

Supreme Court Appeals  
Pending Cases  
04-20-18

1.	Style	State of Tennessee v. Westley A. Albright
2.	Docket Number	M2016-01217-CCA-R3-CD
3.	Lower Court Decision Link	<a href="https://www.tncourts.gov/sites/default/files/westley_albright.pdf">https://www.tncourts.gov/sites/default/files/westley_albright.pdf</a>
4.	Lower Court Summary	<p>The defendant, Westley A. Albright, pled nolo contendere to one count of soliciting a minor in violation of Tennessee Code Annotated section 39-13-528, a Class E felony, for which he received a one-year suspended sentence and deferred judicial diversion. As a condition of probation, the defendant agreed to participate in therapeutic treatment for the duration of probation or until favorably discharged. Prior to the conclusion of the one year suspended sentence, the defendant's treatment provider discharged him for failure to comply with the goals of his treatment program. Following service of a probation warrant and a hearing, the trial court revoked the defendant's deferred diversion and extended his probation for six months to allow for the completion of treatment. On appeal, the defendant argues: (1) the trial court violated his due process rights by failing to advise him at the time he entered his nolo contendere plea that, as a condition of probation, he would be required to confess to the solicitation of a minor; (2) the trial court violated his due process rights by relying on a probation rule not referenced in the revocation warrant; and (3) the trial court erred when revoking his deferred diversion despite his completion of the objective requirements of the sex offender treatment program. Upon review, we affirm the findings of the trial court.</p>
5.	Status	Heard 02/07/18 in Nashville.

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1.	Style	Athlon Sports Communications, Inc. v. Stephen C. Duggan, et al.
2.	Docket Number	M2015-02222-SC-R11-CV
3.	Lower Court Decision Link	<a href="http://www.tncourts.gov/sites/default/files/athlonsportscommunications.opn_.pdf">http://www.tncourts.gov/sites/default/files/athlonsportscommunications.opn_.pdf</a>
4.	Lower Court Summary	<p>This appeal arises from a dispute over the fair value of stock in a dissenting shareholders case. Athlon Sports Communications, Inc. ("Athlon") completed a merger ("the Merger") which converted the minority dissenting shareholders' ("Defendants") shares into cash consideration and terminated their rights as shareholders. Athlon offered cash consideration for the shares at \$0.10 per share. Defendants contend that their shares are worth at least \$6.48 per share. Athlon sued Defendants to determine judicially the fair value of these shares. This case was tried before the Chancery Court for Davidson County ("the Trial Court"). After a trial, the Trial Court, applying the Delaware Block Method<sup>1</sup> for determination of share value, found that the share value was \$0.10 per share as of the date of the Merger. Defendants appeal to this Court, arguing that (1) the Delaware Block Method is ill-suited for a business like Athlon attempting a new venture, and is antiquated, generally; and, (2) that the Trial Court erred in its application of the Delaware Block Method. We find and hold that, under Tennessee law, the Trial Court properly utilized the Delaware Block Method. We find and hold further that the Trial Court considered the competing expert testimony, accredited Athlon's expert, and the evidence does not preponderate against the Trial Court's factual findings. We affirm the judgment of the Trial Court.</p>

5.	Status	Heard 10/11/17 in Nashville.
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1.	Style	Nathan E. Brooks v. Board of Professional Responsibility
2.	Docket Number	E2018-00125-SC-R3-BP
3.	Lower Court Decision Link	N/A
4.	Lower Court Summary	N/A
5.	Status	Notice of Appeal filed 01/18/2018.
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1.	Style	Katherine D. Chaney v. Team Technologies Inc.
2.	Docket Number	E2018-00248-SC-R9-WC
3.	Lower Court Decision Link	N/A
4.	Lower Court Summary	N/A
5.	Status	Application granted 03/15/2018; Appellate record filed 4/6/18.
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1.	Style	Rose Coleman v. Bryan Olson
2.	Docket Number	M2015-00823-SC-R11-CV
3.	Lower Court Decision Links	<a href="http://www.tncourts.gov/sites/default/files/colemanr.opn_.pdf">http://www.tncourts.gov/sites/default/files/colemanr.opn_.pdf</a>
4.	Lower Court Summary	This appeal concerns two disputes between the widowed husband and mother of a deceased woman: (1) the proper party to whom the woman's life insurance proceeds are owed; and (2) a request for grandparent visitation. We conclude that the trial court erred in failing to return the life insurance beneficiary to the status quo that existed prior to wife's violation of the automatic injunction pursuant to Tennessee Code Annotated Section 36-4-106(d)(2). The proceeds from the life insurance policy are therefore awarded to husband. We vacate, however, the trial court's seizure of the grandmother's Bank of America account and remand for further proceedings to determine if the funds contained therein represent the remainder of the life insurance proceeds improperly paid to the grandmother. We further conclude that the trial court erred in awarding grandparent visitation, where there was no evidence of opposition to visitation prior to the filing of the grandparent visitation petition. Reversed in part, vacated in part, and remanded.
5.	Status	Heard 10/11/17 in Nashville.
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1.	Style	In re: James Carl Cope, BPR #3340
2.	Docket Number	M2016-02144-SC-BAR-BP
3.	Lower Court	

