

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

**Monday, August 25, 2008**

**GRANTS**

STYLE/APPEAL NUMBER	COUNTY TRIAL JUDGE TRIAL COURT NO.	APPELLATE JUDGE JUDGMENT	NATURE OF APPEAL	ACTION
<b><u>Nashville</u></b>				
Bridgett Hill and Janece Wilson v. NHC Healthcare/Nashville, LLC, et al M2005-01818-SC-R11-CV	Davidson County Circuit Court Judge Walter C. Kurtz No. 03C-2808	Cottrell, J. Affirmed and Remanded (Clement, J. Concurred Separately)	Rule 11	<b>Granted</b> - Application of NHC Healthcare/Nashville, LLC, National Healthcare Corp.  <b>(Order Attached)</b>
Robin Lee Stanfill, et al v. John T. Mountain, et al M2006-01072-SC-R11-CV	Maury County Chancery Court Judge Stella L. Hargrove No. 10864	Blackwood, J. Affirmed	Rule 11	<b>Granted</b> - Application of Robin Lee Stanfill and Robyn Ann Stanfill  <b>(Order Attached)</b>
State of Tennessee v. Marcus Richards M2006-02179-SC-R11-CD	Williamson County Circuit Court Judge Timothy L. Easter No. II-CR-101400 A&B	Woodall, J. Reversed, Indictment Dismissed	Rule 11	<b>Granted</b> - Application of State of Tennessee  <b>(Order Attached)</b>

Robert H. Waldschmidt, Trustee v. Reassure America Life Insurance Company (In Re: McLean) M2008-01133-SC-R23-CQ	United States Bankruptcy Court for the Middle District of Tennessee No. 07-05054-GP3-7		Rule 23 Certified Question of Law	<b>Accepted and Set for Oral Argument on 10/1/08 -</b> (a) Whether Reassure America was excepted from statutory notice requirement under T.C.A. 46-7-2303(d), or required to provide Debtor notice of forfeiture or lapse pursuant to T.C.A. 56-7-2303(a). (b) If statutory notice was required, whether complied with T.C.A. 56-7-22303(a), and whether Policy lapsed before Debtor's death. <b>(Order Attached)</b>
<b><u>Knoxville</u></b>				
Roger Ball, et al v. Bruce McDowell, et al E2007-00519-SC-R11-CV	Claiborne County Chancery Court Chancellor Billy J. White No. 14,713	Franks, J. Reversed	Rule 11	<b>Granted</b> - Application of Roger Ball and Carrol E. Rose, LLC <b>(Order Attached)</b>
Juanita Mullins v. State of Tennessee E2007-01113-SC-R11-CV	Tennessee Claims Commission Commissioner William O. Shults No. 20050482	Swiney, J. Affirmed	Rule 11	<b>Granted</b> - Application of the State of Tennessee <b>(Order Attached)</b>
State of Tennessee v. Joey Dewayne Thompson E2006-02093-SC-R11-CD	Knox County Criminal Court Judge Ray Jenkins No. 73384	Witt, J. Affirmed and Remanded	Rule 11	<b>Granted</b> - Application of Joey Dewayne Thompson <b>(Order Attached)</b>

**Jackson**

State of Tennessee v. Travis Young W2005-02593-SC-R11-CD	Shelby County Criminal Court Judge W. Otis Higgs, Jr. Nos. 03-05457 & 03-05459	Wedemeyer, J. Affirmed as Modified	Rule 11	<b>Granted</b> - Application of Travis Young <b>(Order Attached)</b>
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**SUPREME COURT OF TENNESSEE  
SUPREME COURT DISCRETIONARY APPEALS**

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**DENIALS**

STYLE/APPEAL NUMBER	COUNTY TRIAL JUDGE TRIAL COURT NO.	APPELLATE JUDGE JUDGMENT	NATURE OF APPEAL	ACTION
<b><u>Nashville</u></b>				
Ricky Flamingo Brown v. State of Tennessee M2007-00158-SC-R11-HC	Davidson County Criminal Court Judge Cheryl Blackburn No. 86-F-1484	Wedemeyer, J. Affirmed	Rule 11	<b>Denied</b> - Application of Ricky Flamingo Brown

