Spinelli test adopted by the Court in State v. Jacumin so as to support the judge's finding of probable cause.

**Knoxville**

Shelby Abbott, et al. v. Blount County, et al. E2004-00637-SC-R11-CV	Blount Circuit W. Dale Young I-13422	Farmer, J Reversed & Remanded	Rule 11	<b>Granted</b> - Application of Shelby and Charles Abbott.
State of Tennessee v. Clinton Burns, III E2004-01632-SC-R11-JV	Knox Criminal Ray Jenkins 78802	Susano, J Affirmed in Part, Reversed in Part & Remanded	Rule 11	<b>Granted</b> - Application of the State of Tennessee.  * Clinton burns, III's application for permission to appeal - Denied.

**Jackson**

State of Tennessee v. Arthur Buford W2004-00786-SC-R11-CD	Shelby Criminal John P. Colton, Jr. 02-08547	Wade, J Reversed and Remanded	Rule 11	<b>Granted</b> - Application of the State of Tennessee.
--	--	-------------------------------------	---------	---

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

**Monday, December 19, 2005**

**DENIALS**

STYLE/APPEAL NUMBER	COUNTY TRIAL JUDGE TRIAL COURT NO.	APPELLATE JUDGE JUDGMENT	NATURE OF APPEAL	ACTION
<b><u>Nashville</u></b>				
Arc Lifemed, Inc. Life Trust America, Inc. And Lifemed, LLC v. AMC-Tennessee, Inc. M2003-02640-SC-R11-CV	Davidson Chancery Carol L. McCoy 01-3163-II	Cain, J Affirmed in Part; Reversed in Part & Remanded	Rule 11	<b>Denied</b> - Application of AMC-Tennessee, Inc.
Ed Brennan v. Giles County Board of Education M2004-00998-SC-R11-CV	Giles Chancery Stella L. Hargrove 2799	Crawford, J Affirmed	Rule 11	<b>Denied</b> - Application of Ed Brennan.
Jeffrey Casey v. State of Tennessee M2004-2469-SC-R11-HC	Davidson Criminal Monty Watkins 3502	Wade, J Affirmed	Rule 11	<b>Denied</b> - Application of Jeffrey Casey.
Janice DeLong v. The Vanderbilt University M2002-02655-SC-R11-CV	Davidson Circuit Thomas W. Brothers 01C-874	Koch, P.J., M.S. Reversed and Remanded	Rule 11	<b>Denied</b> - Application of Vanderbilt University.  * Motion of Janice DeLong, to dismiss the application for permission to appeal of the Vanderbilt University also denied.

Wayford Demonbreun, Jr. v. Ricky Bell, Warden M2005-00563-SC-R11-HC	Davidson Criminal J. Randall Wyatt, Jr. 94-B-1274	Wedemeyer, J Rule 20 - Affirmed	Rule 11	<b>Denied</b> - Application of Wayford Demonbreun, Jr..
Robert K. Holloway v. State of Tennessee M2005-00949-SC-R3-CQ	Dickson Circuit Robert E.Burch CR5515	Woodall, J Smith, J Wedemeyer, J Dismissed	Rule 11	<b>Denied</b> - Application of Robert K. Holloway.
LaBryant King v. State of Tennessee M2004-01371-SC-R11-PC	Montgomery Circuit Michael R. Jones 39051, 41153	Welles, J Affirmed	Rule 11	<b>Denied</b> - Application of LaBryant King.
Danny James McAlpin v. State of Tennessee M2004-3043-SC-R11-PC	Robertson Circuit Jane Wheatcraft 8086	Wade, J Affirmed	Rule 11	<b>Denied</b> - Application of Danny James McAlpin.
Marvin Norton v. State of Tennessee M2002-2906-SC-R11-CD	Robertson Circuit John H. Gasaway 00-0076	Ogle, J Affirmed	Rule 11	<b>Denied</b> - Application of Marvin Norton.
Cherryle E. Sexton v. Jim K. Duncan, Administrator Ad Litem for the Estate of Lester W. Martin M2004-01142-SC-R11-CV	Rutherford Circuit Robert E. Corlew 44203	Harris, J Affirmed & Remanded	Rule 11	<b>Denied</b> - Application of Cherryle E. Sexton.  * Motion to amend the brief by Cherryle E. Sexton was granted.
Carol Ann Pellett Smith v. William Ashby Smith, Jr. M2003-2033-SC-R11-CV	Williamson Circuit Donald P. Harris II-98078	Cain, J Affirmed as Modified and Remanded	Rule 11	<b>Denied</b> - Application of William Ashby Smith, Jr.  *William Ashby Smith's motion for consideration of post-judgment facts also denied.
State of Tennessee v. Mark S. Armstrong M2004-02432-SC-R11-CD	Rutherford Circuit James K. Clayton, Jr. F-53628	Wedemeyer, J Affirmed	Rule 11	<b>Denied</b> - Application of Mark S. Armstrong.

