



Tennessee Supreme Court
DISCRETIONARY APPEALS
Grants & Denials List
January 16, 2017 - January 20, 2017

GRANTS

Style/Appeal Number	County/Trial Judge/ Trial Court No.	Intermediate Court	Supreme Court Action
<u>Nashville</u>			
STATE OF TENNESSEE v. LINDSEY BROOKE LOWE M2014-00472-SC-R11-CD	Sumner County Criminal Court Dee David Gay 2011CR834	Williams, John Everett: Affirm	Granted: Application of Lindsey Brooke Lowe; Order filed 1-18-17 (See Attached Order)
STATE OF TENNESSEE v. ANGELA FAYE DANIEL M2015-01073-SC-R11-CD	Williamson County Circuit Court Deanna B. Johnson IICR018524	Ogle, Norma McGee: Affirm	Granted: Application of State of Tennessee; Order filed 1-18-17 (See Attached Order)
RHONDA WILLEFORD, ET AL v. TIMOTHY P. KLEPPER, M.D., ET AL. M2016-01491-SC-R11-CV	Overton County Circuit Court Jonathan L. Young 2015CV7	Per Curiam: Case Dispositional Decision	Granted: Application of Rhonda Willeford, Order filed 1-18-17 (See Attached Order)

DENIALS

Style/Appeal Number	County/Trial Judge/ Trial Court No.	Intermediate Court	Supreme Court Action
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Nashville

STATE OF TENNESSEE v. ZAKKAWANDA ZAWUMBA MOSS M2014-00746-SC-R11-CD	Lincoln County Circuit Court Forest A. Durard, Jr. 13CR63	Ogle, Norma McGee: Affirm	Denied: Application of Zakkawanda Zawumba Moss, Order filed 1-19-17
ROBERT CLARK v. JOHN WERTHER, ET AL. M2014-00844-SC-R11-CV	Davidson County Circuit Court Carol Soloman 14C72	McBrayer, W. Neal: Affirmed in Part, Reversed in Part	Denied: Application of Robert Clark, Order filed 1-19-17
STATE OF TENNESSEE v. MARCUS THURMAN WADE M2014-01418-SC-R11-CD	Coffee County Circuit Court L. Craig Johnson 38622	Ogle, Norma McGee: Affirm	Denied: Application of Marcus Thurman Wade, Order filed 1-19-17
IN RE BECKWITH CHURCH OF CHRIST M2015-00085-SC-R11-CV	Wilson County Chancery Court Charles K. Smith 2014CV308	McBrayer, W. Neal: Affirm	Denied: Application of Steve D. Gibson, and Sara Worrell, Order filed 1-19-17
STATE OF TENNESSEE v. JOSEPH RICHARD FREDRICKSON M2015-01206-SC-R11-CD	Bedford County Circuit Court Franklin L. Russell 17926	Williams, John Everett: Affirm	Denied: Application of Joseph Richard Fredrickson, Order filed 1-19-17
STATE OF TENNESSEE v. CARMELO GONZALEZ-FONESCA M2015-01322-SC-R11-CD	Davidson County Criminal Court J. Randall Wyatt, Jr. 2014-A-144	Easter, Timothy L.: Affirm	Denied: App. of Carmelo Fonseca-Gonzalez, Order filed 1-19-17

STATE OF TENNESSEE v. MERVAN EYUP IBRAHIM M2015-01360-SC-R11-CD	Davidson County Criminal Court J. Randall Wyatt, Jr. 2012-D-3544	Thomas Jr., D. Kelly: Affirm	Denied: Application of Mervan Eyup Ibrahim, Order filed 1-19-17
STATE OF TENNESSEE v. GUY B. BERNAL M2015-01489-SC-R11-CD	Maury County Circuit Court Stella L. Hargrove 19492	Wedemeyer, Robert W.: Affirm	Denied: Application of Guy Bart Bernal, Order filed 1-19-17
LAVONTA LAVER CHURCHWELL v. STATE OF TENNESSEE M2015-01567-SC-R11-PC	Davidson County Criminal Court Seth W. Norman 2009A260	Ogle, Norma McGee: Affirmed as Modified	Denied: Application of Lavonta Laver Churchwell, Order filed 1-19-17
GREGORY STEPHEN EIDSON v. STATE OF TENNESSEE M2015-01657-SC-R11-HC	Sumner County Criminal Court Dee David Gay 3032012, 4102014	Wedemeyer, Robert W.: Affirm	Denied: Application of Gregory Stephen Eidson, Order filed 1-19-17
CHRISTY GAIL BOWMAN v. MOUNIR BENOUTTAS, ET AL. M2015-01723-SC-R11-CV	Coffee County Circuit Court Walter C Kurtz 40417	Clement, Jr., Frank G.: Affirm	Denied: Application of Christy Gail Bowman, Order filed 1-19-17

