

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

Tuesday, February 18, 2014

GRANTS

STYLE/APPEAL NUMBER	COUNTY TRIAL JUDGE TRIAL COURT NO.	APPELLATE JUDGE JUDGMENT	NATURE OF APPEAL	ACTION
<u>Nashville</u>				
Aubry E. Givens v. The Vanderbilt University D/B/A Vanderbilt University Hospital Et Al M2013-00266-SC-R11-CV	Davidson County Circuit Court Judge Amanda Jane McClendon No. 10C2046	McClarty, J., Vacated	Rule 11	Granted: Application of The Vanderbilt University d/b/a Vanderbilt University Hospital and David Slosky  <i>Application is granted for the purpose of remanding the case to the Court of Appeals for reconsideration in light of Stevens v. Hickman Community Health Care, Inc., 2013 WL 615800 (Tenn Nov. 25, 2013)</i>  <i>(Please see attached order)</i>  (Order filed 2-12-14)

State of Tennessee v. Jeremy Wendell Thorpe M2012-02676-SC-R11-CD	Davidson County Criminal Court Judge Monte Watkins No. 2012-B-1224	Witt, J., Affirmed	Rule 11	<b>Granted:</b> Application of Jeremy Wendell Thorpe  <i>(Please see attached order)</i>  (Order Filed 2-11-14)
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**Knoxville**

First Community Bank, N. A. v. First Tennessee Bank, N.A. Et Al. E2012-01422-SC-R11-CV	Knox County Circuit Court Judge Wheeler A. Rosenbalm No. 347511	McClarty, J., Affirmed in Part, Reversed in Part	Rule 11	<b>Granted:</b> Application of First Tennessee Bank, N.A. , et al  <i>(Please see order attached)</i>  <i>Application for permission to appeal of First Community Bank f/k/a First Community Bank, N.A., is dismissed without prejudice</i>  <i>The motions filed by First Community Bank for admission pro hac vice of Pennsylvania attorneys Daniel P. Lynch and William J. Wyrick are granted</i>  (Order filed 2-12 -14)
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**Jackson**

State of Tennessee v. Curtis Keller W2012-01457-SC-R11-CD	Shelby County Criminal Court Judge Chris Craft No. 10-02756	Williams, J., Affirmed	Rule 11	<b>Granted:</b> Application of Curtis Keller  <i>The application is granted for the purpose of remanding the case to the Court of Criminal Appeals for reconsideration in light of State v. White, 362 S. W. 3d 559 (Tenn. 2012) and State v. Cecil, 409 S.W. 3d 599 (Tenn. 2013)</i>  <i>(Please see attached order)</i>  (Order filed 2-11-14)
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**SUPREME COURT OF TENNESSEE  
SUPREME COURT DISCRETIONARY APPEALS**

**Tuesday, February 18, 2014**

**DENIALS**

STYLE/APPEAL NUMBER	COUNTY TRIAL JUDGE TRIAL COURT NO.	APPELLATE JUDGE JUDGMENT	NATURE OF APPEAL	ACTION
<b><u>Nashville</u></b>				

John E. Allen, Jr. v. State of Tennessee M2012-01732-SC-R11-PC	Grundy County Circuit Court Judge Buddy D. Perry No. 3700	Bivins, J., Affirmed	Rule 11	<b>Denied:</b> Application of John E. Allen, Jr.  (Order filed 2-11-14)
AOL, Inc. Et Al. V. Richard Roberts, Commissioner of Revenue, State of Tennessee M2012-01937-SC-R11-CV	Davidson County Chancery Court Chancellor Russell T. Perkins Nos. 052337IV & 063097IV	Dinkins, J., Affirmed	Rule 11	<b>Denied:</b> Application of Richard Roberts, Commissioner of Revenue, State of Tennessee  (Order filed 2-13-14)
State of Tennessee v. Jonathan Dietz M2012-02560-SC-R11-CD	Putnum County Circuit Court Judge Leon C. Burns, Jr. No. 090983	Woodall, J., Affirmed	Rule 11	<b>Denied:</b> Application of Jonathan Dietz  (Order filed 2-12-14)
State of Tennessee v. Robert Wayne Garner M2011-02581-SC-R11-CD	Giles County Circuit Court Judge Jim Hamilton No. 15034	Summers, J., Affirmed	Rule 11	<b>Denied:</b> Application of Robert Wayne Garner  <i>The September 30, 2013 opinion of the Court of Criminal Appeals is designated "Not for Citation" in accordance with Supreme Court Rule 4(E)(1)</i>  (Order filed 2-12-14)
State of Tennessee v. Reginald Lamont Graham M2012-02379-SC-R11-CD	Davidson County Criminal Court Judge Monte Watkins No. 2011B1466	Witt, Jr., J. Affirmed	Rule 11	<b>Denied:</b> Application of Reginald Lamont Graham  (Order filed 2-12-14)
State of Tennessee v. Bobby Lee Robinson and Jamie N. Grimes M2009-02450-SC-R11-CD	Davidson County Criminal Court Judge Monte Watkins No. 2007B968	Wedemeyer, J., Affirmed by SC remanded in Robinson Appeal	Rule 11	<b>Denied:</b> Application of Jamie N. Grimes  (Order filed 2-12-14)

