



Tennessee Supreme Court  
**DISCRETIONARY APPEALS**  
Grants & Denials List  
February 19, 2019 - February 22, 2019

**GRANTS**

<b>Style/Appeal Number</b>	<b>County/Trial Judge/ Trial Court No.</b>	<b>Intermediate Court</b>	<b>Supreme Court Action</b>
<b><u>Nashville</u></b>			
STATE OF TENNESSEE v. ALEXANDER R. VANCE AND DAMONTA MENESE M2017-01037-SC-R11-CD	Davidson County Criminal Court J. Randall Wyatt, Jr. 2014-C-2274	Glenn, Alan E.: Affirm	Granted: Application of Alexander Raphael Vance  Order filed 2-20-19 (See Attached Order)
JOHN R. DEBERRY v. CUMBERLAND ELECTRIC MEMBERSHIP CORPORATION M2017-02399-SC-R11-CV	Montgomery County Circuit Court Ross H. Hicks MCCCCVOD-13-3028	Gibson, Brandon O.: Vacate	Granted: Application of John R. DeBerry  Order filed 2-20-19 (See Attached Order)
<b><u>Knoxville</u></b>			
LEWIS ALVIN MINYARD v. LAURA NICOLE LUCAS E2017-02261-SC-R11-CV	Knox County 4th Circuit Court Gregory S. McMillan 93853	Susano Jr., Charles D.: Reverse	Granted: Application of Lewis Alvin Minyard  Order filed 2-22-19 (See Attached Order)

BRADLEY JAMES COX v. LAURA NICOLE LUCAS  
E2017-02264-SC-R11-CV

Knox County 4th Circuit Court  
Gregory S. McMillan  
110074

Susano Jr., Charles D.: Reverse

Granted: Application of Bradley James Cox

Order filed 2-22-19 (See Attached Order)

## DENIALS

### Style/Appeal Number

### County/Trial Judge/ Trial Court No.

### Intermediate Court

### Supreme Court Action

#### Nashville

MARCUS DWAYNE TOWNSEND v. STATE OF  
TENNESSEE  
M2017-00117-SC-R11-PC

Davidson County Criminal Court  
Mark J. Fishburn  
2013-C-2084

Montgomery Jr., Robert H.: Affirm

Denied: Application of Marcus Dwayne Townsend

Order filed 2-20-19

WILLIAM MICHAEL PHILLIPS v. STATE OF  
TENNESSEE  
M2017-00118-SC-R11-PC

Giles County Circuit Court  
Robert L. Jones  
16041, CR-12825

Ogle, Norma McGee: Affirm  
Easter, Timothy L.: Concur

Denied: Application of William Michael Phillips, Opinion of CCA designated "Not For Citation" accordance with Tennessee Supreme Court Rule 4(E)

Order filed 2-21-19(See Attached Order)

CHRISTOPHER M. HOOTEN v. STATE OF TENNESSEE M2017-00122-SC-R11-PC	Maury County Circuit Court Robert L. Jones 19679, 19949	Woodall, Thomas T.: Affirm	Denied: Application of Christopher Michael Hooten  Order filed 2-20-19
IN RE ESTATE OF IVY LONZO ARMSTRONG M2017-00341-SC-R11-CV	Dickson County Probate and Juvenile Court Michael Meise 04-14-068-P	Dinkins, Richard H.: Affirm	Denied: Application of Sheila Southern, Et Al.  Order filed 2-21-19 (See Attached Order)
GRADY CUNNINGHAM, ET AL. v. BEDFORD COUNTY, TENNESSEE, ET AL. M2017-00519-SC-R11-CV	Bedford County Chancery Court J. B. Cox 30129	Dinkins, Richard H.: Reverse in Part	Denied: Application of Grady Cunningham, and Celebration 2000, Inc.  Order filed 2-21-19
STATE OF TENNESSEE v. MARC K. ELIAZAR M2017-00757-SC-R11-CD	Rutherford County Circuit Court (CRIMINAL) Royce Taylor F-76080	Ogle, Norma McGee: Affirm	Denied: Application of Marc Kenley Eliazar  Order filed 2-20-19