STATE OF TENNESSEE v. ALBERTO CONDE-
VALENTINO
M2015-01872-SC-R11-CD

Davidson County Criminal Court
J. Randall Wyatt, Jr.
2012-C-2035

Witt Jr., James Curwood: Affirm

Denied: Application of Alberto
Conde-Valentiono, Order filed
1-19-17

STATE OF TENNESSEE v. SHENEKIA M. PARKS
M2015-01888-SC-R11-CD

Rutherford County Circuit Court
David M. Bragg
F-72959

Dyer, J. Ross: Affirm

Denied: Application of Shenekia M.
Parks, Order filed 1-19-17

STATE OF TENNESSEE v. TRAVIS LINDSEY
M2015-01954-SC-R11-CD

Maury County Circuit Court
Stella L. Hargrove
22119

Montgomery Jr., Robert H.: Affirm

Denied: Application of Travis
Lindsey, Order filed 1-19-17

JOSEPH H. JOHNSTON v. TENNESSEE STATE
ELECTION COMMISSION, ET AL.
M2015-01975-SC-R11-CV

Davidson County Chancery Court
Carol L. McCoy
15890II

Bennett, Andy D.: Vacate

Denied: Application of Joseph
Howell Johnston, Order filed
1-19-17

TIMOTHY RICHARD SINGLETON v. STATE OF
TENNESSEE
M2015-02319-SC-R11-PC

Davidson County Criminal Court
Cheryl A. Blackburn
2013-B-1136

Thomas Jr., D. Kelly: Affirmed as
Modified

Denied: Application of Timothy
Richard Singleton, Order filed
1-19-17

TERRY K. KING, ET AL. v. STEPHEN S. KELLY
M2015-02376-SC-R11-CV

Davidson County Circuit Court
Kelvin D. Jones
14C3764

Stafford, J. Steven: Dismiss

Denied: Application of Terry K.
King and Roger A. King, Order
filed 1-19-17

TIMOTHY W. SPARROW v. STATE OF
TENNESSEE
M2016-00050-SC-R11-PC

Williamson County Circuit Court
Michael Binkley
CR037909

Witt Jr., James Curwood: Affirm

Denied: Application of Timothy
W. Sparrow, Order filed 1-19-17

STATE OF TENNESSEE v. JOSEPH A. COLWELL,
SR.
M2016-00130-SC-R11-CD

Maury County Circuit Court
Russell Parkes
23608

Easter, Timothy L.: Affirm

Denied: Application of Joseph A.
Colwell, Order filed 1-19-17

DAVID H. McCORD v. HCA HEALTH SERVICES OF TENNESSEE, INC. M2016-00240-SC-R11-CV	Davidson County Circuit Court Kelvin D. Jones 13C291	Dinkins, Richard H.: Affirm	Denied: Application of David H. McCord, Order filed 1-19-17
STATE OF TENNESSEE v. ERICKA ALICIA SMITH M2016-00286-SC-R11-CD	Davidson County Criminal Court Cheryl A. Blackburn 2014-B-1816	Easter, Timothy L.: Affirm	Denied: Application of Ericka Alicia Smith, Order filed 1-19-17
WILLIE JOHNSON v. TURNEY CENTER DISCIPLINARY BOARD, ET AL. M2016-00424-SC-R11-CV	Hickman County Chancery Court Joseph Woodruff 15CV5594	Clement Jr., Frank G.: Affirm	Denied: Application of Willie Johnson, Order filed 1-19-17
ERIC BEST v. TENNESSEE DEPARTMENT OF CORRECTIONS, ET AL. M2016-00513-SC-R11-CV	Davidson County Chancery Court Russell T. Perkins 151374IV	Armstrong, Kenny W.: Affirm	Denied: Application of Eric Best, Order filed 1-19-17
IN RE LUCIUS H. M2016-00534-SC-R11-JV	Wilson County Juvenile Court John Thomas Gwin 15JV725	Armstrong, Kenny W.: Affirm	Denied: Application of the father, Carmeron B., Order filed 1-19-17

