



Tennessee Supreme Court
DISCRETIONARY APPEALS
Grants & Denials List
January 11, 2016 - January 15, 2016

GRANTS

Style/Appeal Number	County/Trial Judge/ Trial Court No.	Appellate Judge/Judgment	Nature Of Appeal	Action
<u>Nashville</u>				
STATE OF TENNESSEE v. FREDDIE LEE JOHNSON M2014-01494-SC-R11-CD	Davidson County Criminal Court Mark J. Fishburn 2012D3548	Holloway Jr., Robert L.: Affirmed	TRAP 11	Granted/Remanded : Application of Freddie Lee Johnson Order filed 1-14-15 (See Attached Order)
DARRYL F. BRYANT, SR. v. DARRYL F. BRYANT, JR. M2014-02379-SC-R11-CV	Davidson County Chancery Court Claudia Bonnyman 141059I	Bennett, Andy D.: Affirmed	TRAP 11	Granted: Application of Darryl F. Bryant, Jr. Order filed 1-13- 16(See Attached Order)

Jackson

ALLEN RIGGS v. RICHARD B. WRIGHT, ET AL.
W2015-00677-SC-R11-CV

Shelby County Circuit Court
Felicia Corbin Johnson
CT00445014

Per Curiam: Dismissed

TRAP 11

Granted/Remanded
: Application of
Allen Riggs

Order filed 1-14-16
(See Attached
Order)

TERRY ARNOLD v. CBM ONE HOTELS LP
W2015-02266-SC-R9-WC

Shelby County Chancery Court

CH141696

TRAP 9

Granted:
Application of CBM
One Hotels LP d/b/a
Courtyard by
Marriott, LP

Order filed 1-14-16
(See Attached
Order)

DENIALS

Style/Appeal Number

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

Appellate Judge/Judgment

Nature Of Appeal

Action

Nashville

STATE OF TENNESSEE v. BILLY ANGLIN M2000-00160-SC-R11-CD	Williamson County Circuit Court Donald P. Harris II693124		TRAP 11	Denied: Application of Billy Anglin Order filed 1-14-16
STATE OF TENNESSEE v. ANGEL MANUEL RIVERA M2013-01810-SC-R11-CD	Davidson County Criminal Court Monte Watkins 2009D3057	Ogle, Norma McGee: Affirmed	TRAP 11	Denied: Application of Angel Manuel Rivera Order filed 1-14-16
CECIL SIMS IRVIN v. BASS, BERRY AND SIMS, PLC, ET AL. M2014-00671-SC-R11-CV	Davidson County Circuit Court Ross H. Hicks 12C2246	McBrayer, W. Neal: Affirmed	TRAP 11	Denied: Application of Cecil Sims Irvin Order filed 1-13-16
STATE OF TENNESSEE v. ERIC D. WHITAKER M2014-01304-SC-R11-CD	Maury County Circuit Court Stella L. Hargrove 21795	Montgomery Jr., Robert H.: Affirmed	TRAP 11	Denied: Application of Eric D. Whitaker Order filed 1-14-16

STATE OF TENNESSEE v. DAVID LEON GRAVES M2014-01547-SC-R11-CD	Wilson County Criminal Court David Earl Durham 2013CR212	Glenn, Alan E.: Affirmed	TRAP 11	Denied: Application of David Leon Graves Order filed 1-14-16
RAYMOND LEE SWETT, JR. v. STATE OF TENNESSEE M2014-02243-SC-R11-PC	Davidson County Criminal Court Cheryl A. Blackburn 2009C2869	Glenn, Alan E.: Affirmed	TRAP 11	Denied: Application of Raymond Lee Swett, Jr. Order filed 1-14-16
RIVERA L. PEOPLES v. STATE OF TENNESSEE M2014-02441-SC-R11-PC	Davidson County Criminal Court Cheryl A. Blackburn 2010A459	Glenn, Alan E.: Affirmed	TRAP 11	Denied: Application of Rivera L. Peoples Order filed 1-14-16
TINO C. SUTTON v. BEDFORD COUNTY TENNESSEE SHERIFF DEPARTMENT M2014-02575-SC-R11-CV	Bedford County Chancery Court J. B. Cox 30468	Bennett, Andy D.: Affirmed	TRAP 11	Denied: Application of Tino C. Sutton Order filed 1-14-16

