

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

* **AMENDED** *

Monday, April 18, 2011

GRANTS

STYLE/APPEAL NUMBER	COUNTY TRIAL JUDGE TRIAL COURT NO.	APPELLATE JUDGE JUDGMENT	NATURE OF APPEAL	ACTION
<u>Nashville</u>				
State of Tennessee v. James Edward Farrar, Jr. M2009-01285-SC-R11-CD	Bedford County Circuit Court Judge Lee Russell No. 16183	Witt, J., Reversed	Rule 11	Granted and Remanded to Court Criminal Appeals - Application of James Edward Farrar, Jr. (Order filed 4-14-2011; copy attached)
<u>Knoxville</u>				
Ray Bell Construction Co., Inc. v. State of Tennessee, Tennessee Department of Transportation E2009-01803-SC-R11-CV	Tennessee Claims Commission William O. Schults, Commissioner No. T2007-1215-1	McClarty, J., Affirmed and Remanded	Rule 11	Granted - Application of State of Tennessee, Tennessee Department of Transportation (Order filed 4-13-2011; copy attached)

Jackson

Steven Ray Kennedy v. State of Tennessee W2010-00278-SC-R11-PC	Shelby County Criminal Court Judge John T. Fowlkes, Jr. No. 06-05747	Glenn, J., Affirmed	Rule 11	Granted - Application of Steven Ray Kennedy; judgment of the Court of Criminal Appeals affirming the summary dismissal of trial court is reversed, and this matter is remanded to the trial court for the appointment of counsel, who shall be afforded an opportunity to amend the pro se petition. (Order filed 4-18-2011; copy attached)
State of Tennessee v. Mark Anthony McNack W2010-00471-SC-R11-CD	Madison County Circuit Court Judge Donald H. Allen No. 03-220	Thomas, J., Reversed in Part, Affirmed in Part, Remanded	Rule 11	Granted - Application of State of Tennessee (Order filed 4-13-2011; copy attached)

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

Monday, April 18, 2011

DENIALS

STYLE/APPEAL NUMBER	COUNTY TRIAL JUDGE TRIAL COURT NO.	APPELLATE JUDGE JUDGMENT	NATURE OF APPEAL	ACTION
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Nashville

State of Tennessee v. Robin Blaskis, et al. M2009-01154-SC-R11-CD	Putnam County Criminal Court Judge Leon Burns No. 06-0867	Smith, J., Affirmed	Rule 11	Denied - Application of robin Blaskis (Order filed 4-14-2011)
Wondimu Borena v. Yellow Cab Metro, Inc., et al. M2010-00580-SC-R11-CV	Davidson County Circuit Court Judge Thomas W. Brothers No. 08C1165	Clement, J., Affirmed	Rule 11	Denied - Application of Wondimu Borena (Order filed 4-13-2011)
Carol L. Brandon v. Williamson Medical Center, et al M2010-00321-SC-R11-CV	Williamson County Circuit Court Judge James G. Marin, III No. 09471	Highers, J., Affirmed	Rule 11	Denied - Application of Carol L. Brandon (Order filed 4-15-2011)
State of Tennessee v. Calvin Eugene Bryant, Jr. M2009-01718-SC-R11-CD	Davidson County Criminal Court Judge Steve R. Dozier No. 2008-B-1478	Glenn, J., Affirmed	Rule 11	Denied - Application of Calvin Eugene Bryant, Jr. (Order filed 4-13-2011)
Daniel E. Buck v. State of Tennessee M2010-00174-SC-R11-PC	Robertson County Circuit Court Judge John Gasaway, III No. 04-0249	Welles, J., Affirmed	Rule 11	Denied - Application of Daniel E. Buck (Order filed 4-14-2011)
Darrell Wayne Bumpas v. State of Tennessee M2010-00222-SC-R11-PC	Davidson County Criminal Court Judge Cheryl Blackburn No. 2007-D-3154	Wedemeyer,J., Affirmed	Rule 11	Denied - Application of Darrell Wayne Bumpas (Order filed 4-14-2011)
James A. Burgess v. State of Tennessee M2010-01517-SC-R11-CO	Putnam County Circuit Court Judge David Patterson No. 07-0676	Wedemeyer,J. Affirmed	Rule 11	Denied - Application of James A. Burgess (Order filed 4-14-2011)

