

SUPREME COURT OF TENNESSEE
 SUPREME COURT DISCRETIONARY APPEALS
Monday, October 4, 2004

STYLE/APPEAL NUMBER	COUNTY TRIAL JUDGE TRIAL COURT NO.	APPELLATE JUDGE JUDGMENT	NATURE OF APPEAL	ACTION
James Corbin v. Tom Lange Company, Inc. M2002-01162-SC-R11-CV	Davidson Circuit Ellen H. Lyle 01-532-III	Kirby, J. Affirmed	Rule 11	Denied - Application of Tom Lange Company, Inc.
Steven D. Elliott v. Ginger W. Elliott (Ecton) M2003-00492-SC-R11-CV	Davidson Circuit Muriel Robinson 00D-2375	Koch, P.J., M.S. Affirmed in Part, Modified in Part & Remanded	Rule 11	Denied - Application of Steven Dale Elliott.
In Re: A.M.T., Z.T.R. and K.W.T. M2003-02926-SC-R11-PT	Davidson Juvenile Betty K. Adams 22-72605, 2019-57602, 2019-53684 & 2219-70163	Clement, J. Affirmed in Part, Reversed In Part (Separate concurring by Cain, J.)	Rule 11	Denied - Application of K.L.T
In the Matter of: S.M. The Association for Guidance, Aid, Placement and Empathy (AGAPE) v. Ricardo Lara M2003-00422-SC-R11-PT	Davidson Juvenile Betty K. Adams 2219-67013	Koch, P.J., M.S. Reversed	Rule 11	Denied - Application of The Association for Guidance, Aid, Placement and Empathy (AGAPE).

Kenneth W. Martin v. Martha Martin M2002-02350-SC-R11-CV	Sumner Chancery Tom E. Gray 2001D-364	Cottrell, J. Affirmed	Rule 11	Denied - Application of Kenneth W. Martin.
Dominic P. Pellicano v. Metropolitan Government of Nashville and Davidson County M2003-00292-SC-R11-CV	Davidson Circuit Carol Soloman 00C-3678	Clement, J. Reversed, Modified and Remanded	Rule 11	Denied - Application of Dominic P. Pellicano.
Joseph Spivey v. Terry Page, et al M2002-00674-SC-R11-CV	Davidson Chancery Irvin H. Kilcrease, Jr. 99-2690-I	Cottrell, J. Reversed and Remanded	Rule 11	Denied - Application of Terry Page and Page & Associated, P.C.
Bernadette Tinney v. Rosebud Record & Productions, et al M2003-02550-SC-R11-CV	Davidson Circuit Carol Soloman 02C-1691	Cain, J. Cottrell, J. Clement, J. Dismissed	Rule 11	Denied - Application of Vera Cavet-Vanderpool d/b/a Rosebud Records & Productions.
William W. York v. Tennessee Board of Probation and Parole M2003-00822-SC-R11-CV	Davidson Chancery Irvin H. Kilcrease, Jr. 01-3349-I	Cain, J. Reversed and Remanded	Rule 11	Denied - Application of William W. York.
James Ray Bartlett v. State of Tennessee M2003-00571-SC-R11-HC	Wayne Circuit Stella Hargrove 283-90, 284-90, 285-90, 286-90	Ogle, J. Affirmed	Rule 11	Denied - Applicatio of James Ray Bartlett.
John E. Carter v. State of Tennessee M2004-01178-SC-R11-CO	White Criminal 6734	Welles, J. Woodall, J. Wedemeyer, J. Denied	Rule 11	Denied - Application of John E. Carter.
Monoletto D. Green v. State of Tennessee M2003-00998-SC-R11-PC	Rutherford Circuit Don Ash F-52471	Witt, J. Affirmed	Rule 11	Denied - Application of Monoletto D. Green.

