



Tennessee Supreme Court  
**DISCRETIONARY APPEALS**  
Grants & Denials List  
December 7, 2015 - December 11, 2015

**GRANTS**

| <b>Style/Appeal Number</b>   | <b>County/Trial Judge/<br/>Trial Court No.</b>                       | <b>Appellate Judge/Judgment</b>                               | <b>Nature Of Appeal</b> | <b>Action</b>  |
|--|--|---|-------------------------|--|
| <b><u>Nashville</u></b>  |  |   |                         |  |
| HORACE E. HOLLIS, JR. v. STATE OF TENNESSEE<br>M2013-01509-SC-R11-PC | Dickson County Circuit Court<br>Robert E. Burch<br>2012CR846         | McMullen, Camille R.: Affirmed                                | TRAP 11                 | Granted/Remanded<br>: Application of<br>Horace E. Hollis, Jr.<br>granted-vacate<br>judgment of CCA;<br>remanded to Court<br>of Criminal Appeals.<br>Order filed 12-10-15<br>(Please see<br>attached order) |
| MLG ENTERPRISES, LLC v. RICHARD JOHNSON<br>M2014-01205-SC-R11-CV     | Williamson County Chancery<br>Court<br>James G. Martin, III<br>35543 | Clement Jr., Frank G.: Affirmed<br>McBrayer, W. Neal: Dissent | TRAP 11                 | Granted:<br>Application of MLG<br>Enterprises, LLC<br><br>Order filed 12-10-15   |

**Knoxville**

STATE OF TENNESSEE v. GLEN HOWARD  
E2014-01510-SC-R11-CD

Hamilton County Criminal Court  
Barry A. Steelman  
275593

Easter, Timothy L.: Affirmed in Part,  
Vacated in Part

TRAP 11

Granted:  
Application of Glen  
B. Howard

Order filed 12-11-15  
(Please see  
attached order)

**Jackson**

KIM HARDY v. TOURNAMENT PLAYERS CLUB AT  
SOUTHWIND, INC. D/B/A "TPC SOUTHWIND", ET  
AL.  
W2014-02286-SC-R11-CV

Shelby County Circuit Court  
Donna M. Fields  
CT00120114

Goldin, Arnold B.: Reversed  
Gibson, Brandon O.: Dissent

TRAP 11

Granted:  
Application of  
Tournament  
Players Club at  
Southwind, Inc.  
d/b/a "TPC  
Southwind,"Inc.;  
Denied: Motion to  
dismiss filed by Kim  
Hardy  
Order filed 12-9-15  
(Please see  
attached order)

**DENIALS**

**Style/Appeal Number**

**County/Trial Judge/  
Trial Court No.**

**Appellate Judge/Judgment**

**Nature Of Appeal**

**Action**

Discretionary Appeals - SC.pdf

Created: 12/14/2015 09:05 AM

2 of 15

**Nashville**

|   |  |   |         |  |
|---|--|---|---------|--|
| BRENDA BENZ-ELLIOTT v. BARRETT ENTERPRISES, LP, ET AL.<br>M2013-00270-SC-R11-CV | Rutherford County Chancery Court<br>John D. Wootten, Jr.<br>081355CV | Bennett, Andy D.: Affirmed                              | TRAP 11 | Denied: Application of Barrett Enterprises, LP and Ronnie Barrett<br><br>Order filed 12-10-15  |
| CATHERINE MARIE SCHMALZER DICK v. DOUGLAS CHARLES DICK<br>M2013-02461-SC-R11-CV | Williamson County Chancery Court<br>Robbie T. Beal<br>39884          | Armstrong, Kenny W.: Affirmed in Part, Reversed in Part | TRAP 11 | Denied: Application of Catherine Marie Dick & Douglas Charles Dick; opinion of the Court of Appeals is designated "Not for Citation" in accordance with Supreme Court Rule 4(e).<br>Order filed 12-10-15 |
| ROBERT GUERRERO v. STATE OF TENNESSEE<br>M2014-00348-SC-R11-PC                  | Maury County Circuit Court<br>Stella L. Hargrove<br>17884            | Witt Jr., James Curwood: Affirmed                       | TRAP 11 | Denied: Application of Robert Guerrero<br><br>Order filed 12-10-15   |