	Decision Link	N/A
4.	Lower Court Summary	N/A
5.	Status	Heard 02/07/18 in Nashville.
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1.	Style	Frederick Copeland v. HealthSouth/Methodist Rehabilitation Hospital LP Et Al.
2.	Docket Number	W2016-02499-SC-R11-CV
3.	Lower Court Decision Link	<a href="http://www.tncourts.gov/sites/default/files/copelandopn.pdf">http://www.tncourts.gov/sites/default/files/copelandopn.pdf</a>
4.	Lower Court Summary	This is an appeal from the grant of summary judgment in favor of Appellee. Following Appellant's knee surgery, Appellee provided Appellant transportation, by wheelchair van, from the rehabilitation hospital to a follow-up appointment with his surgeon. Prior to transport, Appellant signed an exculpatory agreement, releasing Appellee from all claims of ordinary negligence. Appellant was injured when he fell while trying to enter the van and filed suit against Appellee for negligence. The trial court granted summary judgment in favor of Appellee, finding that the exculpatory agreement was enforceable. Discerning no error, we affirm.
5.	Status	Application granted 12/8/17; Appellant brief filed 1/26/18, after extension; Appellee brief filed 2/26/18; TBH 05/31/18 at SCALES Girls State.
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1.	Style	Benjamin Shea Cotten, as Personal Representative for the Estate of Christina Marie Cotten, Deceased, et al. v. Jerry Scott Wilson
2.	Docket Number	M2016-02402-SC-R11-CV
3.	Lower Court Decision Links	<a href="http://www.tncourts.gov/sites/default/files/cotten.christina.opn_.pdf">http://www.tncourts.gov/sites/default/files/cotten.christina.opn_.pdf</a>
4.	Lower Court Summary	The personal representative, on behalf of the decedent's estate, brought this negligence action against the defendant based, <i>inter alia</i> , on the defendant's alleged acts of displaying and failing to properly store and prevent accessibility to the firearm with which the decedent ultimately committed suicide. The trial court granted summary judgment in favor of the defendant, determining that he owed no duty of care to the decedent and that her suicide was an independent, intervening cause that broke the chain of causation. The estate has appealed. Based upon the applicable balancing test, we conclude that the defendant owed a legal duty of care to the decedent and that summary judgment was improperly granted in the defendant's favor on the basis of lack of duty. We further determine that the estate's evidence at the summary judgment stage was sufficient to establish the existence of a genuine issue of material fact for trial regarding causation. We therefore vacate the trial court's grant of summary judgment and remand for further proceedings consistent with this opinion. We affirm, however, the trial court's determination that no special relationship existed such as to impose liability for nonfeasance.
5.	Status	Application granted 01/18/18; Appellant brief filed 2/16/18; Appellee brief filed 3/19/18; Appellant reply brief filed 4/2/18; TBH 5/23/18 at SCALES Boys State.
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1.	Style	State of Tennessee v. Angela Faye Daniel

2.	Docket Number	M2015-01073-SC-R11-CD
3.	Lower Court Decision Links	<a href="http://www.tncourts.gov/sites/default/files/danielangelafayeopn.pdf">http://www.tncourts.gov/sites/default/files/danielangelafayeopn.pdf</a>
4.	Lower Court Summary	In this interlocutory appeal, the appellant, State of Tennessee, appeals the Williamson County Circuit Court’s order granting a motion to suppress evidence filed by the appellee, Angela Faye Daniel. The appellant claims that the trial court erroneously concluded that a police officer’s failure to deliver a copy of a search warrant to the appellee was not a “clerical error” under Tennessee Code Annotated section 40-6-108, the Exclusionary Rule Reform Act. Based upon the oral arguments, the record, and the parties’ briefs, we affirm the order of the trial court.
5.	Status	Heard 9/6/17 in Knoxville.