State of Tennessee v. Freeman Ray Harrison, Jr. M2011-01803-SC-R11-CD	Rutherford County Circuit Court Judge David M. Bragg No. F64778	Wedemeyer, J., Affirmed	Rule 11	<b>Denied:</b> Application of Freeman Ray Harrison, Jr.  <i>The opinion of the Court of Criminal Appeals is designated "Not For Citation" in accordance with Tennessee Supreme Court Rule 4(E)</i>  <i>However it is Ordered that the case is remanded to trial court for the limited purpose of entering corrected a judgement showing that the conviction for reckless endangerment is a misdemeanor</i>  (Order filed 2-12-14)
IBM Corporation v. Richard Roberts, Commissioner of Revenue, State of Tennessee M2012-01714-SC-R11-CV	Davidson County Chancery Court Chancellor Claudia Bonnyman No. 0921441	Cottrell, P.J., M.S., Reversed	Rule 11	<b>Denied:</b> Application of Richard Roberts, Commissioner of Revenue, State of Tennessee  (Order filed 2-13-14)
In Re: Lillian W. M2012-01450-SC-R11-CV	Warren County Circuit Court Senior Judge Ben H. Cantrell No. 4147	Cottrell, P.J., M.S. Vacated in part, Affirmed in part	Rule 11	<b>Denied:</b> Application of Sam W. And Melinda S.  (Order filed 2-13-14)
Brenda Reynalda Inzunza v. State of Tennessee M2011-02641-SC-R11-PC	Davidson County Criminal Court Judge Steve R. Dozier No. 96-D-2222	Glenn, J., Affirmed	Rule 11	<b>Denied:</b> Application of Brenda Reynalda Inzunza  (Order filed 2-13-14)
State of Tennessee v. Jeffery Kristopher King and Kasey Lynn King M2012-00201-SC-R11-CD	Rutherford County Circuit Court Judge Don R. Ash No. F63586D	Bivins, J., Affirmed	Rule 11	<b>Denied:</b> Application of Jeffrey Kristopher King and Kasey Lynn King  (Order filed 2-12-14)

Level 3 Communications v. Richard Roberts, Commissioner M2012-01085-SC-R11-CV	Davidson County Chancery Court Chancellor Russell T. Perkins No. 052266IV	Cottrell, P.J., M.S. Affirmed	Rule 11	<b>Denied:</b> Application of Richard Roberts, Commissioner of Revenue, State of Tennessee  (Order filed 2-13-14)
Rodzell Lamont Mason v. State of Tennessee M2013-02163-SC-R11-PC	Davidson County Criminal Court Judge Steve R. Dozier No. 2008A560	Woodall, J., Dismissed	Rule 11	<b>Denied:</b> Application of Rodzell Lamont Mason  (Order filed 2-12-14)
James L. Massingille v. G. Wayne Vandagriff M2012-01259-SC-R11-CV	Coffee County Circuit Court Judge L. Craig Johnson No. 37899	Dinkins, J., Affirmed in part, Vacated in part	Rule 11	Denied: Application of G. Wayne Vandagriff  (Order filed 2-13-14)
Christa Gail Pike v. State of Tennessee M2012-01640-SC-R11-PC	Davidson County Criminal Court Judge J. Randall Wyatt, Jr. No. 2002-D-2294	McMullen, J., Affirmed	Rule 11	<b>Denied:</b> Application of Christa Gail Pike  (Order filed 2-13-14)
State of Tennessee v. Bobby Lee Robinson and Jamie N. Grimes M2009-02450-SC-R11-CD	Davidson County Criminal Court Judge Monte Watkins No. 2007B968	Wedemeyer, J., Affirmed but Sc remanded in Robinson appeal	Rule 11	<b>Denied:</b> Application of Jamie N. Grimes  (Order filed 2-12-14)
Tiffany Shockley, Et Al v. Mental Health Cooperative, Inc. M2013-00494-SC-R11-CV	Davidson County Circuit Court Judge Hamilton Gayden No. 12C2509	Stafford, J., Affirmed	Rule 11	<b>Denied:</b> Application of Tiffany Shockley, et al  (Order filed 2-11-14)
Matthew W. Wambles v. State of Tennessee M2011-02381-SC-R11-PC	Houston County Circuit Court Judge Robert E. Burch No. 2009-CR-5210	Bivins, J., Affirmed	Rule 11	<b>Denied:</b> Application Matthew Wayne Wambles  (Order filed 2-13-14)

