



Tennessee Supreme Court
DISCRETIONARY APPEALS
Grants & Denials List
October 20, 2014 - October 24, 2014

GRANTS

Style/Appeal Number	County/Trial Judge/ Trial Court No.	Appellate Judge/Judgment	Nature Of Appeal	Action
<u>Nashville</u>				
THE CHATTANOOGA-HAMILTON COUNTY HOSPITAL AUTHORITY, ET AL. v. UNITED HEALTHCARE PLAN OF THE RIVER VALLEY, INC., ET AL. M2013-00942-SC-R11-CV	Davidson County Chancery Court Carol L. McCoy 091253II	Cottrell, Patricia J.: Reversed	TRAP 11	Granted: Application of United Healthcare Plan of the River Valley, Inc. d/b/a Americhoice and Tennessee Attorney General, Order filed 10-23-14 (Please See Attached Order)
STEPHEN MICHAEL WEST, ET AL. v. DERRICK D. SCHOFIELD, ET AL. M2014-00320-SC-R11-CV	Davidson County Chancery Court Claudia Bonnyman 131627I	McBrayer, W. Neal: Affirmed	TRAP 11	Granted: Application of Appellants/Defenda nts, Derrick D. Schofield, et al,

Order filed 10-21-14
(Please See
Attached Order)

Knoxville

MORTGAGE ELECTRONIC REGISTRATION SYSTEMS,
INC. v. CARLTON J. DITTO, ET AL
E2012-02292-SC-R11-CV

Hamilton County Chancery Court
W. Frank Brown, III
120058

McClarty, John W.: Affirmed

TRAP 11

Granted:
Application of
Mortgage Electronic
Registration Sys,
Inc. & Carlton J.
Ditto,
Granted:Motion for
admis. pro hac vice
Atty. JoAnn T.
Sandifer, Order
filed 10-20-14
(Please See

STATE OF TENNESSEE v. TERENCE FEASTER
E2012-02636-SC-R11-CD

Knox County Criminal Court
Jon Kerry Blackwood
97484

Page, Roger A.: Affirmed
Tipton, Joseph M.: Concur in
Part/Dissent in Part

TRAP 11

Granted:
Application of
Terrence Feaster

Order filed 10-24-14
(Please See
Attached Order)

STATE OF TENNESSEE v. THOMAS LEE HUTCHISON E2012-02671-SC-R11-CD	Knox County Criminal Court Jon Kerry Blackwood 88264	Page, Roger A.: Affirmed Tipton, Joseph M.: Concur in Part/Dissent in Part	TRAP 11	Granted: Application of Thomas Lee Hutchison, Order filed 10-20-14 (Please See Attached Order)
DAVID G. YOUNG v. CITY OF LAFOLLETTE, ET AL E2013-00441-SC-R11-CV	Campbell County Circuit Court John D. McAfee 14453	Frierson II, Thomas R.: Reversed	TRAP 11	Granted: Application of David G. Young, Order filed 10-22-14 (Please See Attached Order)
CLAYTON ARDEN v. KENYA I. KOZAWA, M.D., ET AL E2013-01598-SC-R11-CV	Monroe County Circuit Court J. Michael Sharp V12284S	Frierson II, Thomas R.: Affirmed in Part, Reversed in Part	TRAP 11	Granted: Application of Clayton Arden, Order filed 10-21-14 (Please See Attached Order)

DENIALS

Style/Appeal Number	County/Trial Judge/ Trial Court No.	Appellate Judge/Judgment	Nature Of Appeal	Action
<u>Nashville</u>				
IN RE ESTATE OF RANDALL BISSINGER M2011-02183-SC-R11-CV	Davidson County Circuit Court Hamilton V. Gayden, Jr. 06C2413	Cottrell, Patricia J.: Affirmed in Part, Reversed in Part	TRAP 11	Denied: Application of Aaron Bissinger and New Country Buffet and Shao Chai Chen, individually and d/b/a New Country Buffet Order filed 10-20-14
STATE OF TENNESSEE v. QUANYA PREWITT M2012-01627-SC-R11-CD	Davidson County Criminal Court Cheryl A. Blackburn 201248	Witt Jr., J. Curwood: Affirmed	TRAP 11	Dismissed: Application of Quanya Pewitt Order filed 10-20-14
STATE OF TENNESSEE v. ARTHUR RAY TURNER M2013-00277-SC-R11-CD	Davidson County Criminal Court Steve R. Dozier 95C1691	Wedemeyer, Robert W.: Affirmed	TRAP 11	Denied: Application of Arthur Ray Turner, Opinion of Court of Criminal