State of Tennessee v. Carlos Alberto Cabellero-Grajeda M2004-02097-SC-R11-CD	Davidson Criminal Cheryl Blackburn 12002-B-1003	Woodall, J Affirmed	Rule 11	<b>Denied</b> - Application of E & W Bonding Company.
State of Tennessee v. Willie Joe Frazier M2003-3014-SC-R11-CD	Marshall Circuit Charles Lee 8356	Hayes, J Affirmed in Part, Reversed in Part, Modified and Remanded	Rule 11	<b>Denied</b> - Application of Willie Joe Frazier.
State of Tennessee v. Harry G. Sturgill M2003-01817-SC-R11-CD	Davidson Criminal Steve Dozier 2001-B-1260	Smith, J Affirmed	Rule 11	<b>Denied</b> - Application of Harry G. Sturgill.
State of Tennessee v. John C. Walker, III M2005-01432-SC-R11-CD	Putnam Circuit Sells, J 02-0306	Williams, J Affirmed	Rule 11	<b>Denied</b> - Application of John C. Walker, III.
<b><u>Knoxville</u></b>				
Lavelly Brown v. State of Tennessee E2004-00886-SC-R11-PC	Knox Criminal Richard Baumgartner 53713	Wedemeyer, J Affirmed	Rule 11	<b>Denied</b> - Application of Lavelly Brown.
Frank Depinto v. Donald Wilee E2003-00945-SC-R11-CV	Hamilton Circuit L. Marie Williams 02C2008	Susano, J Franks, J & Swiney, J Dismissed	Rule 11	<b>Denied</b> - Application of Frank Depinto.
Claude L. Glass v. George Underwood, Jr. E2004-02871-SC-R11-CV	Knox Circuit Wheeler A. Rosenbalm 3-436-04	Lee, J Affirmed & Remanded	Rule 11	<b>Denied</b> - Application of Claude L. Glass.  * Request for frivolous appeal - granted. Remanded to trial court for assessment of expenses & atty. fees.

