

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

Monday, August 31, 2009

*** * AMENDED * ***

GRANTS

STYLE/APPEAL NUMBER	COUNTY TRIAL JUDGE TRIAL COURT NO.	APPELLATE JUDGE JUDGMENT	NATURE OF APPEAL	ACTION
<u>Nashville</u>				
NONE				
<u>Knoxville</u>				
State of Tennessee v. Gary Edward Dougherty E2008-00131-SC-R11-CD	Sullivan County Circuit Court Judge Robert H. Montgomery, Jr. No. S51,334	Wedemeyer, J, Appeal Dismissed	Rule 11	GRANTED for the purpose of remanding the case to the Court of Criminal Appeals - Application of Gary Edward Dougherty (Order filed 08-31-2009; copy attached hereto)

Jackson

NONE

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

Monday, August 31, 2009

*** * AMENDED * ***

DENIALS

STYLE/APPEAL NUMBER	COUNTY TRIAL JUDGE TRIAL COURT NO.	APPELLATE JUDGE JUDGMENT	NATURE OF APPEAL	ACTION
<u>Nashville</u>				
Corey Adams v. State of Tennessee M2008-00112-SC-R11-PC	Davidson County Criminal Court Judge Cheryl Blackburn No. 2001-C-1673	Glenn, J., Affirmed	Rule 11	Denied - Application of Corey Adams

State of Tennessee v. Marlin Dale Button M2008-00609-SC-R11-CD	Wilson County Criminal Court Judge J. O. Bond No. 90-169	Ogle, J., Affirmed	Rule 11	Denied - Application of Marlin Dale Button
State of Tennessee v. Alonzo Fishback a/k/a Loranzo Wilhoite M2007-01971-SC-R11-CD	Rutherford County Circuit Court Judge Allen W. Wallace No. F-58990	Smith, J., Affirmed	Rule 11	Denied - Application of Alonzo Fishback. (Order filed 08-31-2009)
Clark Derrick Frazier v. State of Tennessee M2008-01303-SC-R11-CO	Robertson County Circuit Court Judge John H . Gasaway, III No. 06-0350	Woodall, J., Affirmed	Rule 11	Denied - Application of Clark Derrick Frazier
Mary Beth Horan v. Ian Charles McLeod M2007-01762-SC-R11-CV	Rutherford County Circuit Court Judge Royce Taylor No. 501917B	Bennett, J., Affirmed	Rule 11	Denied - Application of Ian Charles McLeod
In The Matter of: C.L.D., C.D.D., and C.G.D. M2008-02805-SC-R11-PT	Putnam County Juvenile Court Judge John P. Hudson No. 875 TPR	Clement, J., Affirmed in Part, Reversed in Part	Rule 11	Denied - Application of the mother, D.E.D.
State of Tennessee v. Danyel D. Martin M2008-00178-SC-R11-CD	Williamson County Circuit Court Judge Timothy L. Easter No. II-CR022442	Thomas, J., Affirmed	Rule 11	Denied - Application of Danyel D. Martin
State of Tennessee v. Emmett Russell McGee, Jr. M2007-02872-SC-R11-CD	Bedford County Circuit Court Judge Robert Crigler No. 16348	Smith, J., Affirmed	Rule 11	Denied - Application of Emmett Russell McGee, Jr.

Hiram Poole v. State of Tennessee, et al M2008-01684-SC-R11-CV	Davidson County Chancery Court Judge Russell Perkins No. 08-1111-IV	Per Curiam, Affirmed	Rule 11	Denied - Application of Hiram Poole
State of Tennessee v. Fred Ramos M2007-01766-SC-R11-CD	Williamson County Circuit Court Judge Robert E. Lee Davies No. II-CR02912	McMullen, J., Affirmed as Modified	Rule 11	Denied - Application of Fred Ramos
<u>Knoxville</u>				
Raymond Cox, et al v. Tennessee Farmers Mutual Insurance Company E2007-00590-SC-R11-CV	Campbell County Chancery Court Chancellor Billy Joe White No. 15, 389	Franks, J., Affirmed	Rule 11	Denied - Application of Raymond Cox and Elaine Cox
Omowale A. Shabazz v. James Worthington, Warden E2008-01627-SC-R11-HC	Morgan County Circuit Court Judge E. Eugene Eblen No. 9394	Ogle, J., Affirmed	Rule 11	Denied - Application of Omowale A. Shabazz
State of Tennessee v. Robert Charles Taylor E2007-01868-SC-R11-CD	Bradley County Criminal Court Judge Carroll L. Ross No. M-08-644	Woodall, J., Affirmed	Rule 11	Denied - Application of Robert Charles Taylor
The Estate of Ada Townson, by and through her duly appointed conservator, East Tennessee human Resource Agency, by its representative agent, Carol Silvey v. Estate of Jeanette East, by and through her duly appointed conservator, Polk Cooley, Esq. E2008-00689-SC-R11-CV	Roane County Chancery Court Chancellor Frank V. Williams, III No. 15621	Franks, J., Reversed	Rule 11	Denied - Application of Estate of Jeanette East

Jackson

Eric Fair v. State of Tennessee W2009-00877-SC-R11-CO	Shelby County Criminal Court Judge Lee V. Coffee No. 90-08685	Williams, J., Denied Motion to Accept Late-Filed Notice of Appeal	Rule 11	Denied - Application of Eric Fair
Thomas David Jordan v. Burlington Northern Santa Fe Railroad Company, et al W2007-00436-SC-R11-CV	Shelby County Circuit Court Judge James F. Russell No. CT-004175-03	Highers, J., Affirmed in Part and Reversed in Part	Rule 11	Denied - Application of Norfolk Southern Railway Company; Granted - Motion of Thomas David Jordan for admission <i>pro hac vice</i> of Robert M. Grey. (Order filed 08-31-2009)
LaSalle Bank National Association v. Louis Hammond W2008-00855-SC-R11-CV	Madison County Circuit Court Judge Roger A. Page No. C-07-329	Farmer, J., Dismissed	Rule 11	Denied - Petition of Louis Hammond to Rehear Application
Johnny Justin Postles v. State of Tennessee W2007-02874-SC-R11-PC	Madison County Circuit Court Judge Roger Page No. C-07-160	McLin, J., Affirmed	Rule 11	Denied - Application of Johnny Justin Postles
Shelby County Sheriff's Department v. Michael Harris W2008-00202-SC-R11-CV	Shelby County Chancery Court Chancellor Kenny W. Armstrong No. CH-06-0951-3	Stafford, J., Affirmed	Rule 11	Denied - Application of Michael Harris

Artis Whitehead v. State of Tennessee W2008-00815-SC-R11-PC	Shelby County Criminal Court Judge James C. Beasley, Jr. No. 03-04835	Thomas, J., Reversed and Remanded	Rule 11	Dismissed as Moot - Application of Artis Whitehead
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IN THE SUPREME COURT OF TENNESSEE
AT KNOXVILLE

STATE OF TENNESSEE v. GARY EDWARD DOUGHERTY

Circuit Court for Sullivan County
No. S51,334

No. E2008-00131-SC-R11-CD

ORDER

Upon consideration of the application for permission to appeal of Gary Edward Dougherty and the record before us, 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, 284 S.W.3d 220, 223 (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 Tennessee Rule of Appellate Procedure 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