Appeals designated
"Not For Citation"
with Supreme Court
Rule 4(E)(1) Order
filed 10-22-14
(Corrected Order)

STATE OF TENNESSEE v. JOHN BRADFORD
ROBINSON
M2013-00726-SC-R11-CD

Giles County Circuit Court
Robert Lee Holloway, Jr.
15070, 15407, 15458

Wedemeyer, Robert W.: Affirmed

TRAP 11

Denied: Application
of John Bradford
Robinson

Order filed 10-22-14

STATE OF TENNESSEE v. WALTER LEE HICKS, JR.
M2013-01410-SC-R11-CD

Marshall County Circuit Court
Robert G. Crigler
2012CR160

Smith, Jerry L.: Affirmed

TRAP 11

Denied: Application
of Walter Lee Hicks,
Jr.

Order filed 10-22-14

MITCHELL FORD v. STATE OF TENNESSEE
M2013-01471-SC-R11-PC

Marshall County Circuit Court
Robert G. Crigler
12CR178

Williams, John Everett: Affirmed

TRAP 11

Denied: Application
of Mitchell Ford

Order filed 10-21-14

STATE OF TENNESSEE v. KEVIN HARDING M2013-01637-SC-R11-CD	Giles County Circuit Court Stella L. Hargrove 15653	Williams, John Everett: Affirmed in Part, Reversed in Part	TRAP 11	Denied: Application of Kevin Harding Order filed 10-21-14
STATE OF TENNESSEE v. JACQUELINE MARIE HIYAMA M2013-01838-SC-R11-CD	Williamson County Circuit Court James G. Martin, III IICR047192	Ogle, Norma McGee: Affirmed	TRAP 11	Denied: Application of Jacqueline Marie Hiyama Order filed 10-22-14
STATE OF TENNESSEE v. DARRELL RAY BEENE M2013-02098-SC-R11-CD	Davidson County Criminal Court Cheryl A. Blackburn 2013A542	Bivins, Jeffrey S.: Affirmed	TRAP 11	Denied: Application of Darrell Ray Beene Order filed 10-22-14
TIMOTHY ANTHONY BARBEE v. STATE OF TENNESSEE M2013-02123-SC-R11-PC	Davidson County Criminal Court J. Randall Wyatt, Jr. 201211143	Page, Roger A.: Affirmed	TRAP 11	Denied: Application of Timothy Anthony Barbee Order filed 10-22-14

KATHY D. PALMORE v. LINDA K. NEAL, ET AL. M2013-02153-SC-R11-CV	Wilson County Circuit Court C. L. Rogers 2013CV253	Rogers, J. Mark: Affirmed	TRAP 11	Denied: Application of Kathy D. Palmore Order filed 10-22-14
AVALON, ET AL. v. DILIP CHAUDHURI, ET AL. M2013-02346-SC-R11-CV	Williamson County Chancery Court Robbie T. Beal 41820	Bennett, Andy D.: Affirmed	TRAP 11	Denied: Application of Kilip and Kanika Chaudhuri Order filed 10-20-14
GERALD ROGERS EX REL. VICKY L. ROGERS v. PAUL JACKSON, ET AL. M2013-02357-SC-R11-CV	Rutherford County Circuit Court Royce Taylor 56605	Dinkins, Richard H.: Affirmed	TRAP 11	Denied: Application of Paul Jackson, M.D. & Gethsemane Cardiovascular Clinic, PLLC, OPN. of COA designated "Not For Citation" with Supreme Court R 4(E)(1), Order filed 10-22-14(Corrected

Knoxville

STATE OF TENNESSEE v. HOWARD BRACKSON CARRIER E2013-00247-SC-R11-CD	Sullivan County Circuit Court R. Jerry Beck S56158	Page, Roger A.: Affirmed in Part, Vacated in Part	TRAP 11	Denied: Application of Howard Brackson Carrier Order filed 10-20-14
TOMMY JOE OWENS v. STATE OF TENNESSEE E2013-01134-SC-R11-PC	Campbell County Circuit Court E. Shayne Sexton 15088	Ogle, Norma McGee: Affirmed	TRAP 11	Denied: Application of Tommy Joe Owens Order filed 10-22-14
STATE OF TENNESSEE v. GEVON PATTON E2013-01355-SC-R11-CD	Hamblen County Circuit Court John F. Dugger, Jr. 08CR425	Page, Roger A.: Affirmed	TRAP 11	Denied: Application of Gevon Cortez Patton Order filed 10-22-14
LOU WADLEY v. LEONARD ROWE E2013-01388-SC-R11-CV	Hamilton County Circuit Court L. Marie Williams 13C360	Frierson II, Thomas R.: Affirmed	TRAP 11	Denied: Application of Leonard Rowe Order filed 10-20-14