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1.	Style	Board of Professional Responsibility v. Charles Edward Daniel
2.	Docket Number	E2017-01170-SC-R3-BP
3.	Lower Court Decision Link	N/A
4.	Lower Court Summary	N/A
5.	Status	Heard 01/10/18 in Knoxville.

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1.	Style	State v. Rosemary L. Decosimo
2.	Docket Number	E2017-00696-SC-R11-CD
3.	Lower Court Decision Link	<a href="https://www.tncourts.gov/sites/default/files/rosemary_decosimo_opinion.pdf">https://www.tncourts.gov/sites/default/files/rosemary_decosimo_opinion.pdf</a>
4.	Lower Court Summary	Defendant-Appellant Rosemary L. Decosimo entered a plea of nolo contendere to driving under the influence per se and reserved a certified question regarding the trial court’s denial of her motion to dismiss the indictment, or in the alternative, motion to suppress the test results from her blood test. She argues on appeal that the trial court erred in denying her motion on the basis that Tennessee Code Annotated section 55-10-413(f), which gives the Tennessee Bureau of Investigation \$250 for each DUI conviction that is obtained using a blood or breath test, is unconstitutional. For the reasons that follow, we agree with Decosimo and reverse the judgment of the trial court.
5.	Status	Application granted 03/21/18; Appellant brief filed 04/11/18; Appellee brief due 5/10/18; TBH 05/31/18 at Nashville.

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1.	Style	Dialysis Clinic, Inc. v. Kevin Medley, et al
2.	Docket Number	M2017-01352-SC-R11-CV
3.	Lower Court Decision Link	N/A

4.	Lower Court Summary	N/A
5.	Status	Application granted 12/07/17; Appellate record filed 3/20/18; Appellant brief due 4/19/18.

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1.	Style	State of Tennessee v. Charlotte Lynn Frazier and Andrea Parks
2.	Docket Number	M2016-02134-SC-R11-CD
3.	Lower Court Decision Link	<a href="http://www.tncourts.gov/sites/default/files/frazierparks.opn_.pdf">http://www.tncourts.gov/sites/default/files/frazierparks.opn_.pdf</a>
4.	Lower Court Summary	The Defendants, Charlotte Lynn Frazier and Andrea Parks, along with ninety-five other co-defendants, were charged through a presentment with conspiracy to manufacture, sell, or deliver 300 grams or more of methamphetamine with at least one defendant having committed an overt act within 1,000 feet of a school, park, library, recreation center, or child care facility. The Defendants each filed a motion to suppress evidence seized during the execution of search warrants at their homes. The Defendants alleged that the magistrate, a circuit court judge, lacked the authority to issue the search warrants because the Defendants' homes were located outside the magistrate's judicial district. The trial court granted the Defendants' motions. The State sought and was granted permission to appeal in both cases pursuant to Tennessee Rule of Appellate Procedure 9, and this court consolidated the appeals. We hold that the magistrate did not have the authority to issue search warrants for property located outside his judicial district and that, as a result, the searches of the Defendants' homes were unconstitutional. Accordingly, we affirm the trial court's orders granting the Defendants' motions to suppress and remand the cause to the trial court for further proceedings consistent with this opinion.
5.	Status	Application granted 02/14/18; Appellant brief filed 3/26/18; Appellee brief due 4/25/18; TBH 05/31/18 at Nashville.