Deana Elizabeth Church v. Thomas Neal Church M2009-02159-SC-R11-CV	Williamson County Circuit Court Judge Robbie T. Beal No. 03306	Kirby, J., Affirmed and Remanded	Rule 11	Denied - Application of Thomas Neal Church (Order filed 4-12-2011)
Billy J. Coffelt v. State of Tennessee M2009-00474-SC-R11-PC	Davidson County Criminal Court Judge J. Randall Wyatt, Jr. No. 99-A-552	Smith, J., Affirmed	Rule 11	Denied - Application of Billy J. Coffelt (Order filed 4-13-2011)
Larry H. Coleman v. Matthew Kisber, et al. M2010-00642-SC-R11-CV	Davidson County Chancery Court Chancellor Russell T. Perkins No. 10137-IV	Stafford, J., Affirmed in Part; Reversed in Part; Kirby, J., Separate Concurring Opinion	Rule 11	Denied - Application of Larry H. Coleman (Order filed 4-14-2011)
Eric Davis v. State of Tennessee M2009-01560-SC-R11-PC	Davidson County Criminal Court Judge Seth Norman No. 2005-C-2271	Thomas, J., Affirmed	Rule 11	Denied - Application of Eric Davis (Order filed 4-13-2011)
Fieldstone Farms Homeowners Association, et al. v. Cavender Enterprises, LLC M2010-00233-SC-R11-CV	Williamson County Chancery Court Judge Timothy L. Easter No. 36821	Cottrell, J., Reversed	Rule 11	Denied - Application of Fieldstone Farms Homeowners Association, Andy Bailey, Harry T. Fisk, and John M. Babb (Order filed 4-12-2011)
Patsy Freeman, et al. v. CSX Transportation, Inc., et al. M2009-02403-SC-R11-CV	Rutherford County Circuit Court Judge J. Mark Rogers No. 49982	Clement, J., Affirmed; Cottrell, J., Separate Dissenting Opinion	Rule 11	Denied - Application of Patsy Freeman (Wade, J., Not Participating) (Order filed 4-14-2011)

Jennifer Bonner Givens, et al. v. Mark S. Josovitz, et al. M2010-00071-SC-R11-CV	Rutherford County Circuit Court Judge Royce Taylor No. 54216	Highers, J., Affirmed	Rule 11	Denied - Application of Jennifer Bonner Givens (Order filed 4-14-2011)
State of Tennessee v. Derrick Lemon Goode M2009-02259-SC-R11-CD	Bedford County Circuit Court Judge Robert Crigler No. 16697	Witt, J., Affirmed	Rule 11	Denied - Application of Derrick Lemon Goode (Order filed 4-13-2011)
Thomas M. Goss v. State of Tennessee M2009-02628-SC-R11-PC	Moore County Circuit Court Judge Robert Crigler No. 951	Wedemeyer, J. Affirmed	Rule 11	Denied - Application of Thomas M. Goss (Order filed 4-13-2011)
Zula Gray v. Joe Bednarz, Jr. M2010-00010-SC-R11-CV	Sumner County Circuit Court Judge C. L. Rogers No. 29219-C	Clement, J., Affirmed	Rule 11	Denied - Application of Zula Gray (Order filed 4-15-2011)
Matthew R. Hakoda v. State of Tennessee M2009-01152-SC-R11-PC	Davidson County Criminal Court Judge Steve Dozier No. 2004-B-1212	Woodall, J., Affirmed	Rule 11	Denied - Application of Matthew R. Hakoda (Order filed 4-13-2011)
Marquise Harris v. State of Tennessee M2010-01905-SC-R11-HC	Davidson County Circuit Court Judge Amanda McClendon No. 10C-2401	Smith, J., Affirmed, Rule 20	Rule 11	Denied - Application of Marquise Harris (Order filed 4-13-2011)
State of Tennessee v. Emmett Harvell and Bardell Nelson Joseph M2009-01168-SC-R11-CD	Davidson County Criminal Court Judge Cheryl Blackburn No. 2008-D-3551	Williams, J., Affirmed	Rule 11	Denied - Application of Emmett Harvell and Bardell Nelson Joseph (Order filed 4-14-2011)

