

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

Tuesday, January 21, 2014

GRANTS

STYLE/APPEAL NUMBER	COUNTY TRIAL JUDGE TRIAL COURT NO.	APPELLATE JUDGE JUDGMENT	NATURE OF APPEAL	ACTION
<u>Nashville</u>				
State of Tennessee v. Lamar Parrish Carter M2012-01734-SC-R11-CD	Davidson County Criminal Court Judge Seth Norman No. 2009-C-2767	Wedemeyer, J., Affirmed	Rule 11	Granted: Application of Lamar Carter (Order filed 1-15-14)
<u>Knoxville</u>				
State of Tennessee v. Larry Jereller Alston, Kris Theotis Young, and Joshua Edward Webb E2012-00431-SC-R11-CD	Knox County Criminal Court Judge Mary Beth Leibowitz No. 94647 A, B, & C	Witt, J., Affirmed in part, reversed in part, remanded in part	Rule 11	Granted: Application of Larry Jereller Alston, Kris Theotis Young, and Joshua Edward Webb (Order filed 1-17-14)
<u>Jackson</u>				

Derrick Johnson Et Al. V. Jerry R. Floyd, M.D. Et Al. W2012-00207-SC-R11-CV	Shelby County Circuit Court Judge James F. Russell No. CT-003875-11	Stafford, J., Affirmed and Remanded	Rule 11	Granted: Application of Ozell Johnson, Terrence Johnson, Marcus Johnson, Derrick Johnson; remanded to the Court of Appeals for reconsideration in light of Rajvongs v. Wright, M2011-01889-SC-R11-CV, filed December 12, 2013 (Order filed 1-21-14)
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**SUPREME COURT OF TENNESSEE
SUPREME COURT DISCRETIONARY APPEALS**

Tuesday, January 21, 2014

DENIALS

STYLE/APPEAL NUMBER	COUNTY TRIAL JUDGE TRIAL COURT NO.	APPELLATE JUDGE JUDGMENT	NATURE OF APPEAL	ACTION
<u>Nashville</u>				
James G. Akers v. Sessions Paving Company Et Al. M2012-02602-SC-R11-CV	Hickman County Chancery Court Judge Robbie T. Beal No. 11CV4530	Clement, J., Affirmed	Rule 11	Denied: Application of James G. Akers (Order filed 1-14-14)

State of Tennessee v. Dickie Ray Bain M2012-01533-SC-R11-CD	DeKalb County Circuit Court Judge Leon C. Burns, Jr. NO. 2011-CR-166A	Ogle, J Affirmed	Rule	Denied: Application of Dickie Ray Bain (Order filed 1-15-14)
Frank J. Beasley v. State of Tennessee M2013-00489-SC-R11-PC	Montgomery County Circuit Court Judge John H. Gasaway, III No. 41000394	Page, J., Affirmed	Rule 11	Denied: Application of Frank J. Beasley (Order filed 1-15-14)
State of Tennessee v. Albert Lamont Bennett, Jr. M2012-01003-SC-R11-CD	Davidson County Criminal Court Judge Monte Watkins No. 2007C2315	Ogle, J., Affirmed	Rule 11	Denied: Application of Albert Bennett (Order filed 1-16-14)
Jack Layne Benson v. State of Tennessee M2012-02041-SC-R11-PC	Bedford County Circuit Court Judge Franklin L. Russell No. 17446	McMullen, J., Affirmed	Rule 11	Denied: Application of Jack Layne Benson (Order filed 1-16-14)
State of Tennessee v. Edgar Ray Bettis M2012-02158-SC-R11-CD	Dickson County Circuit Court Judge Robert E. Burch No. 22CC2011CR280	Ogle, J., Affirmed	Rule 11	Denied: Application of Edgar Ray Bettis (Order filed 1-16-14)
Yovonda Sherith Chambers v. State of Tennessee M2013-00766-SC-R11-PC	Rutherford County Circuit Court Judge David M. Bragg No. F-68165	Glenn, J., Affirmed	Rule 11	Denied: Application of Yovonda Sherith Chambers (Order filed 1-17-14)
Erika Cienfuegos v. State of Tennessee M2012-01924-SC-R11-PC	Davidson County Criminal Court Judge Mark J. Fishburn No. 2008C3013	Thomas, Jr., J., Affirmed	Rule 11	Denied: Application of Erika Cienfuegos (Order filed 1-14-14)

