

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

Monday, September 27, 2010

**GRANTS**

STYLE/APPEAL NUMBER	COUNTY TRIAL JUDGE TRIAL COURT NO.	APPELLATE JUDGE JUDGMENT	NATURE OF APPEAL	ACTION
<b><u>Nashville</u></b>				
Henry Zillon Felts v. State of Tennessee M2009-00639-SC-R11-PC	Sumner County Circuit Court Judge Dee David Gay No. 879-2007	Welles, J., Affirmed	Rule 11	<b>Granted</b> - Application of State of Tennessee  (Order filed 9-23-2010; copy attached)
<b><u>Knoxville</u></b>				
NONE				

**Jackson**

Rudolph Powers v. State of Tennessee W2008-01346-SC-R11-PC	Shelby County Criminal Court Judge Lee V. Coffee Nos. B-74909, B-74910, B-47911; P-09407	McMullen, J., Affirmed	Rule 11	<b>Granted</b> - Application of Rudolph Powers  (Order filed 9-23- 2010; copy attached)
Michael Dale Rimmer v. State of Tennessee W2009-02371-SC-S09-PD	Shelby County Criminal Court Judge James C. Beasley, Jr. Nos. 989-01034; 97-02817; 98-01033	Williams, J., Welles, J., and Wedemeyer, J., Denied Rule 9	Rule 9	<b>Granted for the purpose of REMANDING the case to Shelby County Criminal Court</b> - Application Michael Dale Rimmer  (Order filed 9-24-2010; copy attached)
Arlene R. Starr v. Paul B. Hill, Sr., et al W2009-00524-SC-R11-CV	Shelby County Circuit Court Judge James F. Russell No. CT-006836-03	Highers, J., Reversed and Remanded	Rule 11	<b>Granted</b> - Application of Paul B. Hill, Sr.  (Order filed 9-23-2010; copy attached)

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

**Monday, September 27, 2010**

**DENIALS**

STYLE/APPEAL NUMBER	COUNTY TRIAL JUDGE TRIAL COURT NO.	APPELLATE JUDGE JUDGMENT	NATURE OF APPEAL	ACTION
<b><u>Nashville</u></b>				
State of Tennessee v. Timothy Mark Agee, II M2009-01046-SC-R11-CD	Davidson County Criminal Court Judge Monte Watkins No. 2008-A-750	Tipton, J., Affirmed	Rule 11	<b>Denied</b> - Application of Timothy Mark Agee, II  (Order filed 9-27-2010)
State of Tennessee v. Joseph Brennan M2009-00895-SC-R11-CD	Sumner County Circuit Court Judge Dee David Gay No. 358-2008	Welles, J., Affirmed	Rule 11	<b>Denied</b> - Application of Joseph Brennan  (Order filed 9-23-2010)
Rodney J. Campbell v. State of Tennessee M2010-00216-SC-R11-PC	Davidson County Criminal Court Judge J. Randall Wyatt, Jr. No. 2003-C-2636	Woodall, J., Denied	Rule 11	<b>Denied</b> - Application of Rodney J. Campbell  (Order filed 9-23-2010)
Marilou Gilbert v. Don Birdwell, et al. M2009-01743-SC-R11-CV	Grundy County Chancery Court Chancellor Jeffrey F. Stewart No. 5878	Stafford, J., Affirmed and Remanded	Rule 11	<b>Denied</b> - Application of Don and Christine Birdwell  (Order filed 9-23-2010)

