



Tennessee Supreme Court
DISCRETIONARY APPEALS
Grants & Denials List
August 12, 2019 - August 16, 2019

GRANTS

Style/Appeal Number	County/Trial Judge/ Trial Court No.	Intermediate Court	Supreme Court Action
<u>Nashville</u>			
STATE OF TENNESSEE v. NAPOLEON ALEXANDER BRYAN M2017-00142-SC-R11-CD	Bedford County Circuit Court Franklin L. Russell 17859	Easter, Timothy L., Per Curiam, Wedemeyer, Robert W., Woodall, Thomas T.: Case Dispositional Decision	Granted and Remanded : Application of State of Tennessee Order filed 8-16-19 (See Attached Order)
IN RE: CUMBERLAND BAIL BONDING M2017-02172-SC-R11-CD	Van Buren County Circuit Court Larry B. Stanley, Jr. 88CC1-2008-CV-1383	Glenn, Alan E.: Reverse	Granted: Application of State of Tennessee Order filed 8-16-19 (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. TIMOTHY LERON
BROWN
M2017-00904-SC-R11-CD

Davidson County Criminal Court
Steve R. Dozier
2013-A-365

Williams, John Everett: Affirm in Part

Denied: Application of Timothy
Leron Brown

Order filed 8-15-19

LARRY BECKWITH, ET AL. v. LBMC, P. C., ET AL.
M2017-00972-SC-R11-CV

Williamson County Circuit Court
Michael Binkley
2016-40

McBrayer, W. Neal: Affirm in Part

Denied: Application of LBMC, PC

Order filed 8-15-19

STATE OF TENNESSEE v. BOBBY EUGENE
BLAYLOCK
M2017-02136-SC-R11-CD

Cheatham County Circuit Court
David D. Wolfe
18305

Holloway Jr., Robert L.: Affirm

Denied: Application of Bobby
Eugene Blaylock

Order filed 8-15-19

CHRISTOPHER LEE SHAW v. STATE OF
TENNESSEE
M2017-02379-SC-R11-PC

Davidson County Criminal Court
Cheryl A. Blackburn
2011-A-15

Holloway Jr., Robert L.: Affirm

Denied: Application of
Christopher Lee Shaw

Order filed 8-15-19

DAVID B. STARKEY v. WELLS FARGO BANK,
N.A.
M2018-00049-SC-R11-CV

Rutherford County Chancery Court
Howard W. Wilson
13CV-26

Bennett, Andy D.: Affirm

Denied: Application of David B.
Starkey

Order filed 8-14-19

ERNEST HOBBS v. RUSSELL L. LEONARD ET AL.
M2018-00317-SC-R11-CV

Coffee County Circuit Court
Vanessa Jackson
43271

Bennett, Andy D.: Affirm
Dinkins, Richard H.: Concur

Denied: Application of Russell L.
Leonard

Order filed 8-14-19

BARRY L. CLARK v. MARK GWYN ET AL.
M2018-00655-SC-R11-CV

Davidson County Chancery Court
Claudia Bonnyman
16-1035-I

Bennett, Andy D.: Affirm

Denied: Application of Barry L.
Clark

Order filed 8-15-19

STATE OF TENNESSEE v. JAMES LUCAS GREEN
M2018-00683-SC-R11-CD

Maury County Circuit Court
Stella L. Hargrove
25195

Wedemeyer, Robert W.: Affirm

Denied: Application of James
Lucas Green, Opinion of the
Court of Criminal Appeals
designated "Not For Citation"
accordance with Supreme Court
Rule 4(E)

Order filed 8-15-19 (See Attached
Order)

STATE OF TENNESSEE v. SHANNON JAMES
KEENER
M2018-00730-SC-R11-CD

Davidson County Criminal Court
Steve R. Dozier
2017-A-469

Ogle, Norma McGee: Affirm

Denied: Application of Shannon
James Keener

Order filed 8-14-19

STATE OF TENNESSEE v. DAVERSEA A. FITTS
M2018-00750-SC-R11-CD

Sumner County Criminal Court
Dee David Gay
219-2015

Wedemeyer, Robert W.: Affirm

Denied: Application of Daversea
Armen Fitts

Order filed 8-15-19

ASHLEY MAI COOK v. STATE OF TENNESSEE
M2018-01149-SC-R11-ECN

Bedford County Circuit Court
Forest A. Durard, Jr.
16258

Witt Jr., James Curwood: Affirm

Denied: Application of Ashley
Mai Cook

Order filed 8-15-19

STATE OF TENNESSEE v. JUAN L. PERRY
M2018-01960-SC-R11-CD

Maury County Circuit Court
Russell Parkes
13103

Easter, Timothy L., Wedemeyer,
Robert W., Woodall, Thomas T.:
Case Dispositional Decision