Estate of Clyde Deuel v. The Surgical Clinic, PLLC M2011-02610-SC-R11-CV	Davidson County Circuit Court Judge Joseph P. Binkley, Jr. No. 07C2368	Cottrell, P.J., Affirmed	Rule 11	Denied: Application of Estate of Clyde Deuel (Order filed 1-16-14)
Patsy Freeman, Personal Representative and Administratrix of The Estate of John R. Freeman v. CSX Transportation, Inc., Et Al M2012-01335-SC-R11-CV	Bedford County Circuit Court Judge Franklin L. Russell No. 12046	Bennett, J., Affirmed	Rule 11	Denied: Application of Patsy Freeman (Order filed 1-14-14)
State of Tennessee v. Charles Matthew Garrett M2013-00869-SC-R11-CD	Montgomery County Circuit Court Judge John Gasaway No. 41100166	Page, J., Affirmed	Rule 11	Denied: Application of Charles Matthew Garrett (Order filed 1-15-14)
State of Tennessee v. Bobby Stanley George M2012-01542-SC-R11-CD	Davidson County Criminal Court Judge Monte Watkins No. 2009C2188	Page, J., Affirmed	Rule 11	Denied: Application of Bobby Stanley George (Order filed 1-15-14)
Aubrey E. Givens, Individually And As Administrator of the Estate of Jessica E. Givens, Et. Al. V. Hardie V. Sorrells III, M.D. M2012-01712-SC-R11-CV	Wilson County Circuit Court Judge John D. Wootten, Jr. No. 2011CV169	Kirby, J., Affirmed	Rule 11	Denied: Application of Aubrey E. Givens and The Estate of Jessica E. Givens (Order filed 1-16-14)
John Wesley Green, Et Al. v. Champs-Elysees, Inc. Et Al M2012-00082-SC-R11-CV	Davidson County Chancery Court Judge Russell T. Perkins No. 052817IV	Clement, J., Affirmed	Rule 11	Denied: Application of John Wesley Green (Order filed 1-14-14)
Atlanta P. Hardy v. State of Tennessee M2013-01809-SC-R11-PC	Davidson County Criminal Court Judge Randall J. Wyatt, Jr. No. 2002D1927	Bivins, J., Dismissed	Rule 11	Denied: Application of Atlanta P. Hardy (Order filed 1-16-14)

State of Tennessee v. Robert Glenn Hasaflook M2012-02360-SC-R11-CD	Dickson County Circuit Court Judge George C. Sexton No. 22CC2012CR117	Wedemeyer, J., Dismissed	Rule 11	Denied: Application of Robert Glenn Hasaflook (Order filed 1-15-14)
Tarrow Leigh Hearn v. Tammy Flanagan Et. Al. M2013-02178-SC-R11-CV	Davidson County Circuit Court Judge Hamilton V. Gayden, Jr. No. 12C4077	Per Curiam Order Denied	Rule 9	Denied: Application of Tarrow Leigh Hearn (Order filed 1-15-14)
State of Tennessee v. Joseph W. Jones M2013-00924-SC-R11-CD	Clay County Circuit Court Judge David Patterson No. 10CR58	Page, J., Affirmed	Rule 11	Denied: Application of Joseph W. Jones (Order filed 1-15-14)
State of Tennessee v. William Albert Kelly M2012-02404-SC-R11-CD	Sumner County Criminal Court Judge Dee David Gay No. 5212010	Tipton, J., Affirmed	Rule 11	Denied: Application of William Albert Kelly (Order filed 1-15-14)
David Kerns v. Enterprise Rent-A-Car Company of Tennessee, Inc. D/B/A Enterprise Rent-A-Truck, Et Al. M2013-01744-SC-R11-CV	Davidson County Circuit Court Judge Hamilton V. Gayden, Jr. No. 08C2443	Per Curiam Denied	Rule 9	Denied: Application of David Kerns and the Unnamed Defendant, Tennessee Farmers Mutual Insurance Company (Order filed 1-14-14)
David Allen Lackey v. State of Tennessee M2012-01482-SC-R11-PC	Davidson County Criminal Court Judge Seth W. Norman No. 2000B1103	Williams, J., Affirmed	Rule 11	Denied: Application of David Allen Lackey (Order filed 1-15-14)
Tammy Milam v. James Milam M2012-01659-SC-R11-CV	Montgomery Chancery Court Judge Michael R. Jones No. MCCHCVD106323	Clement, Jr., J., Affirmed	Rule 11	Denied: Application of James Milam (Order filed 1-14-14)

