

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

MONDAY, DECEMBER 17, 2012

GRANTS

STYLE/APPEAL NUMBER	COUNTY TRIAL JUDGE TRIAL COURT NO.	APPELLATE JUDGE JUDGMENT	NATURE OF APPEAL	ACTION
<u>Nashville</u>				
State of Tennessee v. Glover P. Smith M2011-00440-SC-R11-CD	Rutherford County Circuit Court Judge Don R. Ash No. F-63667	Ogle, J. Affirmed in Part; Reversed in Part	Rule 11	Granted - Application of Glover P. Smith (Order filed - 12-13-12, copy attached)
<u>Knoxville</u>				
Westgate Resorts v. James G. Neeley, Commissioner, <u>et al.</u> E2011-02538-SC-R11-CV	Sevier County Chancery Court Chancellor Telford E. Forgety, Jr. No. 1011462	McClarty, J. Reversed	Rule 11	Granted - Application of Westgaga Smoky Mountains at Gatlinburg (Order filed - 12-11-12, copy attached)
<u>Jackson</u>				

**SUPREME COURT OF TENNESSEE
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DENIALS

STYLE/APPEAL NUMBER	COUNTY TRIAL JUDGE TRIAL COURT NO.	APPELLATE JUDGE JUDGMENT	NATURE OF APPEAL	ACTION
<u>Nashville</u>				
ARI, Inc. v. James G. Neeley, Commissioner of TN Dept. of Labor and Workforce Development M2011-02272-SC-R11-CV	Davidson County Chancery Court Sr. Judge Walter C. Kurtz No. 11351	Dinkins, J.	Rule 11	Denied - Application of ARI, Inc. (Order filed - 12-14-12)
Christopher Davis v. State of Tennessee M2010-01045-SC-R11-PD	Davidson County Criminal Court Judge Randall Wyatt No. 96-B-866	Thomas, J. Affirmed	Rule 11	Denied - Application of Christopher Davis (Order filed - 12-12-12)
Gursheel S. Dhillon, M.D. v. State of TN Health Related Boards, <u>et al.</u> M2012-02431-SC-R10-CV	Davidson County Chancery Court Chancellor Carol L. McCoy No. 11378		Rule 10	Denied - Application of Gursheel Dhillon (Motions filed by Mr. Dhillon are also denied) (Order filed - 12-11-12)

Daniel B. Eisenstein v. WTVA-TV, News Channel 5 Network, LLC, <u>et al.</u> M2011-02208-SC-R11-CV	Davidson County Circuit Court Judge D. J. Alissandratos No. 11C2538	Bennett, J. Affirmed in Part and Reversed in Part	Rule 11	Denied - Applications of Daniel B. Eisenstein and WTVF-TV, Landmark Media Enterprises, Lyn Plantinga, Sandy Boonstra and Phil Williams (Order filed - 12-11-12)
Gossett Motor Cars, LLC v. Hyundai Motor America, Inc. and Homer Skelton Auto Sales, LLC M2011-01769-SC-R11-CV	Davidson County Chancery Court Chancellor Ellen H. Lyle No. 101449III	Bennett, J. Affirmed	Rule 11	Denied - Application of Gossett Motor Cars, LLC (Order filed - 12-11-12)
Joseph Gunter v. State of Tennessee M2011-01530-SC-R11-PC	Fentress County Criminal Court Judge E. Shayne Sexton No. 2010-CR-87	Bivins, J. Affirmed	Rule 11	Denied - Application of Joseph Gunter (Order filed - 12-11-12)
Ann Langford, <u>et al.</u> v. Jeane Clark M2011-01910-SC-R11-CV	Montgomery County Chancery Court Chancellor Laurence M. McMillan No. MCCHCVDT079	Clement, J. Affirmed	Rule 11	Denied - Application of Jeane Clark (Order filed - 12-14-12)
Metropolitan Government of Nashville and Davidson County, Tennessee v. James E. Brown M2012-00354-SC-R11-CV	Davidson County Chancery Court Chancellor Russell Perkins No. 11340IV	Dinkins, J. Affirmed	Rule 11	Denied - Application of James E. Brown (Order filed - 12-13-12)
Freddie L. Osborne v. State of Tennessee M2012-00122-SC-R3-HC	Davidson County Criminal Court Judge Mark F. Fishburn No. 4411	Woodall, J. Affirmed	Rule 11	Denied - Application of Freddie L. Osborne (Order filed - 12-11-12)
William Glenn Rogers v. State of Tennessee M2010-01987-SC-R11-PC	Montgomery County Circuit Court Judge John Gasaway III No. 38939	Bivins, J. Affirmed	Rule 11	Denied - Application of William Glenn Rogers (Order filed - 12-11-12)