Ellis Junior Burnett v. State of Tennessee M2007-00572-SC-R11-PC	Cannon County Circuit Court Judge Don R. Ash No. F-24006	Wedemeyer, J. Affirmed	Rule 11	<b>Denied</b> - Application of Ellis Junior Burnett
Kenneth Carruthers v. State of Tennessee M2007-00929-SC-R11-PC	Davidson County Circuit Court Judge Cheryl Blackburn No. 2004-D-2603	Welles, J. Affirmed	Rule 11	<b>Denied</b> - Application of Kenneth Carruthers
Abigail M. Chaney, et al v. Tennessee Treetoppers, Inc., et al M2008-00333-SC-R11-CV	Marion County Circuit Court Judge Buddy D. Perry No. 16963	Per Curiam - Rule 9 Denial	Rule 11	<b>Denied</b> - Application of Tennessee Treetoppers, Inc., United States Hang Gliding and Paragliding Association and Dean Funk
City of Knoxville v. Tennessee Department of Revenue and Knox County, Tennessee M2006-00916-SC-R11-CV	Davidson County Chancery Court Chancellor Claudia Bonnyman No. 04-3039-I	Clement, J. Reversed and Remanded	Rule 11	<b>Denied</b> - Application of City of Knoxville
Frank T. Dalton v. Loriann Deuel M2007-01093-SC-R11-JV	Rutherford County Juvenile Court Judge Donna Aline Scott No. TC407	Cottrell, J. Affirmed and Remanded	Rule 11	<b>Denied</b> - Application of Loriann Deuel
Nickie Duran v. Hyundai Motor America, Inc., et al M2006-00282-SC-R11-CV	Dickson County Circuit Court Judge George Sexton No. CV-1319	Koch, J. Affirmed in Part, Modified in Part and Remanded	Rule 11	<b>Denied</b> - Application of Hyundai Motor America, Inc., et al <b>(Koch, J., not participating)</b>
Foster Business Park, LLC v. J & B Investments, LLC, et al M2006-00913-SC-R11-CV	Davidson County Chancery Court Chancellor Claudia Bonnyman No. 05-767-IV	Clement, J. Affirmed	Rule 11	<b>Denied</b> - Application of Foster Business Park, LLC

Kevin Fowler, d/b/a Med-Stat EMS v. Warren County, Tennessee M2007-01004-SC-R11-CV	Warren County Circuit Court Judge Buddy D. Perry No. 2644	Bennett, J. Affirmed and Remanded	Rule 11	<b>Denied</b> - Application of Kevin Fowler, d/b/a Med-Stat EMS
John Grider v. State of Tennessee M2006-00473-SC-R11-PC	Wayne County Circuit Court Judge Robert L. Holloway No. 13089	Thomas, J. Affirmed	Rule 11	<b>Denied</b> - Application of John Grider
Quintell Hardy v. State of Tennessee M2007-00543-SC-R11-CD	Rutherford County Circuit Court Judge Don Ash No. F-59197	Glenn, J. Affirmed	Rule 11	<b>Denied</b> - Application of Quintell Hardy
Patti T. Heaton v. Sentry Insurance Company, et al M2006-02104-SC-R11-CV	Rutherford County Circuit Court Judge Robert E. Corlew No. 45858	Anderson, J. Affirmed and Remanded	Rule 11	<b>Denied</b> - Application of Pattie T. Heaton
H & R Block Eastern Tax Services, Inc. v. State of Tennessee, Department of Commerce & Insurance, Division of Insurance M2007-00656-SC-R11-CV	Davidson County Chancery Court Chancellor Claudia Bonnyman No. 04-3175-I	Susano, J. Reversed and Remanded	Rule 11	<b>Denied</b> - Application of State of Tennessee, Department of Commerce and Insurance, Division of Insurance
Sara Hutchison v. Gregory L. Rutt and Dollar General Corporation (misnamed DOLGENCORP, Inc.) M2006-02255-SC-R11-CV	Putnam County Circuit Court Judge John A. Turnbull No. 04N0253	Clement, J. Affirmed as Modified and Remanded	Rule 11	<b>Denied</b> - Application of Sara Hutchison
In re: Estate of Henry Atlas Qualls M2006-02776-SC-R11-CV	Perry County Probate Court Judge Timothy L. Easter No. PB-325	Clement, J. Affirmed	Rule 11	<b>Denied</b> - Application of Amos E. Qualls
Lorenzo Dupree Marthel v. State of Tennessee M2007-00459-SC-R11-PC	Davidson County Criminal Court Judge J. Randall Wyatt, Jr. No. 2005-A-407	Woodall, J. Affirmed	Rule 11	<b>Denied</b> - Application of Lorenzo Dupree Marthel