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1.	Style	Glenn R. Funk v. Scripps Media, Inc., Et Al.
2.	Docket Number	M2017-00256-SC-R11-CV
3.	Lower Court Decision Link	<a href="http://www.tncourts.gov/sites/default/files/funk.glenn_.opn_.pdf">http://www.tncourts.gov/sites/default/files/funk.glenn_.opn_.pdf</a>
4.	Lower Court Summary	A public figure filed a defamation lawsuit against an investigative reporter and a television station based on two news stories that were aired in February 2016. The defendants filed a motion to dismiss, claiming that their reports were constitutionally protected speech, were privileged as a fair and accurate report of pleadings and documents filed in two other lawsuits, and did not contain false or defamatory statements. The plaintiff served interrogatories and requests for documents on the defendants in an effort to discover the defendants' investigative files. The defendants objected on the grounds of relevance and the Tennessee fair report privilege. The plaintiff filed a motion to compel, arguing that he needed the discovery to respond to the defendants' motion to dismiss by uncovering evidence of actual malice. The trial court agreed and granted the motion to compel. The defendants filed an interlocutory appeal of the trial court's decision granting the motion to compel. They argue that (1) actual malice is not an element of the fair report privilege and (2) the trial court erred in granting the plaintiff's motion to compel. We agree with the defendants' position on both issues and reverse the trial court's judgment.

5. Status Application granted 03/15/18; Appellant brief filed 4/13/18; Appellee brief due 5/14/18.

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1. Style Gerald Stanley Green v. Board of Professional Responsibility

2. Docket Number W2017-02358-SC-R3-BP

3. Lower Court Decision Link N/A

4. Lower Court Summary N/A

5. Status Notice of Appeal filed 12/01/17; Appellate record filed 4/16/18; Appellant brief due 5/16/18.

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1. Style State of Tennessee v. David Scott Hall

2. Docket Number M2015-02402-SC-R11-CD

3. Lower Court Decision Link [http://tncourts.gov/sites/default/files/hall\\_david\\_scott\\_opn.pdf](http://tncourts.gov/sites/default/files/hall_david_scott_opn.pdf)

4. Lower Court Summary  
The Appellant, David Scott Hall, was convicted in the Davidson County Criminal Court of attempted especially aggravated sexual exploitation of a minor, a Class C felony, and sentenced to four years to be served as one year in confinement and the remainder on supervised probation. On appeal, the Appellant contends that the evidence is insufficient to support the conviction, that the trial court erred by allowing an expert witness to give irrelevant and highly prejudicial testimony, that he is entitled to coram nobis relief, that his right to a speedy trial was violated, that the trial court erred by allowing the State to introduce evidence without showing a proper chain of custody, that the trial court erred by allowing the State to play only a portion of a controlled telephone call to the Appellant, that the trial court erred by allowing the victim to testify about habit, that the trial court erred by allowing the State to introduce into evidence a letter supposedly written by the Appellant, and that the trial court erred by allowing the State to make improper closing arguments. Based upon the oral arguments, the record, and the parties' briefs, we conclude that the evidence is sufficient to support the conviction, that the trial court erred by allowing a witnesses to give irrelevant testimony but that the error was harmless, that the Appellant is not entitled to coram nobis relief, and that his right to a speedy trial was not violated. Finding no plain error as to the remaining issues, we affirm the judgment of the trial court.

5. Status Heard 1/10/18 in Knoxville.

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1. Style Individual Healthcare Specialists, Inc. v. BlueCross BlueShield of Tennessee, Inc.

2. Docket Number M2015-02524-SC-R11-CV

3. Lower Court Decision Link [http://www.tncourts.gov/sites/default/files/indiv.healthv.bluecro.blushi.opn\\_.pdf](http://www.tncourts.gov/sites/default/files/indiv.healthv.bluecro.blushi.opn_.pdf)

4. Lower Court Summary  
This is a breach of contract action in which the issues hinge on the meaning of several provisions in the agreement. In 1999 and again in 2009, BlueCross BlueShield of Tennessee, Inc. ("BlueCross") and Individual Healthcare Specialists, Inc. ("IHS") entered into a general agency agreement that authorized IHS to solicit applications for individual