STATE OF TENNESSEE v. CHARLES PHILLIP MAXWELL M2017-00865-SC-R11-CD	Davidson County Criminal Court Joseph P. Binkley, Jr. 2015-A-347	Woodall, Thomas T.: Affirm	Denied: Application of Charles Maxwell  Order filed 2-21-19
CHARLES GLEN CONNOR v. STATE OF TENNESSEE M2017-01003-SC-R11-PC	Davidson County Criminal Court Mark J. Fishburn 2012-B-1666	McMullen, Camille R.: Affirm	Denied: Application of Charles Glen Connor  Order filed 2-20-19
STATE OF TENNESSEE v. TROY ANTHONY LOZANO M2017-01250-SC-R11-CD	Montgomery County Circuit Court Ross H. Hicks 2016-CR-1510	Witt Jr., James Curwood: Affirm	Denied: Application of Troy Anthony Lozano  Order filed 2-20-19
NARRELL CHRISTOPHER PIERCE v. STATE OF TENNESSEE M2017-01268-SC-R11-PC	Davidson County Criminal Court Steve R. Dozier 2011-B-1707	Ogle, Norma McGee: Affirm	Denied: Application of Narrell Christopher Pierce  Order filed 2-21-19
CHARLES GODSPOWER v. STATE OF TENNESSEE M2017-01696-SC-R11-PC	Rutherford County Circuit Court (CRIMINAL) David M. Bragg F-67377	Glenn, Alan E.: Affirm	Denied: Application of Charles Ifedi Godspower  Order filed 2-21-19

VICKI BAUMGARTNER, PERSONAL  
REPRESENTATIVE OF THE ESTATE OF RICHARD  
R. BAUMGARTNER v. TENNESSEE  
CONSOLIDATED RETIREMENT SYSTEM  
M2017-01715-SC-R11-CV

Davidson County Chancery Court  
Russell T. Perkins  
17-67-IV

Gibson, Brandon O.: Affirm

Denied: Application of Vicki  
Baumgartner

Order filed 2-20-19

STATE OF TENNESSEE v. STEPHEN BERLINE  
ORRICK  
M2017-01856-SC-R11-CD

Warren County Circuit Court  
Larry B. Stanley, Jr.  
15-CR-725

Montgomery Jr., Robert H.: Reverse

Denied: Application of Stephen  
Berline Orrick

Order filed 2-21-19

DOMINICK DORIA v. STATE OF TENNESSEE  
M2017-02024-SC-R11-PC

Montgomery County Circuit Court  
William R. Goodman, III  
41200380

Thomas Jr., D. Kelly: Affirm

Denied: Application of Dominick  
Michael Doria

Order filed 2-21-19

JOSEPH PETER MEERSMAN, JR. ET AL. v.  
REGIONS MORGAN KEEGAN TRUST ET AL.  
M2017-02043-SC-R11-CV

Davidson County Circuit Court  
Joseph P. Binkley, Jr.  
15C1861

Gibson, Brandon O.: Affirm

Denied: Application of John Peter  
Meersman, Jr.

Order filed 2-20-19

<p>NEDRA FINNEY v. FRANKLIN SPECIAL SCHOOL DISTRICT BOARD OF EDUCATION ET AL. M2017-02080-SC-R11-CV</p>	<p>Williamson County Chancery Court Joseph Woodruff 45644</p>	<p>Clement Jr., Frank G.: Affirm</p>	<p>Denied: Application of Nedra Finney Order filed 2-20-19</p>
<p>LAMAR MANDELL CULLOM v. STATE OF TENNESSEE M2017-02165-SC-R11-PC</p>	<p>White County Criminal Court David A. Patterson CR5977</p>	<p>McMullen, Camille R.: Affirm</p>	<p>Denied: Application of Lamar Mandell Cullom Order filed 2-21-19</p>
<p>STATE OF TENNESSEE v. TEQUAN LAQUARIOUS EVANS M2017-02266-SC-R11-CD</p>	<p>Montgomery County Circuit Court William R. Goodman, III CC-16-CR-1414, CC-16-CR-1415</p>	<p>Montgomery Jr., Robert H.: Affirm</p>	<p>Denied: Application of Tequan Laquarious Evans Order filed 2-20-19</p>
<p>PATRICIA FRIAS v. FELIPE FRIAS ET AL M2017-02391-SC-R11-CV</p>	<p>White County Chancery Court Ronald Thurman 2017-CV-43</p>	<p>Dinkins, Richard H.: Affirm</p>	<p>Denied: Application of Felipe Frias, and The'resa S. Dunnivant Order filed 2-21-19</p>
<p>STATE OF TENNESSEE v. JEREMY ARTHUR KIMBLE M2017-02472-SC-R11-CD</p>	<p>Montgomery County Circuit Court William R. Goodman, III CC-17-CR-374</p>	<p>Thomas Jr., D. Kelly: Affirm</p>	<p>Denied: Application of Jeremy Arthur Kimble Order filed 2-21-19</p>