Joe Billy Russell, Jr. v. State of Tennessee M2012-00337-SC-R11-PC	Bedford County Circuit Court Judge Robert Crigler No. 13455 & 13456	Wedemeyer, J. Affirmed	Rule 11	Denied - Application of Joe B. Russell, Jr. (The opinion of the Court of Criminal Appeals is designated “Not for Citation” in accordance with Tenn. Sup. Ct. R. 4(E)) (Order filed - 12-11-12-)
State of Tennessee v. Jerome Sidney Barrett M2009-02636-SC-R11-CD	Davidson County Criminal Court Judge Steve R. Dozier No. 2008-B-1791	Tipton, P.J. Affirmed	Rule 11	Denied - Application of Jerome Sidney Barrett (Order filed - 12-12-12)
State of Tennessee v. Jerome Sidney Barrett M2010-00444-SC-R11-CD	Davidson County Criminal Court Judge Steve R. Dozier No. 2007-D-3201	Tipton, P.J. Affirmed	Rule 11	Denied - Application of Jerome Sidney Barrett (Jerome Sidney Barrett’s in Propria Persona Motion for Clarification is denied) (Order filed - 12-12-12)
State of Tennessee v. Robert Fann, Jr. M2011-00241-SC-R11-CD	Sequatchie County Circuit Court Judge Thomas W. Graham No. 4611	Williams, J. Affirmed	Rule 11	Denied - Application of Robert Fann, Jr. (Order filed - 12-12-12)
State of Tennessee v. Keith Howard M2011-00621-SC-R11-CD	Davidson County Criminal Court Judge Cheryl A. Blackburn No. 2006-B-1400	Woodall, J. Affirmed	Rule 11	Denied - Application of Keith Howard (Keith Howard’s application for permission to appeal is untimely. The Court waives the time limit in the interest of justice. See Tenn. R. App. P. 11(b)) (Order filed - 12-13-12)

State of Tennessee v. Michael W. Hunter M2011-00535-SC-R11-CD	Dickson County Circuit Court Judge Robert E. Burch No. 22CC-2010-CR-81	Woodall, J. Affirmed	Rule 11	Denied - Application of Michael W. Hunter (Order filed - 12-12-12)
State of Tennessee v. Bobby L. Looper M2011-01642-SC-R11-CD	Van Buren County Circuit Court Judge Larry Stanley No. 2215-F	Bivins, J. Affirmed and Remanded	Rule 11	Denied - Application of Bobby L. Looper (Order filed - 12-12-12)
State of Tennessee v. L. B. Rittenberry, Jr. M2011-00857-SC-R11-CD	Davidson County Circuit Court Judge Mark J. Fishburn No. 2009-A-646	Ogle, J. Affirmed	Rule 11	Denied - Application of L. B. Rittenberry, Jr. (Order filed - 12-13-12)
State of Tennessee v. Steven Wayne Wilson M2011-00004-SC-R11-CD	Sequatchie County Circuit Court Judge Thomas W. Graham No. 4568	Witt, Jr., J. Affirmed	Rule 11	Denied - Application of Steven Wayne Wilson (Order filed - 12-13-12)
Karen Wright and David Rogers M2011-02606-SC-R11-CV	Montgomery County Circuit Court Judge Ross H. Hicks No. MCCCCVOC007976	McClarty, J. Affirmed; case Remanded	Rule 11	Denied - Application of David Rogers (Order filed - 12-13-12)
<u>Knoxville</u>				
James Michael Adler, et ux. v. T. Martin Browder and Geroge Todd East E2012-01945-SC-S09-CV	Washington County Circuit Court Sr. Judge Walter C. Kurtz No. 9310	Franks, P.J. Swiney, J. McClarty, J. Rule 9 Denied	Rule 9	Denied - Application of James Michael Adler and Kim Kinder Adler (Order filed - 12-12-12)
Robert E. Bostick v. State of Tennessee E2011-01281-SC-R11-PC	Hamilton County Criminal Court Judge Rebecca J. Stern No. 276090	Woodall, J. Affirmed	Rule 11	Denied - Application of Robert E. Bostick (Order filed - 12-14-12)