Guesthouse International, LLC v. Shoney's North America Corporation and Sholand, LLC M2008-02567-SC-R11-CV	Sumner County Chancery Court Chancellor Tom E. Gray No. 2007C-204	Kirby, J., Reversed and Remanded	Rule 11	<b>Denied</b> - Application of Shoney's North America Corporation and Sholand, LLC; <b>Granted</b> - Motion of Mark VanderBroek seeking permission to appear <i>pro hac vice</i>  (Order filed 9-23-2010)
State of Tennessee v. David Lee Heakin M2008-01834-SC-R11-CD	Hickman County Circuit Court Judge Jeffrey Bivins No. 07-5043	Welles, J., Modified and Remanded	Rule 11	<b>Denied</b> - David Lee Heakins' Petition to Rehear the original Application for Permission to Appeal  (Order filed 9-23-2010)
State of Tennessee v. Andrew Hunter Heffel M2009-01400-SC-R11-CD	Maury County Circuit Court Allen W. Wallace, Sr. Judge No. 17979	Welles, J., Reversed	Rule 11	<b>Denied</b> - Application of Andrew Hunter Heffel  (Order filed 9-22-2010)
Matthew Melton Jackson v. State of Tennessee M2009-02000-SC-R11-PC	Sumner County Circuit Court Judge Dee David Gay No. 795-2009	Smith, J., Affirmed	Rule 11	<b>Denied</b> - Application of Matthew Melton Jackson  (Order filed 9-23-2010)
Lamar TN, LLC d/b/a Lamar Advertising of Nashville, et al. v. Metro Board of Zoning Appeals, et al. M2007-00883-SC-R11-CV	Davidson County Chancery Court Chancellor Carol L. McCoy No. 05-2868-II	Cottrell, J., Reversed	Rule 11	<b>Denied</b> - Application of Lamar Tennessee, LLC  (Order filed 9-27-2010)
Raymond O. Long, Jr. v. State of Tennessee M2008-01820-SC-R11-PC	Davidson County Criminal Court Judge Steve Dozier No. 2004-B-1804	Woodall, J., Affirmed	Rule 11	<b>Denied</b> - Application of Raymond O. Long, Jr.  (Order filed 9-21-2010)
Charles Owens v. State of Tennessee M2009-00558-SC-R11-PC	Davidson County Criminal Court Judge J. Randall Wyatt, Jr. No. 2003-D-2592	Smith, J., Affirmed	Rule 11	<b>Denied</b> - Application of Charles Owens  (Order filed 9-22-2010)

Latoya Danielle Patton v. State of Tennessee M2009-01280-SC-R11-PC	Davidson County Criminal Court Judge Cheryl Blackburn No. 2006-A-825	Williams, J., Affirmed	Rule 11	<b>Denied</b> - Application of Latoya Danielle Patton  (Order filed 9-27-2010)
Luther Thomas Smith v. Leslie Newman, Commissioner, Tennessee Department of Commerce and Insurance M2009-00636-SC-R11-CV	Davidson County Chancery Court Chancellor Carol L. McCoy No. 08-972-II	Dinkins, J., Affirmed and Remanded	Rule 11	<b>Denied</b> - Application of Luther Thomas Smith; <b>Denied</b> - Luther Thomas Smith's Motion to Dismiss  (Order filed 9-22-2010)
State of Tennessee, et al. v. Delinquent Taxpayers, et al. M2010-00400-SC-R11-CV	Montgomery County Chancery Court Chancellor Laurence M. McMillan No. MC-CH-CV-DQ-09-1	Per Curiam, Dismissed	Rule 11	<b>Denied</b> - Application of Robert Thomas Irvin  (Order filed 9-27-2010)
State of Tennessee v. Edward Garcia Summers M2008-02684-SC-R11-CD	Davidson County Criminal Court Judge Monte Watkins No. 2008-B-1754	Ogle, J., Reversed	Rule 11	<b>Denied</b> - Application of Edward Garcia Summers  (Order filed 9-22-2010)
State of Tennessee v. Jeffery Boyd Trusty M2008-02653-SC-R11-CD	Smith County Criminal Court Judge John D. Wootten, Jr. No. 06-130	Glenn, J., Affirmed	Rule 11	<b>Denied</b> - Application of Jeffery Boyd Trusty  (Order filed 9-27-2010)
Timothy Webber v. State of Tennessee M2009-01905-SC-R11-PC	Davidson County Criminal Court Judge J. Randall Wyatt No. 2007-A-541	Smith, J., Affirmed	Rule 11	<b>Denied</b> - Application of Timothy Webber  (Order filed 9-23-2010)
Quantraveous Williams v. State of Tennessee M2008-02406-SC-R11-PC	Davidson County Criminal Court Judge Monte Watkins Nos. 207-A-554 and 2006- D-3154	Woodall, J., Affirmed	Rule 11	<b>Denied</b> - Application of Quantraveous Williams  (Order filed 9-22-2010)