THOMAS LAMONT DOWLEN v. STATE OF  
TENNESSEE  
M2018-00052-SC-R11-PC

Robertson County Circuit Court  
Jill Bartee Ayers  
74CC3-2012-CR-58

Montgomery Jr., Robert H.: Affirm

Denied: Application of Thomas  
Dowlen

Order filed 2-21-19

IN RE CHRISTIAN S.  
M2018-00128-SC-R11-JV

Marshall County Juvenile Court  
Lee Bussart  
10JV24

Dinkins, Richard H.: Affirm

Denied: Application of James C.  
and Donna C.

Order filed 2-20-19

VICTOR CLARK v. CHERRY LINDAMOOD,  
WARDEN  
M2018-00134-SC-R11-HC

Wayne County Circuit Court  
Robert L. Jones  
16216

McMullen, Camille R.: Affirm

Denied: Application of Victor  
Clark

Order filed 2-20-19

MELBA P. MERSHON, SURVIVING SPOUSE OF  
RONDELL M. MERSHON EX REL HYLAND M.,  
ET AL. v. HPT TA PROPERTIES TRUST ET AL.  
M2018-00315-SC-R11-CV

Williamson County Circuit Court  
Deanna B. Johnson  
2017-121

Bennett, Andy D.: Reverse

Denied: Application of HPT TA  
Properties Trust, and TA  
Operating LLC

Order filed 2-21-19

STATE OF TENNESSEE v. EDWARD DEWAYNE SHELTON, JR. M2018-00319-SC-R11-CD	Davidson County Criminal Court Mark J. Fishburn 2009-A-854	Thomas Jr., D. Kelly: Affirm	Denied: Application of Edward Dewayne Shelton, Jr.  Order filed 2-20-19
DOUGLAS BENJAMIN GREGG v. ESTATE OF JERRY DEAN CUPIT ET AL. M2018-00379-SC-R11-CV	Davidson County Chancery Court William E. Young 15-1228-II	Gibson, Brandon O.: Reverse	Denied: Application of Douglas Benjamin Gregg  Order filed 2-21-19
CHARLES PHILLIP MAXWELL v. STATE OF TENNESSEE M2018-00875-SC-R11-ECN	Davidson County Criminal Court Monte Watkins 2008-D-3374	Montgomery Jr., Robert H.: Affirm	Denied: Application of Charles Phillip Maxwell  Order filed 2-21-19
SHELBY COUNTY BOARD OF EDUCATION, ET AL. v. WILLIAM HASLAM, ET AL. M2018-02148-SC-R10-CV	Davidson County Chancery Court Claudia Bonnyman 15-1048-I	Per Curiam: Case Dispositional Decision	Denied: Application of the Appellants  Order filed 2-20-19
<b><u>Knoxville</u></b>			
KRISTIN MCKENZIE, ET AL., v. WOMEN'S HEALTH SERVICES-CHATTANOOGA, P.C., ET AL. E2017-00091-SC-R11-CV	Hamilton County Circuit Court L. Marie Williams 14C539	Susano Jr., Charles D.: Affirm in Part	Denied: Application of Matthew A. Roberts, & Women's Health Chattanooga, P.C., OPN of COA designated "Not For Citation"



wih SCT Rule 4(E)

Corrected Order filed 2-20-19  
(See Attached Order)

LAURA COWAN COFFEY v. DAVID L. COFFEY,  
ET AL.