William Lewis Houston v. State of Tennessee M2003-00304-SC-R11-PC	Giles Circuit Robert Holloway 10265	Smith, J. Affirmed	Rule 11	Denied - Application of William Lewis Houston.
Michael D. Hughes v. State of Tennessee M2003-00819-SC-R11-PC	Davidson Criminal Cheryl Blackburn 92-A-184	Smith, J. Affirmed	Rule 11	Denied - Application of Michael D. Hughes.
Don Wesley McMillan v. State of Tennessee M2003-00879-SC-R11-PC	Coffee Circuit John W. Rollins 29,712	Smith, J. Affirmed	Rule 11	Denied - Application of Don Wesley McMillan.
Donald Terry Moore v. State of Tennessee M2002-02417-SC-R11-PC	Davidson Criminal Cheryl Blackburn 94B-1017	Wade, J. Affirmed	Rule 11	Denied - Application of Donald Terry Moore.
Robert Dallis Payne v. State of Tennessee M2003-01828-SC-R11-CO	Hickman Circuit R. E. Lee Davies 01-5078C-I	Wedemeyer, J. Welles, J. Smith, J. Motion to Reopen Dismissed	Rule 11	Denied - Application of Robert Dallis Payne.
Paul Dennis Reid, Jr. v. State of Tennessee M2004-01453-SC-R10-PD	Davidson Criminal Cheryl Blackburn 97C-1834	Smith, J. Welles, J. Woodall, J. Denied	Rule 10	Denied - Application of Paul Dennis Reid, Jr.
James R. W. Reynolds v. State of Tennessee M2003-00112-SC-R11-HC	Coffee Circuit L. Craig Johnson 31,019	Glenn, J. Affirmed	Rule 11	Denied - Application of James R. W. Reynolds.
John W. Smith v. State of Tennessee M2003-00729-SC-R11-PC	Davidson Criminal Cheryl Blackburn 99-C-2088	Wade, J. Affirmed	Rule 11	Denied - Application of John W. Smith.

State of Tennessee v. Tyrie Brown M2003-00556-SC-R11-CD	Franklin Circuit Thomas W. Graham 13637	Wedemeyer, J. Affirmed	Rule 11	Denied - Application of Tyrie Brown.
State of Tennessee v. Rafael A. Bush M2002-02390-SC-R11-CD	Rutherford Circuit James K. Clayton F-50300B	Tipton, J. Affirmed	Rule 11	Denied - Application of Rafael A. Bush.
State of Tennessee v. Jacob Edward Campbell M2003-00597-SC-R11-CD	Davidson Criminal J. Randall Wyatt 2001-B-896	Wedemeyer, J. Affirmed	Rule 11	Denied - Application of Jacob Edward Campbell.
State of Tennessee v. Kimberly Jeannine Cox M2002-01849-SC-R11-CD	Montgomery Circuit Michael Jones 40200158	Smith, J. Affirmed	Rule 11	Granted - Application of Kimberly Jeannine Cox.
State of Tennessee v. Bobby R. Dyer M2002-03140-SC-R11-CD	Williamson Circuit Carol Soloman I-302-085	Witt, J. Affirmed	Rule 11	Denied - Application of Bobby R. Dyer.
State of Tennessee v. Edwin Gomez and Jonathan S. Londono M2002-01209-SC-R11-CD	Davidson Criminal Cheryl Blackburn 2001-A-280	Hayes, J. Affirmed	Rule 11	Granted - Applications of Edwin Gomez and Jonathan S. Londono. ¹
State of Tennessee v. Paul Edwin Graham M2003-00331-SC-R11-CD	Montgomery Circuit Michael R. Jones 40100270	Williams, J. Affirmed	Rule 11	Denied - Application of Paul Edwin Graham.

¹ For oral argument, the Court is particularly interested in the following issues:

- (1) Is the Court of Criminal Appeals' holding- that admission of co-defendant Bryant Guartos' statement did not violate the Confrontation Clause-contrary to Crawford v. Washington, 124 S.Ct. 1354 (2004)?
- (2) Has Edwin Gomez affirmatively waived the Crawford issue?
- (3) Is Edwin Gomez's sentence excessive under Blakely v. Washington, 124 S.Ct. 2531 (2004)?
- (4) Is the Blakely issue waived and, if so, should the Court review the issue for plain error?