Bronzo Gosnell v. State of Tennessee E2004-02654-SC-R11-PC	Greene Circuit James E. Beckner 04-CR-242	Wedemeyer, J Affirmed	Rule 11	<b>Denied</b> - Application of Bronzo Gosnell, Jr..
Leroy (Lee) Hall, Jr. V. State of Tennessee E2004-01635-SC-R11-PD	Hamilton Criminal Stephen Bevil 222931	Wedemeyer, J Affirmed	Rule 11	<b>Denied</b> - Application of Leroy Hall, Jr.
Edward Jerome Harbison v. State of Tennessee E2004-00885-SC-R11-PD	Hamilton Criminal Rebecca J. Stern 171319	Ogle, J Affirmed	Rule 11	<b>Denied</b> - Application of Edward Jerome Harbison.
Andre L. Mayfield v. Howard Carlton & State of Tennessee E2005-00138-SC-R11-HC	Johnson Circuit Rex Ogle 4434	Smith, J Affirmed	Rule 11	<b>Denied</b> - Application of Andre L. Mayfield.
V. C. Morton v. L.R. Morton, et al. E2003-02784-SC-R11-CV	Blount Sessions Thomas A. Austin S-7434	Swiney, J Affirmed as Modified	Rule 11	<b>Denied</b> - Application of L.R. Morton, James E. Morton and Mace W. Morton.
Eric & Suzanne Mumford v. State of Tennessee E2004-03025-SC-R11-CV	TN. Claims Commission Vance W. Cheek, Jr. 20101742	Franks, J Affirmed	Rule 11	<b>Denied</b> - Application of Eric and Suzanne Mumford.
Samuel Pendergrass v. State of Tennessee E2004-02304-SC-R11- PC	Hamilton Criminal Rebecca J. Stern 246263	Hayes, J Affirmed	Rule 11	<b>Denied</b> - Application of Samuel Pendergrass.
State of Tennessee v. Roger Gene Davis E2003-00945-SC-R11-CD	Knox Criminal Ray Jenkins 78210	Witt, J Affirmed	Rule 11	<b>Denied</b> - Application of Roger Gene Davis.
State of Tennessee v. John Dillihunt E2004-02691-SC-R11-CD	Sullivan Circuit Phyllis Miller S47,787	Glenn, J Affirmed	Rule 11	<b>Denied</b> - Application of John Dillihunt.
State of Tennessee v. Burn Harris Dockery, Jr. E2004-02094-SC-R11-CD	Cocke Circuit Ben W. Hooper, II 9195	Wedemeyer, J Affirmed	Rule 11	<b>Denied</b> - Application of Burn Harris Dockery, Jr.

State of Tennessee v. David Gene Hooper E2004-01053-SC-R11-CD	Greene Circuit Rebecca J. Stern 04-CR-242	Tipton, J Affirmed	Rule 11	<b>Denied</b> - Application of David Gene Hooper.
State of Tennessee v. William Matney Putman E2004-02192-SC-R11-CD	Carter Circuit Lynn W. Brown 11019	Glenn, J Affirmed	Rule 11	<b>Denied</b> - Application of William Matney Putman.
State of Tennessee v. Billy R. Shelley E22004-00145-SC-R11-CD	Sullivan Circuit Phyllis Miller S46, 826	Hayes, J Affirmed	Rule 11	<b>Denied</b> - Application of Billy R. Shelley.
State of Tennessee v. Edward L. Williams E2002-00325-SC-DAS-CD	Knox Criminal Richard Baumgartner 67839	Smith, J Affirmed as Modified; Sentence Modifies; Remanded	Rule 11	<b>Denied</b> - Application of Edward L. Williams.
Kim Wells, et al. V. Hamblen County Tennessee, et al. E2004-01968-SC-R11-CV	Hamblen Circuit John K. Wilson 02CV238	Cottrell, J Affirmed	Rule 11	<b>Denied</b> - Application of Kim Wells.
Dexter L. Williams v. State of Tennessee E2004-01267-SC-R11-PC	Blount Circuit Allen W. Wallace C-9849	Woodall, J Affirmed	Rule 11	<b>Denied</b> - Application of Dexter L. Williams.
<b><u>Jackson</u></b>				
Reginald L. Almo v. State of Tennessee W2003-02559-SC-R11-PC	Shelby Criminal James C. Beasley, Jr. P-27667	Mclin, J Rule 20 Affirmed	Rule 11	<b>Denied</b> - Application of Reginald L. Almo.
Johnny L. Butler v. State of Tennessee W2004-02237-SC-R11-CO	Shelby Criminal Chris Craft P-28609	Wade, J Affirmed	Rule 11	<b>Denied</b> - Application of Johnny L. Butler.