E2017-00988-SC-R11-CV

Knox County Chancery Court

Robert E. Lee Davies

189999-2

Susano Jr., Charles D.: Affirm in Part

Denied: Application of Laura  
Cowen Coffey

Order filed 2-20-19

STATE OF TENNESSEE v. DEMETRIUS GRIMES

E2017-01022-SC-R11-CD

Knox County Criminal Court

Bobby R. McGee

103500A

Glenn, Alan E.: Affirm in Part

Denied: Application of Demetrius  
Grimes

Order filed 2-20-19

KATHRYN NICOLE BROWN v. TYLER MATTHEW  
BROWN

E2017-01629-SC-R11-CV

Hamilton County Chancery Court

Pamela A Fleenor

16-0577

Frierson II, Thomas R.: Modify in  
Part

Denied: Application of Tyler  
Matthew Brown

Order filed 2-20-19

DESTINE JOHNSON ET AL. v. GENERAL  
MOTORS CORPORATION ET AL.

E2017-01642-SC-R11-CV

Washington County Chancery Court

John C. Rambo

35028

McClarty, John W.: Affirm

Denied: Application of Destine  
Johnson, Helen Jane Kerns, C.  
Wayne Bartley, and Melonie C.  
Banks

Order filed 2-20-19

GREGORY DUFF v. STATE OF TENNESSEE  
E2017-01757-SC-R11-PC

Knox County Criminal Court  
Steven Wayne Sword  
107757

Dyer, J. Ross: Affirm

Denied: Application of Gregory  
Allan Duff

Order filed 2-20-19

BRENT ALLEN BLYE v. STATE OF TENNESSEE  
E2017-02176-SC-R11-PC

Sullivan County Criminal Court  
William K. Rogers  
C67463

McMullen, Camille R.: Affirm

Denied: Application of Brent  
Allen Blye

Order filed 2-20-19

STEPHEN B. WLODARZ v. SHAWN PHILLIPS,  
WARDEN  
E2017-02252-SC-R11-HC

Morgan County Criminal Court  
Jeffery Hill Wicks  
2017-CR-28

Woodall, Thomas T.: Affirm

Denied: Application of Stephen  
B. Wlodarz

Order filed 2-20-19

O'DELL TAYLOR WISDOM v. STATE OF  
TENNESSEE  
E2017-02336-SC-R11-PC

Sullivan County Criminal Court  
James F. Goodwin, Jr.  
S57413, S59091

Woodall, Thomas T.: Affirm

Denied: Application of O'Dell  
Taylor Wisdom

Order filed 2-21-19

KT GROUP LLC v. ROBERT LOWE ET AL.  
E2017-02415-SC-R11-CV

Scott County Chancery Court  
Elizabeth C. Asbury  
10-707

Susano Jr., Charles D.: Affirm

Denied: Application of Robert  
Lowe, and Velma Lowe

Order filed 2-21-19

STATE EX REL v. JAMES T KELLER  
E2017-02466-SC-R11-CV

Carter County Circuit Court  
Jean A. Stanley  
C14046

Per Curiam: Case Dispositional  
Decision

Denied: Application of James T.  
Keller

Order filed 2-20-19

ALEXANDER R. CARINO v. STATE OF  
TENNESSEE  
E2018-00775-SC-R11-PC

Cumberland County Criminal Court  
David A. Patterson  
09-0016A

Wedemeyer, Robert W.: Affirm

Denied: Application of Alexander  
R. Carino

Order filed 2-20-19

POLLY ANN BROWN v. INDIAN RIVER MARINA  
INC., ET AL  
E2018-01238-SC-R11-CV

Campbell County Circuit Court  
John D. McAfee  
15953

Per Curiam: Case Dispositional  
Decision

Denied: Application of Indian  
River Marina, Inc.