STATE OF TENNESSEE v. TERRY L. BRAZZELL
M2016-00603-SC-R11-CD

Dickson County Circuit Court
David D. Wolfe
22CC-2013-CR-749

Witt Jr., James Curwood: Affirm

Denied: Application of Terry L. Brazzell, Order filed 1-19-17

MURRAY OWEN WILHOITE, JR. v. BRENDA RUTH WILHOITE, ET AL.
M2016-00848-SC-R11-CV

Williamson County Chancery Court
Joseph Woodruff
44827

Stafford, J. Steven: Affirm

Denied: Application of Murray Owen Wilhoite, Jr., Order filed 1-19-17

DEBORAH LACY v. MEHARRY GENERAL HOSPITAL, ET AL.
M2016-01477-SC-R11-CV

Davidson County Circuit Court
Thomas W. Brothers
16C-1053

Denied: Application of Deborah Lacy, Order filed 1-19-17

MILTON K. PERKINS v. STATE OF TENNESSEE
M2016-01539-SC-R11-PC

Davidson County Criminal Court
J. Randall Wyatt, Jr.
2001-A-534

Holloway Jr., Robert L., Wedemeyer, Robert W., Woodall, Thomas T.:
Case Dispositional Decision

Denied: Application of Milton Keith Perkins, Order filed 1-19-17

GREGORY HARPER v. TENNESSEE METAL
FABRICATING CORPORATION
M2016-01705-SC-R23-CV

U.S. District Court, Eastern District (West.
Div.)
Harry S. Mattice, Jr.
415cv51

Declined: Certification of following question of
law : (1) Whether Tenn. Code Ann. 50-1-201
grants an employee a private cause of action
against an employer. Order filed 1-20-17

Knoxville

STATE OF TENNESSEE v. ETHAN ALEXANDER
SELF
E2014-02466-SC-R11-CD

Hawkins County Criminal Court
Jon Kerry Blackwood
13CR154

Williams, John Everett: Affirm
Montgomery Jr., Robert H.: Concur
in Part/Dissent in Part

Denied: Application of Ethan
Alexander, Order filed 1-19-17

KIMBERLY E. LAPINSKY v. JANICE COOK ET AL
E2015-00735-SC-R11-CV

Sevier County Chancery Court
Telford E. Forgety, Jr.
141005

Swiney, D. Michael: Affirm

Denied: Application of
Kimberly E. Lapinsky, Order
filed 1-18-17

STATE OF TENNESSEE v. UNJOLEE TREMONE
MOORE
E2015-00942-SC-R11-CD

Hamilton County Criminal Court
Don W. Poole
280014

Williams, John Everett: Affirm

Denied: Application of Unjolee
Tremone Moore, Order filed
1-18-17

STATE OF TENNESSEE v. DEVONTAVIOUS
BRYANT
E2015-01187-SC-R11-CD

Hamilton County Criminal Court
Don W. Poole
286590

Holloway Jr., Robert L.: Affirm

Denied: Application of
Devontavious Bryant, Order
filed 1-19-17

DYRON NORM YOKLEY v. STATE OF
TENNESSEE
E2015-01386-SC-R11-PC

Hamilton County Criminal Court
Barry A. Steelman
283407

Montgomery Jr., Robert H.: Affirm

Denied: Application of Dyron
Norm Yokley, Order filed
1-19-17

IN RE: SAMUEL D., ET AL. E2015-01449-SC-R11-JV	Knox County 4th Circuit Court Gregory S. McMillan 128732	Swiney, D. Michael: Affirmed as Modified	Denied: Application of father, Matthew M., Order filed 1-18-17
MICHAEL FIELDS v. STATE OF TENNESSEE E2015-01850-SC-R11-PC	Sullivan County Criminal Court R. Jerry Beck C63643	McMullen, Camille R.: Affirm	Denied: Application of Michael David Fields, Order filed 1-19-17
DALLAS K. HURLEY, JR. v. RYAN B. PICKENS, M.D., ET AL. E2015-02089-SC-R11-CV	Knox County Circuit Court William T Ailor 2-262-15	Swiney, D. Michael: Affirm	Denied: Application of University Urology, P.C. and Ryan B. Pickens, M.D, Order filed 1-19-17
HITACHI CAPITAL AMERICA CORP v. COMMUNITY TRUST & BANKING COMPANY, ET AL. E2015-02121-SC-R11-CV	Hamilton County Chancery Court Pamela A Fleenor 10-0230	McClarty, John W.: Affirm	Denied: Application of Hitachi Capital America Corp., Order filed 1-19-17
STATE OF TENNESSEE v. ANITA MARIE STRICKLAND E2015-02195-SC-R11-CD	Monroe County Criminal Court Sandra Donaghy 14113	McMullen, Camille R.: Affirm	Denied: Application of Anita Marie Strickland, Order filed 1-19-17
IN RE DAMIAN M. E2015-02353-SC-R11-JV	Hamilton County Circuit Court John B Bennett 15D197	Clement Jr., Frank G.: Affirm	Denied: Application of Phyllis T., Order filed 1-19-17