Damion Carrick v. Tony Parker, Warden W2005-00312-SC-R11-HC	Lake County R. Lee Moore, Jr. C04-CR-8632	Smith, J Rule 20 Affirmed	Rule 11	<b>Denied</b> - Application of Damion Carrick.
Kenneth Gaines v. State of Tennessee W2004-01940-SC-R11-PC	Shelby Criminal Carolyn Wade Blackett P-24763	Witt, J Affirmed	Rule 11	<b>Denied</b> - Application of Kenneth Gaines.
Keuntray Henson v. State of Tennessee W2004-02164-SC-R11-PC	Shelby Criminal W. Fred Axley P-27402	Williams, J Affirmed	Rule 11	<b>Denied</b> - Application of Keuntray Henson.
David Johnson v. State of Tennessee W2004-02017-SC-R11-PC	Obion County William B. Acree, Jr. 4-149	Woodall, J Affirmed	Rule 11	<b>Denied</b> - Application of David Johnson.
Shawn Kelly v. State of Tennessee W2004-02211-Sc-R11-PC	Dyer Circuit Lee Moore C01-342; C01-343	Tipton, J Affirmed	Rule 11	<b>Denied</b> - Application of Shawn Kelly.
Bobby Lee v. State of Tennessee W2005-00188-SC-R11-PC	Obion Circuit William B. Acree 4-407	Hayes, J Affirmed	Rule 11	<b>Denied</b> - Application of Bobby Lee.
Ramon L. Shorter v. State of Tennessee W2005-00797-SC-R11-CO	Shelby Criminal James C. Beasley, Jr. P-27230	McLin, J Hayes, J Williams, J Denied Mot. To late file		<b>Denied</b> - Petition to Rehear En Banc, and/or Recall of the Mandate.
State of Tennessee v. Anthony Allen W2004-01085-SC-R11-CD	Shelby Criminal John P. Colton, Jr. 00-010541-56	McLin, J Affirmed in Part; Reversed Part & Remanded	Rule 11	<b>Denied</b> - Application of Anthony Allen.



State of Tennessee v. James Austin W2004-00510-SC-R11-CD	Shelby Criminal John P. Colton, Jr. 00-04749	Williams, J Affirmed Sep. Dissent by Hayes, J	Rule 11	<b>Denied</b> - Application of James Austin.
State of Tennessee v. Frankie Sue Dees W2004-02109-SC-R11-CD	Hardin County C. Creed McGinley 8353	Wade, J Affirmed	Rule 11	<b>Denied</b> - Application of Frankie Sue Dees.
State of Tennessee v. Keith Dotson W2004-01687-SC-R11-CD	Shelby Criminal Chris Craft 03-07367	Wade, J Affirmed	Rule 11	<b>Denied</b> - Application of Keith Dotson.
State of Tennessee v. Eddie Hatchett W2004-01073-SC-R11-CD	Shelby Criminal W. Otis Higgs 03-05044	Tipton, J Affirmed	Rule 11	<b>Denied</b> - Application of Eddie Hatchett.
State of Tennessee v. Larry Holmes W2004-01576-SC-R11-CD	Shelby Criminal Chris Craft 03-02148	Tipton, J Affirmed	Rule 11	<b>Denied</b> - Application on behalf of Larry Holmes.  * The <i>pro se</i> application by the defendant, dismissed.
State of Tennessee v. Lacey Jones W2004-01628-SC-R11-CD	Shelby Criminal Chris Craft 03-02148	Wade, J Affirmed	Rule 11	<b>Denied</b> - Application of Lacey Jones.
State of Tennessee v. Jerry Wayne Patterson W2004-00397-SC-R11-CD	Henry County Julian P Guinn 13581	Mclin, J Affirmed	Rule 11	<b>Denied</b> - Application of Jerry Wayne Patterson.
State of Tennessee v. Jessie Levent Tharpe W2005-00224-SC-R11-CD	Henry County Julian P. Guinn 13598	Hayes, J Affirmed	Rule 11	<b>Denied</b> - Application of Jessie Levent Tharpe.
State of Tennessee v. Jeffery Yates W2003-02422-SC-R11-CD	Shelby Criminal Joseph B. Dailey 02-00754	Welles, J Affirmed	Rule 11	<b>Denied</b> - Application of Jeffery Yates.

Brian L. Woods v. State of Tennessee W2004-02220-SC-R11-PC	Dyer Circuit Lee Moore C01-137	Hayes, J Affirmed	Rule 11	<b>Denied</b> - Application of Brian L. Woods.