**Knoxville**

State of Tennessee v. Clois Dean Asbury E2008-01641-SC-R11-CD	Campbell County Circuit Court Judge Shayne Sexton No. CR13388	Ogle, J., Affirmed	Rule 11	<b>Denied</b> - Application of Clois Dean Asbury  (Order filed 9-21-2010)
State of Tennessee v. Tracy Lynn Cope E2009-00435-SC-R11-CD	Sullivan County Criminal Court Judge Robert Montgomery, Jr. No. S51,219	Williams, J., Affirmed	Rule 11	<b>Denied</b> - Application of Tracy Lynn Cope  (Order filed 9-22-2010)
State of Tennessee v. Conrad Earl Edwards E2009-00394-SC-R11-CD	Hamilton County Criminal Court Judge Don Poole No. 260646	Tipton, J., Affirmed and Remanded	Rule 11	<b>Denied</b> - Application of Conrad Earl Edwards  (Order filed 9-21-2010)
State of Tennessee v. Crystal Miranda Kirby E2008-01862-SC-R11-CD	Campbell County Circuit Court Judge E. Shayne Sexton No. 13267	Ogle, J., Affirmed in Part; Vacated in Part and Remanded	Rule 11	<b>Denied</b> - Application of Crystal Miranda Kirby  (Order filed 9-22-2010)
Barry W. Ritchie v. State of Tennessee E2009-02543-SC-R11-HC	Hamilton County Criminal Court Judge Rebecca J. Stern No. 273920	McLin, J., Affirmed	Rule 11	<b>Denied</b> - Application of Barry W. Ritchie  (Order filed 9-22-2010)
Donald Simmons v. KC Construction and Consulting, Inc. E2009-01005-SC-R11-CV	Sevier County Chancery Court Judge Telford E. Forgety, Jr. No. 08-2-028	Franks, J., Affirmed	Rule 11	<b>Denied</b> - Application of Donald Simmons  (Order filed 9-24-2010)

State of Tennessee v. Adam D. Sluder E2009-01705-SC-R11-CD	Sullivan County Circuit Court Judge Jerry Beck Nos. S53603, S54133, S54134 and S55354	Tipton, J., Affirmed	Rule 11	<b>Denied</b> - Application of Adam D. Sluder; <b>Denied as Moot</b> - Mr. Sluder's Motion for Appointment of Counsel  (Order filed 9-21-2010)
Ayatollah William Wallace v. State of Tennessee E2009-02208-SC-R11-PC	Bradley County Criminal Court Judge Carroll Ross No. M-09-191	McLin, J., Affirmed	Rule 11	<b>Denied</b> - Application of Ayatollah William Wallace  (Order filed 9-21-2010)
<b><u>Jackson</u></b>				
Mable L. McKinnie Andrews et al. v. Heritage Farms LTD, a Tennessee Limited Partnership et al. W2010-01370-SC-S10-CV	Fayette County Chancery Court Judge Martha Brasfield No. 13428	Kirby, J. and Stafford, J., Denied Rule 10	Rule 10	<b>Denied</b> - Application of Heritage Plantation of Hickory Valley, L.P.  (Order filed 9-23-2010)
Jamie Bailey v. State of Tennessee W2008-00983-SC-R11-PC	Dyer County Circuit Court Judge Lee Moore No. C02-73	Glenn, J., Affirmed	Rule 11	<b>Denied</b> - Application of Jamie Bailey  (Order filed 9-23-2010)
State of Tennessee v. John Barlow W208-01128-SC-R11	Shelby County Criminal Court Judge James C. Beasley, Jr. No. 05-09058	McMullen, J., Reversed and Dismissed in Part; Affirmed in Part	Rule 11	<b>Denied</b> - Application of John Barlow  (Order filed 9-24-2010)
Frederick Carey v. State of Tennessee W2009-01646-SC-R11-PC	Shelby County Criminal Court Judge W. Mark Ward No. 07-05894-96	McLin, J., Affirmed	Rule 11	<b>Denied</b> - Application of Frederick Carey  (Order filed 9-23-2010)