IN RE DAMIAN M. E2015-02353-SC-R11-JV	Hamilton County Circuit Court John B Bennett 15D197	Clement Jr., Frank G.: Affirm	Denied: Application of Phyllis T., Order filed 1-19-17
JAMES A. LONG, ET AL. v. CHARLES D. LEDFOURD, ET AL. E2015-02440-SC-R11-CV	Unicoi County Circuit Court Jean A. Stanley 2015-CV-8130	Swiney, D. Michael: Affirm	Denied: Application of Charles D. Ledford, Order filed 1-19-17
STATE OF TENNESSEE v. JAMES RONALD ROLLINS E2016-00186-SC-R11-CD	Hamilton County Criminal Court Barry A. Steelman 182178	Ogle, Norma McGee: Affirm	Denied: Application of James Ronald Rollins, Order filed 1-19-17
JAMES A. LONG, ET AL. v. CHARLES D. LEDFOURD, ET AL. E2016-00451-SC-R11-CV	Unicoi County Circuit Court James E. Lauderback 2515-CV-8151	Stafford, J. Steven: Affirm	Denied: Application of Charles D. Ledford, Order filed 1-19-17
CAPITALMARK BANK & TRUST v. THOMPSON ROGERS & WILLIAMS PLLC E2016-01698-SC-R11-CV	Hamilton County Circuit Court Ward Jeffrey Hollingsworth 15C651	Per Curiam: Case Dispositional Decision	Denied: Application of Thompson, Rogers, & Williams, PLLC , Order filed 1-19-17
<u>Jackson</u>			
STATE OF TENNESSEE v. GUARY L. WALLACE W2015-00708-SC-R11-CD	Crockett County Circuit Court Clayburn Peebles 4325	Woodall, Thomas T.: Affirm	Denied: Application of Guary Wallace, Order filed 1-20-17

STATE OF TENNESSEE v. YTOCKIE FULLER aka YTEIKIE WASHINGTON W2015-00965-SC-R11-CD	Madison County Circuit Court Roy B. Morgan, Jr. 14399	Woodall, Thomas T.: Affirm	Denied: Application of Ytockie Fuller aka Yteikie Washington, Order filed 1-20-17
STATE OF TENNESSEE v. RAMON CURRY W2015-01083-SC-R11-CD	Shelby County Criminal Court James C. Beasley, Jr. 1301024	Wedemeyer, Robert W.: Affirm	Denied: Application of Ramon Curry, Order filed 1-19-17
KENNETH LEWIS v. STATE OF TENNESSEE W2015-01249-SC-R11-PC	Shelby County Criminal Court J. Robert Carter, Jr. 0900033	Williams, John Everett: Affirm	Denied: Application of Kenneth Lewis, Order filed 1-20-17
SCOTT B. PEATROSS, AS ADMINISTRATOR AD LITEM OF THE ESTATE OF DORIS BIRK v. GRACELAND NURSING CENTER, LLC, ET AL. W2015-01412-SC-R11-CV	Shelby County Circuit Court D'Army Bailey CT-002349-12	McClarty, John W.: Affirm	Denied: Application of Scott B. Peatross, Order filed 1-18-17
STATE OF TENNESSEE v. JEREMY JONES W2015-01528-SC-R11-CD	Shelby County Criminal Court Glenn Ivy Wright 13-02332	Glenn, Alan E.: Affirm	Denied: Application of Jeremy Jones, Order filed 1-20-17
STATE OF TENNESSEE v. TERRANCE STEPHENY W2015-01787-SC-R11-CD	Shelby County Criminal Court Chris Craft 13-05704	Glenn, Alan E.: Affirm	Denied: Application of Terrance Stepheny, Order filed 1-20-17