State of Tennessee v. John C. Howard M2009-00465-SC-R11-CD	Montgomery County Circuit Court Judge Michael R. Jones No. 40800338	Woodall, J., Affirmed	Rule 11	Denied - Application of John C. Howard (Order filed 4-14-2011)
In Re: Madison K.P. M2009-02331-SC-R11-JV	Rutherford County Juvenile Court Judge Donna Scott Davenport No. 36611J	Clement, J., Affirmed in Part; Reversed in Part	Rule 11	Denied - Application of Father (Order filed 4-14-2011)
Timotheus Johnson v. State of Tennessee M2009-01571-SC-R11-PC	Davidson County Criminal Court Judge Steve Dozier No. 2006-C-2319	Ogle, J., Affirmed	Rule 11	Denied - Application of Timotheus Johnson (Order filed 4-13-2011)
Anthony Dewayne Jordan v. State of Tennessee M2010-00774-SC-R11-PC	Davidson County Criminal Court Judge Steve Dozier No. 2007-D-3279	Williams, J., Affirmed	Rule 11	Denied - Application of Anthony Dewayne Jordan (Order filed 4-13-2011)
Sandra Newman, et al. v. Rubye J. Jarrell, et al. M2010-00586-SC-R11-CV	Rutherford County Circuit Court Judge Royce Taylor No. 57145	Bennett, J., Affirmed in Part; Reversed and Remanded in Part	Rule 11	Denied - Applications of Sandra Daniel Newman, Timothy Patrick Newman, and Alyssa Christy-Millet and of Joseph D. Ash, Jr. (Order filed 4-14-2011)
Wade Phelps / Phelps Harrington Construction Co., Inc. v. C & C Construction Co., LLC, et al. M2010-00228-SC-R11-CV	Davidson County Chancery Court Chancellor Ellen Hobbs Lyle No. 04-3567-III	Highers, J., Affirmed	Rule 11	Denied - Application of Wade Phelps / Phelps Harrington Construction Co., Inc. (Order filed 4-13-2011)
State of Tennessee v. Michelle Lee Raines M2010-00692-SC-R11-CD	Davidson County Criminal Court Judge Cheryl Blackburn No. 2008-C-3166	Witt,, J., Affirmed	Rule 11	Denied - Application of Michelle Lee Raines (Order filed 4-13-2011)

Paul Rawdon, et al. v. Jimmie Lee Johnston, et al. M2010-0197-SC-R11-CV	Lewis County Chancery Court Judge Jeffrey S. Bivins No. 5384	Bennett, J., Reversed	Rule 11	Denied - Application of Jimmie Lee Johnston, Faye Johnston, Jimmy Douglas Johnston, and Andrea Faye Morrow (Order filed 4-12-2011)
State of Tennessee v. Michael Martez Rhodes M2009-00077-SC-R11-CD	Davidson County Criminal Court Judge Cheryl Blackburn No. 2007-B-1384	Williams, J., Affirmed and Remanded	Rule 11	Denied - Application of Michael Martez Rhodes; trial court is directed to amend the judgment to reflect the mandatory sentence of community supervision for life in accordance with TCA § 39-13-524(a) (Order filed 4-14-2011)
Shemain Sherille Riley, et al. v. Edith Swift M2009-01717-SC-R11-CV	Davidson County Circuit Court Judge Amanda McClendon No. 08C2053	Cottrell, J., Affirmed	Rule 11	Denied - Application of Edith Swift; Granted - Edith Swift's Motion to Submit Revised Version of Appellant's Brief (Order filed 4-13-2011)
State of Tennessee v. Andrew Douglas Rush M2009-02253-SC-R11-CD	Coffee County Circuit Court Judge Charles Lee No. 36,428	Welles, J., Affirmed	Rule 11	Denied - Application of Andrew Douglas Rush (Order filed 4-13-2011)
James R. Smith v. State of Tennessee M2009-02077-SC-R11-PC	Putnam County Criminal Court Judge David Patterson No. 03-0826	Welles, J., Affirmed	Rule 11	Denied - Application of James R. Smith (Order filed 4-13-2011)
Southern Trust Insurance Company v. State Farm Mutual Automobile Insurance Company, et al. M2011-00157-SC-S09-CV	Davidson County Circuit Court Judge Hamilton v. Gayden, Jr. No. 10C388	Per Curiam, Rule 9 Denied	Rule 11	Denied - Application of Southern Trust Insurance Company; (Lee, J., not participating) (Order filed 4-12-2011)