Order filed 2-21-19

**Jackson**

ADRIANE ALLEN v. AMERICAN YEAST INC. ET AL. W2017-00874-SC-R11-CV	Shelby County Circuit Court Gina C. Higgins CT-003101-12	Gibson, Brandon O.: Vacate	Denied: Application of Adriane Allen  Order filed 2-22-19
STATE OF TENNESSEE v. RODRICUS ANTWAN JOHNSON W2018-00950-SC-R11-CD	Shelby County Criminal Court Chris Craft 02-07973	Holloway Jr., Robert L.: Affirm	Denied: Application of Rodricus Johnson  Order filed 2-22-19
BAMRUNG P. CHUMPIA v. BETSY FEUERSTEIN W2018-01206-SC-R11-CV	Shelby County Circuit Court Robert Samuel Weiss CT-004905-17	Per Curiam: Case Dispositional Decision	Denied: Application of Bamrung P. Chumpia  Order filed 2-22-19
STATE OF TENNESSEE v. TERRANCE BURNETT W2018-01702-SC-R11-CD	Lauderdale County Circuit Court Joe H. Walker, III 6484	Per Curiam: Case Dispositional Decision	Denied: Application of Terrance Burnett  Order filed 2-21-19

IN THE SUPREME COURT OF TENNESSEE  
AT KNOXVILLE

**FILED**  
02/22/2019  
Clerk of the  
Appellate Courts

**BRADLEY JAMES COX v. LAURA NICOLE LUCAS**

**Circuit Court for Knox County  
No. 110074**

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**No. E2017-02264-SC-R11-CV**

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**ORDER**

Upon consideration of the application for permission to appeal of Bradley James Cox and the record before us, the application is granted with respect to the following issue:

Whether, in the absence of a dependency and neglect proceeding in juvenile court, a petition for modification of a parenting plan filed in a post-divorce custody dispute in circuit or chancery court that alleges facts which may fit the statutory definition of dependency and neglect but does not seek such a determination or remedy nonetheless divests the jurisdiction of the circuit or chancery court and invokes the exclusive original jurisdiction of the juvenile court pursuant to Tenn. Code Ann. § 37-1-103.

The Court has decided that an expedited briefing schedule is necessary in this case. Accordingly, the plaintiff's brief shall be filed no later than March 18, 2019. The defendant's brief shall be filed no later than April 12, 2019. Any reply brief shall be filed no later than April 24, 2019. This cause shall be set for oral argument on the Court's May 8, 2019 morning docket in Knoxville, and shall be consolidated with *Lewis Alvin Minyard v. Laura Nicole Lucas*, No. E2017-02261-SC-R11-CV, for oral argument purposes only.

PER CURIAM

IN THE SUPREME COURT OF TENNESSEE  
AT NASHVILLE

**FILED**

02/20/2019

Clerk of the  
Appellate Courts

**JOHN R. DEBERRY v. CUMBERLAND ELECTRIC MEMBERSHIP  
CORPORATION**

**Circuit Court for Montgomery County  
No. MCCCCVOD-13-3028**

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**No. M2017-02399-SC-R11-CV**

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**ORDER**

Upon consideration of the application for permission to appeal of John R. DeBerry 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 NASHVILLE

FILED

02/21/2019

Clerk of the  
Appellate Courts

IN RE ESTATE OF IVY LONZO ARMSTRONG

Probate Court for Dickson County  
No. 04-14-068-P

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No. M2017-00341-SC-R11-CV

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**ORDER**

Marta Zeide, Executrix for the Estate of Joan Theis, has filed a motion asking the Court to substitute the “Estate of Joan Theis” in place of one of the named appellees, Joan Theis. Said motion is well taken and is hereby granted.

Upon consideration of the applications for permission to appeal of Sheila Southern, Betty Lightfoot, Jeffrey Alan Armstrong, Shawn Aitken, Brenda Moss, Billy E. Marlin, Sandra Diane Lindsey, Peggy Faye Stephenson, Maxie Leon Gidcomb, Johnny Gidcomb, James Gidcomb, Judy K. Victory, Jerry Armstrong, Betty Jean Hudson, Glenda Sue Armstrong Hayes, Teresa Lawrence, Linda Armstrong Noland, Annie Vaughn, Marjorie R. Hale, Patricia Ann Stephens, David Holland, Carolyn Albert, Anita Walls, Wilma Dean Armstrong Story, Mylysia Spann, Billy J. Holland, Jane Lowe, Bobby Armstrong, Melissa Parker-Schyll, Michael Ray Armstrong, Patricia Lynn Gidcomb, Rhonda Gidcomb Oldham, D. Lee McGahey, and Russell Whittaker and the record before us, the applications are denied.