DANIELLE N. WHITE SHAFFIELD v. ERIC A. WHITE M2015-02168-SC-R10-CV	White County Chancery Court Ronald Thurman 9932	Per Curiam: Case Dispositional Decision	TRAP 10 (from Interm. Court)	Denied: Application of Eric A. White Order filed 1-13-16
LARRY J. HASTY v. BLUE WATER BAY AT CENTER HILL, LLC, ET AL. M2015-02188-SC-R10-CV	Williamson County Chancery Court James G. Martin, III 43307	Per Curiam: Case Dispositional Decision	TRAP 10 (from Interm. Court)	Denied: Application of Larry J. Hasty Order filed 1-11-16

Knoxville

STATE OF TENNESSEE v. BRENT A. BLYE E2014-00220-SC-R11-CD	Sullivan County Circuit Court R. Jerry Beck S50833	Ogle, Norma McGee: Affirmed in Part, Reversed in Part	TRAP 11	Denied: Application of Brent Allen Blye Order filed 1-14-16
STATE OF TENNESSEE v. FREDERICK KEITH E2014-00448-SC-R11-CD	Knox County Criminal Court Steven Wayne Sword 93721A	Ogle, Norma McGee: Affirmed	TRAP 11	Denied: Application of Frederick Keith Order filed 1-14-16

STATE OF TENNESSEE v. ANTONEO WILLIAMS E2014-01076-SC-R11-CD	Knox County Criminal Court Bobby R. McGee 100998	Ogle, Norma McGee: Affirmed	TRAP 11	Denied: Application of Antoneo Williams Order filed 1-15-16
STATE OF TENNESSEE v. ROGER JAMES LEE ARNOLD E2014-01165-SC-R11-CD	Sullivan County Criminal Court Robert H. Montgomery, Jr. S61190	Ogle, Norma McGee: Affirmed	TRAP 11	Denied: Application of Roger James Lee Arnold Order filed 1-14-16
TIM E. SHAW v. FSG BANK, N.A. E2014-01365-SC-R11-CV	Bradley County Circuit Court Jerri Bryant V10865	Susano Jr., Charles D.: Affirmed	TRAP 11	Denied: Application of Tim E. Shaw Order filed 1-14-16
GEORGE HARDIN v. STATE OF TENNESSEE AND ERIC QUALLS, WARDEN, BLEDSOE COUNTY CORRECTIONAL COMPLEX E2014-01458-SC-R11-HC	Bledsoe County Circuit Court J. Curtis Smith 2014CR79	Montgomery Jr., Robert H.: Affirmed	TRAP 11	Denied: Application of George Edwin Hardin Order filed 1-14-16

817 PARTNERSHIP v. JAMES GOINS & CARPENTER, P.C., ET AL. E2014-01521-SC-R11-CV	Hamilton County Circuit Court Ward Jeffrey Hollingsworth 13C1120	Susano Jr., Charles D.: Affirmed	TRAP 11	Denied: Application of James Goins and Carpenter, P.C. and Stuart Fawcett James Order filed 1-15-16
ROYAL PROPERTIES, INC. v. CITY OF KNOXVILLE, ET AL. E2014-01937-SC-R11-CV	Knox County Chancery Court Daryl R. Fansler 1866122	McClarty, John W.: Reversed	TRAP 11	Denied: Application of City of Knoxville, Tennessee and Knoxville City Council Order filed 1-15-16
STATE OF TENNESSEE v. ALLEN ANTHONY HAMMETT E2014-01947-SC-R11-CD	Sevier County Circuit Court Rex H. Ogle 18648III, 18930III	Montgomery Jr., Robert H.: Affirmed	TRAP 11	Denied: Application of Allen Anthony Hammett Order filed 1-15-16
RODERICK D. TATE v. STATE OF TENNESSEE E2014-02153-SC-R11-PC	Knox County Criminal Court Steven Wayne Sword 100181	McMullen, Camille R.: Affirmed	TRAP 11	Denied: Application of Roderick D. Tate Order filed 1-14-16