Darryl Jerome Moore v. State of Tennessee M2012-01707-SC-R11-PC	Davidson Criminal Court Judge Cheryl Blackburn No. 2006-B-1688	Ogle, J Affirmed	Rule 11	Denied: Application of Darryl Jerome Moore (Order filed 1-15-14)
State of Tennessee v. Chris Nachampask M2012-02332-SC-R11-CD	Rutherford County Circuit Court Judge David M. Bragg No. F65889	Smith, J., Affirmed	Rule 11	Denied: Application of Chris Nachampasak (Order filed 1-15-14)
Michael M. Shofner v. Eddie Mahaffey v. MidState Finance Company, Inc M2012-02061-SC-R11-CV	Bedford County Chancery Court Judge J. Curtis Smith No. 24257	Cottrell, P.J., Affirmed	Rule 11	Denied: Application of Eddie Mahaffey (Order filed 1-17-14)
Carvin Thomas v. State of Tennessee M2013-01534-SC-R11-PC	Davidson County Criminal Court Judge Steve R. Dozier No. 2000D2269	Wedemeyer, J., Smith, J., Bivins, J., Denied	Rule 11	Denied: Application of Carvin Thomas (Order filed 1-16-14)
State of Tennessee v. Clyde Turner M2012-02405-SC-R11-CD	Wilson County Criminal Court Judge John D. Wootten No. 09-CR-573, 09-CR-638	Glenn, J., Affirmed	Rule 11	Denied: Application of Clyde Turner (Order filed 1-17-14)
State of Tennessee v. William Lance Walker M2011-02588-SC-R11-CD	Marshall County Circuit Court Judge Robert G. Crigler	Tipton, J., Affirmed	Rule 11	Denied: Application of William Lance Walker (Order filed 1-16-14)
Cantrelle Lashone Winters v. State of Tennessee M2012-02380-SC-R11-PC	Davidson County Criminal Court Judge Steve Dozier No. 2008-B-1674	Page, J., Affirmed	Rule 11	Denied: Application of Cantrelle Lashone Winters (Order filed 1-15-14)

Knoxville

Jeffrey L. Beeler v. DeRoyol Industries, Inc. E2012-02340-SC-WCM-WC	Knox County Circuit Court Judge Dale C. Workman No. C11142611	Special Worker's Comp. Panel Wade, Gary R., C.J., Not Participating Lee, Sharon G., J. Not Participating	Rule 11	Denied: Motion for Full Court Review Denied; Judgment of Panel Affirmed (Order filed 1-14-14)
State of Tennessee v. Michael Alan Burleson E2013-00585-SC-R11-CD	Blount County Circuit Court Judge Tammy Harrington Nos. C20473-75	Ogle, J., Affirmed	Rule 11	Denied: Application of Michael Burleson (Order filed 1-14-14)
Adrian Curb v. State of Tennessee E2013-00748-SC-R11-PC	Anderson County Circuit Court Judge Donald R. Elledge No. B3C00073	Page, J., Affirmed	Rule 11	Denied: Application of Adrian Curb (Order filed 1-16-14)
State of Tennessee v. Eugene O. Dale E2012-02418-SC-R11-CD	Hamilton County Criminal Court Judge Barry A. Steelman No. 269938	Page, J., Affirmed	Rule 11	Denied: Application of Eugene O. Dale (Order filed 1-14-14)
William Paul Eblen v. State of Tennessee E2012-01117-SC-R11-CO	Knox County Criminal Court Judge Steven Wayne Sword No. 97158	Thomas, J., Affirmed	Rule 11	Denied: Application of William Paul Eblen (Order filed 1-14-14)
State of Tennessee v. Michael Dewey Ellington E2012-00908-SC-R11-CD	Monroe County Circuit Court Judge Amy F. Reedy No. 09270	Ogle, J., Affirmed	Rule 11	Denied: Application of Michel Dewey Ellington (Order filed 1-15-14)
State of Tennessee v. Jeffrey Scott Gold E2012-00387-SC-R11-CD	Sullivan County Circuit Court Judge Jerry Black No. S57082	McMullen, J., Affirmed in Part; Reversed in Part	Rule 11	Denied: Application of Jeffrey Scott Gold (Order filed 1-14-14)