Jamiel Williams v. State of Tennessee M2013-01660-SC-R11-PC	Williamson County Circuit Court Judge Timothy Easter No. II-CR-081290	Woodall, Wedemeyer, Bivins, JJ., Permission to Appeal Denied	Rule 11	<b>Denied:</b> Application of Jamiel Williams  (Order filed 2-13-14)
Lesa C. Williams Et Al v. Renard A. Hirsch, Sr. M2012-01996-SC-R11-CV	Davidson County Chancery Court Judge Hamilton V. Gayden, Jr. No. 09425III	Farmer, J., Affirmed in Part, Reversed in Part	Rule 11	<b>Denied:</b> Application of Lesa C. Williams, Aundreas Smith, and Neal & Harwell, PIC, and Renard A. Hirsch, Sr.  (Order filed 2- -14)
<b><u>Knoxville</u></b>				
Troy Douglas Bartley v. State of Tennessee E2012-01881-SC-R11-PC	Sullivan County Criminal Court Judge Robert H. Montgomery, Jr. No. C59887	McMullen, J., Affirmed	Rule 11	<b>Denied:</b> Application of Troy D. Bartley  (Order filed 2-12-14)
State of Tennessee v. Josh L. Bowman E2012-00923-SC-R11-CD	Knox County Criminal Court Judge Jon Kerry Blackwood No. 92152A	Ogle, J., Affirmed in Part; Reversed in Part; Remanded	Rule 11	<b>Denied:</b> Application of Josh L. Bowman  (Order filed 2-11-14)
Verlin Ralph Durham v. David Sexton, Warden E2013-01175-SC-R11-HC	Johnson County Circuit Court Judge Robert E. Cupp No. 6231	Williams, J., Affirmed	Rule 11	<b>Denied:</b> Application of Verlin Ralph Durham  (Order filed 2-12-14)
Johnny L. Heitz v. State of Tennessee E2012-01171-SC-R11-PC	Sullivan County Criminal Court Judge Robert Montgomery No. C57965	Tipton, J., Affirmed	Rule 11	<b>Denied:</b> Application of Johnny L. Heitz  (Order filed 2-11-14)

Larry Keith Huddle v. State of Tennessee E2012-01903-SC-R11-PC	Sullivan County Circuit Court Judge Jerry Beck No. C59592	Williams, J., Affirmed	Rule 11	<b>Denied:</b> Application of Larry Keith Huddle  <i>Motion filed by Larry Keigh Huddle for appointment of counsel is also denied</i>  (Order filed 2-12-14)
State of Tennessee v. Jessica M. Myers E2012-01814-SC-R11-CD	Greene County Circuit Court Judge John F. Dugger, Jr. No. 09CR396	Williams, J., Affirmed	Rule 11	<b>Denied:</b> Application of Jessica M. Myers  (Order filed 2-12-14)
Christy D. Naillon v. State of Tennessee E2012-02174-SC-R11-PC	Sevier County Circuit Court Judge Richard R. Vance No. 16335-II	Bivins, J., Affirmed	Rule 11	<b>Denied:</b> Application of Christy D. Naillon  (Order filed 2-12-14)
Charles Nash v. State of Tennessee E2012-02511-SC-R11-PC	Hamilton County Criminal Court Judge Don W. Poole No. 277377	Bivins, J., Affirmed	Rule 11	<b>Denied:</b> Application of Charles Nash  (Order filed 2-12-14)
State of Tennessee v. William Robinette E2012-00640-SC-R11-CD	Greene County Circuit Court Judge John F. Dugger, Jr. No. 10CR211	Ogle, J., Affirmed in Part, Reversed in Part	Rule 11	<b>Denied:</b> Application of William Robinette  (Order filed 2-12-14)
State of Tennessee v. Ronnie Joe Stokes E2012-02153-SC-R11-CD	Cumberland County Circuit Court Judge David A. Patterson No. 110031	Glenn, J., Affirmed	Rule 11	<b>Denied:</b> Application of Ronnie Joe Stokes  (Order filed 2-12-14)
Richard Trehern v. State of Tennessee E2012-01475-SC-R11-PC	Hawkins County Circuit Court Judge John F. Dugger, Jr. No. 11CR317	Woodall, J., Affirmed	Rule 11	<b>Denied:</b> Application of Richard Trehern  (Order filed 2-12-14)