GEORGE HUTSELL v. JEFF KENLEY E2013-01837-SC-R11-CV	Hamblen County Circuit Court Thomas J. Wright 10CV155	Frierson II, Thomas R.: Affirmed in Part, Vacated in Part	TRAP 11	Denied: Application of George Hutsell Order filed 10-22-14
CITY OF GATLINBURG v. STUART H. KAPLOW, ET AL. E2013-01941-SC-R11-CV	Sevier County Chancery Court Telford E. Forgety, Jr. 127311	Frierson II, Thomas R.: Affirmed	TRAP 11	Denied: Application of Stuart H. Kaplow, et al Order filed 10-22-14
STATE OF TENNESSEE v. ELMUS TRAVIS GAYLOR E2013-02649-SC-R11-CD	Campbell County Circuit Court E. Shayne Sexton 13267	Bivins, Jeffrey S.: Affirmed	TRAP 11	Denied: Application of Elmus Travis Gaylor Order filed 10-20-14
MARCUS CHANCE JOHNSON, ET AL. v. ST. MARY'S MEDICAL CENTER, INC. E2014-00817-SC-R11-CV	Knox County Circuit Court Harold Wimberly, Jr. 253305	McClarty, John W., Susano Jr., Charles D., Swiney, D. Michael: Case Dispositional Decision	TRAP 11	Denied: Application of Marcus Chance Johnson, et al. Order filed 10-22-14

GORA WATTS, ET AL. v. CITY OF KNOXVILLE, ET AL. E2014-00876-SC-R11-CV	Campbell County Circuit Court John D. McAfee 14997	Frierson II, Thomas R., McClarty, John W., Swiney, D. Michael: Case Dispositional Decision	TRAP 11	Denied: Application of Jonathan Chadwell Order filed 10-20-14
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Jackson

TIM SMITH v. STATE OF TENNESSEE W2013-00432-SC-R11-PC	Shelby County Criminal Court W. Mark Ward 1100146	Thomas Jr., D. Kelly: Affirmed	TRAP 11	Dismissed: Application of Tim Smith Order filed 10-20-14
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DARIUS JONES v. STATE OF TENNESSEE W2013-01004-SC-R11-PC	Shelby County Criminal Court J. Robert Carter, Jr. 0104380	Woodall, Thomas T.: Affirmed	TRAP 11	Denied: Application of Darius Jones Order filed 10-20-14
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STATE OF TENNESSEE v. JERMAINE DAVIS W2013-01123-SC-R11-CD	Shelby County Criminal Court James C. Beasley, Jr. 1008139	Wedemeyer, Robert W.: Affirmed	TRAP 11	Denied: Application of Jermaine Davis, Motion for Court to waive the requirement of Tenn. Sup. Ct. R. 4(H) filed by Jermaine Davis is Granted, Order filed
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DELORES BLACKMON, ET AL. v. ILLINOIS CENTRAL RAILROAD COMPANY, ET AL. W2013-01605-SC-R11-CV	Madison County Circuit Court Roy B. Morgan, Jr. C08280	Highers, Alan E.: Reversed	TRAP 11	Denied: Application of Illinois Central Railroad, Opinion of the Court of Criminal Appeals designated "Not For Citation" with Supreme Court Rule 4(E)(1), Order filed 10-20-14
STATE OF TENNESSEE v. BILLY JOE HARRIS W2013-02310-SC-R11-CD	Obion County Circuit Court William B. Acree CC13CR107	McMullen, Camille R.: Affirmed	TRAP 11	Denied: Application of Billy Joe Harris Order filed 10-20-14
WILSON R. VASCONEZ v. SHELBY COUNTY, TENNESSEE, ET AL. W2013-02870-SC-R11-CV	Shelby County Circuit Court Robert Samual Weiss CT00429610	Stafford, J. Steven: Affirmed in Part, Reversed in Part	TRAP 11	Denied: Application of Wilson R. Vasconez Order filed 10-22-14