Edward Jerome Harbison v. State of Tennessee E2013-01336-SC-R11-PC	Hamilton County Criminal Court Judge Jon Kerry Blackwood No. 171319	Thomas, J., Denied	Rule 11	Denied: Application of Edward Jerome Harbison <i>Motion for leave to proceed as indigent on appeal Granted</i> (Order filed 1-14-14)
Gregory A. Hedges v. State of Tennessee E2013-01206-SC-R11-PC	Greene County Circuit Court Judge Thomas J. Wright No. 12CR508	Tipton, J., Witt, J., Thomas, J., Dismissed	Rule 11	Denied: Application of Gregory A. Hedges (Order filed 1-15-14)
Margie R. Huskey, Et Al v. Rhea County, Tennessee E2012-02411-SC-R11-CV	Rhea County Circuit Court Judge Thomas Graham No. 24382	Frierson, II, J., Affirmed	Rule 11	Denied: Application of Rhea County Tennessee (Order filed 1-14-14)
James Perry Hyde v. State of Tennessee E2012-01243-SC-R11-PC	Hamblen County Circuit Court Judge Thomas Wright No. 11CR390	Woodall, J., Affirmed	Rule 11	Denied: Application of James Perry Hyde (Order filed 1-16-14)
State of Tennessee v. Shawn Anthony Jones E2012-00480-SC-R11-CD	Greene County Circuit Court Judge John F. Dugger, Jr. No. 09CR398	Ogle, J., Affirmed	Rule 11	Denied: Application of Shawn Anthony Jones (Order filed 1-15-14)
State of Tennessee v. James Lamb E2013-00217-SC-R11-CD	Blount County Circuit Court Judge Tammy M. Harrington Nos. C20029, 20030, 20031, 20032	Ogle, J., Affirmed	Rule 11	Denied: Application of James Lamb (Order filed 1-14-14)
Danny Pendergrass v. State of Tennessee E2012-01696-SC-R11-PC	Sullivan County Circuit Court Judge Robert H. Montgomery, Jr. No. C58741	Woodall, J., Affirmed	Rule 11	Denied: Application of Danny Pendergrass (Order filed 1-14-14)