Michael Martin v. State of Tennessee M2008-00251-SC-R11-PC	Davidson County Circuit Court Judge Steve Dozier No. 2002-A-587	Woodall, J. Denied Motion to Re-open	Rule 11	<b>Denied</b> - Application of Michael Ricardo Martin
Johnny L. McGowan v. State of Tennessee <b>M2008-00244-SC-R11-PC</b>	Rutherford County Circuit Court Judge Don Ash No. F-27110	Welles, J. Affirmed (Rule 20)	Rule 11	<b>Denied</b> - Application of Johnny McGowan, Jr.
Johnny L. McGowan v. State of Tennessee <b>M2007-02575-SC-R11-CO</b>	Rutherford County Circuit Court Judge Don Ash No. F-27110	Welles, J. Affirmed (Rule 20)	Rule 11	<b>Denied</b> - Application of Johnny L. McGowan, Jr.
M. R. Stokes Company, Inc. v. Michael L. Shular, et al M2006-02659-SC-R11-CV	Sumner County Circuit Court Judge C. L. Rogers No. 27058-C	Crawford, J. Affirmed in Part, Reversed in Part and Remanded	Rule 11	<b>Denied</b> - Application of M. R. Stokes Company, Inc.
Hugh Andrew Nicely v. State of Tennessee M2006-01892-SC-R11-PC	Robertson County Circuit Court Judge John H. Gasaway No. 8530	Glenn, J. Reversed	Rule 11	<b>Denied</b> - Application of Hugh Andrew Nicely
Samuel Pegues v. State of Tennessee M2007-01615-SC-R11-HC	Davidson County Criminal Court Judge Hamilton Gayden No. 06C-1948	Hayes, J. Dismissed	Rule 11	<b>Denied</b> - Application of Samuel Pegues
Jerry Wayne Pointer v. State of Tennessee M2007-00384-SC-R11-PC	Davidson County Criminal Court Judge Cheryl Blackburn No. 2000-A-302	Williams, J. Affirmed	Rule 11	<b>Denied</b> - Application of Jerry Wayne Pointer

State of Tennessee v. Quincy Bryan Banks M2007-00545-SC-R11-CD	Davidson County Criminal Court Judge Seth W. Norman No. 2005-B-1079	Hayes, J. Affirmed, Sentences Vacated	Rule 11	<b>Denied</b> - Application of Quincy Bryan Banks
State of Tennessee v. James D. Beaird M2006-01931-SC-R11-CD	Davidson County Criminal Court Judge Mark J. Fishburn No. 2004-D-1800	McLin, J. Affirmed	Rule 11	<b>Denied</b> - Application of James D. Beaird
State of Tennessee v. William D. Busby M2004-00925-SC-R11-CD	Lewis County Circuit Court Judge R. E. Lee Davies No. 6379	Welles, J. Affirmed	Rule 11	<b>Denied</b> - Application of William D. Busby
State of Tennessee v. John W. Foster, Jr. M2006-02724-SC-R11-CD	Davidson County Criminal Court Judge Steve R. Dozier No. 2004-C-1885	Glenn, J. Affirmed	Rule 11	<b>Denied</b> - Application of John W. Foster, Jr.
State of Tennessee v. Alisha J. Glisson M2006-02115-SC-R11-CD	Davidson County Criminal Court Judge Seth Norman No. 2002-C-1508	Welles, J. Affirmed	Rule 11	<b>Denied</b> - Application of Alisha J. Glisson
State of Tennessee v. Thomas Matthew Goss M2007-00937-SC-R11-CD	Moore County Circuit Court Judge Robert Crigler No. 1024	Wedemeyer, J. Affirmed	Rule 11	<b>Denied</b> - Application of Thomas Matthew Goss
State of Tennessee v. Triston Lee Harris M2006-01532-SC-R11-CD	Lawrence County Circuit Court Judge Jim T. Hamilton No. 25348	Witt, Jr., J. (Tipton, P.J., dissenting) Reversed	Rule 11	<b>Denied</b> - Application of the State
State of Tennessee, ex rel., Tracy Renee Jackson v. Shannon Michael Jackson M2006-00598-SC-R11-CV	Sumner County Chancery Court Chancellor Tom Gray No. 2005D-99	Cottrell, J. Affirmed and Remanded	Rule 11	<b>Denied</b> - Application of Tennessee Department of Human Services, Tracy Renee Jackson

