

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

Monday, February 23, 2009

GRANTS

STYLE/APPEAL NUMBER	COUNTY TRIAL JUDGE TRIAL COURT NO.	APPELLATE JUDGE JUDGMENT	NATURE OF APPEAL	ACTION
<u>Nashville</u>				
NONE				
<u>Knoxville</u>				
NONE				
<u>Jackson</u>				
State of Tennessee v. Kevin Swift W2007-00673-SC-R11-CD	Shelby County Criminal Court Judge James M. Lammey, Jr. No. 05-07079	Thomas, Jr., J., Affirmed	Rule 11	Granted - Application of Kevin Swift <i>ONLY with regard to Mr. Swift's first issue</i> - see Order for specifics (Order attached hereto)

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DENIALS

STYLE/APPEAL NUMBER	COUNTY TRIAL JUDGE TRIAL COURT NO.	APPELLATE JUDGE JUDGMENT	NATURE OF APPEAL	ACTION
<u>Nashville</u>				
Karen Crespo and Freddie Crespo, as Natural Parents and Guardians of Laura Elizabeth Crespo, a Minor M2007-02601-SC-R11-CV	Davidson County Circuit Court Judge Hamilton V. Gayden, Jr. No. 07C-2193	Susano, J., Reversed and Remanded; Swiney, J., Dissent	Rule 11	Dismissed - Application of Carol McCullough, M.D., Tennessee Women's Care P.C. and Jerilyn Boles, R.N.; Granted - Motion of Carol McCullough, M.D., Tennessee Women's Care P.C. and Jerilyn Boles, R.N. to voluntarily withdraw their Rule 11 Application. (Order filed 02-20-2009)
Timothy Hickman v. State of Tennessee M2008-02034-SC-R11-PC	Davidson County Criminal Court Judge Cheryl A. Blackburn No. 94-A-59	Smith, J., Woodall, J., Wedemeyer, J., Denied Motion to Re-open Petition for Post Conviction	Rule 11	Denied - Petition to Rehear of Timothy Hickman (Order filed 02-18-2009; Corrected Order filed 02-20-2009)

Henry "Kent" Sudberry, Appellant v. Royal & Sun Alliance, et al, Appellees M2008-00751-SC-R11-CV	Rutherford County Circuit Court Chancellor Robert E. Corlew, III No. 47920	Stafford, J., Affirmed and Remanded	Rule 11	Dismissed - Application of Royal & Sun Alliance (Order filed 02-17-2009)
<u>Knoxville</u>				
State of Tennessee v. Erica Lynn Wyma E2007-01999-SC-R11-CD	Hamblen County Circuit Court Judge John Dugger, Jr. No. 04CR395	Glenn, J., Affirmed	Rule 11	Denied - Application of Erica Lynn Wyma
James A. Dellinger v. State of Tennessee E2005-01485-SC-R11-PD	Blount County Criminal Court Judge D. Kelly Thomas, Jr. No. C-14432	Tipton, J., Affirmed	Rule 11	Denied - Petition for Rehearing of James A. Dellinger; Denied - Petition for Rehearing of the State of Tennessee (Order filed 02-20-2009)
<u>Jackson</u>				
Glendrick Jones v. State of Tennessee W2007-01454-SC-R11-PC	Shelby County Criminal Court Judge W. Mark Ward No. 98-13085	Per Curiam, Denied Rule 11 Application	Rule 11	Denied - Petition to Rehear titled "Motion Seeking Leave of Court for the Filing of the Petition for Rehearing" of Geraldrick Jones

IN THE SUPREME COURT OF TENNESSEE
AT JACKSON

STATE OF TENNESSEE v. KEVIN SWIFT

Criminal Court for Shelby County
No. 05-07079

No. W2007-00673-SC-R11-CD

ORDER

Upon consideration of the Tenn. R. App. P. 11 application for permission to appeal filed by Kevin Swift and the record before us, the application is granted only with regard to Mr. Swift's first issue – whether the evidence is insufficient to justify finding the appellant guilty of aggravated robbery rather than theft and aggravated assault where the violence or intimidation occurred after the taking was complete.

For the purpose of all the proceedings before this Court with regard to this appeal, the Court is pleased to appoint Nathan A. Bicks, Esq., of the firm of Burch, Porter & Johnson in Memphis, Tennessee, to represent Mr. Swift.

The clerk is requested to place this matter on the Court's docket for oral argument upon the completion of briefing.

PER CURIAM