|  |  |  |         |  |
|--|--|--|---------|--|
| MICHAEL GEORGE MEDINA v. STATE OF TENNESSEE<br>M2014-00561-SC-R11-PC             | Smith County Criminal Court<br>John D. Wootten, Jr.<br>99270   | McMullen, Camille R.: Affirmed                         | TRAP 11 | Denied: Application of Michael George Medina<br><br>Order filed 12-11-15               |
| STATE OF TENNESSEE v. DEBORAH WEN-YEE MARK<br>M2014-00651-SC-R11-CD              | Wilson County Criminal Court<br>David Earl Durham<br>10CR451   | Page, Roger A.: Affirmed                               | TRAP 11 | Denied: Application of Deborah Wen-Yee Mark<br><br>Order filed 12-10-15                |
| DONNIE G. GOODWIN, ET AL. v. JIM BALE CONSTRUCTION, LLC<br>M2014-00919-SC-R11-CV | Sumner County Circuit Court<br>Jane W. Wheatcraft<br>2011CV506 | Armstrong, Kenny W.: Affirmed in Part, Vacated in Part | TRAP 11 | Denied: Application of Donnie G. Goodwin and Julie Goodwin<br><br>Order filed 12-10-15 |
| WILLIAM F. HUNT v. VEROPELE NASHVILLE I, LLC<br>M2014-01046-SC-R11-CV            | Davidson County Chancery Court<br>Claudia Bonnyman<br>12938l   | Clement Jr., Frank G.: Affirmed                        | TRAP 11 | Denied: Application of VeroPele Nashville I, LLC<br><br>Order filed 12-10-15           |

|  |  |                                     |         |   |
|--|--|-------------------------------------|---------|---|
| STATE OF TENNESSEE v. JARUS SMITH<br>M2014-01130-SC-R11-CD           | Hickman County Circuit Court<br>Timothy L. Easter<br>125025CR      | Thomas Jr., D. Kelly: Affirmed      | TRAP 11 | Denied: Application<br>on behalf of Jarus<br>Smith<br><br>Order filed 12-10-15  |
| STATE OF TENNESSEE v. VARQUEZ K. SAILS<br>M2014-01343-SC-R11-CD      | Davidson County Criminal Court<br>Mark J. Fishburn<br>2012B1179    | Montgomery Jr., Robert H.: Affirmed | TRAP 11 | Denied: Application<br>of Varquez<br>Kaimorne Sails<br><br>Order 12-10-15       |
| STATE OF TENNESSEE v. LESERGIO DURAN WILSON<br>M2014-01487-SC-R11-CD | Davidson County Criminal Court<br>Cheryl A. Blackburn<br>2010B1227 | McMullen, Camille R.: Affirmed      | TRAP 11 | Denied: Application<br>of LeSergio Duran<br>Wilson<br><br>Order filed 12-10-15  |
| JAMIE N. GRIMES v. STATE OF TENNESSEE<br>M2014-01533-SC-R11-PC       | Davidson County Criminal Court<br>Monte Watkins<br>2007B968        | Montgomery Jr., Robert H.: Affirmed | TRAP 11 | Denied: Application<br>of Jamie Nathaniel<br>Grimes<br><br>Order filed 12-10-15 |