BILL BIVENS v. RANDY DWAIN WHITE ET AL E2014-02251-SC-R11-CV	Monroe County Chancery Court Don R. Ash 18651	McClarty, John W.: Affirmed	TRAP 11	Denied: Application of Bill Bivens and Randy Dwaine White Order filed 1-14-16
RANDY R. MOSS, JR v. DAN P. EVANS, ET AL. E2014-02277-SC-R11-CV	McMinn County Chancery Court Jeffrey M. Atherton 2014CV285	Swiney, D. Michael: Affirmed in Part, Reversed in Part	TRAP 11	Denied: Application of Dan P. Evans Opinion of the Court of Appeals as "Not For Citation" with Rule 4(E) of the TN Supreme Court Order filed 1-15-16
STATE OF TENNESSE v. ANTHONY B. WHITAKER E2014-02330-SC-R11-CD	Sullivan County Criminal Court Robert H. Montgomery, Jr. S61024	Holloway Jr., Robert L.: Affirmed	TRAP 11	Denied: Application of Anthony B. Whitaker Order filed 1-15-16

STATE OF TENNESSEE v. DARRYL WEEMS E2015-00006-SC-R11-CD	Sullivan County Criminal Court R. Jerry Beck S62233	Holloway Jr., Robert L.: Affirmed	TRAP 11	Denied: Application of Darryl Weems Order filed 1-14-16
WAYNE HOLTSCLAW, ET AL v. DARRELL JOHNSON, ET AL. E2015-00081-SC-R11-CV	Carter County Chancery Court John C. Rambo 28411	Susano Jr., Charles D.: Affirmed	TRAP 11	Denied: Application of Wayne Holtsclaw and Willie Holtsclaw Order filed 1-13-16
STATE OF TENNESSEE v. ROBERT WINTERS E2015-00268-SC-R11-CD	Hamilton County Criminal Court Rebecca J. Stern 231247	McMullen, Camille R.: Affirmed	TRAP 11	Denied: Application of Robert Michael Winters Order filed 1-14-16

Jackson

OPEN LAKE SPORTING CLUB v. LAUDERDALE HAYWOOD ANGLING CLUB W2014-00436-SC-R11-CV	Lauderdale County Chancery Court William C. Cole 14811	Goldin, Arnold B.: Affirmed	TRAP 11	Denied: Application of Lauderdale Haywood Angling Club Order filed 1-14-16
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EDE GOZA, ET AL. v. SUNTRUST BANK
W2014-00635-SC-R11-CV

Shelby County Chancery Court
Kenny W. Armstrong
CH131314, CH131316

McBrayer, W. Neal: Affirmed

TRAP 11

Denied/Remanded:
Application of Ede
Goza and Shirley
Sue Noble Shaw

Order filed 1-14-16

GARY BOHANNON v. STATE OF TENNESSEE
W2014-01368-SC-R11-PC

Shelby County Criminal Court
Chris Craft
0803684

Williams, John Everett: Affirmed

TRAP 11

Denied: Application
of Gary Bohannon

Order filed 1-14-16

PATRICK TRAWICK v. STATE OF TENNESSEE
W2014-01454-SC-R11-ECN

Shelby County Criminal Court
James M. Lammey
0208616, 0208617

Page, Roger A.: Affirmed

TRAP 11

Denied: Application
of Patrick Trawick

Order filed 1-14-16

STATE OF TENNESSEE v. JARROD REESE SPICER
W2014-01817-SC-R11-CD

Obion County Circuit Court
William B. Acree
CC13CR202

Easter, Timothy L.: Affirmed

TRAP 11

Denied: Application
of Jarrod Reece
Spicer

Order filed 1-14-16

LEDARREN HAWKINS V. STATE OF TENNESSEE W2014-02281-SC-R11-PC	Madison County Circuit Court Roy B. Morgan, Jr. C14179	Williams, John Everett: Affirmed	TRAP 11	Denied: Application of Ledarren Hawkins Order filed 1-14-16
TERRY PANTUSO v. WRIGHT MEDICAL TECHNOLOGY INC., ET AL. W2014-02315-SC-R11-CV	Shelby County Circuit Court Donna M. Fields CT00155214	Stafford, J. Steven: Affirmed	TRAP 11	Denied: Application of Wright Medical Technology, Inc. and Wright Medical Group, Inc., Motion To Consider Additional Facts Granted Order filed 1-14-16
STATE OF TENNESSEE v. JOHN A. BAILEY W2014-02499-SC-R11-CD	Madison County Circuit Court Roy B. Morgan, Jr. 95174, 96168, 9672, 9673	Thomas Jr., D. Kelly: Affirmed	TRAP 11	Denied: Application of John Anthony Bailey OPN of COA designated "Not For Citation" with Supreme Court Rule 4(E) Order filed 1-14-16