State of Tennessee v. Huedel Sparkman M2009-02511-SC-R11-CD	Marshall County Circuit Court Judge Robert Crigler No. 17170	Ogle, J., Affirmed	Rule 11	Denied - Application of Huedel Sparkman (Order filed 4-15-2011)
Valenti Mid-South Management, LLC v. Reagan Farr M2010-00313-SC-R11-CV	Davidson County Chancery Court Chancellor Carol L. McCoy No. 08-1978-II	Highers, J., Affirmed	Rule 11	Denied - Application of Valenti Mid-South Management, LLC (Order filed 4-13-2011)
Limmie R. Walls v. Bobby G. Hopkins M2009-01416-SC-R11-CV	Sumner County Circuit Court Judge C. L. Rogers No. 30247-C	McClarty, J., Affirmed and Remanded	Rule 11	Denied - Application of Limmie R. Wall (Order filed 4-14-2011)
<u>Knoxville</u>				
Laurie Boudreaux v. Philip Ernest Cobble E2010-02433-SC-R11-CV	Knox County Circuit Court Judge Michael Moyers No. 115618	Franks, J., Denied Motion to Amend Notice of Appeal	Rule 11	Denied - Application of Philip Ernest Cobble. <i>The January 12, 2011 order of the Court of Appeals is designated "Not for Citation" in accordance with Supreme Court Rule 4(E)(1).</i> (Order filed 4-13-2011)
State of Tennessee v. Domonte O. Briggs E2009-02397-SC-R11-CD	Sullivan County Circuit Court Judge Jerry Beck No. S52273	Witt, J., Reversed and Dismissed	Rule 11	Denied - Application of State of Tennessee (Order filed 4-13-2011)

<p>Cascade Ohio, Inc., d/b/a C.W. Ohio, Inc. v. Modern Machine Corporation, A Tennessee Corporation, et al. E2009-01948-SC-R11-CV</p>	<p>Bradley County Chancery Court Judge Jerri S. Bryant No. 04-054</p>	<p>Susano, J., Modified in Part, Reversed in Part; Unreversed Portion of Judgment Affirmed as Modified</p>	<p>Rule 11</p>	<p>Denied - Applications of Cascade Ohio, Inc., d/b/a C.W. Ohio, Inc. and CMTD, Inc., f/k/a Cullom Machine, Tool & Die, Inc., Heinrich B. Dickhut and Karen Dickhut (Order filed 4-13-2011)</p>
<p>Marianne Greer Cobble v. Philip Ernest Cobble E2010-02584-SC-R11-CV</p>	<p>Knox County Circuit Court Judge Bill Swann Nos. 108701 and 108671</p>	<p>Susano, J., Dismissed</p>	<p>Rule 11</p>	<p>Denied - Application of Philip Ernest Cobble. <i>The December 20, 2010 order of the Court of Appeals is designated “Not for Citation” in accordance with Supreme Court Rule 4(E)(1);</i> Denied as Moot - Mr. Cobble’s Motion to Expedite (Order filed 4-13-2011)</p>
<p>Marianne Greer Cobble v. Philip Ernest Cobble E2010-02648-SC-R11-CV</p>	<p>Knox County Circuit Court Judge Bill Swann Nos. 108701 and 108671</p>	<p>Franks, J., Denied</p>	<p>Rule 11</p>	<p>Denied - Application of Philip Ernest Cobble; Denied as Moot - Mr. Cobble’s Motion to Expedite (Order filed 4-13-2011)</p>
<p>Dwayne R. Cross v. State of Tennessee E2009-02153-SC-R11-CO</p>	<p>Blount County Circuit Court Judge David Reed Duggan Nos. C-10380 and C-10542</p>	<p>Tipton, J., Order Granting Attorney to Withdraw</p>	<p>Rule 11</p>	<p>Denied - Application of Dwayne R. Cross (Order filed 4-13-2011)</p>

Joshua Todd Daniel v. Kevin M. Grimac, et al. E2009-01510-SC-R11-CV	Knox County Circuit Court Judge Dale Workman No. 1-386-06	Farmer, J., Vacated and Remanded	Rule 11	Denied - Application of Herbert S. Moncier; Denied - "Petition for Writ of Mandamus and/or Motion to Remand to the Court of Appeals (Order filed 4-13-2011)
Dillard Construction, Inc., Inc. v. Havron Contracting Corp. E2010-00170-SC-R11-CV	Hamilton County Chancery Court Judge W. Frank Brown, III No. 08-0319	Susano, J., Affirmed and Remanded	Rule 11	Denied - Application of Dillard Construction, Inc. (Order filed 4-14-2011)
Daniel Lee Draper v. State of Tennessee E2009-00952-SC-R11-PC	Sullivan County Circuit Court Judge Jerry Beck No. S45106	Ogle, J., Affirmed	Rule 11	Denied - Application of Daniel Lee Draper (Order filed 4-13-2011)
State of Tennessee v. Baldomero Galindo E2009-00549-SC-R11-CD	Knox County Criminal Court Judge Bob r. McGee No. 83885	Tipton, J., Affirmed	Rule 11	Denied - Application of Baldomero Galindo (Order filed 4-13-2011)
Albert J. Hale v. James Neely, Commissioner of The Tennessee Department of Labor and Workforce Development, et al. E2010-00475-SC-R11-CV	Hawkins County Chancery Court Chancellor Thomas R. Frierson No. 17150	Franks, J., Affirmed	Rule 11	Denied - Application of Albert J. Hale (Order filed 4-13-2011)
Jeremy Paul Hopkins v. Bradley County, Tennessee, et al. E2010-00832-SC-R11-CV	Bradley County Circuit Court Judge Jerri Bryant No. V-07-965	Franks, J., Affirmed in Part, Reversed in Part, Remanded	Rule 11	Denied - Application of Jeremy Paul Hopkins (Order filed 4-13-2011)