|  |   |                                     |         |   |
|--|---|-------------------------------------|---------|---|
| KEVIN L. BUFORD SR. v. STATE OF TENNESSEE<br>M2014-01534-SC-R11-PC | Davidson County Criminal Court<br>J. Randall Wyatt, Jr.<br>2008B1355  | Montgomery Jr., Robert H.: Affirmed | TRAP 11 | Denied: Application<br>of Kevin L. Buford,<br>Sr.<br><br>Order filed 12-11-15 |
| MICHAEL CARNAHAN v. JEFFREY CARNAHAN<br>M2014-01759-SC-R11-CV      | Wilson County Circuit Court<br>Clara W. Byrd<br>2014CV385             | Dinkins, Richard H.: Affirmed       | TRAP 11 | Denied: Application<br>of Jeffrey Carnahan<br><br>Order filed 12-10-15        |
| LESERGIO WILSON v. STATE OF TENNESSEE<br>M2014-01763-SC-R11-PC     | Davidson County Criminal Court<br>Cheryl A. Blackburn<br>2010C1912    | Glenn, Alan E.: Affirmed            | TRAP 11 | Denied: Application<br>of LeSergio Wilson<br><br>Order filed 12-10-15         |
| IN RE JOSEPH H.<br>M2014-01765-SC-R11-JV                           | Davidson County Juvenile Court<br>Sophia Brown Crawford<br>2012001428 | Clement Jr., Frank G.: Affirmed     | TRAP 11 | Denied: Application<br>of Larry G.<br><br>Order filed 12-10-15                |

|   |   |                                   |         |  |
|---|---|-----------------------------------|---------|--|
| ROBERT EDWARD WILLIAMS III v. STATE OF TENNESSEE<br>M2014-01879-SC-R11-PC | Davidson County Criminal Court<br>Cheryl A. Blackburn<br>2010B1636, 2010C2687,<br>2011B1733 | Thomas Jr., D. Kelly: Affirmed    | TRAP 11 | Denied: Application of Robert E. Williams<br><br>Order filed 12-10-15    |
| OMAR ALEJANDRO GARCIA v. STATE OF TENNESSEE<br>M2014-02126-SC-R11-PC      | Davidson County Criminal Court<br>Steve R. Dozier<br>2012A441                               | Holloway Jr., Robert L.: Affirmed | TRAP 11 | Denied: Application of Omar Alejandro Garcia<br><br>Order filed 12-10-15 |
| STATE OF TENNESSEE v. BILLY JEREMY JONES<br>M2014-02362-SC-R11-CD         | Bedford County Circuit Court<br>Forest A. Durard, Jr.<br>17894                              | Thomas Jr., D. Kelly: Affirmed    | TRAP 11 | Denied: Application of Billy Jeremy Jones<br><br>Order filed 12-10-15    |
| HOWARD LAVELLE TATE v. STATE OF TENNESSEE<br>M2014-02438-SC-R11-PC        | Davidson County Criminal Court<br>Steve R. Dozier<br>2009A75                                | Glenn, Alan E.: Affirmed          | TRAP 11 | Denied: Application of Howard Lavelle Tate<br><br>Order filed 12-10-15   |

|  |  |  |         |  |
|--|--|--|---------|--|
| ADRIAN WILKERSON v. STATE OF TENNESSEE<br>M2015-00420-SC-R11-PC                            | Davidson County Criminal Court<br>Monte Watkins<br>95B856    | Witt Jr., James Curwood: Affirmed          | TRAP 11 | Denied: Application<br>of Adrian Wilkerson<br><br>Order filed 12-10-15   |
| STATE OF TENNESSEE v. CURTIS DEWAYNE STAGGS<br>M2015-00889-SC-R11-CD                       | Lawrence County Circuit Court<br>Stella L. Hargrove<br>29161 | Easter, Timothy L.: Affirmed               | TRAP 11 | Denied: Application<br>of Curtis Dewayne<br>Staggs<br><br>Order filed 12-10-15   |
| RITA KATHARINA JOHNSON v JAMES EARL<br>JOHNSON<br>M2015-01238-SC-R11-CV                    | Davidson County Circuit Court<br>Philip E. Smith<br>14d2032  | Per Curiam: Case Dispositional<br>Decision | TRAP 11 | Denied: Application<br>of James Earl<br>Johnson<br><br>Order filed 12-10-15  |
| ALICIA BAXTER, ET AL. v. MAURY REGIONAL<br>MEDICAL CENTER, ET AL.<br>M2015-01655-SC-R11-CV | Maury County Circuit Court<br>Robert L. Jones<br>15036       | Per Curiam: Case Dispositional<br>Decision | TRAP 11 | Denied: Application<br>of Maury Regional<br>Hospital; Motion<br>filed by Frank Chuck<br>M.D. to join Maury<br>Regional Hospital's<br>Rule 11 Application<br>granted.<br>Order filed 12-10-15 |