State of Tennessee v. Michael V. Morris M2006-02738-SC-R11-CD	Davidson County Criminal Court Judge Monte Watkins No. 2005-B-875	McLin, J. Affirmed	Rule 11	<b>Denied</b> - Application of Michael V. Morris
State of Tennessee v. Brian Edward Owen M2007-02069-SC-R11-CD	Hickman County Circuit Court Judge Robert E. Lee Davies No. 05-5132CR	Wedemeyer, J. Affirmed	Rule 11	<b>Denied</b> - Application of Brian Edward Owen
State of Tennessee v. Robert J. Skillen M2006-02524-SC-R11-PC	Davidson County Criminal Court Judge J. Randall Wyatt, Jr. No. 2004-B-1462	Tipton, J. Affirmed	Rule 11	<b>Denied</b> - Application of Robert J. Skillen
State of Tennessee v. William Edward Wright M2006-01665-SC-R11-CD	Davidson County Criminal Court Judge Cheryl Blackburn No. 2003-C-2045	Glenn, J. Affirmed and Remanded for Entry of Corrected Judgment	Rule 11	<b>Denied</b> - Application of William Edward Wright
James William Taylor, a/k/a Lutfi Shafq Talal v. State of Tennessee M2007-01405-SC-R11-HC	Hickman County Circuit Court Judge Timothy Easter No. 07-5025C	Smith, J. Affirmed	Rule 11	<b>Denied</b> - Application of James William Taylor; Motion for appointment of counsel - Denied.
Town of Huntsville, Tennessee v. Scott County, Tennessee, et al M2006-02146-SC-R11-CV	Davidson County Chancery Court Chancellor Carol McCoy No. 06-11-II	Clement, J. Reversed and Remanded	Rule 11	<b>Denied</b> - Application of Town of Huntsville, Tennessee
Bruce Wood et al v. Metropolitan Nashville Board of Health, et al M2006-01599-SC-R11-CV	Davidson County Chancery Court Chancellor Ellen H. Lyle No. 05-275	Bennett, J. Affirmed	Rule 11	<b>Denied</b> - Application of Bruce Wood, R.C. Bartlett, Elizabeth Harris, Bessie Hanserd, and Susan Henderson

**Knoxville**

Thomas Barger v. State of Tennessee E2007-01170-SC-R11-PC	Knox County Criminal Court Judge Richard Baumgartner No. 83999	McLin, J. Affirmed	Rule 11	<b>Denied</b> - Application of Thomas Barger
Kenneth Dean Cross v. State of Tennessee E2006-01200-SC-R11-PC	Cumberland County Circuit Court Judge Leon Burns No. 8246	Ogle, J. Affirmed	Rule 11	<b>Denied</b> - Application of Kenneth Dean Cross
Jesse Fulfer v. State of Tennessee E2007-02079-SC-R11-HC	Morgan County Criminal Court Judge E. Eugene Eblen No. 9353	Smith, J. Affirmed	Rule 11	<b>Denied</b> - Application of Jesse Fulfer
Daniel Pantoja Garcia v. Norfolk Southern Railway Company E2006-02674-SC-R11-CV	Hamilton County Circuit Court Judge Ward Jeffrey Hollingsworth No. 02-C-1949	Susano, J. Affirmed and Remanded	Rule 11	<b>Denied</b> - Application of Daniel Pantoja Garcia; Motion to dismiss Application as being untimely filed is without merit and denied.
Jerry Graves v. State of Tennessee E2007-00064-SC-R11-PC	Knox County Criminal Court Judge Richard Baumgartner No. 79735	Tipton, J. Affirmed	Rule 11	<b>Denied</b> - Application of Jerry Graves filed by counsel;  <b>Dismissed</b> - Pro Se Application of Jerry Graves
Charles D. Johnson v. David Mills, Warden E2007-02018-SC-R11-HC	Morgan County Circuit Court Judge E. Eugene Eblen No. 9352	Woodall, J. Affirmed	Rule 11	<b>Denied</b> - Application of Charles D. Johnson