JEWEL JARRETT, ET AL. v. KILGORE FLARES
COMPANY, LLC
W2014-01257-SC-R10-CV

Hardeman County Circuit Court
J. Weber McCraw
2011CV34

Per Curiam: Case Dispositional
Decision

TRAP 10 (from
Interm. Court)

Denied: Application
of Kilgore Flares
Company, LLC

Order filed 10-22-14

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

**THE CHATTANOOGA-HAMILTON COUNTY HOSPITAL AUTHORITY,
ET AL. V. UNITED HEALTHCARE PLAN OF THE RIVER VALLEY,
INC., ET AL.**

**Chancery Court for Davidson County
No. 091253II**

No. M2013-00942-SC-R11-CV

ORDER

Upon consideration of the application for permission to appeal of United Healthcare Plan of the River Valley, Inc. d/b/a Americhoice and Tennessee Attorney General and the record before us, both applications are 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

STEPHEN MICHAEL WEST, ET AL. v. DERRICK D. SCHOFIELD, ET AL.

**Chancery Court for Davidson County
No. 131627I**

No. M2014-00320-SC-R11-CV

ORDER

Upon consideration of the application for permission to appeal of the Appellants/Defendants, Derrick D. Schofield, et al., and the record before us, the application is granted.

This matter is hereby expedited and shall be set for oral argument on the Court's docket in Nashville on December 18, 2014, at 1 p.m.

The parties may file supplemental briefs. Any supplemental brief filed by the Appellants/Defendants shall be due on or before November 17, 2014. Any supplemental brief filed by the Appellees/Plaintiffs shall be due on or before December 12, 2014.

In addition to the original copy and other required copies of any filing, an electronic copy of the filing shall be submitted to the Clerk of the Supreme Court at the time of the filing by e-mail, in Adobe .pdf format. Copies of all filings shall be served upon the opposing attorney of record contemporaneously with their filing, either by hand delivery, facsimile, or e-mail.

PER CURIAM

IN THE SUPREME COURT OF TENNESSEE
AT KNOXVILLE

**MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. v.
CARLTON J. DITTO ET AL.**

**Chancery Court for Hamilton County
No. 120058**

No. E2012-02292-SC-R11-CV

ORDER

Upon consideration of the applications for permission to appeal of Mortgage Electronic Registration Systems, Inc. and Carlton J. Ditto, and the record before us, the applications are granted.

The motion for admission pro hac vice of attorney JoAnn T. Sandifer filed by Mortgage Electronic Registration Systems, Inc. is found to be properly supported and granted.

The joint motion of American Land Title Association, the Tennessee Mortgage Bankers Association, and the Tennessee Bankers Association for leave to file an amicus brief in support of Mortgage Electronic Registration Systems, Inc. is also 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. TERRENCE FEASTER

**Criminal Court for Knox County
No. 97484**

No. E2012-02636-SC-R11-CD

ORDER

Upon consideration of Terrence Feaster's application for permission to appeal and the record before us, the application is granted. Because Mr. Feaster is indigent, the Court hereby appoints Steven Ross Johnson, 606 West Main Street, Suite 300, Knoxville, TN 37902, as counsel of record. In addition to the issues raised by the parties, the supplemental briefs filed by the parties shall address the following issue: whether the convictions for attempted voluntary manslaughter and aggravated assault should have been merged under due process principles.

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. THOMAS LEE HUTCHISON

**Criminal Court for Knox County
No. 88264**

No. E2012-02671-SC-R11-CD

ORDER

Upon consideration of the application for permission to appeal of Thomas Lee Hutchison and the record before us, the application is granted.

Among the issues raised in the Tenn. R. App. P. 11 application and answer thereto, the Court is particularly interested in the following two issues:

(1) whether the Court of Criminal Appeals erred in upholding the trial court's admission of an autopsy report prepared by Dr. Sandra Elkins during the testimony of Dr. Darinka Mileusnic-Polchan; and

(2) whether the Court of Criminal Appeals erred in applying the inevitable discovery doctrine to the search of the Defendant's home.

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

DAVID G. YOUNG v. CITY OF LAFOLLETTE, ET AL

**Circuit Court for Campbell County
No. 14453**

No. E2013-00441-SC-R11-CV

ORDER

Upon consideration of the application for permission to appeal of David G. Young 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

CLAYTON ARDEN v. KENYA I. KOZAWA, M.D. ET AL

**Circuit Court for Monroe County
No. V12284S**

No. E2013-01598-SC-R11-CV

ORDER

Upon consideration of the application for permission to appeal of Clayton Arden 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