**Knoxville**

|   |  |  |         |   |
|---|--|--|---------|---|
| SHAUN ALEXANDER HODGE v. STATE OF TENNESSEE<br>E2014-01005-SC-R11-ECN | Knox County Criminal Court<br>Mary B. Leibowitz<br>100532  | Ogle, Norma McGee: Affirmed  | TRAP 11 | Denied: Application of Shaun Alexander Hodge<br><br>Order filed 12-10-15          |
| STATE OF TENNESSEE v. VICKIE LYNN PERRY<br>E2014-01088-SC-R11-CD      | Knox County Criminal Court<br>Mary B. Leibowitz<br>94181   | Easter, Timothy L.: Affirmed   | TRAP 11 | Denied: Application of Vickie Lynn Perry<br><br>Order filed 12-10-15              |
| JAMES CONDRA ET AL v. JOHN W. SANDERS ET AL<br>E2014-01243-SC-R11-CV  | Bradley County Circuit Court<br>J. Michael Sharp<br>V04543 | Frierson II, Thomas R., McClarty, John W., Susano Jr., Charles D.: Case Dispositional Decision | TRAP 11 | Denied: Application of James Condra and Sandra Condra<br><br>Order filed 12-10-15 |
| NATHAN YOUNG PAYNE v. STATE OF TENNESSEE<br>E2014-01553-SC-R11-PC     | Hamilton County Criminal Court<br>Don W. Poole<br>286706   | Easter, Timothy L.: Affirmed   | TRAP 11 | Denied: Application of Nathan Young Payne<br><br>Order filed 12-11-15             |

|   |  |  |         |   |
|---|--|--|---------|---|
| GREGORY LYNN HILL v. STATE OF TENNESSEE<br>E2014-01686-SC-R11-PC    | Knox County Criminal Court<br>Mary B. Leibowitz<br>97595   | Thomas Jr., D. Kelly: Affirmed                                     | TRAP 11 | Denied: Application<br>of Gregory Lynn Hill<br><br>Order filed 12-10-15       |
| KEVIN LEWIS v. STATE OF TENNESSEE<br>E2014-02070-SC-R11-PC          | Hamilton County Criminal Court<br>Barry A. Steelman<br>284665                                    | Thomas Jr., D. Kelly: Affirmed in Part,<br>Reversed in Part        | TRAP 11 | Denied: Application<br>of Kevin Lewis<br><br>Order filed 12-11-15             |
| MICHAEL SCOTT FARNER v. STATE OF TENNESSEE<br>E2014-02165-SC-R11-PC | Polk County Criminal Court<br>Andrew M. Freiberg<br>13CR093                                      | Thomas Jr., D. Kelly: Affirmed                                     | TRAP 11 | Denied: Application<br>of Michael Scott<br>Farner<br><br>Order filed 12-10-15 |
| STATE OF TENNESSEE v. ELASHANTI DEAN<br>E2014-02169-SC-R11-CD       | Hamilton County Criminal Court<br>Barry A. Steelman<br>222434, 223277, 223280, 223283,<br>223286 | Easter, Timothy L.: Affirmed<br>Montgomery Jr., Robert H.: Dissent | TRAP 11 | Denied: Application<br>of Elashanti Dean<br><br>Order filed 12-10-15          |