State of Tennessee v. Jim Hunter E2009-01967-SC-R11-CD	Hamilton County Criminal Court Judge Rebecca J. Stern No. 262897	Thomas, J., Affirmed	Rule 11	Denied - Application of Jim Hunter (Order filed 4-13-2011)
Chris Lawrence v. Leigh Ann Lawrence E2010-00395-SC-R11-CV	Knox County Circuit Court Judge Dale Workman No. 1-297-08	Susano, J., Affirmed and Remanded	Rule 11	Denied - Application of Chris Lawrence (Order filed 4-13-2011)
Christopher Lovin v. State of Tennessee E2009-00939-SC-R11-PC	Claiborne County Criminal Court Judge E. Shayne Sexton No. 12,557	Tipton, J., Affirmed	Rule 11	Denied - Application of Christopher Lovin (Order filed 4-14-2011)
State of Tennessee v. Kenneth Meyer E2009-02294-SC-R11-CD	Bledsoe County Circuit Court Judge Thomas W. Graham No. 55-2007	Tipton, J., Affirmed	Rule 11	Denied - Application of Kenneth J. Meyer (Order filed 4-13-2011)
New South Federal Savings Bank v. Brenda Pugh E2009-02150-SC-R11-CV	Blount County Circuit Court Judge David R. Duggan Nos. L-16579 and L-16580	Susano, J., Affirmed	Rule 11	Denied - Application of Brenda Pugh (Order filed 4-13-2011)
Richard Lynn Norton v. State of Tennessee E2010-02250-SC-R11-CO	Greene County Circuit Court Judge John F. Dugger, Jr. No. 97CR443	Thomas, J., Tipton, J., Witt, J., Dismissed	Rule 11	Denied - Application of Richard Lynn Norton (Order filed 4-13-2011)
William Simerly, et al. v. City of Elizabethton E2009-01694-SC-R11-CV	Carter County Chancery Court Chancellor G. Richard Johnson No. 26425	McClarty, J., Reversed	Rule 11	Denied - Application of Lewis Honeycutt (Order filed 4-13-2011)

Doyle Sweeney, et al. v. Charles Koehler, et al. E2009-02306-SC-R11-CV	Greene County Chancery Court Chancellor Thomas R. Frierson No. 20070091	McClarty, J., Affirmed and Remanded	Rule 11	Denied - Application of Doyle Sweeney and Gloria Sweeney (Order filed 4-13-2011)
Eddie Ward v. Teresa Yokley, et al. E2009-02620-SC-R11-CV	Roane County Chancery Court Chancellor Frank V. Williams, III No. 16285	Franks, J., Reversed	Rule 11	Denied - Application of Eddie Ward (Order filed 4-13-2011)
Angela Susan Wisdom v. Wellmont Health Systems E2010-00716-SC-R11-CV	Sullivan County Circuit Court Judge John S. McLellan, III No. C37045©	Franks, J., Affirmed	Rule 11	Denied - Application of Wellmont Health Systems (Order filed 4-14-2011)
<u>Jackson</u>				
Miko Burl v. James Fortner, Warden W2009-02282-SC-R11-HC	Shelby County Criminal Court Judge W. Otis Higgs, Jr. No. 99-01971-73	Williams, J., Affirmed	Rule 11	Denied - Application of Miko Burl (Order filed 4-14-2011)
Perdido Cook v. State of Tennessee W2009-02038-SC-R11-PC	Shelby County Criminal Court Judge John P. Colton, Jr. No. P-26846	Williams, J., Affirmed	Rule 11	Denied - Application of Perdido Cook (Order filed 4-14-2011)
Robert Edwards, et al. v. City of Memphis, et al. W2010-00983-SC-R11-CV	Shelby County Chancery Court Chancellor Arnold Goldin No. CH-05-1880	Stafford, J., Affirmed	Rule 11	Denied - Application of Robert Edwards, Paul Keating, Jeff Todd, Ken roach, Jimmie L. Daniels, Otis Anderson, Jr. and Harrison Garrison (Order filed 4-13-2011)