Steven A. Pugh, Jr. v. State of Tennessee E2012-02649-SC-R11-PC	Hamblen County Criminal Court Judge John Dugger No. 11-CR-696	Williams, J., Affirmed	Rule 11	Denied: Application of Steven Pugh, Jr. (Order filed 1-14-14)
Shannon Raley Et. Al. V. City of Knoxville E2013-01063-SC-R11-CV	Knox County Circuit Court Judge Dale Workman No. 1-203-12	Frierson, II, J., Affirmed	Rule 11	Denied: Application of Shannon Raley (Order filed 1-14-14)
Clarence D. Schreane v. State of Tennessee E2012-00954-SC-R11-CO	Hamilton County Criminal Court Judge Rebecca J. Stern Nos. 264982 &283882	Thomas, Jr., J., Affirmed	Rule 11	Denied: Application of Clarence D. Schreane (Order filed 1-14-14)
Samuel Arthur Skaggs v. Marty Phillips D/B/A Phillips Concrete Et Al E2012-02479-SC-WCM-WC	Sullivan County Chancery Court Judge No. C0017561	Special Worker's Comp. Panel Wade, Gary R., C.J., Not Participating	Rule 11	Denied: Motion for full Court Review Judgment of the Panel Affirmed (Order filed 1-15-14)
State of Tennessee v. Kristie M. Smith E2010-00549-SC-R11-CD	Knox County Criminal Court Judge Richad Baumgartner No. 86588	Woodall, J., Affirmed	Rule 11	Denied: Application of Krisite M. Smith (Order filed 1-14-14)
State of Tennessee v. Kane Stackhouse E2009-01669-SC-R11-CD	Knox County Criminal Court Judge Judge Richard R. Baumgartner No. 85772	Witt, J., Affirmed in part, Vacated in part, remanded	Rule 11	Denied: Application of Kane Stackhouse (Order filed 1-16-14)
Tennessee Asphalt Company v. Brian Fultz E2013-00240-SC-R11-CV	Knox County Chancery Court Judge Michael W. Moyers No. 1811593	McClarty, J., Affirmed	Rule 11	Denied: Application of Tennessee Asphalt Company (Order filed 1-15-14)

State of Tennessee v. Ray A. Tullos E2012-01634-SC-R11-CD	Bledsoe County Circuit Court Judge Buddy Perry No. 102009	Ogle, J., Affirmed	Rule 11	Denied: Application of Ray A. Tullos (Order filed 1-14-14)
<u>Jackson</u>				
Junior Aldridge v. State of Tennessee W2012-02409-SC-R11-PC	Shelby County Criminal Court Judge W. Otis Higgs, Jr. No. 05-08430	Glenn, J., Affirmed	Rule 11	Denied: Application of Junior Aldridge (Order filed 1-14-14)
Anthony Allen v. State of Tennessee W2012-02721-SC-R11-PC	Shelby County Criminal Court Judge W. Mark Ward No. 0010541-46	McMullen, J., Appeal Dismissed	Rule 11	Denied: Application of Anthony Allen (Order filed 1-14-14)
Kim Brown v. Christian Brothers University W2012-01336-SC-R11-CV	Shelby County Circuit Court Judge Robert S. Weiss No. CT-001227-11	Stafford, J., Affirmed and Remanded	Rule 11	Denied: Application of Kim Brown (Order filed 1-15-14)
Bessie Cawthon v. Baptist Memorial Hospital-Union City Et Al. W2012-02138-SC-WCM-WC	Obion County Chancery Court Chancellor W. Michael Malone NO. 27767	Ash, J., Holder, J., Reversed	Motion for Court Review	Denied: Motion of Bessie Cawthon (Order filed 1-15-14)
State of Tennessee v. Eric Dates W2012-01030-SC-R11-CD	Shelby County Criminal Court Judge Lee V. Coffee No. 09-07729	Tipton, P. J., Affirmed	Rule 11	Denied: Application of Eric Dates (Order filed 1-14-14)

Sandra Hendricks Franklin v. State of Tennessee W2012-01445-SC-R11-PC	Tipton County Circuit Court Judge Joseph H. Walker No. 5975	Smith, J., Affirmed	Rule 11	Denied: Application of Sandra Hendricks Franklin <i>Sandra Hendricks Franklin has filed an "Inmate Affidavit Pursuant to T.C.A. § 41-21-801 et seq. The Court chooses to consider this a motion to proceed on appeal as an indigent person, and the motion is granted.</i> (Order filed 1-15-14)
State of Tennessee v. Marquon L. Green W2012-01652-SC-R11-CD	Madison County Circuit Court Judge Roy B. Morgan, Jr. No. 11-302	Ogle, J., Affirmed	Rule 11	Denied: Application of Marquon L. Green (Order filed 1-17-14)
State of Tennessee v. Ladarius Devontee Maxwell W2012-00729-SC-R11-CD	Madison County Criminal Court Judge Donald H. Allen No. 11510	Thomas, J., Affirmed	Rule 11	Denied: Application of Ladarius Devonte Maxwell (Order filed 1-17-14)
Sandeep Gadhok v. Zameer Merchant W2012-01687-SC-R11-CV	Shelby County Circuit Court Judge Jerry Stokes No. CT-005043-10	Farmer, J., Affirmed and Remanded	Rule 11	Denied: Application of Sandeep Gadhok <i>Motion to Withdraw and for Substitution of Counsel filed by Beth Brooks, counsel for Sandeep Gadhok is Granted</i> (Order filed 1-14-14)
State of Tennessee v. Tyrone Leon Nelson W2012-00521-SC-R11-CD	Tipton County Circuit Court Judge Joseph Walker No. 6874	Woodall, J., Affirmed	Rule 11	Denied: Application of Tyrone Leon Nelson (Order filed 1-14-14)