|  |   |                                 |         |  |
|--|---|---------------------------------|---------|--|
| JAMES R. VANDERGRIFF, ET AL. v. PARKRIDGE EAST HOSPITAL, ET AL.<br>E2014-02253-SC-R11-CV | Hamilton County Circuit Court<br>Ward Jeffrey Hollingsworth<br>14C1038    | Clement Jr., Frank G.: Affirmed | TRAP 11 | Denied: Application of James R. Vandergriff and Samantha J. Vandergriff<br><br>Order filed 12-11-15                      |
| MARIO D. JONES v. STATE OF TENNESSEE<br>E2014-02460-SC-R11-PC                            | Bradley County Criminal Court<br>Don R. Ash<br>13CR443                    | Page, Roger A.: Affirmed        | TRAP 11 | Denied: Application of Mario D. Jones<br><br>Order filed 12-11-15  |
| IN RE ISAIAH R.<br>E2015-00026-SC-R11-JV   | Cocke County Circuit Court<br>Ben W. Hooper, II<br>33594I, 33595I, 33596I | Swiney, D. Michael: Reversed    | TRAP 11 | Denied: Application of Gary Romero, Daniel Romero, Bradley Romero and the Guardian Ad Litem.<br><br>Order filed 12-11-15 |
| MALIK JONES v. STATE OF TENNESSEE<br>E2015-00106-SC-R11-PC                               | Knox County Criminal Court<br>Steven Wayne Sword<br>102940                | Easter, Timothy L.: Affirmed    | TRAP 11 | Denied: Application of Malik Jones<br><br>Order filed 12-10-15   |

|   |   |                                   |         |  |
|---|---|-----------------------------------|---------|--|
| STATE OF TENNESSE v. DAVID WAYNE HEARING<br>E2015-00173-SC-R11-CD | Greene County Criminal Court<br>Thomas J. Wright<br>05CR193 | Holloway Jr., Robert L.: Affirmed | TRAP 11 | Denied: Application of David Wayne Hearing; "Motion for Consideration of Post-Judgment Facts" & Motion for Consolidated Appeals" denied as moot.<br><br>Order filed 12-10-15 |
|---|---|-----------------------------------|---------|--|

**Jackson**

|  |  |                             |         |   |
|--|--|-----------------------------|---------|---|
| JULIE T. HATCHETT v. WILLIAM GLENN HATCHETT<br>W2013-00984-SC-R11-CV | Fayette County Chancery Court<br>Martha Brasfield<br>14158PPRD | Gibson, Brandon O.: Vacated | TRAP 11 | Denied: Application of Kay Farese Turner, Julie T. Hatchett, and William Glenn Hatchett<br><br>Order filed 12-10-15 |
|--|--|-----------------------------|---------|---|

|  |  |                             |         |  |
|--|--|-----------------------------|---------|--|
| STATE OF TENNESSEE v. JUSTIN HADLEY<br>W2014-00985-SC-R11-CD | Shelby County Criminal Court<br>Chris Craft<br>1206564 | Ogle, Norma McGee: Affirmed | TRAP 11 | Denied: Application of Justin Hadley<br><br>Order filed 12-11-15 |
|--|--|-----------------------------|---------|--|

|   |  |   |         |  |
|---|--|---|---------|--|
| STATE OF TENNESSEE v. MICKEY EDWARDS<br>W2014-00987-SC-R11-CD   | Shelby County Criminal Court<br>Chris Craft<br>1205547                       | Holloway Jr., Robert L.: Affirmed                                 | TRAP 11 | Denied: Application<br>of Mickey Edwards<br><br>Order filed 12-11-15   |
| PHILANDER BUTLER v. STATE OF TENNESSEE<br>W2014-01366-SC-R11-CO | Shelby County Criminal Court<br>James M. Lammey<br>8808249, 9004544, 9006943 | Williams, John Everett: Affirmed<br>McMullen, Camille R.: Dissent | TRAP 11 | Denied: Application<br>of Philander Butler<br><br>Order filed 12-11-15 |
| STATE OF TENNESSEE v. RODNEY BRYANT<br>W2014-01570-SC-R11-CD    | Shelby County Criminal Court<br>Lee V. Coffee<br>1300088                     | Page, Roger A.: Affirmed  | TRAP 11 | Denied: Application<br>of Rodney Bryant<br><br>Order filed 12-11-15    |
| STATE OF TENNESSEE v. DARRELL ANDERSON<br>W2014-01626-SC-R11-CD | Madison County Circuit Court<br>Roy B. Morgan, Jr.<br>13496                  | Williams, John Everett: Affirmed                                  | TRAP 11 | Denied: Application<br>of Darrell Anderson<br><br>Order filed 12-10-15 |