Cory O. Johnson v. Jack Morgan E2007-02780-SC-R11-HC	Morgan County Circuit Court Judge E. Eugene Eblen No. 9357	Thomas, J. Affirmed	Rule 11	<b>Denied</b> - Application of Cory O. Johnson
Terry Edwin Justus v. State of Tennessee E2007-01008-SC-R11-PC	Sevier County Circuit Court Judge Rex Ogle No. 11853	Wedemeyer, J. Affirmed	Rule 11	<b>Denied</b> - Application of Terry Edwin Justus
Asata Lowe v. State of Tennessee E2006-02028-SC-R11-PC	Blount County Circuit Court Judge D. Kelly Thomas No. C14,586	Wedemeyer, J. Affirmed	Rule 11	<b>Denied</b> - Application of Asata Lowe
Robert Wayne Marler v. State of Tennessee E2007-00422-SC-R11-PC	Sullivan County Circuit Court Judge Jerry Beck No. C50,448	Thomas, J. Affirmed	Rule 11	<b>Denied</b> - Application of Robert Wayne Marler
Meyer Laminates (SE), Inc. v. Primavera Distribution, Inc., et al E2007-00935-SC-R11-CV	Hamilton County Circuit Court Judge W. Neil Thomas, III No. 04-C-0426	Lee, J. Affirmed	Rule 11	<b>Denied</b> - Application of Primavera Distributing, Inc.
Jeanette Scoggin v. Guy Scoggin E2007-00579-SC-R11-CV	Knox County Chancery Court Chancellor Michael Moyers No. 159655-3	Swiney, J. Affirmed and Remanded	Rule 11	<b>Denied</b> - Application of Jeanette Scoggin
State of Tennessee v. David Cosgriff E2007-02614-SC-S09-CD	Roane County Circuit Court Judge E. Eugene Eblen No. 12963-B	Ogle, J., Witt, J. and Thomas, J. Denied Rule 9	Rule 11	<b>Denied</b> - Application of David Cosgriff
State of Tennessee v. Sherry Huff E2007-00236-SC-R11-CD	Blount County Circuit Court Judge Jon Kerry Blackwood Nos. C-14544 & C-14891	Ogle, J. Affirmed	Rule 11	<b>Denied</b> - Application of Sherry Huff

State of Tennessee v. David E. Mantey E2006-00143-SC-R11-CD	Washington County Circuit Court Judge Lynn Brown No. 29580	Witt, J. Affirmed	Rule 11	<b>Denied</b> - Application of David Mantey
State of Tennessee v. Jeffery Lee Ratliff E2006-01527-SC-R11-CD	Sullivan County Circuit Court Judge Phyllis Miller No. S48,770	Tipton, J. Affirmed	Rule 11	<b>Denied</b> - Application of Jeffery Lee Ratliff
State of Tennessee v. Jashua Shannon Sides, ALIAS Joshua Shannon Sides E2006-01356-SC-R11-CD	Hamilton County Criminal Court Judge Rebecca Stern No. 254119	Williams, J. Affirmed	Rule 11	<b>Denied</b> - Application of Joshua Shannon Sides
State of Tennessee v. Tommy Ray Young E2006-00570-SC-R11-CD	Campbell County Circuit Court Judge E. Shayne Sexton No. 10351	Glenn, J. Affirmed	Rule 11	<b>Denied</b> - Application of Tommy Ray Young
Frank E. Teasley v. Jack Morgan E2007-01332-SC-R11-HC	Morgan County Criminal Court Judge E. Eugene Eblen No. 9129	Glenn, J. Affirmed	Rule 11	<b>Denied</b> - Application of Frank Teasley
William Thompson v. Virginia Lewis, Warden, and the State of Tennessee E2007-00755-SC-R11-HC	Bledsoe County Circuit Court Judge Thomas W. Graham No. 1-2007	Ogle, J. Affirmed, Pursuant to Rule 20	Rule 11	<b>Denied</b> - Application of William Thompson
<b><u>Jackson</u></b>				
Andre Anthony v. State of Tennessee W2007-00532-SC-R11-PC	Shelby County Criminal Court Judge W. Otis Higgs No. 00-00157-61	Tipton, J. Affirmed	Rule 11	<b>Denied</b> - Application of Andre Anthony