insurance policies through IHS's in-house agents and outside "subagents." The commission rates to be paid were stated in a schedule, which was subject to modification by BlueCross. During the first eleven years, BlueCross modified the commission schedule several times and each modification was prospective only. In 2011, BlueCross modified the commission schedule and, for the first time, applied the commission schedule retrospectively. At the same time, IHS determined that BlueCross had been underpaying commissions since 1999. As a consequence, it commenced this action asserting claims for, inter alia, breach of contract and damages, while also claiming it was entitled to recover its attorney's fees based on the contract's indemnification provision. BlueCross denied any breach of contract. It also asserted the statute of limitations defense as a bar to recovering any commissions that accrued more than six years earlier, and asserted that IHS was not entitled to recover its attorney's fees because the indemnification provision did not apply to disputes between the contracting parties. Shortly thereafter, BlueCross terminated the general agency agreement and began paying renewal commissions directly to IHS's subagents instead of paying them to IHS as it had done since 1999. IHS then amended its complaint to assert a claim that BlueCross also breached the agreement by failing to pay commissions directly to IHS. Following a bench trial, the court denied BlueCross's statute of limitations defense on the ground that IHS's claims were "inherently undiscoverable." The court also determined that BlueCross breached the contract by underpaying commissions, by applying the 2011 commission rates for renewals to existing policies, and by failing to pay all renewal commissions to IHS after termination of the general agency agreement. As for damages, the court awarded IHS some of the damages it claimed but denied others on the ground the evidence was speculative. As for IHS's attorney's fees, the trial court considered parol 05/15/2017 evidence to ascertain the intent of the parties and held that the indemnification provision authorized the recovery of attorney's fees in a dispute between the contracting parties.

5.	Status	Heard 02/7/18 in Nashville.
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1.	Style	State of Tennessee v. Henry Lee Jones
2.	Docket Number	W2015-02210-SC-DDT-DD
3.	Lower Court Decision Link	<a href="http://www.tncourts.gov/sites/default/files/jones_henry_lee_opn.pdf">http://www.tncourts.gov/sites/default/files/jones_henry_lee_opn.pdf</a>
4.	Lower Court Summary	Defendant, Henry Lee Jones, was convicted of two counts of premeditated first degree murder and two counts of felony murder for his role in the 2003 murders of two Shelby County citizens. The jury sentenced Defendant to death for each murder. Defendant now appeals from these convictions and sentences. Defendant argues that the trial court erred by allowing Defendant to represent himself and committed other errors with regard to the provision of elbow counsel; the trial court erred by declaring a witness unavailable and allowing testimony from that witness regarding a prior bad act; the trial court erred by admitting photographs of the victims' bodies and wounds; the State utilized improper closing argument; the evidence was insufficient to support the convictions; the trial court erred in denying Defendant a mitigation expert or investigator in preparation for sentencing; and the death sentence is arbitrary and disproportionate.
5.	Status	Notice of Appeal filed 10/3/17; Appellant brief filed 01/03/18; Appellee brief filed 02/05/18; TBH 5/31/18 at SCALES Girls State.

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1.	Style	Board of Professional Responsibility v. Loring Edwin Justice
2.	Docket Number	E2017-01334-SC-R3-BP

3.	Lower Court Decision Link	N/A
4.	Lower Court Summary	N/A
5.	Status	Notice of Appeal received 6/30/17; Motion for extension to file record granted on 10/23/17; Record filed 02/06/18; Certified transcript due 03/05/18 after extension; Case remanded to trial court for resolution of any alleged irregularity and for final certification of the transcripts 4/13/2018; Briefing schedule stayed pending certification of the transcripts.

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1.	Style	State of Tennessee v. Lindsey Brooke Lowe
2.	Docket Number	M2014-00472-SC-R11-CD
3.	Lower Court Decision Link	<a href="http://www.tncourts.gov/sites/default/files/lowelb.opn6_.pdf">http://www.tncourts.gov/sites/default/files/lowelb.opn6_.pdf</a>
4.	Lower Court Summary	The parents of the defendant, Lindsey Brooke Lowe, discovered the body of one of her newborn twins in a laundry basket in her bedroom. A second deceased newborn was also found in the basket, and the defendant gave an incriminating statement to police. A jury convicted the defendant of two counts of first degree (felony) murder, two counts of first degree (premeditated) murder, and two counts of aggravated child abuse, a Class A felony. The trial court merged the first degree murder convictions for each victim. The defendant received a life sentence for each first degree murder conviction and a twenty-five year sentence for each aggravated child abuse conviction, all to be served concurrently. On appeal she asserts that the evidence was insufficient to support the verdicts; that the trial court erred in not suppressing her statement; that the trial court was biased; that the trial court denied her the right to testify in her defense; that the burden of proof was shifted to the defense; that her motion for a change of venue should have been granted; that the physical evidence obtained through a search warrant should have been suppressed; that the trial court erred in excluding expert testimony regarding her ability to waive her right to remain silent; that the trial court erred in various other evidentiary decisions; and that she is entitled to relief under the theory of cumulative error. After a thorough review of the record and the applicable law, we affirm the judgments of the trial court.
5.	Status	Heard 9/6/17 in Knoxville.