|   |  |                                   |         |  |
|---|--|-----------------------------------|---------|--|
| MAURICE JOHNSON v. STATE OF TENNESSEE<br>W2014-01982-SC-R11-PC              | Shelby County Criminal Court<br>Chris Craft<br>1002315     | Page, Roger A.: Affirmed          | TRAP 11 | Denied: Application<br>of Maurice Johnson<br><br>Order filed 12-10-15      |
| STATE OF TENNESSEE V. FREDERICK SLEDGE<br>W2014-02305-SC-R11-CD             | Shelby County Criminal Court<br>James M. Lammey<br>9204081 | Wedemeyer, Robert W.: Affirmed    | TRAP 11 | Denied: Application<br>of Fredrick Sledge<br><br>Order filed 12-11-15      |
| STATE OF TENNESSEE v. RODNEY JEFFRIES<br>W2014-02464-SC-R11-CD              | Shelby County Criminal Court<br>Chris Craft<br>9607098     | Holloway Jr., Robert L.: Affirmed | TRAP 11 | Denied: Application<br>of Rodney Jeffries<br><br>Order filed 12-10-15      |
| TIMOTHY A. BAXTER v. STATE OF TENNESSEE, ET<br>AL.<br>W2015-00078-SC-R11-CV | Madison County Circuit Court<br>Donald H. Allen<br>C14175  | Armstrong, Kenny W.: Affirmed     | TRAP 11 | Denied: Application<br>of Timothy A.<br>Baxter<br><br>Order filed 12-10-15 |

|  |  |   |                                 |  |
|--|--|---|---------------------------------|--|
| SHAYLA NICOLE PURIFOY v. DEVINE MAFA<br>W2015-00101-SC-R10-CV                      | Shelby County Circuit Court<br>Donna M. Fields<br>CT00543513   | Per Curiam: Case Dispositional<br>Decision  | TRAP 10 (from<br>Interm. Court) | Denied: Application<br>of Devine Mafa<br><br>Order filed 12-11-15  |
| MARTIN N. LEWIS, ET AL. v. MICHAEL D. WILLIAMS,<br>ET AL.<br>W2015-00150-SC-R11-CV | Henry County Chancery Court<br>Carma Dennis McGee<br>22255   | Stafford, J. Steven: Affirmed   | TRAP 11                         | Denied: Application<br>of Michael D.<br>Williams, Brenda K.<br>Williams and Bryan<br>Louis Williams.<br><br>Order filed 12-11-15 |
| DERWIN VALENTINO THOMAS v. STATE OF<br>TENNESSEE<br>W2015-01126-SC-R11-PC          | Shelby County Criminal Court<br>Paula L. Skahan<br>9601294, 9601295, 9601296,<br>9601297, 9601298, 9601299,<br>9601300, P24761 | Glenn, Alan E., McMullen, Camille R.,<br>Page, Roger A.: Case Dispositional<br>Decision | TRAP 11                         | Denied: Application<br>of Derwin Valentino<br>Thomas<br><br>Order filed 12-11-15   |

IN THE SUPREME COURT OF TENNESSEE  
AT NASHVILLE

**HORACE E. HOLLIS, JR. v. STATE OF TENNESSEE**

**Circuit Court for Dickson County  
No. 2012CR846**

---

**No. M2013-01509-SC-R11-PC**

---

**ORDER**

Upon consideration of the application for permission to appeal filed on behalf of Horace E. Hollis, Jr., and the record before us, the application is granted for the purpose of vacating the judgment of the Court of Criminal Appeals and remanding the case to the Court of Criminal Appeals for consideration on the merits.