Justin Rashad Forrest v. State of Tennessee W2009-00827-SC-R11-PC	Madison County Circuit Court Judge Roy Morgan No. C-09-31	McLin, J., Affirmed	Rule 11	<b>Denied</b> - Application of Justin Rashad Forrest  (Order filed 9-23-2010)
Frank Garrett, et al. v. City of Memphis, et al. W2009-01506-SC-R11-CV	Shelby County Chancery Court Chancellor Walter L. Evans No. CH-08-1610-I	Farmer, J., Affirmed	Rule 11	<b>Denied</b> - Application of Frank Garrett, Raymond Hopkins and William Walsh  (Order filed 9-23-2010)
Stanley Harvill v. State of Tennessee W2009-00594-SC-R11-HC	Hardeman County Circuit Court Judge Joe Walker No. 08-02-0384	McLin, J., Affirmed	Rule 11	<b>Denied</b> - Application of Stanley Harvill  (Order filed 9-23-2010)
Bernard Henry v. State of Tennessee W2009-01226-SC-R11-PC	Shelby County Criminal Court Judge John T. Fowlkes, Jr. No. 02-05634	Glenn, J., Affirmed	Rule 11	<b>Denied</b> - Application of Bernard Henry  (Order filed 9-24-2010)
State of Tennessee v. Vincent Hunt W2009-00165-SC-R11-CD	Shelby County Criminal Court Judge Lee V. Coffee No. 08-06911	Thomas, J., Affirmed	Rule 11	<b>Denied</b> - Application of Vincent Hunt  (Order filed 9-23-2010)
McKenzie Banking Company v. Billy L. Couch W2009-02561-SC-R11-CV	Gibson County Chancery Court Chancellor George R. Ellis No. H5477	Highers, J., Affirmed	Rule 11	<b>Denied</b> - Application of Billy L. Couch  (Order filed 9-23-2010)
Steven Murphy v. State of Tennessee W2009-00992-SC-R11-PC	Shelby County Criminal Court Judge Carolyn Wade Blackett No. 01-02750; 01-02751	Glenn, J., Affirmed	Rule 11	<b>Denied</b> - Application of Steven Murphy  (Order filed 9-23-2010)



Gregory Poole v. Union Planters Bank, N.A. W2009-01507-SC-R11-CV	Shelby County Chancery Court Chancellor Arnold Goldin No. CH-05-0915-2	Farmer, J., Affirmed and Remanded	Rule 11	<b>Denied</b> - Application of Gregory Poole (Order filed 9-23-2010)
State of Tennessee v. Bruce Reliford W2007-02899-SC-R11-CD	Shelby County Criminal Court Judge Paula Skahan Nos. 93-06433, 93-06434, 93-06437 and 93-06438	Williams, J., Affirmed	Rule 11	<b>Denied</b> - Application of Bruce Reliford (Order filed 9-23-2010)
Naomi Schutte, as Administrator of the Estate of William Anthony Lucy, Deceased v. Cheyenne Johnson, Shelby County Assessor, et al. W2009-01453-SC-R11-CV	Shelby County Chancery Court Judge Kenny W. Armstrong No. CH-07-0180-3	Farmer, J., Affirmed and Remanded	Rule 11	<b>Denied</b> - Application of Naomi Schutte (Holder, J., not participating) (Order filed 9-23-2010)
State of Tennessee v. Elgy Smith W2008-02812-SC-R11-CD	Shelby County Criminal Court Judge John P. Colton No. 07-01038	Thomas, J., Affirmed	Rule 11	<b>Denied</b> - Application of Elgy Smith (Order filed 9-24-2010)
Clarence Edward Spinks v. State of Tennessee W2009-01801-SC-R11-PC	Gibson County Circuit Court Judge Clayburn Peeples No. 17640	Smith, J., Affirmed	Rule 11	<b>Denied</b> - Application of Clarence Edward Spinks (Order filed 9-23- 2010)
Darryl Suggs as Administrator of the Estate of Billy Ray Suggs v. Dr. Mukesh Jain, et al. W2010-00245-SC-R11-CV	Shelby County Circuit Court Judge Kay S. Robilio No. CT-000179-06	Highers, J. and Farmer, J., Dismissed	Rule 11	<b>Denied</b> - Application of Darryl Suggs (Order filed 9-24-2010)
State of Tennessee v. Larquietta Taylor-Fisher W2009-02040-SC-R11-CD	Shelby County Criminal Court Judge John t. Fowlkes, Jr. No. 08-07356	Glenn, J., Affirmed	Rule 11	<b>Denied</b> - Application of Larquietta Taylor-Fisher (Order filed 9-23-2010)