Wendolyn Walden v. State of Tennessee E2013-01165-SC-R11-PC	Sullivan County Circuit Court Judge Jerry Beck No. C62275	Wedemeyer, J., Affirmed	Rule 11	<b>Denied:</b> Application of Wendolyn Walden  (Order filed 2-12-14)
State of Tennessee v. Daniel Ward E2012-01419-SC-R11-CD	Campbell County Circuit Court Judge Shayne Sexton No. 14348	Witt, J., Affirmed in Part; Reversed in Part	Rule 11	<b>Denied:</b> Application of Daniel Ward  (Order filed 2-11-14)
<b><u>Jackson</u></b>				
State of Tennessee v. Kenneth Lee Anderson W2012-01039-SC-R11-CD	Dyer County Circuit Court Judge Russell Lee Moore, Jr. No. 11-CR-02	Thomas, Jr., Affirmed	Rule 11	<b>Denied:</b> Application of Kenneth Lee Anderson  (Order filed 2-11-14)
Jeffrey Matthew Brown v. Jennifer Lindsey (Williams) Brown W2013-00263-SC-R11-CV	Hardin County General Sessions Court Judge Ron Harmon No. 6888	Highers, P. J., W.S., Reversed in part; Vacated in part, Stafford, J., Dissenting	Rule 11	<b>Denied:</b> Jennifer Lindsey (Williams) Brown  (Order filed 2-12-14)
Belvedere Gardens Condominium Association, Inc. V. Ruby Johnson W2012-01015-SC-R11-CV	Shelby County Circuit Court Judge Jerry Stokes No. CT00298211	Highers, J., Dismissed	Rule 11	<b>Denied:</b> Application of Ruby Johnson  (Order filed 2-11-14)
State of Tennessee v. Brice Cook W2012-00406-SC-R11-CD	Shelby County Criminal Court Judge Lee Coffee No. 08-07496	Williams, J., Affirmed	Rule 11	<b>Denied:</b> Application of Brice Cook  (Order filed 2-11-14)

S.A.M.D. v. J.P.D. W2013-00314-SC-R11-CV	Shelby County Circuit Court Judge Donna M. Fields No. CT-005438-06	Stafford, J., Affirmed in Part; Reversed in Part; Remanded	Rule 11	<b>Denied:</b> Application of the mother  The opinion of the Court of Appeals is designated “Not For Citation” in accordance with Tennessee Supreme Court Rule 4(E)  (Order filed 2-11-14)
Corey Finley v. State of Tennessee W2012-02002-SC-R11-PC	Shelby County Criminal Court Judge W. Otis Higgs, Jr. No. 0305912	Smith, J., Affirmed	Rule 11	<b>Denied:</b> Application of Corey Finley  (Order filed 2-11-14)
State of Tennessee v. Robert Joseph Harr W2011-02735-SC-R11-CD	Carroll County Circuit Court Judge Donald E. Parish No. 10CR159	Page, J., Affirmed	Rule 11	<b>Denied:</b> Robert Joseph Harr  (Order filed 2-12-14)
Johnie Jefferson v. State of Tennessee W2012-01867-SC-R11-PC	Shelby County Criminal Court Judge James C. Beasley, Jr. No. P-26833	Glenn, J., Affirmed	Rule 11	<b>Denied:</b> Application of Johnie Jefferson  (Order filed 2-11-14)
State of Tennessee v. Darrell Johnson W2012-01467-SC-R11-CD	Shelby County Criminal Court Judge W. Otis Higgs, JR. No. 10-04679	Witt, Jr., J., Affirmed	Rule 11	<b>Denied:</b> Application of Darrell Johnson  (Order filed 2-12 -14)
State of Tennessee v. Jerome Johnson W2012-01754-SC-R11-CD	Shelby County Criminal Court Judge Lee V. Coffee No. 10-07575	McMullen, J., Affirmed	Rule 11	<b>Denied:</b> Application of Jerome Johnson  (Order filed 2-11-14)
State of Tennessee v. William Lanier W2011-01626-SC-R11-CD	Shelby County Criminal Court Judge James M. Lammey, Jr. No. 08-0359	Ogle, J., Affirmed	Rule 11	<b>Denied:</b> Application of William Lanier  (Order filed 2-11-14)