John Leslie Byrnes v. Joyce Marie Byrnes E2011-00025-SC-R11-CV	Knox County Circuit Court Judge Bill Swann No. 64110	Susano, Jr., J. Affirmed	Rule 11	Denied - Application of Joyce Marie Byrnes (Order filed - 12-11-12)
In Re: The Estate of Omer Stidham E2011-02507-SC-R11-CV	Hamblen County Chancery Court Chancellor Thomas R. Frierson II No. 2009P180	McClarty, J. Affirmed	Rule 11	Denied - Application of Karen A. Scott, Mary Jo White, Judy Wright, David Stidham, Suzanne E. Brooks, Rebecca Bell, and Terry Lane (Order filed - 12-12-12)
Michael Scott Farner v. State of Tennessee, <u>et al.</u> E2011-01636-SC-R11-HC	Johnson County Circuit Court Judge Lynn W. Brown No. 5805	Witt, Jr., J. Affirmed	Rule 11	Denied - Application of Michael Scott Farner (Order filed - 12-12-12)
J. M. Hanner Construction Co. v. Thomas Brothers Construction E2011-01641-SC-R11-CV	Hamilton County Circuit Court Judge Ward Jeffrey Hollingsworth No. 08C982	McClarty, J. Affirmed	Rule 11	Denied - Application of Thomas Brothers Construction Company, Inc. and American Motorist Insurance Company (Order filed - 12-11-12)
April Hunter Rigsby v. Aaron R. Edmonds E2011-02265-SC-R11-CV	Cumberland County Probate Court Judge Larry Michael Warner No. 09PF556	Swiney, J. Reversed in Part, Affirmed in Part	Rule 11	Denied - Application of Aaron R. Edmonds (Order filed - 12-11-12)
Quincy Londale Scott v. State of Tennessee E2011-01534-SC-R11-PC	Hamilton County Criminal Court Judge Don W. Poole No. 274685	Thomas, J. Affirmed	Rule 11	Denied - Application of Quincy Londale Scott (Order filed - 12-12-12)
State of Tennessee v. Jeffrey O. Short, a.k.a. Jeffery O'Neal Short, a.k.a. Jeffrey Oneal Short E2011-01417-SC-R11-CD	Hamilton County Criminal Court Judge Barry A. Steelman No. 277889	McMullen, J. Affirmed	Rule 11	Denied - Application of Jeffrey O. Short, a.k.a. Jeffery O'Neal Short, a.k.a. Jeffrey Oneal Short (Order filed - 12-12-12)