In 2011, Mr. Hollis was convicted by a jury of two counts of rape of a child for which he received an effective sentence of forty years. *See State v. Horace Hollis*, No. M2011-01463-CCA-R3-CD, 2012 WL 1867277 (Tenn. Crim. App. May 22, 2012). After Mr. Hollis filed a timely petition for post-conviction relief, an evidentiary hearing was held on April 23, 2013. The trial court subsequently denied post-conviction relief. Thereafter, the Court of Criminal Appeals held that Mr. Hollis waived consideration of his issues on appeal because the transcript from the post-conviction hearing was not included in the appellate record. The record reflects, however, that the trial court clerk failed to transmit to the Court of Criminal Appeals the post-conviction hearing transcript that Mr. Hollis requested and the Court of Criminal Appeals ordered.<sup>1</sup> Due to this omission by the trial court clerk, Mr. Hollis was erroneously deprived of consideration of the merits of his post-conviction appeal. *Cf.* Tenn. R. App. P. 26(b) (stating that nothing in the rule, which permits the dismissal of an appeal for failure of the appellant to timely

---

<sup>1</sup> In response to an order filed by the Court of Criminal Appeals on March 27, 2014, requiring the filing of the post-conviction hearing transcript within fifteen days of the date of the order, the trial court clerk transmitted to the Court of Criminal Appeals the transcript of Mr. Hollis's 2011 trial, along with the transcript of Mr. Hollis's 2010 trial, at which a jury found him not guilty of other counts in the same indictment. Ironically, in the May 2013 memorandum opinion denying post-conviction relief, the trial court had stated repeatedly that it could not review certain claims because "[t]here is no transcript of [Mr. Hollis's 2011] trial in the records of this Court, said transcript having been sent to the Court of Criminal Appeals."



file the transcript, “shall be construed to authorize dismissal of an appeal due to the errors or omissions of the clerk of the trial court”).

Within fifteen days of the filing of this order, the trial court clerk shall transmit to the Court of Criminal Appeals the transcript of the post-conviction hearing held on April 23, 2013. Upon the filing of the post-conviction hearing transcript, the Court of Criminal Appeals may order additional briefing, if appropriate, and thereafter shall consider the case.

Upon consideration of the motion to withdraw filed by Olin J. Baker, appointed counsel for Mr. Hollis, the motion is granted. The Court of Criminal Appeals shall determine whether new counsel should be appointed.

PER CURIAM

IN THE SUPREME COURT OF TENNESSEE  
AT NASHVILLE

**MLG ENTERPRISES, LLC v. RICHARD JOHNSON**

**Chancery Court for Williamson County  
No. 35543**

---

**No. M2014-01205-SC-R11-CV**

---

**ORDER**

Upon consideration of the application for permission to appeal of MLG Enterprises, LLC 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 KNOXVILLE

**STATE OF TENNESSEE v. GLEN B. HOWARD**

**Criminal Court for Hamilton County  
No. 275593**

---

**No. E2014-01510-SC-R11-CD**

---

**ORDER**

Upon consideration of the application for permission to appeal of Glen B. Howard and the record before us, the application is granted.

In the briefs and at oral argument, the Court is particularly interested in the question of whether the Court of Criminal Appeals erred in ruling that aggravated sexual battery is not a lesser-included offense of rape of a child. *See State v. Glen B. Howard*, No. E2014-01510-SC-R11-CD, 2015 WL 4626860 at \*15 (relying on *State v. John J. Ortega, Jr.*, No. M2014-01042-CCA-R3-CD, 2015 WL 1870095, at \*10 (Tenn. Crim. App. Apr. 23, 2015)). In addressing this question, the Court directs the parties to discuss whether part (b) of the test set forth in *State v. Burns*, 6 S.W.3d 452 (Tenn. 1999), survived the 2009 amendments to Tenn. Code Ann. § 40-181-110.

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

**KIM HARDY v. TOURNAMENT PLAYERS CLUB AT SOUTHWIND, INC.  
D/B/A “TPC SOUTHWIND” ET AL.**

**Circuit Court for Shelby County  
No. CT00120114**

---

**No. W2014-02286-SC-R11-CV**

---

**ORDER**

Upon consideration of the application for permission to appeal of Tournament Players Club at Southwind, Inc. d/b/a “TPC Southwind,” PGA Tour Golf Course Properties, Inc., and PGA Tour, Inc. and the record before us, the application is granted. Further, the motion to dismiss filed by Kim Hardy is denied.

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

PER CURIAM