Pamela Moses v. Jayanta K. Dirghangi, MD W2011-02403-SC-R11-CV	Shelby County Circuit Court Judge Kay S. Robilio No. CT00028911	Stafford, J., Affirmed	Rule 11	<b>Denied:</b> Application of Pamela Moses  (Order filed 2-11-14)
Charles Williams v. State of Tennessee W2012-00635-SC-R11-PC	Shelby County Criminal Court Judge J. Robert Carter No. 0704461	Smith, J., Affirmed	Rule 11	<b>Denied:</b> Application of Charles Williams  (Order filed 2-11-14)
Tony Wolfe v. State of Tennessee W2012-00611-SC-R11-PC	Shelby County Criminal Court Judge James Beasley, Jr. No. 05-00559	Ogle, J., Affirmed	Rule 11	<b>Denied:</b> Application of Tony Wolfe  (Order filed 2-11-14)
Lewis Young v. State of Tennessee W2012-01057-SC-R11-PC	Shelby County Criminal Court Judge W. Mark Ward No. 10-01646	Glenn, J., Affirmed	Rule 11	<b>Denied:</b> Lewis Young  (Order filed 2-12-14)
Julia Young, On Behalf of the Estate of Cecil C. Young v. Lisa Kenned, M.D., and Methodist Health Systems W2012-00836-SC-R11-CV	Shelby County Circuit Court Judge John McCarroll No. CT-003278-02	Stafford, J., Affirmed and Remanded	Rule 11	<b>Denied:</b> Application of Julia Young  (Order filed 2-11-14)

IN THE SUPREME COURT OF TENNESSEE  
AT NASHVILLE

**AUBREY E. GIVENS v. THE VANDERBILT UNIVERSITY D/B/A VANDERBILT  
UNIVERSITY HOSPITAL ET AL.**

**Circuit Court for Davidson County  
No. 10C2046**

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**No. M2013-00266-SC-R11-CV**

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**ORDER**

Upon consideration of the application for permission to appeal of The Vanderbilt University d/b/a Vanderbilt University Hospital and David Slosky and the record before us, the application is granted for the purpose of remanding the case to the Court of Appeals for reconsideration in light of *Stevens v. Hickman Community Health Care, Inc.*, 2013 WL 615800 (Tenn. Nov. 25, 2013).

PER CURIAM

IN THE SUPREME COURT OF TENNESSEE  
AT NASHVILLE

**STATE OF TENNESSEE v. JEREMY WENDELL THORPE**

**Criminal Court for Davidson County  
No. 2012-B-1224**

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**No. M2012-02676-SC-R11-CD**

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**ORDER**

Upon consideration of the application for permission to appeal of Jeremy Wendell Thorpe, 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

**FIRST COMMUNITY BANK, N.A. v. FIRST TENNESSEE BANK, N.A. ET AL.**

**Circuit Court for Knox County  
No. 347511**

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**No. E2012-01422-SC-R11-CV**

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**ORDER**

Upon consideration of the application for permission to appeal of First Community Bank f/k/a First Community Bank, N.A., and the record before us, the application is dismissed without prejudice. The motions filed by First Community Bank for admission pro hac vice of Pennsylvania attorneys Daniel P. Lynch and William J. Wyrick are granted.

Upon consideration of the application for permission to appeal of First Tennessee Bank, N.A., and FTN Financial Securities Corp.; Keefe, Bruyette & Woods, Inc.; SunTrust Robinson Humphrey, Inc.; Merrill Lynch, Pierce, Fenner & Smith Incorporated, and Bank of America Corporation; J.P. Morgan Securities, LLC, and Bear, Stearns & Co., Inc.; and Morgan Keegan & Co., Inc., and the additional application for permission to appeal of Morgan Keegan & Co., Inc., and the record before us, the applications are granted and remanded to the Court of Appeals for consideration of the trial court's alternate basis of dismissal of First Community Bank's complaint, i.e., the failure to state a cause of action or state a claim for which relief can be granted (other than on the basis of the running of the applicable statutes of limitations or repose).

PER CURIAM

IN THE SUPREME COURT OF TENNESSEE  
AT JACKSON

**STATE OF TENNESSEE V. CURTIS KELLER**

**Criminal Court for Shelby County  
No. 1002756**

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**No. W2012-01457-SC-R11-CD**

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**ORDER**

Upon consideration of the application for permission to appeal of Curtis Keller and the record before us, the application is granted for the purpose of remanding the case to the Court of Criminal Appeals for reconsideration in light of *State v. White*, 362 S.W.3d 559 (Tenn. 2012) and *State v. Cecil*, 409 S.W.3d 599 (Tenn. 2013).

PER CURIAM