ALEXA WILLIAMS EL v. STATE OF TENNESSEE
W2015-00264-SC-R11-HC

Carroll County Circuit Court
Donald E. Parish
14CR77

Woodall, Thomas T.: Affirmed

TRAP 11

Denied: Application
of Alexa Williams El
Motion To
Supplement the
Record filed by
Alexa Williams El
denied as moot

Order filed 1-14-16

ETHELENE JEFFERSON JONES v. DEWAYNE
ANTHONY JONES
W2015-00552-SC-R11-CV

Shelby County Chancery Court
Oscar C. Carr, III
CH1217743

Per Curiam: Dismissed

TRAP 11

Dismissed:
Application of
Ethelene Jefferson
Jones

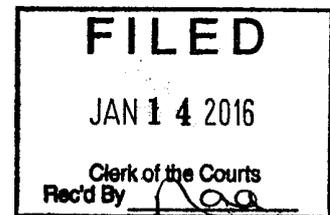
Order filed 1-11-16

IN THE SUPREME COURT OF TENNESSEE
AT JACKSON

TERRY ARNOLD v. CBM ONE HOTELS LP

Chancery Court for Shelby County
No. CH141696

No. W2015-02266-SC-R9-WC



ORDER

Upon consideration of the Rule 9 application for interlocutory appeal of CBM One Hotels LP d/b/a Courtyard by Marriott, LP, the application is granted. The trial court clerk is directed to file the record on appeal in accordance with Tennessee Rules of Appellate Procedure.

Pursuant to Tennessee Supreme Court Rule 51, section 4, the Clerk is directed to place this matter on the docket of the Special Workers' Compensation Appeals Panel for oral argument upon the completion of briefing.

PER CURIAM

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

STATE OF TENNESSEE v. FREDDIE LEE JOHNSON

**Criminal Court for Davidson County
No. 2012D3548**

No. M2014-01494-SC-R11-CD

ORDER

Upon consideration of the application for permission to appeal of Freddie Lee Johnson and the record before us, the application is granted and remanded to the trial court for the limited purpose of entry of corrected judgments. The judgment for Count One states the conviction offense as first degree murder, but the jury returned a verdict of second degree murder. The judgment order for Count One should be corrected to show a conviction offense of second degree murder and to reflect the 25-year sentence imposed by the jury. The judgment order should also note in the “Special Conditions” section that Count One merged into Count Two.

The judgment order in Count Two notes the conviction offense as second degree murder and a sentence of 25 years. But the jury convicted the defendant, as charged, of felony murder and imposed a life sentence. The judgment should be amended to reflect a conviction for felony murder and a life sentence. The order should also reflect under “Special Conditions” that Count One merged into Count Two.

PER CURIAM

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

DARRYL F. BRYANT, SR. v. DARRYL F. BRYANT, JR.

**Chancery Court for Davidson County
No. 141059I**

No. M2014-02379-SC-R11-CV

ORDER

Upon consideration of the application for permission to appeal of Darryl F. Bryant, Jr. 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 JACKSON

ALLEN RIGGS v. RICHARD B. WRIGHT, ET AL.

**Circuit Court for Shelby County
No. CT00445014**

No. W2015-00677-SC-R11-CV

ORDER

Upon consideration of the application for permission to appeal of Allen Riggs and the record before us, the application is granted. The Court of Appeals' judgment of dismissal is vacated and the case is remanded to the Court of Appeals to consider the appeal on its merits.

Rule 58 of the Tennessee Rules of Civil Procedure governs the entry of judgments. In this case, the trial court modified the proposed order of dismissal submitted by the defendants' counsel. The applicable provision of Rule 58, therefore, is subsection (3). Pursuant to that subsection, the order of dismissal was required to contain both the signature of the judge and the certificate of the clerk before the order could be properly filed and effective. The trial judge signed the order of dismissal on March 11, 2015, and the clerk filed the order on that date. However, the certificate of the clerk was either not added to the order or was not completed and dated until the following day, March 12, 2015. The order, therefore, was not properly filed and was not effective on March 11, 2015, pursuant to Rule 58. Rather, the order was effective, at the earliest, on March 12, 2015. Accordingly, the plaintiff's notice of appeal filed on April 13, 2015, was timely. *See* Tenn. R. App. P. 4(a), 21(a).

PER CURIAM