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1.	Style	Thomas F. Mabry v. Board of Professional Responsibility
2.	Docket Number	E2018-00204-SC-R3-BP
3.	Lower Court Decision Link	N/A
4.	Lower Court Summary	N/A.
5.	Status	Notice of appeal filed 02/05/18

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1.	Style	State of Tennessee v. Jerome Antonio McElrath
2.	Docket Number	W2015-01794-SC-R11-CD



3.	Lower Court Decision Link	<a href="http://www.tncourts.gov/sites/default/files/mcelrathj_opinion.pdf">http://www.tncourts.gov/sites/default/files/mcelrathj_opinion.pdf</a>
4.	Lower Court Summary	<p>The State appeals the suppression of evidence by the Obion County Circuit Court. The defendant, Jerome Antonio McElrath, was arrested on two separate occasions for criminal trespass. The searches of the defendant's person incident to those arrests produced marijuana in the amounts of 10.1 grams and 4.0 grams, respectively. After an evidentiary hearing, the trial court granted the defendant's motion to suppress the evidence seized incident to his arrests and dismissed the charges. The State argues that the arresting officer had probable cause to arrest the defendant and, therefore, the search incident to each arrest was lawful. Furthermore, the State contends that the evidence was legally obtained because the officer acted in good-faith reliance on information provided by dispatch. After review, we affirm the decision of the trial court.</p>
5.	Status	Heard 04/04/18.

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1.	Style	State of Tennessee v. Anthony Jerome Miller
2.	Docket Number	E2016-01779-SC-R11-CD
3.	Lower Court Decision Link	<a href="https://www.tncourts.gov/sites/default/files/anthony_jerome_miller_opinion.pdf">https://www.tncourts.gov/sites/default/files/anthony_jerome_miller_opinion.pdf</a>
4.	Lower Court Summary	<p>Anthony Jerome Miller, the Defendant, pled guilty to sexual exploitation of a minor and reserved a certified question for appeal regarding the trial court's denial of his motion to suppress evidence. He asserts that the trial court erred in denying his motion to suppress the evidence obtained by the State during a search of his residence because the District Attorney General's Office did not apply for the search warrant, as required by Tennessee Code Annotated section 39-17-1007. The State responds that: (1) a search warrant is not "process" as intended by the meaning of section 39-17-1007; (2) the search warrant is valid under section 39-17-1007 because Investigator O'Keefe's application falls under the "except as otherwise provided" clause because law enforcement are authorized to apply for search warrants under Tennessee Rule of Criminal Procedure 41(a); and (3) if a search warrant is considered process under section 39-17-1007, then Investigator O'Keefe fulfilled the requirements of the statute by seeking verbal consent from an Assistant District Attorney. After a thorough review of the record and applicable law, we affirm.</p>
5.	Status	Application granted 11/16/17; Appellant brief filed 12/14/17; Appellee brief filed 02/15/18 after extension; TBH 5/23/18 at SCALES Boys State.