PER CURIAM

IN THE SUPREME COURT OF TENNESSEE  
AT KNOXVILLE

**KRISTIN MCKENZIE, ET AL., v. WOMEN'S HEALTH SERVICES-  
CHATTANOOGA, P.C., ET AL.**

**Circuit Court for Hamilton County  
No. 14C539**

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**No. E2017-00091-SC-R11-CV**

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**FILED**

**FEB 20 2019**

Clerk of the Appellate Courts  
Rec'd By \_\_\_\_\_

**CORRECTED ORDER**

Upon consideration of the application for permission to appeal of Matthew A Roberts, and Women's Health Services Chattanooga, P.C. and the record before us, the application is denied.

The opinion of the Court of Appeals is designated "Not For Citation" in accordance with Supreme Court Rule 4, § E, on the basis of the Court of Appeals' analysis with respect to the collateral source rule and Tenn. Code Ann. § 29-26-119.

The motion of the Tennessee Defense Lawyers Association for leave to file an amicus brief is denied as moot.

PER CURIAM



IN THE SUPREME COURT OF TENNESSEE  
AT KNOXVILLE

**FILED**  
02/22/2019  
Clerk of the  
Appellate Courts

**LEWIS ALVIN MINYARD v. LAURA NICOLE LUCAS**

**Circuit Court for Knox County  
No. 93853**

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**No. E2017-02261-SC-R11-CV**

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**ORDER**

Upon consideration of the application for permission to appeal of Lewis Alvin Minyard and the record before us, the application is granted with respect to the following issue:

Whether, in the absence of an unruly child proceeding in juvenile court, a petition for modification of a parenting plan filed in a post-divorce custody dispute in circuit or chancery court that alleges facts which may fit the statutory definition of an unruly child but does not seek such a determination or remedy nonetheless divests the jurisdiction of the circuit or chancery court and invokes the exclusive original jurisdiction of the juvenile court pursuant to Tenn. Code Ann. § 37-1-103.

The Court has decided that an expedited briefing schedule is necessary in this case. Accordingly, the plaintiff's brief shall be filed no later than March 18, 2019. The defendant's brief shall be filed no later than April 12, 2019. Any reply brief shall be filed no later than April 24, 2019. This cause shall be set for oral argument on the Court's May 7, 2019 docket in Knoxville, and shall be consolidated with *Bradley James Cox v. Laura Nicole Lucas*, No. E2017-02264-SC-R11-CV, for oral argument purposes only.

PER CURIAM

IN THE SUPREME COURT OF TENNESSEE  
AT NASHVILLE

**FILED**

02/21/2019

Clerk of the  
Appellate Courts

**WILLIAM MICHAEL PHILLIPS v. STATE OF TENNESSEE**

**Circuit Court for Giles County  
No. CR-12825, 16041**

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**No. M2017-00118-SC-R11-PC**

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**ORDER**

Upon consideration of the application for permission to appeal of William Michael Phillips and the record before us, the application is denied.

The opinion of the Court of Criminal Appeals is designated “Not For Citation” in accordance with Tennessee Supreme Court Rule 4(E).

PER CURIAM

IN THE SUPREME COURT OF TENNESSEE  
AT NASHVILLE

**FILED**  
02/20/2019  
Clerk of the  
Appellate Courts

**STATE OF TENNESSEE v. ALEXANDER R. VANCE AND DAMONTA  
MENESE**

**Criminal Court for Davidson County  
No. 2014-C-2274**

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**No. M2017-01037-SC-R11-CD**

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**ORDER**

Upon consideration of the application for permission to appeal of Alexander Raphael Vance, and the record before us, the application is granted.

In addition to the other issues raised in Mr. Vance’s application for permission to appeal, the Court is particularly interested in briefing and argument of (1) whether plenary or plain error review applies to the constitutional ground, when Mr. Vance included it in his motion for new trial but contemporaneously objected on other grounds; and (2) whether the admissibility of the evidence is controlled by the doctrine of curative admissibility. *See State v. Gomez*, 367 S.W.3d 237, 248 (Tenn. 2012)(“On appeal to this Court, the Stat ‘concedes that the admissibility of this evidence is not controlled by the doctrine of curative admissibility’ because Ms. Lopez’s response to the question from Mr. Gomez’s counsel was not inadmissible.”).

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

PER CURIAM