James Fortune v. Unum Life Insurance Company of America, et al. W2009-01395-SC-R11-CV	Shelby County Circuit Court Judge Donna Fields No. CT-005641-06	Farmer, J., Affirmed and Remanded	Rule 11	Denied - Application of James Fortune (Order filed 4-14-2011)
State of Tennessee v. Bruce Franks, Jr. W2010-00312-SC-R11-CV	Hardin County Circuit Court Judge Creed McGinley Nos. 8192, 8757 and 9062	Glenn, J., Affirmed	Rule 11	Denied - Application of Bruce Franks, Jr. (Order filed 4-13-2011)
State of Tennessee v. Jermaine Mitchell Gray W2009-01260-SC-R11-CD	Madison County Circuit Court Judge Donald H. Allen No. 08-622	McLin, J., Affirmed	Rule 11	Denied - Application of Jermaine Mitchell Gray (Order filed 4-13-2011)
State of Tennessee v. Steven Cornell Gray W2009-01611-SC-R11-CD	Madison County Circuit Court Judge Donald H. Allen No. 08-717	Ogle, J., Affirmed	Rule 11	Denied - Application of Steven Cornell Gray (Order filed 4-12-2011)
State of Tennessee v. Jonathan Greer W2009-02414-SC-R11-CD	Fayette County Circuit Court Judge J. Weber McCraw No. 6208	Williams, J., Affirmed	Rule 11	Denied - Application of Jonathan Greer (Order filed 4-13-2011)
State of Tennessee v. Anthony Hall, et al. W2009-02280-SC-R11-CD	Shelby County Criminal Court Judge W. Mark Ward No. 07-09167	Glenn, J., Affirmed	Rule 11	Denied - Application of Eric Murrell (Order filed 4-14-2011)
State of Tennessee v. Charles Hall W2009-02569-SC-R11-CD	Shelby County Criminal Court Judge James M. Lammey, Jr. No. 04-00120	Glenn, J., Affirmed	Rule 11	Denied - Application of Charles Hall (Order filed 4-12-2011)
Rick D. Hanebutt v. State of Tennessee W2009-01346-SC-R11-PC	Carroll County Circuit Court Judge Donald Parish No. 04CR49-PC	Williams, J., Affirmed	Rule 11	Denied - Application of Rick D. Hanebutt (Order filed 4-14-2011)

State of Tennessee v. Montorius G. Herron W2009-02493-SC-R11-CD	Madison County Circuit Court Judge Roy B. Morgan, Jr. No. 09-15	McLin, J., Affirmed	Rule 11	Denied - Application of Montorius G. Herron (Order filed 4-14-2011)
Raynard Hill, Sr. v. Southwest Tennessee Community College W2010-01222-SC-R11-CV	Tennessee Claims Commission Judge Nancy C. Miller-Herron No. T20090563-1	Highers, J., Affirmed	Rule 11	Denied - Application of Raynard Hill, Sr. (Order filed 4-12-2011)
State of Tennessee v. Michael Hilliard W2009-02813-SC-R11-CD	Shelby County Criminal Court Judge James M. Lammey, Jr. No. 03-01956, 07-09177	Glenn, J., Affirmed	Rule 11	Denied - Application of Michael Hilliard (Order filed 4-14-2011)
State of Tennessee v. Mark Hines W2009-00450-SC-R11-CD	Shelby County Criminal Court Judge w. Otis Higgs, Jr. No. 08-01693	Tipton, J., Affirmed in Part; Reversed in Part; and Remanded	Rule 11	Denied - Application of Mark Hines (Order filed 4-14-2011)
State of Tennessee v. Edward Hood, Jr. W2009-02501-SC-R11-CD	Henderson County Circuit Court Judge Roger A. Page No. 08059-3	McMullen, J., Affirmed	Rule 11	Denied - Application of Edward Hood, Jr. (Order filed 4-14-2011)
Henry Johnson v. Tony Parker W2010-00563-SC-R11-HC	Lake County Circuit Court Judge Russell Lee Moore, Jr. No. 10-CR-9407	Williams, J., Affirmed	Rule 11	Denied - Application of Henry Johnson (Order filed 4-13-2011)
State of Tennessee v. O'Neal Johnson W2010-00405-SC-R11-CD	Shelby County Criminal Court Judge Chris Craft No. 08-05474	Glenn, J., Affirmed	Rule 11	Denied - Application of O'Neal Johnson (Order filed 4-18-2011)