State of Tennessee v. Jarret A. Guy M2002-02473-SC-R11-CD	Davidson Criminal J. Randall Wyatt 2001-B-896	Wade, J. Affirmed	Rule 11	Denied - Application of Jarret A. Guy.
State of Tennessee v. Marco Polo Patten M2003-00760-SC-R11-CD	Wilson Criminal J. O. Bond 01-0010	Welles, J. Affirmed	Rule 11	Denied - Application of Marco Polo Patten.
State of Tennessee v. Corey Lamont Radley M2003-01466-SC-R11-CD	Davidson Criminal Steve Dozier 2001-B-1114	Woodall, J. Affirmed	Rule 11	Denied - Application of Corey Lamont Radley.
State of Tennessee v. William Burt Smith M2002-02988-SC-R11-CD	Franklin Circuit Buddy D. Perry 12,226	Williams, J. Affirmed	Rule 11	Denied - Application of William Burt Smith. **The opinion of the Court of Criminal Appeals is designated "Not for Citation" in accordance with Supreme Court Rule 4, §F.
State of Tennessee v. William C. Tomlin, Jr. M2003-01746-SC-R11-CD	Williamson Circuit Timothy L. Easter II-1101-360	Welles, J. Affirmed as Modified	Rule 11	Denied - Application of William C. Tomlin, Jr.
Charles Brown, et al v. Crown Equipment Corporation W2002-02228-SC-R11-CV	Shelby Circuit Robert L. Childers 97528-9	Farmer, J. Affirmed and Remanded	Rule 11	Granted - Application of Charles Brown, Barbara Sue Reynolds and Howard Reynolds.
Tommy Murray v. Christian Methodist Episcopal Church W2002-00448-SC-R11-CV	Shelby Chancery Floyd Peete, Jr. CH-00-0939-2	Kirby, J. Reversed and Remanded	Rule 11	Denied - Application of Tommy Murray.
Helaine Richberger v. The West Clinic, P.C., et al W2003-00141-SC-R11-CV	Shelby Circuit John R. McCarrol 81970	Crawford, P.J., W.S. Affirmed	Rule 11	Denied - Application of Helaine Richberger.

Roy V. Smith, II v. Grace Hutchison (Blair) W2003-00214-SC-R11-JV	Dyer Juvenile Charles V. Moore 3134	Farmer, J. Affirmed and Remanded	Rule 11	Denied - Application of Roy V. Smith, II.
Guy Varnadoe v. Shelton McGhee, Jr., et al W2003-01341-SC-R11-CV	Shelby Chancery Arnold Goldin 98-0667-2	Farmer, J. Affirmed and Remanded	Rule 11	Denied - Application of Shelton McGhee, Jr. And Sandra T. McGhee.
Wincor, Inc. v. John Dunlap W2002-02522-SC-R11-CV	Shelby Circuit D'Army Bailey CT-000628-02	Highers, J. Affirmed	Rule 11	Denied - Application of Wincor, Inc.
Sedley Alley v. State of Tennessee W2004-01204-SC-R11-PD	Shelby Criminal W. Otis Higgs, Jr. P8040	Hayes, J. Affirmed	Rule 11	Denied - Application of Sedley Alley.
Odean Cooper v. State of Tennessee W2003-01518-SC-R11-PC	Lauderdale Circuit Joseph H. Walker 7176	Riley, J. Affirmed	Rule 11	Denied - Application of Odean Cooper.
Mario Perry v. State of Tennessee W2003-02220-SC-R11-PC	Shelby Criminal Joseph B. Dailey P-26622	Tipton, J. Affirmed	Rule 11	Denied - Application of Mario Perry.
Henry Rankins, Pro-Se v. State of Tennessee W2003-01749-SC-R11-PC	Shelby Criminal J. C. McLin P-25228	Riley, J. Rule 20 Affirmed	Rule 11	Denied - Application of Henry Rankins.
State of Tennessee v. Anthony Crowe W2003-00800-SC-R11-CD	McNairy Circuit Jon Kerry Blackwood 1465A	Williams, J. Affirmed	Rule 11	Granted - Application of Anthony Crowe.
State of Tennessee v. Thelisa Emery and Maurice Emery W2002-02698-SC-R11-CD	Gibson Humbolt Law Court Clayburn Peebles H 6980 & H6981	Witt, J. Affirmed	Rule 11	Denied - Application of Thelisa Emery.