Denied: Application of Juan
LaSean Perry

Order filed 8-15-19

NITA GRAVES v. JACK VICTOR MILLER
M2019-00059-SC-R11-CV

Rutherford County Chancery Court
Howard W. Wilson
16-CV-1768

Per Curiam: Case Dispositional
Decision

Denied: Application of Jack Victor
Miller

Order filed 8-14-19

SIMONS PROPERTIES, LLC v. 121 FLATS, LLC
M2019-00813-SC-R11-CV

Davidson County Chancery Court
Ellen H. Lyle
18-1246-III

Per Curiam: Case Dispositional
Decision

Denied: Application of 121 Flats,
LLC

Order filed 8-14-19

Knoxville

VIC DAVIS CONSTRUCTION INC v. LAUREN
ENGINEERS & CONSTRUCTORS INC
E2017-00844-SC-R11-CV

Hawkins County Chancery Court
Douglas T. Jenkins
2014-CH-99

McBrayer, W. Neal: Affirm

Denied: Application of Vic Davis
Construction, Inc.

Order filed 8-14-19

JANELLA L MCCANTS v. JACINTA L MCGAVOCK
ET AL.
E2017-01712-SC-R11-CV

Hamilton County Chancery Court
Pamela A Fleenor
15-0286

McClarty, John W.: Affirm

Denied: Application of Janella L.
McCants

Order filed 8-14-19

AUDRA SNAPP OLINGER v. TRAVIS JACKSON
OLINGER
E2017-02133-SC-R11-CV

Bradley County Circuit Court
J. Michael Sharp
V-16-176

Susano Jr., Charles D.: Affirm
Swiney, D. Michael: Dissent in Part

Denied: Application of Travis
Jackson Olinger

Order filed 8-14-19

STATE OF TENNESSEE v. ANTONIO THOMAS
E2017-02378-SC-R11-CD

Knox County Criminal Court
G. Scott Green
110006

Witt Jr., James Curwood: Affirm

Denied: Application of Antonio
Thomas

Order filed 8-14-19

ADAM NICHOLAS WALLACE v. STATE OF
TENNESSEE
E2017-02481-SC-R11-PC

Scott County Criminal Court
E. Shayne Sexton
11178

Woodall, Thomas T.: Affirm

Denied: Application of Adam
Nicholas Wallace

Order filed 8-14-19

JAMES DELLINGER v. STATE OF TENNESSEE
E2018-00135-SC-R11-ECN

Blount County Circuit Court
David Reed Duggan
C-24583

Woodall, Thomas T.: Affirm

Denied: Application of James
Anderson Dellinger

Order filed 8-14-19

BILL SHANNON WILSON v. STATE OF
TENNESSEE
E2018-00299-SC-R11-PC

Campbell County Criminal Court
E. Shayne Sexton
17130

Witt Jr., James Curwood: Affirm

Denied: Application of Bill
Shannon Wilson

Order filed 8-14-19

STATE OF TENNESSEE v. CHAD EDWARD
MASSENGALE
E2018-00387-SC-R11-CD

Hamilton County Criminal Court
Don W. Poole
298603

Witt Jr., James Curwood: Affirm

Denied: Application of Chad
Edward Massengale

Order filed 8-14-19

STATE OF TENNESSEE v. CHOLLY DEMARCUS HARRIS E2018-00534-SC-R11-CD	Knox County Criminal Court Steven Wayne Sword 92103, 95667	Ogle, Norma McGee: Affirm	Denied: Application of Cholly Demarcus Harris Order filed 8-14-19
PAUL MCMILLIN v. REALTY EXECUTIVES ASSOCIATES INC. ET AL. E2018-00769-SC-R11-CV	Knox County Circuit Court Kristi M. Davis 1-422-15	Swiney, D. Michael: Affirm	Denied: Application of Paul McMillin Order filed 8-15-19
STATE OF TENNESSEE v. JAMICHAEL DEWAYNE KEITH E2018-00851-SC-R11-CD	Knox County Criminal Court Steven Wayne Sword 111959	Glenn, Alan E.: Affirm	Denied: Application of Jamichael Dewayne Keith Order filed 8-15-19
VOLHA PURSWANI v. KRISH PURSWANI E2018-01029-SC-R11-CV	Hawkins County Circuit Court Beth Boniface CC-17-CV-200, CC-17-CV-292	Frierson II, Thomas R.: Affirm	Denied: Application of Krish Purswani Order filed 8-14-19
RAFIA N KHAN ET AL. v. REGIONS BANK E2018-01173-SC-R11-CV	Knox County Chancery Court Clarence E. Pridemore, Jr. 173193-2	Susano Jr., Charles D.: Modify	Denied: Application of Rafia N. Khan and Regions Bank Order filed 8-14-19