Kevin Jones v. State of Tennessee W2009-02051-SC-R11-PC	Shelby County Criminal Court Judge W. Otis Higgs, Jr. No. P-28447	Glenn, J., Affirmed	Rule 11	Denied - Application of Kevin Jones (Order filed 4-12-2011)
Latisha Jones v. State of Tennessee W2009-02057-SC-R11-PC	Shelby County Criminal Court Judge Chris Craft No. 04-02523	Williams, J., Affirmed	Rule 11	Denied - Application of Latisha Jones (Order filed 4-13-2011)
Kevin Millen v. Memphis City Schools, et al. W2010-02565-SC-R11-CV	Shelby County Chancery Court Judge Kenny W. Armstrong No. CH-10-1903-3	Highers, J., Farmer, J., Dismissed	Rule 11	Denied - Application of Kevin Millen (Order filed 4-13-2011)
Kevin Millen v. State of Tennessee W2010-01682-SC-R11-CV	Shelby County General Sessions Court Judge Unknown No. 09-143	Highers, J. and Farmer, J., Order Denying Motion	Rule 11	Denied - Application of Kevin Millen (Order filed 4-13-2011)
David G. Mills, et al. v. First Horizon Home Loan Corporation, et al. W2010-00310-SC-R11-CV	Shelby County Chancery Court Chancellor Arnold B. Goldin No. CH-09-0662-2	Farmer, J., Affirmed and Remanded	Rule 11	Denied - Application of David G. Mills, et al. (Order filed 4-13-2011)
State of Tennessee v. Joseph Nelson W2009-02190-SC-R11-CV	Madison County Circuit Court Judge Donald H. Allen No. 08-674	Williams, J., Affirmed	Rule 11	Denied - Application of Joseph Nelson (Order filed 4-13-2011)
State of Tennessee v. Mark A. Owens W2010-00314-SC-R11-CD	Lake County Circuit Court Judge R. Lee Moore No. 09-CR-9297	Glenn, J., Affirmed	Rule 11	Denied - Application of Mark A. Owens (Order filed 4-18-2011)
State of Tennessee v. Ricky Richards W2010-02453-SC-S09-PC	Shelby County Criminal Court Judge W. Mark Ward No. 0704461	Williams, J., Glenn, J., McLin, J., Rule 9 Denied	Rule 9	Denied - Application of Ricky Richards (Order filed 4-12-2011)

Donna Shedd v. Community Health Systems, Inc., et al. W2009-02140-SC-R11-CV	Weakley County Circuit Court Judge William B. Acree, Jr. No. 4203	Highers, J., Vacated and Remanded	Rule 11	Denied - Application of Donna Shedd (Order filed 4-13-2011)
Curtis Smith v. State of Tennessee W2009-01689-SC-R11-PC	Shelby County Criminal Court Judge Carolyn Wade Blackett Nos. 07-06189-95 and 07-04856-59	Williams, J., Affirmed	Rule 11	Denied - Application of Curtis Smith (Order filed 4-18-2011)
Rickey Clyde Taylor v. State of Tennessee W2009-02182-SC-R11-PC	Lauderdale County Circuit Court Judge Joseph H. Walker, III No. 8347	Thomas, J., Affirmed	Rule 11	Denied - Application of Rickey Clyde Taylor; Denied - Motion for appointment of counsel filed by Rickey Clyde Taylor (Order filed 4-14-2011)
Joyce Via v. Larry Edward Oehlert, Sr. W2010-01290-SC-R11-CV	Tipton County Chancery Court Judge William C. Cole No. 26938	Farmer, J., Affirmed	Rule 11	Denied - Application of Joyce Via (Order filed 4-12-2011)
Lawrence Earl Wade v. State of Tennessee W2009-02663-SC-R11-PC	Madison County Circuit Court Judge Roger Page No. C-09-264	McLin, J., Affirmed	Rule 11	Denied - Application of Lawrence Earl Wade (Order filed 4-12-2011)
State of Tennessee v Charles Williams W2008-02211-SC-R11-CD	Shelby County Criminal Court Judge David G. Hayes No. 07-04461	Thomas, J., Affirmed	Rule 11	Denied - Application of Charles Williams (Order filed 4-12-2011)

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

STATE OF TENNESSEE v. JAMES EDWARD FARRAR, JR.