State of Tennessee v. Gary Johnson W2003-00220-SC-R11-CD	Tipton Circuit Joe H. Walker 4062	Smith, J. Affirmed	Rule 11	Denied - Application of Gary Johnson. **The opinion of the Court of Criminal Appeals is designated "Not for Citation" in accordance with Supreme Court Rule 4, § F.
State of Tennessee v. David Plunk W2000-00526-SC-R11-CD	Crockett Circuit L. T. Lafferty 2939	Riley, J. Affirmed	Rule 11	Dismissed - Application of David Plunk.
State of Tennessee v. Cornelius Richmond W2003-00683-SC-R11-CD	Shelby Criminal Joseph B. Dailey 00-06743-46	Riley, J. Affirmed	Rule 11	Denied - Application of Cornelius Richmond.
State of Tennessee v. Clifford Rogers W2003-01375-SC-R11-CD	Shelby Criminal Joseph B. Dailey 02-01869-70	Woodall, J. Affirmed in Part, Convictions for First Degree Murder Merged	Rule 11	Denied - Application of Clifford Rogers.
State of Tennessee v. Lenzo Sherron aka Salaam Shabazz, pro se W2003-01222-SC-R11-CD	Dyer Circuit Lee Moore C02-393	Williams, J. Affirmed	Rule 11	Denied - Application of Lenzo Sherron aka Salaam Shabazz.
Peggy Bailey, et al v. Dr. John Tasker E2003-00844-SC-R11-CV	Sullivan Circuit John S. McLellan, III C34264	Susano, J. Affirmed & Remanded	Rule 11	Denied - Application of Peggy and Gary Bailey.
Judith Christenberry v. Stanley F. Tipton, et al E2003-01971-SC-R11-CV	Knox Circuit Dale C. Workman 1-510-01	Susano, J. Affirmed	Rule 11	Granted - Application of Judith Christenberry.

Estate of Carroll Arch Parker v. Jackson National Life Insurance, et al E2003-01604-SC-R11-CV	Knox Chancery John F. Weaver 154229-1	Susano, J. Swiney, J. Dismissed	Rule 11	Denied - Application of Don and Janet Cameron.
Farmers Mutual of Tennessee v. Athens Insurance Agency, Charles W. Spurling and Carolyn Spurling E2003-01258-SC-R11-CV	Bradley Circuit John B. Hagler V-00-172	Franks, J. Affirmed in Part; Reversed in Part	Rule 11	Denied - Application of Farmers Mutual of Tennessee.
Fifth Third Bank v. Bonnie S. Vaughn E2004-00513*SC-S10-CV	Blount Circuit William D. Young V0011167	Franks, J. Susano, J. Swiney, J. Rule 10 Denied	Rule 10	Dismissed - Application of Bonnie S. Vaughn.
Nelson Keith Foster v. Sullivan County District Attorney General E2003-02740-SC-R11-CV	Sullivan Chancery Richard E. Ladd C0016445	Franks, J. Affirmed	Rule 11	Denied - Application of Nelson Keith Foster.
Freeman Industries, LLC v. Eastman Chemical Company, et al E2003-00527-SC-S09-CV	Sullivan Circuit Richard Ladd C34355-L	Susano, J. Affirmed as Modified and Remanded	Rule 11	Granted - Application of Freeman Industries, LLC. Granted - Application of Eastman Chemical Company, et al.
Ronald Hart, et al v. Joseph Decosimo and Company, LLP, et al E2002-02825-SC-R11-CV	Hamilton Circuit Jacked Schulten 99-C-1250	Susano, J. Vacated & Remanded	Rule 11	Denied - Application of Joseph Decosimo and Company, LLP; Hendry & Decosimo, LLP; and William Acuff.
Aussie Lee Humphrey, et al v. State of Tennessee E2003-00617-SC-R11-CV	Tennessee Claims Commission Vance W. Cheek, Jr.	Susano, J. Reversed	Rule 11	Denied - Application of the State of Tennessee.
Deborah L. Jordan v. Walter B. Jordan E2003-00826-SC-R11-CV	Hamilton Chancery W. Frank Brown, III	Susano, J. Reversed & Remanded	Rule 11	Denied - Application of Walter B. Jordan.

