



Tennessee Supreme Court
DISCRETIONARY APPEALS
Grants & Denials List
January 18, 2016 - January 21, 2016

GRANTS

Style/Appeal Number	County/Trial Judge/ Trial Court No.	Appellate Judge/Judgment	Nature Of Appeal	Action
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Nashville

STATE OF TENNESSEE v. JOHN HENRY PRUITT M2013-02393-SC-R11-CD	Hickman County Circuit Court Timothy L. Easter 115005CR	Wedemeyer, Robert W.: Affirmed	TRAP 11	Granted: Application of John Henry Pruitt Order filed 1-19-16 (See Attached order)
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DENIALS

Style/Appeal Number	County/Trial Judge/ Trial Court No.	Appellate Judge/Judgment	Nature Of Appeal	Action
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Nashville

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	Denied: Application of Quanya Prewitt Order filed 1-19-16
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STATE OF TENNESSEE v. VERNON E. LOCKHART M2013-01275-SC-R11-CD	Davidson County Criminal Court Cheryl A. Blackburn 2010C2083	Ogle, Norma McGee: Affirmed in Part, TRAP 11 Reversed in Part, Modified		Denied: Application of Vernon Elliott Lockhart Order filed 1-20-16
STATE OF TENNESSEE v. THOMAS LEE CAREY, JR. M2013-02483-SC-R11-CD	Davidson County Criminal Court Mark J. Fishburn 2010A254	Holloway Jr., Robert L.: Affirmed Woodall, Thomas T.: Concur	TRAP 11	Denied: Application of Thomas Lee Carey, Jr. Order filed 1-21-16
JOHN B. EVANS v. PIEDMONT NATURAL GAS CO., INC. M2014-01099-SC-R11-CV	Davidson County Circuit Court Carol Soloman 13C4240	McBrayer, W. Neal: Affirmed in Part, Vacated in Part	TRAP 11	Denied: Application of John B. Evans Order filed 1-20-16
STATE OF TENNESSEE v. DENNIS LEE ARNOLD M2014-01133-SC-R11-CD	Davidson County Criminal Court J. Randall Wyatt, Jr. 2011D3695	Montgomery Jr., Robert H.: Affirmed Witt Jr., James Curwood: Concur	TRAP 11	Denied: Application of Dennis Lee Arnold Opinion of CCA designated "Not For Citation" with

KEITH PATTERSON, ET AL. v. SHELTER MUTUAL
INSURANCE COMPANY
M2014-01675-SC-R11-CV

Rutherford County Chancery
Court
Robert E. Corlew, III
12CV973

Clement Jr., Frank G.: Affirmed in
Part, Reversed in Part

TRAP 11

Denied: Application
of Shelter Mutual
Insurance Company
and Keith and
Kimberly Patterson

Order filed 1-20-16

ANTONIO BIGSBEE v. STATE OF TENNESSEE
M2014-01799-SC-R11-PC

Robertson County Circuit Court
Michael R. Jones
060426

Holloway Jr., Robert L.: Affirmed

TRAP 11

Denied: Application
of Antonio Bigsbee

Order filed 1-19-16

STATE OF TENNESSEE v. JESSE ALLEN CHRISTMAN
M2014-01885-SC-R11-CD

Davidson County Criminal Court
Steve R. Dozier
2013C2643

McMullen, Camille R.: Affirmed

TRAP 11

Denied: Application
of Jesse Allen
Christman

Order filed 1-19-16

FORREST DAVID AGOSTINHO v. STATE OF TENNESSEE M2014-01928-SC-R11-PC	Sumner County Criminal Court Dee David Gay CR5682013	Witt Jr., James Curwood: Affirmed & Dismissed	TRAP 11	Denied: Application of Forrest David Agostinho Order filed 1-19-16
STATE OF TENNESSEE v. ATHANASIOS DIAKOS EDMONSTON M2014-02345-SC-R11-CD	Williamson County Circuit Court Timothy L. Easter 11CR017016	Witt Jr., James Curwood: Affirmed	TRAP 11	Denied: Application of Athanasios Diakos Edmonston Order filed 1-19-16
BILLY BOCKELMAN, ET AL. v. GGNSC GALLATIN BRANDYWOOD LLC, ET AL. M2014-02371-SC-R11-CV	Sumner County Circuit Court Joe Thompson 2011CV583	McBrayer, W. Neal: Affirmed	TRAP 11	Denied: Application of Billy Bockelman, and Estate of Betty Jean Wilson Order filed 1-20-16
STATE OF TENNESSEE v. RANDY ANTHONY SANDERS M2014-02535-SC-R11-CD	Sumner County Criminal Court Dee David Gay 6212013	Page, Roger A.: Affirmed	TRAP 11	Denied: Application of Randy Anthony Sanders Order filed 1-19-16

LAQUINT DECO HOLDER v. STATE OF TENNESSEE M2015-00107-SC-R11-PC	Davidson County Criminal Court Cheryl A. Blackburn 2011C2094	Wedemeyer, Robert W.: Affirmed	TRAP 11	Denied: Application of Laquint Deco Holder Order filed 1-19-16
STATE OF TENNESSEE v. EMILY BRITTANY DAVIS M2015-00262-SC-R11-CD	Davidson County Criminal Court Mark J. Fishburn 2014B1334	Holloway Jr., Robert L.: Affirmed	TRAP 11	Denied: Application of Emily Brittany Davis Order filed 1-19-16
MINDY SUE DODD v. STATE OF TENNESSEE M2015-00272-SC-R11-PC	Rutherford County Circuit Court David M. Bragg F56340	Ogle, Norma McGee: Affirmed	TRAP 11	Denied: Application of Mindy Sue Dodd Order filed 1-19-16
STATE OF TENNESSEE v. CHARLES PHILLIP MAXWELL M2015-02046-SC-R10-CD	Davidson County Criminal Court Steve R. Dozier 2015A347	Easter, Timothy L., Wedemeyer, Robert W., Woodall, Thomas T.: Case Dispositional Decision	TRAP 10 (from Interm. Court)	Denied: Application of Charles Phillip Maxwell Order filed 1-19-16