DWAYNE COCHRAN v. TOWN OF
JONESBOROUGH, TENNESSEE
E2018-01512-SC-R11-CV

Washington County Circuit Court
James E. Lauderback
37569

Stafford, J. Steven: Affirm

Denied: Application of Dwayne
Cochran

Order filed 8-14-19

STATE OF TENNESSEE v. CHARLES LESTER
WILLIAMS
E2019-00157-SC-R11-CD

Union County Criminal Court
E. Shayne Sexton
5021

Ogle, Norma McGee, Thomas Jr., D.
Kelly, Witt Jr., James Curwood: Case
Dispositional Decision

Denied: Application of Charles
Lester

Order filed 8-14-19

JOSHUA HILL ET AL. v. ANDREW CONDREY ET
AL.
E2019-00737-SC-R11-CV

Hamilton County Circuit Court
Ward Jeffrey Hollingsworth
14C967

Per Curiam: Case Dispositional
Decision

Denied: Application of Estate of
Andrea Condrey

Order filed 8-14-19

Jackson

STATE OF TENNESSEE v. DONTE LAVON
GREEN
W2018-00092-SC-R11-CD

Madison County Circuit Court
Donald H. Allen
17-221

Williams, John Everett: Affirm

Denied: Application of Donte
Lavon Green

Order filed 8-16-19

STATE OF TENNESSEE v. SHARRAD SHARP W2018-00156-SC-R11-CD	Shelby County Criminal Court Carolyn W. Blackett 15-00284	Ogle, Norma McGee: Affirm in Part	Denied: Application of Sharrad Sharp Order filed 8-16-19
STATE OF TENNESSEE v. DAVID MACK BREWER W2018-00241-SC-R11-CD	Hardin County Circuit Court Charles C. McGinley 17-CR-22	Woodall, Thomas T.: Reverse	Denied: Application of David Mack Brewer Order filed 8-16-19
LASHUN GRAY v. STATE OF TENNESSEE W2018-01262-SC-R11-PC	Shelby County Criminal Court James M. Lammey 10-00629	Holloway Jr., Robert L.: Affirm	Denied: Application of Lashun Gray Order filed 8-16-19
EVANGELINE WEBB ET AL. v. MILTON E. MAGEE JR. ET AL. W2018-01305-SC-R11-CV	Shelby County Circuit Court Robert Samual Weiss CT-002555-15	McClarty, John W.: Affirm	Denied: Application of Evangeline Webb Order filed 8-16-19
PEOPLE OF THE STATE OF TENNESSEE v. ANDREW HODGE W2019-00835-SC-R11-CO	Shelby County Criminal Court Glenn Ivy Wright 09-05313	Per Curiam: Case Dispositional Decision	Denied: Application of Andrew Hodge Order filed 8-16-19

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

FILED

08/16/2019

Clerk of the
Appellate Courts

STATE OF TENNESSEE v. NAPOLEON ALEXANDER BRYAN

**Circuit Court for Bedford County
No. 17859**

No. M2017-00142-SC-R11-CD

ORDER

Upon consideration of the application for permission to appeal of State of Tennessee and the record before us, the application is granted for the limited purpose of review in light of this Court's recent decision in *State v. Hassan Falah Al Mutory*, No. M2017-00346-SC-R11-CD (Tenn. Aug. 7, 2019).

The defendant died during the pendency of his case on appeal to the Court of Criminal Appeals, and the defendant's counsel moved to abate the defendant's case ab initio. The Court of Criminal Appeals granted the motion and abated the case ab initio. This Court recently abandoned the doctrine of abatement ab initio in *Al Mutory*. Because there is no evidence before this Court that any interest would benefit from allowing the deceased defendant's appeal to continue, we dismiss the defendant's appeal as of right.

Therefore, the judgment of the Court of Criminal Appeals is reversed, the appeal as of right is dismissed, and the judgment of the trial court is reinstated.

The costs of this appeal are taxed to the State of Tennessee for which execution may issue if necessary.

PER CURIAM

LEE, J., concurring in part and dissenting in part

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

FILED

08/16/2019

Clerk of the
Appellate Courts

IN RE: CUMBERLAND BAIL BONDING

**Circuit Court for Van Buren County
No. 88CC1-2008-CV-1383**

No. M2017-02172-SC-R11-CD

ORDER

Upon consideration of the application for permission to appeal of State of Tennessee 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

FILED

08/15/2019

Clerk of the
Appellate Courts

STATE OF TENNESSEE v. JAMES LUCAS GREEN

**Circuit Court for Maury County
No. 25195**

No. M2018-00683-SC-R11-CD

ORDER

Upon consideration of the application for permission to appeal of James Lucas Green and the record before us, the application is denied.

The opinion of the Court of Criminal Appeals is designated “Not For Citation” in accordance with Supreme Court Rule 4, § E.

PER CURIAM