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1.	Style	State of Tennessee v. Christopher Minor
2.	Docket Number	W2016-00348-SC-R11-CD
3.	Lower Court Decision Link	<a href="https://www.tncourts.gov/sites/default/files/minorc_opinion.pdf">https://www.tncourts.gov/sites/default/files/minorc_opinion.pdf</a>
4.	Lower Court Summary	<p>In a bifurcated trial, a Madison County jury convicted the defendant, Christopher Minor, of two counts of first degree murder, two counts of aggravated burglary, one count of aggravated assault, one count of convicted felon in possession of a firearm, one count of employing a firearm during the commission of a dangerous felony, one count of employing a firearm during the commission of a dangerous felony having been previously been</p>

convicted of a felony, and six counts of violating Tennessee Code Annotated section 40-35-121, the criminal gang offenses enhancement statute. The trial court imposed an effective sentence of life plus twenty years. The defendant appeals his conviction, challenging the sufficiency of the evidence and the constitutionality of Tennessee Code Annotated section 40-35-121. The State argues the evidence was sufficient to support the defendant's convictions, and the defendant waived his constitutional challenge by raising his argument for the first time on appeal. We agree with the State and affirm the judgments of the trial court.

5. Status Heard 10/11/17 in Nashville; Appellant supplemental brief filed 11/07/17; Appellee supplemental brief filed 12/08/17; Opinion filed 4/11/18.

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1. Style Tommy Nunley v. State of Tennessee

2. Docket Number W2016-01487-SC-R11-ECN

3. Lower Court Decision Link [http://www.tncourts.gov/sites/default/files/nunley\\_tommyopn.pdf](http://www.tncourts.gov/sites/default/files/nunley_tommyopn.pdf)

4. Lower Court Summary The petitioner, Tommy Nunley, appeals the summary denial of his petition for writ of error coram nobis, which petition challenged his 1998 Shelby County Criminal Court jury conviction of aggravated rape, claiming that the trial court erred by treating his petition for writ of error coram nobis as a petition for DNA testing and by summarily dismissing the petition. Discerning no error, we affirm.

5. Status Heard 11/30/17 at SCALES docket at Lane College.

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1. Style Board of Professional Responsibility v. Larry Edward Parrish

2. Docket Number W2017-00889-SC-R3-BP

3. Lower Court Decision Link N/A

4. Lower Court Summary N/A

5. Status Heard 04/04/18.

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1. Style State of Tennessee v. Jonathan David Patterson

2. Docket Number M2016-01716-SC-R11-CD

3. Lower Court Decision Link [http://www.tncourts.gov/sites/default/files/patterson.opn\\_.pdf](http://www.tncourts.gov/sites/default/files/patterson.opn_.pdf)  
<http://www.tncourts.gov/sites/default/files/patterson.seperateopn.pdf>

4. Lower Court Summary This is a matter that involves cross appeals. Defendant, Jonathan David Patterson, entered an open guilty plea to multiple offenses in four separate cases. After a sentencing hearing, the trial court sentenced Defendant to an effective sentence of thirty-one years. Defendant filed a notice of appeal. Subsequently, Defendant also filed a motion for reduction of his sentence under Tennessee Rule of Criminal Procedure 35. The trial court granted the motion, reducing Defendant's effective sentence to eighteen years. The State appealed the

reduction of Defendant's sentence. The appeals were consolidated by this Court. After a review, we determine that the trial court abused its discretion in granting relief under Tennessee Rule of Criminal Procedure 35 because Defendant did not present post-sentencing information or developments that warranted an alteration in the interest of justice. Accordingly, the judgments of the trial court as to the Rule 35 motion are reversed and remanded. Additionally, we determine that the trial court did not abuse its discretion in its original sentencing decision imposing an effective thirty-one-year sentence and that Defendant failed to show he was entitled to plain error relief as a result of an alleged breach of the plea agreement by the State. On remand, the trial court should reinstate the original judgments and sentences. The trial court shall also enter a judgment form for Count Thirty-seven of case number 2015-CR-731.

5. Status Application granted 02/14/18; Appellant brief filed 4/11/18, after extension; Appellee brief due 5/11/18.

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1. Style Tiffinne Wendalyn Gail Runions, et al. v. Jackson-Madison County General Hospital District, et al.