STATE OF TENNESSEE v. WILLIAM HEATH W2015-01837-SC-R11-CD	Shelby County Criminal Court Chris Craft 13-02933	Williams, John Everett: Affirm	Denied: Application of William Heath, Order filed 1-20-17
ANTONIO BONDS v. STATE OF TENNESSEE W2015-02393-SC-R11-PC	Shelby County Criminal Court John Wheeler Campbell 98-08055	Dyer, J. Ross: Affirm	Denied: Application of Antonio Bonds, Order filed 1-20-17
STATE OF TENNESSEE v. LEONARDO WILLIAMS W2015-02434-SC-R11-CD	Shelby County Criminal Court James C. Beasley, Jr. 06-01192, 09-00026	Holloway Jr., Robert L.: Affirm	Denied: Application of Leonardo D. Williams, Order filed 1-20-17
STEPHNY DENISE YOUNG, ET AL. v. RICHARD JORDAN MD, ET AL. W2015-02453-SC-R11-CV	Shelby County Circuit Court Rhynette N. Hurd CT-004445-11	Armstrong, Kenny W.: Reverse	Denied: Application of Stephny Denise Young and Ben Young, Order filed 1-20-17
RICKY WEBB v. STATE OF TENNESSEE W2016-00088-SC-R11-CO	Gibson County (Humboldt) Circuit Court J. Weber McCraw H-4374	Witt Jr., James Curwood: Dismiss	Denied: Application of Ricky Lee Webb, Order filed 1-20-17
ANDRE BLAND v. STATE OF TENNESSEE W2016-01641-SC-R11-PD	Shelby County Criminal Court W. Mark Ward P-20147	Glenn, Alan E., McMullen, Camille R., Williams, John Everett: Case Dispositional Decision	Denied: Application of Andre Bland, Order filed 1-20-17

GERALD POWERS v. STATE OF TENNESSEE
W2016-01882-SC-R11-PD

Shelby County Criminal Court
Carolyn W. Blackett
P-27411

Glenn, Alan E., McMullen, Camille
R., Williams, John Everett: Case
Dispositional Decision

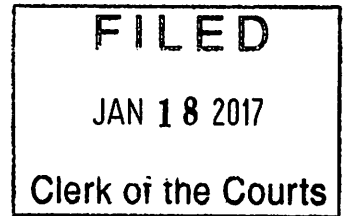
Denied: Application of Gerald
Powers, Order filed 1-20-17

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

STATE OF TENNESSEE v. ANGELA FAYE DANIEL

**Circuit Court for Williamson County
No. IICR018524**

No. M2015-01073-SC-R11-CD



ORDER

Upon consideration of the application for permission to appeal of the State of Tennessee and the record before us, the application is granted. In addition to the issues raised in the State's application for permission to appeal, the Court is interested in briefing and argument of the question whether the good faith exception adopted in *State v. Lemaricus Devall Davidson*, No. E2013-00394-SC-DDT-DD, 2016 WL 7339116 (Tenn. Dec. 19, 2016), should be expanded to include technical violations in the service of the search warrant when the search in question is otherwise constitutional. In addition, the parties should address the question whether the Exclusionary Rule Reform Act, Tenn. Code Ann. § 40-6-108, violates the Separation of Powers Clause in Article II of the Tennessee Constitution and is therefore unconstitutional.

The Clerk is directed to place this matter on the docket for oral argument upon the completion of briefing. This case shall be set on the same date, and immediately following the setting for *State v. Lindsey Brooke Lowe*, No. M2014-00472-SC-R11-CD.

PER CURIAM

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

STATE OF TENNESSEE v. LINDSEY BROOKE LOWE

**Criminal Court for Sumner County
No. 2011CR834**

FILED

JAN 18 2017

Clerk of the Courts

No. M2014-00472-SC-R11-CD

ORDER

Upon consideration of the application for permission to appeal of Lindsey Brooke Lowe and the record before us, the application is granted. In addition to the issues raised in Ms. Lowe's application for permission to appeal, the Court is interested in briefing and argument of the question whether the good faith exception adopted in *State v. Lemaricus Devall Davidson*, No. E2013-00394-SC-DDT-DD, 2016 WL 7339116 (Tenn. Dec. 19, 2016), should be expanded to include clerical errors made by the issuing magistrate when the search in question is otherwise constitutional. In addition, the parties should address the question whether the Exclusionary Rule Reform Act, Tenn. Code Ann. § 40-6-108, violates the Separation of Powers Clause in Article II of the Tennessee Constitution and is therefore unconstitutional.

The Clerk is directed to place this matter on the docket for oral argument upon the completion of briefing. This case shall be set on the same date, and immediately preceding the setting for *State v. Angela Faye Daniel*, No. M2015-01073-SC-R11-CD.

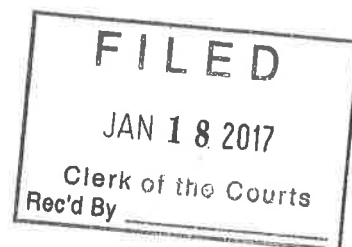
PER CURIAM

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

**RHONDA WILLEFORD, ET AL. v. TIMOTHY P. KLEPPER, M.D., ET AL. v.
STATE OF TENNESSEE**

**Circuit Court for Overton County
No. 2015CV7**

No. M2016-01491-SC-R11-CV



ORDER

Upon consideration of the application for permission to appeal of Rhonda Willeford 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