STATE OF TENNESSEE v. CHRISTOPHER HERNANDEZ M2015-02067-SC-R10-CD	Rutherford County Circuit Court Royce Taylor 70399	Easter, Timothy L., Holloway Jr., Robert L., Woodall, Thomas T.: Case Dispositional Decision	TRAP 10 (from Interm. Court)	Denied: Application of Christopher Hernandez Order filed 1-19-16
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Knoxville

STATE OF TENNESSEE v. DEMARCUS ANT-JUAN NELSON E2013-01414-SC-R11-CD	Knox County Criminal Court Steven Wayne Sword 99692	Bivins, Jeffrey S.: Affirmed	TRAP 11	Denied: Application of Demarcus Ant-Juan Nelson Order filed 1-21-16
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MARGIE HUNT, ET AL. v. SUDHA NAIR, M.D., ET AL. E2014-01261-SC-R11-CV	Knox County Circuit Court Harold Wimberly, Jr. 21614	Susano Jr., Charles D.: Affirmed	TRAP 11	Denied: Application of Nitin J. Rangnekar Order filed 1-21-16
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JIMMY L. HENSLEY v. COCKE FARMER'S COOPERATIVE E2014-01775-SC-R11-CV	Cocke County Circuit Court O. Duane Slone 32157IV	Susano Jr., Charles D.: Affirmed	TRAP 11	Denied: Application of Cocke Farmer's Cooperative Order filed 1-21-16
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IN RE ESTATE OF LINDA QUASNITSCHKA KIRBUS E2014-02091-SC-R11-CV	Monroe County Chancery Court Jerri Bryant 18079	McClarty, John W.: Affirmed as Modified	TRAP 11	Denied: Application of Blair Quasnitschka , individually and as personal representative of the Estate of Linda Quasnitschka Kirbus and Alex Quasnitschka Order filed 1-21-16
MELISSA BARNETT v. STATE OF TENNESSEE E2014-02396-SC-R11-ECN	Polk County Criminal Court Andrew M. Freiberg 14CR077ECN	Easter, Timothy L.: Affirmed	TRAP 11	Denied: Application of Melissa Barnett Order filed 1-21-16
KENNETH RAY GRIFFIN v. STATE OF TENNESSEE E2015-00239-SC-R11-PC	Washington County Criminal Court R. Jerry Beck 26850	McMullen, Camille R.: Dismissed	TRAP 11	Denied: Application of Kenneth Ray Griffin Order filed 1-21-16

STATE OF TENNESSEE v. THOMAS PAUL GAGNE, JR. E2015-00502-SC-R11-CD	Knox County Criminal Court Bobby R. McGee 62279A	Witt Jr., James Curwood: Affirmed	TRAP 11	Denied: Application of Thomas Paul Gagne, Jr. Order filed 1-21-16
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Jackson

STATE OF TENNESSEE v. JEREMY SIMS and SHERRY BROOKSHIRE W2013-01253-SC-R11-CD	Shelby County Criminal Court James C. Beasley, Jr. 1106350	Witt Jr., James Curwood: Affirmed Woodall, Thomas T.: Concur	TRAP 11	Denied: Application of Jeremy Sims and Sherry Brookshire Order filed 1-19-16
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MATRIN BECTON v. STATE OF TENNESSEE W2014-00177-SC-R11-PC	Shelby County Criminal Court Glenn Ivy Wright P27092	Woodall, Thomas T.: Affirmed	TRAP 11	Denied: Application of Matrin Becton Opinion of Court of Criminal Appeals designated "Not For Citation" with Supreme Court Rule 4(E) Order filed 1-19-16
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TREMAINE ROBERSON v. STATE OF TENNESSEE
W2014-00400-SC-R11-PC

Shelby County Criminal Court
Chris Craft
0402632

Woodall, Thomas T.: Affirmed

TRAP 11

Denied: Application
of Tremaine
Roberson

Order filed 1-19-16

STATE OF TENNESSEE v. MICHAEL SMITH
W2014-00900-SC-R11-CD

Shelby County Criminal Court
James M. Lammey
0904071

Woodall, Thomas T.: Affirmed

TRAP 11

Denied: Application
of Michael Smith

Order filed 1-19-16

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

STATE OF TENNESSEE v. JOHN HENRY PRUITT

**Circuit Court for Hickman County
No. 115005CR**

No. M2013-02393-SC-R11-CD

ORDER

Upon consideration of the application for permission to appeal of John Henry Pruitt and the record before us, the application is granted.

In addition to the issues raised in the application for permission to appeal, the Court is particularly interested in briefing and oral argument of the following questions: (1) whether the Court of Criminal Appeals incorrectly held in *State v. Joshua Hayes*, No. M2012-01768-CCA-R3-CD, 2013 WL 3378320, at *7 (Tenn. Crim. App. July 1, 2013), *no perm. app. filed*, that retroactive application of the Exclusionary Rule Reform Act, Tenn. Code Ann. § 40-6-108, would violate constitutional protections against ex post facto laws; and (2) whether, in light of *Collins v. Youngblood*, 497 U.S. 37 (1990), the Court should modify the Tennessee ex post facto analysis adopted in *Miller v. State*, 584 S.W.2d 758 (Tenn. 1979)

The Clerk is directed to place this matter on the docket for oral argument upon the completion of briefing.

PER CURIAM