2. Docket Number W2016-00901-SC-R11-CV

3. Lower Court Decision Link <https://www.tncourts.gov/sites/default/files/runionstopn.pdf>

4. Lower Court Summary This is an interlocutory appeal pursuant to Rule 9 of the Tennessee Rules of Appellate Procedure. In this health care liability action, we must determine whether the plaintiff properly complied with the pre-suit notice requirement found in Tennessee Code Annotated section 29-26-121(a)(1). The original defendants in this matter all filed a motion to dismiss and/or for summary judgment alleging that they did not provide medical treatment to the plaintiff/appellee. Subsequently, the plaintiff filed a response to the defendants' motion acknowledging that she had mistakenly identified a proper defendant in this suit. The plaintiff also filed a motion to amend her complaint attempting to remedy that mistake by substituting in the proper defendant. After both motions were heard, the trial court denied the original defendants' motion to dismiss and/or for summary judgment and granted the plaintiff/appellee's motion to amend her complaint. For the following reasons, we affirm the decision of the trial court and remand for further proceedings.

5. Status Heard 11/30/17 at SCALES docket at Lane College.

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1. Style Board of Professional Responsibility v. Michael Gibbs Sheppard

2. Docket Number M2017-00804-SC-R3-BP

3. Lower Court Decision Link N/A

4. Lower Court Summary N/A

5. Status Heard 01/10/18 in Nashville.

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1. Style David R. Smith v. The Tennessee National Guard

2. Docket Number M2016-01109-SC-R11-CV

3.	Lower Court Decision Link	<a href="http://tncourts.gov/sites/default/files/smith.david_opn.pdf">http://tncourts.gov/sites/default/files/smith.david_opn.pdf</a> <a href="http://tncourts.gov/sites/default/files/smith.david_diss_opn.pdf">http://tncourts.gov/sites/default/files/smith.david_diss_opn.pdf</a>
4.	Lower Court Summary	This case involves a military service member's claim against the Tennessee National Guard pursuant to the Uniformed Services Employment and Reemployment Rights Act of 1994, 38 U.S.C. § 4301 et seq., and Tennessee Code Annotated section 29-20-208. The trial court dismissed the complaint for failure to state a claim. We reverse and remand for further proceedings.
5.	Status	Heard 04/04/18.
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1.	Style	Drayton Beecher Smith II v. Board of Professional Responsibility
2.	Docket Number	W2017-00247-SC-R3-BP
3.	Lower Court Decision Link	N/A
4.	Lower Court Summary	N/A
5.	Status	Heard 11/8/17 in Jackson.
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1.	Style	State of Tennessee v. Janet Michelle Stanfield, Tony Alan Winsett and Justin Bradley Stanfield
2.	Docket Number	W2015-02503-SC-R11-CD
3.	Lower Court Decision Link	<a href="https://www.tncourts.gov/sites/default/files/stanfield-winssett-stanfieldopn.pdf">https://www.tncourts.gov/sites/default/files/stanfield-winssett-stanfieldopn.pdf</a>
4.	Lower Court Summary	The Defendants, Janet Michelle Stanfield, Tony Alan Winsett, and Justin Bradley Stanfield, were indicted by the Obion County Grand Jury for various drug and firearm offenses following a warrantless search of their house. The Defendants filed motions to suppress the evidence seized, and the trial court granted the motions and dismissed the case. The State appeals, asserting that the warrantless search was valid and the evidence was admissible. Upon review, we affirm the judgment of the trial court.
5.	Status	Heard 11/8/17 in Jackson.
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1.	Style	Rhonda Willeford, et al. v. Timothy P. Klepper, M.D., et al. v. State of Tennessee
2.	Docket Number	M2016-01491-SC-R11-CV
3.	Lower Court Decision Link	N/A
4.	Lower Court Summary	N/A

5.	Status	Heard 01/10/18 in Nashville.
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1.	Style	State of Tennessee v. Jimmy Williams
2.	Docket Number	W2016-00946-SC-R11-CD
3.	Lower Court Decision Link	<a href="http://www.tncourts.gov/sites/default/files/williams_jimmy_opn.pdf">http://www.tncourts.gov/sites/default/files/williams_jimmy_opn.pdf</a>
4.	Lower Court Summary	A Shelby County jury convicted the Defendant, Jimmy Williams, of aggravated assault. The trial court sentenced the Defendant as a career offender to fifteen years in prison. On appeal, the Defendant contends that the evidence is insufficient to sustain his conviction and that the trial court erred in sentencing him as a career offender. After review, we affirm the trial court's judgment.
5.	Status	Application granted 01/22/18; Appellant brief filed 3/9/18; Appellee brief filed 4/10/18; TBH 05/31/18 in Nashville.