Fred M. Leonard, Jr., et al v. Knox County, Tennessee, et al E2003-02255-SC-R11-CV	Knox Circuit Wheeler A. Rosebalm 3-792-03	Swiney, J. Affirmed in Part; Reversed in Part	Rule 11	Denied - Application of Fred M. Leonard, Jr.
Tennessee Environmental Council, Inc., et al v. Bright Par 3 Associates, L.P., et al E2003-01982-SC-R11-CV	Hamilton Chancery Howell N. Peoples 03-0775	Inman, Sr. J. Reversed & Remanded	Rule 11	Denied - Application of Bright Par 3 Associates, L.P., Corker Group, Inc., Osborne Building Corporation, and DBS Corporation.
Eddie Dean Hall v. State of Tennessee E2002-01986-SC-R11-PC	Cocke Circuit Ben Hooper, II 27-782-1	Woodall, J. Affirmed	Rule 11	Denied - Application of Eddie Dean Hall.
David Johnson Hartsell v. State of Tennessee E2003-03080-SC-R11-PC	Washington Circuit Lynn Brown 29257	Ogle, J. Affirmed Pursuant to Rule 20	Rule 11	Denied - Application of David Johnson Hartsell.
Jack Jay Shuttle v. State of Tennessee E2003-00131-SC-R11-PC	Sullivan Criminal Lynn W. Brown S35,010	Riley, J. Reversed	Rule 11	Denied - Application of the State of Tennessee.
State of Tennessee v. Jon Brewbaker E2003-02706-SC-R11-CD	Bradley Circuit Carroll L. Ross 02-888	Welles, J. Affirmed	Rule 11	Denied - Application of Jon Brewbaker.
State of Tennessee v. Terry Lynn Byington E2003-02814-SC-R11-CD	Sullivan Circuit Phyllis Miller S45,791	Riley, J. Affirmed	Rule 11	Denied - Application of Terry Lynn Byington.
State of Tennessee v. Robert Allen Crawford E2003-00627-SC-R11-CD	Washington Circuit Robert E. Cupp 25661	Glenn, J. Affirmed	Rule 11	Denied - Application of Robert Allen Crawford.

State of Tennessee v. Jama Elaine Penley E2003-00820-SC-R11-CD	Greene Circuit James Beckner 01CR043A	Ogle, J. Affirmed as Modified	Rule 11	Denied - Application of Jama Elaine Penley.
State of Tennessee v. Robert Simerly E2002-02626-SC-R11-CD	Johnson Criminal Robert E. Cupp 3855A	Witt, J. Affirmed	Rule 11	Denied - Application of Robert Simerly.
State of Tennessee v. Darrell Glenn Smith E2002-01988-SC-R11-CD	Cocke Circuit Ben Hooper, II 7923	Tipton, J. Wade, J. Ogle, J. Affirmed	Rule 11	Denied - Application of Darrell Glenn Smith. Denied - Application of the State of Tennessee.
State of Tennessee v. Richard Lafayette Sumner E2003-00570-SC-R11-CD	Cocke Circuit Ben W. Hooper, II 8285	Tipton, J. Affirmed in Part; Vacated in Part; Remanded	Rule 11	Denied - Application of Richard Lafayette Sumner.
State of Tennessee v. George A. Vance and Vincent Vance E2003-00110-SC-R11-CD	Sullivan Circuit Phyllis Miller S43074 & S43075	Wedemeyer, J. Affirmed	Rule 11	Denied - Application of George A. Vance.
Edward Thompson v. State of Tennessee E2003-01089-SC-R11-PC	Cocke Criminal Ben Hooper, II 27,453-I	Tipton, J. Affirmed	Rule 11	Denied - Application of Edward Thompson.