Cornelius Richmond v. State of Tennessee W2013-00354-SC-R11-HC	Lauderdale County Circuit Court Judge Joseph H. Walker, III No. 6642	Tipton, J.,	Rule 11	Denied: Application of Cornelius Richmond (Order filed 1-15-14)
Jorge A. Rubio v. Geneva Vaughn, Et. Al. W2013-00677-SC-R11-CV	Hardeman County Chancery Court Chancellor William C. Cole No. 17669	Highers, P.J., W.S., Appeal Dismissed	Rule 11	Denied: Application of Jorge Rubio (Order filed 1-14-14)
State of Tennessee v. Carlos Smith W2012-01931-SC-R11-CD	Shelby County Criminal Court Judge James C. Beasley, Jr. No. 10-02597	Witt, J., Affirmed	Rule 11	Denied: Application of Carlos Smith (Order filed 1-15-14)
Julie Speck Et Al. V. Woman's Clinic, PA Et Al W2012-02111-SC-R11-CV	Madison County Circuit Court Judge Roy B. Morgan, Jr. No. C1187	Kirby, J., Affirmed	Rule 11	Denied: Application of Julie Speck (Order filed 1-14-14)
State of Tennessee v. Tony Thomas W2012-00413-SC-R11-CD	Shelby County Criminal Court Judge Chris Craft No. 08-07876	Witt, J., Affirmed	Rule 11	Denied: Application of Tony Thomas (Order filed 1-14-14)
Mack Transou v. Jerry Lester, Warden W2013-00293-SC-R11-HC	Lauderdale County Circuit Court Judge Joseph Walker No. 6640	Williams, J., Affirmed	Rule 11	Denied: Application of (Order filed 1-14-14)

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE
STATE OF TENNESSEE v. LAMAR PARRISH CARTER

Criminal Court for Davidson County
No. 2009-C-2767

No. M2012-01734-SC-R11-CD

ORDER

Upon consideration of the Tenn. R. App. P. 11 application for permission to appeal filed on behalf of Lamar Carter, 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. LARRY JERELLER ALSTON, KRIS THEOTIS YOUNG,
AND JOSHUA EDWARD WEBB**

**Criminal Court for Knox County
No. 94647 A, B, & C**

No. E2012-00431-SC-R11-CD

ORDER

Upon consideration of the application for permission to appeal of Larry Jereller Alston, Kris Theotis Young, and Joshua Edward Webb and the entire record in this cause, 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 this Court's opinion in State v. Cecil, 409 S.W.3d 599 (Tenn. 2013).

PER CURIAM

IN THE SUPREME COURT OF TENNESSEE
AT JACKSON

DERRICK JOHNSON ET AL. v. JERRY R. FLOYD, M.D. ET AL.

**Circuit Court for Shelby County
No. CT-003875-11**

No. W2012-00207-SC-R11-CV

ORDER

Upon consideration of the application for permission to appeal of Ozell Johnson, Terrence Johnson, Odell Johnson, Marcus Johnson, and Derrick Johnson and the entire record in this cause, 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 Appeals for reconsideration in light of this Court's opinion in *Rajvongs v. Wright*, M2011-01889-SC-R11-CV, which opinion was released at Jackson on December 12, 2013.

PER CURIAM