State of Tennessee v. James R. Troxell E2012-00233-SC-R11-CD	Campbell County Criminal Court Judge E. Shayne Sexton No. 14345	Witt, Jr., J. Affirmed	Rule 11	Denied - Application of James R. Troxell (Order filed - 12-11-12)
<u>Jackson</u>				
Anthony D. Childs, <u>et al.</u> v. UT Medical Group, Inc., <u>et al.</u> W2011-01901-SC-R11-CV	Shelby County Circuit Court Judge James F. Russell No. CT-004644-10	Farmer, J. Affirmed	Rule 11	Denied - Application of Anthony D. Childs and Kasandra Brook Childs (Order filed - 12-11-12)
Kenneth Lyle Davis v. State of Tennessee W2011-02049-SC-R11-PC	Madison County Circuit Court Sr. Judge Walter C. Kurtz No. C-10-114	Wedemeyer, J. Affirmed	Rule 11	Denied - Application of Kenneth Lyle Davis (Order filed - 12-13-12)
Allison Jacob, <u>et al.</u> v. Alex Partee and Tom Bedell, Jr. v. Top Gun Body Shop W2012-00205-SC-R11-CV	Shelby County Circuit Court Judge Robert L. Childers No. CT-004519-10	Highers, P.J., W.S. Affirmed	Rule 11	Denied - Applications of Top Gun Body Shop, Alexis Partee and Tom Bedell, Jr. (Order filed - 12-12-12)
Michael Jones v. State of Tennessee W2011-01465-SC-R11-PC	Shelby County Criminal Court Judge James Lammey No. 09-00312	Tipton, P.J. Affirmed	Rule 11	Denied - Application of Michael Jones (Order filed - 12-12-12)
Milledgeville United Methodist Church v. Jimmy G. Melton, <u>et al.</u> W2011-01272-SC-R11-CV	McNairy County Circuit Court Judge J. Weber McCraw No. 6456	Stafford, J. Affirmed	Rule 11	Dismissed - Application of Jimmy G. Melton (Order filed 12-13-12)
Sapinder Singh v. Larry Fowler Trucking, Inc. W2011-01986-SC-R11-CV	Henderson County Circuit Court Judge Roger A. Page No. 09085	Stafford, J. Affirmed	Rule 11	Denied - Application of Sapinder Singh (Order filed - 12-11-12)

Mary C. Smith, as Surviving Widow of James B. Smith v. Methodist Healthcare-Memphis Hospitals W2012-01590-SC-S09-CV	Shelby County Circuit Court Judge Kay Robillio No. CT00030206	Highers, P.J., W.S. Rule 9 Denied	Rule 9	Denied - Application of Methodist Healthcare-Memphis Hospitals (Order filed - 12-12-12)
State of Tennessee v. Michael Gooding W2011-00970-SC-R11-CD	Shelby County Criminal Court Judge John Fowlkes, Jr. No. 09-04774	Woodall, J. Affirmed	Rule 11	Denied - Application of Michael Gooding (Order filed - 12-11-12)
State of Tennessee v. Charles Turner Harrison W2011-00370-SC-R11-CO	Shelby County Criminal Court Judge Paula Skahan No. 8500892	Williams, J. Appeal Dismissed	Rule 11	Denied - Application of Charles Turner Harrison (Order filed - 12-12-12)
State of Tennessee v. Tarik Thompson W2011-01277-SC-R11-CD	Shelby County Criminal Court Judge Paula Skahan No. 10-00936	Wedemeyer, J. Affirmed	Rule 11	Denied - Application of Tarik Thompson (Order filed - 12-11-12)
Gerraldo White v. State of Tennessee W2011-02295-SC-R11-PC	Shelby County Criminal Court Judge Otis Higgs No. 04-07181	Williams, J. Affirmed	Rule 11	Denied - Application of Gerraldo White (Order filed - 12-12-12)
Tamaine Works v. State of Tennessee W2011-00209-SC-R11-PC	Shelby County Criminal Court Judge Chris Craft No. 04-02321	Tipton, P.J. Affirmed	Rule 11	Denied - Application of Tamaine Works (Order filed - 12-11-12)

IN THE SUPREME COURT OF TENNESSEE
AT KNOXVILLE

**WESTGATE SMOKY MOUNTAINS AT GATLINBURG v. KARLA DAVIS,
COMMISSIONER OF THE TENNESSEE DEPARTMENT OF LABOR AND
WORKFORCE DEVELOPMENT ET AL.**

**Chancery Court for Sevier County
No. 1011462**

No. E2011-02538-SC-R11-CV

ORDER

Upon consideration of the application for permission to appeal of Westgate Smoky Mountains at Gatlinburg 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

STATE OF TENNESSEE v. GLOVER P. SMITH

**Circuit Court for Rutherford County
No. F-63667**

No. M2011-00440-SC-R11-CD

ORDER

Upon consideration of the Tenn. R. App. P. 11 application for permission to appeal filed on behalf of Glover P. Smith, and the record before us, the application is granted. The Court, at oral argument, is particularly interested in the following issue: Whether the Court of Criminal Appeals, in concluding that the evidence was sufficient to support the convictions of fabricating evidence, erroneously determined that an investigation was “pending” within the meaning of Tenn. Code Ann. § 39-16-503.

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

PER CURIAM