

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

Monday, June 1, 2009

GRANTS

STYLE/APPEAL NUMBER	COUNTY TRIAL JUDGE TRIAL COURT NO.	APPELLATE JUDGE JUDGMENT	NATURE OF APPEAL	ACTION
<u>Nashville</u>				
State of Tennessee v. Doris Nell Jones M2007-00791-SC-R11-CD	Lawrence County Circuit Court Judge Robert L. Jones No. 23258	Thomas, J., Appeal Dismissed	Rule 11	Granted and Remanded to the Court of Criminal Appeals - Application of Doris Nell Jones (Order attached hereto)
<u>Knoxville</u>				
NONE				
<u>Jackson</u>				
NONE				

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DENIALS

STYLE/APPEAL NUMBER	COUNTY TRIAL JUDGE TRIAL COURT NO.	APPELLATE JUDGE JUDGMENT	NATURE OF APPEAL	ACTION
<u>Nashville</u>				
Eugene Cannon v. McKendree Village, Inc. M2008-00456-SC-R11-CV	Davidson County Circuit Court Judge Amanda McClendon No. 06C-2975	Lee, J., Affirmed	Rule 11	Denied - Application of Eugene Cannon (Lee, J., not participating)
State of Tennessee v. Omar Theron Davis M2007-02206-SC-R11-CD	Montgomery County Circuit Court Judge John H. Gasway, III No. 40500164	Ogle, J., Affirmed as Modified	Rule 11	Denied - Application of Omar Theron Davis
State of Tennessee v. Daniel Pottebaum M2007-02108-SC-R11-CD	Davidson County Criminal Court Judge Cheryl A. Blackburn No. 2002-C-1808	Wedemeyer J., Affirmed	Rule 11	Denied - Application of Daniel Pottebaum
<u>Knoxville</u>				

Alden Joe Daniel v. Jack Morgan, Warden E2008-00394-SC-R11-PC	Morgan County Circuit Court Judge E. Eugene Eblen No. 9250	Wedemeyer J., Affirmed	Rule 11	Denied - Application of Alden Joe Daniel; Denied - Motion of Alden Joe Daniel to Amend the Record
Terilynn Nicholson, et al v. Rheubin Taylor, Jr., et al E2008-00285-SC-R11-CV	Hamilton County Circuit Court Judge John A. Turnbull No. 04-C-0951	Susano, J., Swiney, J. and Lee, J., Dismissed	Rule 11	Denied - Petition to Rehear Application of Terilynn Nicholson (Lee, J., not participating)
<u>Jackson</u>				
Doris Jones and Billy Jones v. Lisa June Cox W2008-00729-SC-R11-CV	Madison County Circuit Court Judge Jerry Scott No. C-06-390	Stafford, J., Reversed and Remanded	Rule 11	Denied - Application of Doris Jones and Billy J. Jones

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

STATE OF TENNESSEE v. DORIS NELL JONES

Circuit Court for Lawrence County
No. 23258

No. M2007-00791-SC-R11-CD

ORDER

Upon consideration of the application for permission to appeal and the entire record in this case,¹ the Court is of the opinion that the application should be, and is hereby, granted for the purpose of remanding the case to the Court of Criminal Appeals for reconsideration in light of this Court's opinion in *State v. Byington*, ___ S.W.3d ___, ___, 2009 WL 1211379, at *2 (Tenn. 2009) (noting that "the procedure for correcting and modifying the record reflects the dual goals of avoiding technicality and expediting a just resolution of the case on its merits") and Tenn. R. App. P. 1 ("[t]hese rules shall be construed to secure the just, speedy, and inexpensive determination of every proceeding on its merits"). The costs of this appeal are taxed against the State of Tennessee.

PER CURIAM

¹The State elected not to file a response to Ms. Jones's Tenn. R. App. P. 11 application.