**Circuit Court for Bedford County
No. 16183**

No. M2009-01285-SC-R11-CD - Filed April 14, 2011

ORDER

Upon consideration of the Tenn. R. App. P. 11 application for permission to appeal filed on behalf of the State, 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 Court of Criminal Appeals for reconsideration in light of *State v. Teddy Ray Mitchell*, ___ S.W.3d ___, 2011 WL 1161732 (Tenn. Mar. 31, 2011).

PER CURIAM

IN THE SUPREME COURT OF TENNESSEE
AT KNOXVILLE

**RAY BELL CONSTRUCTION CO., INC. v. STATE OF TENNESSEE,
TENNESSEE DEPARTMENT OF TRANSPORTATION**

**Tennessee Claims Commission
No. T20071215-1**

No. E2009-01803-SC-R11-CV - Filed April 13, 2011

ORDER

Upon consideration of the application for permission to appeal of the State of Tennessee Department of Transportation 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

STEVEN RAY KENNEDY v. STATE OF TENNESSEE

Criminal Court for Shelby County
No. 06-05747

No. W2010-00278-SC-R11-PC - Filed April 18, 2011

ORDER

Upon consideration of the Tenn. R. App. P. 11 application for permission to appeal filed pro se by Steven Ray Kennedy, the State's response to Mr. Kennedy's application, and the entire record in this case, this Court is of the opinion that the Court of Criminal Appeals erred by affirming the trial court's judgment summarily dismissing the pro se post-conviction petition for failure to state a colorable claim.

Whether a trial court erred by summarily dismissing a petition for post-conviction relief is a question of law that this Court reviews de novo. Arnold v. State, 143 S.W.3d 784, 786 (Tenn. 2004); Burnett v. State, 92 S.W.3d 403, 406 (Tenn. 2002). A colorable claim is one "that, if taken as true, in the light most favorable to the petitioner, would entitle the petitioner to relief under the Post-Conviction Procedure Act." Arnold, 143 S.W.3d at 786 (quoting Tenn. Sup. Ct. R. 28, § 2(H)). In determining whether a colorable claim has been presented, "pro se petitions are to be 'held to less stringent standards than formal pleadings drafted by lawyers.'" Gable v. State, 836 S.W.2d 558, 559-60 (Tenn. 1992) (quoting Swanson v. State, 749 S.W.2d 731, 734 (Tenn. 1988)). Furthermore, Tenn. Sup. Ct. R. 28, § 6 (B)(4)(b) provides: "No pro se petition shall be dismissed for failure to follow the prescribed form until the court has given petitioner a reasonable opportunity to amend the petition with the assistance of counsel."

Applying the foregoing principles, granting the pro se petitioner due leeway, accepting the allegations as true, and viewing them in a light most favorable to the pro se petitioner, this Court concludes that Mr. Kennedy's pro se petition states a colorable claim for post-conviction relief. Furthermore, in light of the one-petition rule applicable in Tennessee,¹ trial courts should rarely, if ever, summarily dismiss the first pro se petition for post-conviction relief until the petitioner either is afforded an opportunity to amend the petition or is appointed counsel to assist in amending the petition. See Tenn. Sup. Ct. R. 28, § 6 (B)(4)(b).

¹See Tenn. Code Ann. § 40-30-102(c) (2006) ("This part contemplates the filing of only one (1) petition for post-conviction relief. In no event may more than one (1) petition for post-conviction relief be filed attacking a single judgment. If a prior petition has been filed which was resolved on the merits by a court of competent jurisdiction, any second or subsequent petition shall be summarily dismissed.")

For the reasons stated above, Mr. Kennedy's pro se application for permission to appeal is granted, the judgment of the Court of Criminal Appeals affirming the summary dismissal of the trial court is reversed, and this matter is remanded to the trial court for the appointment of counsel, who shall be afforded an opportunity to amend the pro se petition.

It is so ORDERED.

PER CURIAM

IN THE SUPREME COURT OF TENNESSEE
AT JACKSON

STATE OF TENNESSEE v. MARK ANTHONY McNACK

Circuit Court for Madison County
No. 03-220

No. W2010-00471-SC-R11-CD - Filed April 13, 2011

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