State of Tennessee v. Jereco A. Tynes W2010-01540-SC-S10-CD	Shelby County Criminal Court Nos. 09-04173; 10-02861	McMullen, J., Williams, J., Glenn, J., Rule 10 Denied	Rule 10	<b>Denied</b> - Application of Jereco A. Tynes (Order filed 9-23-2010)
Lemar J. White v. State of Tennessee W2008-01661-SC-R11-PC	Shelby County Criminal Court Judge James C. Beasley, Jr. No. 01-11077	Ogle, J., Affirmed	Rule 11	<b>Denied</b> - Application of Lemar J. White (Order filed 9-23-2010)
Paul Wilson v. State of Tennessee W2009-00173-SC-R11-PC	Shelby County Criminal Court Judge W. Mark Ward No. 04-01773	Williams, J., Affirmed	Rule 11	<b>Denied</b> - Application of Paul Wilson (Order filed 9-23-2010)

IN THE SUPREME COURT OF TENNESSEE  
AT NASHVILLE

**HENRY ZILLON FELTS v. STATE OF TENNESSEE**

**Circuit Court for Sumner County**  
**No. 879-2007**

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**No. M2009-00639-SC-R11-PC**

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**ORDER**

Upon consideration of the application for permission to appeal of the State of Tennessee and the record before us, the application is granted.

The Clerk is directed to place this matter on the docket for oral argument upon the completion of briefing.

PER CURIAM

IN THE SUPREME COURT OF TENNESSEE  
AT JACKSON

**RUDOLPH POWERS v. STATE OF TENNESSEE**

**Criminal Court for Shelby County  
Nos. B-74909, -10 & -11; P-09407**

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**No. W2008-01346-SC-R11-PC**

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**ORDER**

Upon consideration of the Tenn. R. App. P. 11 application for permission to appeal filed on behalf of Rudolph Powers, and the record before us, the application is granted.

The Clerk is directed to place this matter on the docket for oral argument upon the completion of briefing.

PER CURIAM

IN THE SUPREME COURT OF TENNESSEE  
AT JACKSON

**MICHAEL DALE RIMMER v. STATE OF TENNESSEE**

**Criminal Court for Shelby County  
Nos. 98-01034; 97-02817; and 98-01033**

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**No. W2009-02371-SC-S09-PD**

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**ORDER**

Upon consideration of the Tenn. R. App. P. 11 application for permission to appeal and the entire record in this case, the Court is of the opinion that the application should be, and is hereby, granted for the purpose of remanding the case to the Shelby County Criminal Court for the purpose of conducting an evidentiary hearing to determine whether the district attorney general should be disqualified from further participation in this case on the grounds asserted by the applicant. This hearing should occur, and a determination concerning whether disqualification is necessary should be made, before the hearing on the underlying post-conviction petition is conducted.

IT IS SO ORDERED.

PER CURIAM

IN THE SUPREME COURT OF TENNESSEE  
AT JACKSON

**ARLENE R. STARR v. PAUL B. HILL, SR. ET AL.**

**Circuit Court for Shelby County  
No. CT-006836-03**

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**No. W2009-00524-SC-R11-CV**

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**ORDER**

Upon consideration of the application for permission to appeal of Paul B. Hill, Sr. and the record before us, the application is granted.

In addition to the issues raised by the application, the Court is particularly interested in briefing on the following issues:

- (1) whether the application of the family purpose doctrine is a question of fact or a question of law; and
- (2) the continuing vitality of the family purpose doctrine.

The Clerk is directed to place this matter on the docket for oral argument upon the completion of briefing.

PER CURIAM