Jennifer Furnas Coleman v. Mary Alan Coleman W2008-01025-SC-S10-CV	Shelby County Chancery Court Judge Walter E. Evans No. CH-02-2091-1	Highers and Farmer, JJ. R10 Application Denied	Rule 10	<b>Denied</b> - Application of Jennifer Furnas Coleman
Larry Corder v. Kevin Snider et al. W2007-02002-SC-R11-CV	Shelby County Circuit Court Judge Donna M. Fields No. CT-000463-07	Highers and Farmer, JJ. Appeal Dismissed	Rule 11	<b>Denied</b> - Application of Larry Corder
Edward Jerome Dance v. State of Tennessee W2008-00692-SC-S10-PC	Gibson County Circuit Court Senior Judge Jerry Scott Nos. 16296 & 16297	McLin, J. Motion to Remand Denied	Rule 10	<b>Denied</b> - Application of Edward Jerome Dance
James Waymon Davis v. Michael D. Sowell W2007-01540-SC-R11-CV	Gibson County Chancery Court Judge George R. Ellis No. 17623P	Highers, J. & Farmer, J., Appeal Dismissed	Rule 11	<b>Denied</b> - Application of James Waymon Davis; Respondent's motion to declare appeal as frivolous Granted and case remanded for determination of damages.
Tyrone Felton v. Tommy Mills W2007-02107-SC-R11-HC	Lake County Circuit Court Judge R. Lee Moore No. 07-CR-9024	Hayes, J. Affirmed	Rule 11	<b>Denied</b> - Application of Tyrone Felton
Courtney Perry v. State of Tennessee W2006-01852-SC-R11-PC	Shelby County Criminal Court Judge W. Otis Higgs No. P-28082	Witt, J. Affirmed	Rule 11	<b>Denied</b> - Application of Courtney Perry
Antonio Sanders v. State of Tennessee W2007-01089-SC-R11-PC	Shelby County Criminal Court Judge Chris Craft No. 02-05449	Welles, J. Affirmed	Rule 11	<b>Denied</b> - Application of Antonio Sanders

Marc A. Schwartz v. James Neely W2007-01862-SC-R11-CV	Shelby County Chancery Court Judge Walter E. Evans No. CH-07-0067	Farmer, J. Affirmed	Rule 11	<b>Denied</b> - Application of Marc A. Schwartz
State of Tennessee v. Vern Braswell W2006-01081-SC-R11-CD	Shelby County Criminal Court Judge Joseph B. Dailey No. 05-03038	Woodall, J. Affirmed	Rule 11	<b>Denied</b> - Application of Vern Braswell
State of Tennessee v. David Harold Hammond W2007-00219-SC-R11-CD	Madison County Circuit Court Judge Donald H. Allen No. 02-567	Smith, J. Affirmed	Rule 11	<b>Denied</b> - Application of David Harold Hammond
State of Tennessee v. Charles Vantilburg, III W2006-02475-SC-R11-CD	Shelby County Criminal Court Judge Lee Coffee No. 00-12715	Witt, J. Affirmed as Modified	Rule 11	<b>Denied</b> - Application of Charles Vantilburg, III
State of Tennessee v. Cameron Winselle W2007-00139-SC-R11-CD	Shelby County Criminal Court Judge Lee V. Coffee No. 04-5193	Wedemeyer, J. Affirmed	Rule 11	<b>Denied</b> - Application of Cameron Winselle
Derwin Valentino Thomas v. State of Tennessee W2007-01639-SC-R11-PC	Shelby County Criminal Court Judge W. Mark Ward No. P-27939	Hayes, J. Appeal Dismissed	Rule 11	<b>Denied</b> - Application of Derwin Valentino Thomas