



Tennessee Supreme Court  
**DISCRETIONARY APPEALS**  
Grants & Denials List  
February 25, 2019 - March 1, 2019

**GRANTS**

| <b>Style/Appeal Number</b>   | <b>County/Trial Judge/<br/>Trial Court No.</b>                    | <b>Intermediate Court</b>  | <b>Supreme Court Action</b>   |
|--|---|----------------------------|---|
| <b><u>Jackson</u></b>  |   |                            |   |
| MCARTHUR BOBO v. STATE OF TENNESSEE<br>W2017-00681-SC-R11-CO                             | Shelby County Criminal Court<br>John Wheeler Campbell<br>08-02588 | Glenn, Alan E.: Affirm     | Granted/Remanded: Application<br>of McArthur Bobo<br><br>Order filed 2-27-19 (See Attached<br>Order)            |
| PAUL ZACHARY MOSS v. SHELBY COUNTY<br>CIVIL SERVICE MERIT BOARD<br>W2017-01813-SC-R11-CV | Shelby County Chancery Court<br>JoeDae L. Jenkins<br>CH-15-1669   | Goldin, Arnold B.: Reverse | Granted: Application of Shelby<br>County Civil Service Board<br><br>Order filed 2-25-19 (See Attached<br>Order) |

**DENIALS**

| <b>Style/Appeal Number</b> | <b>County/Trial Judge/<br/>Trial Court No.</b> | <b>Intermediate Court</b> | <b>Supreme Court Action</b> |
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**Jackson**

ALAN C. CARTWRIGHT v. ALICE CARTWRIGHT  
GARNER, ET AL.  
W2016-01424-SC-R11-CV

Shelby County Chancery Court  
James R. Newsom  
CH-14-0401-3

McBrayer, W. Neal: Affirm

Denied: Application of Alan C.  
Cartwright

Order filed 2-25-19

BANK OF AMERICA v. CALVIN AYCOCK ET AL.  
W2017-00758-SC-R11-CV

Shelby County Circuit Court  
Valerie L Smith  
CT-002105-16

McClarty, John W.: Affirm

Denied: Application of Calvin Dee  
Aycock

Order filed 2-25-19

STATE OF TENNESSEE v. FELIPE GONZALES  
W2017-00941-SC-R11-CD

Shelby County Criminal Court  
Lee V. Coffee  
13-04518

Ogle, Norma McGee: Affirm

Denied: Application of Felipe  
Gonzales

Order filed 2-25-19

STATE OF TENNESSEE v. MARQUETTE BENSON  
aka MARQUETTE MUKES  
W2017-01276-SC-R11-CD

Shelby County Criminal Court  
Chris Craft  
16-03588

Glenn, Alan E.: Affirm

Denied: Application of Marquette  
Benson aka Marquette Mukes

Order filed 2-25-19

|   |   |                              |  |
|---|---|------------------------------|--|
| STATE OF TENNESSEE v. TRACY DOUGLAS<br>W2017-01512-SC-R11-CD          | Shelby County Criminal Court<br>Chris Craft<br>13-03829     | Wedemeyer, Robert W.: Affirm | Denied: Application of Tracy Douglas<br><br>Order filed 2-25-19                      |
| CHRISTOPHER CREECH ET AL. v. RMRTN CHATT LLC<br>W2017-01541-SC-R11-CV | Dyer County Circuit Court<br>William B. Acree<br>2014-CV-56 | Armstrong, Kenny W.: Affirm  | Denied: Application of Christopher Creech, and Liz Creech<br><br>Order filed 2-25-19 |
| RICHARD DICKERSON v. STATE OF TENNESSEE<br>W2017-01572-SC-R11-PC      | Shelby County Criminal Court<br>Paula L. Skahan<br>11-02622 | Glenn, Alan E.: Affirm       | Denied: Application of Richard W. Dickerson<br><br>Order filed 2-25-19               |
| STATE OF TENNESSEE v. JAMAAL AUSTIN<br>W2017-01632-SC-R11-CD          | Shelby County Criminal Court<br>W. Mark Ward<br>15-06293    | Thomas Jr., D. Kelly: Affirm | Denied: Application of Jamaal Austin<br><br>Order filed 2-25-19                      |

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|--|---|---------------------------------|--|
| STATE OF TENNESSEE v. MERRICO JACKSON<br>W2017-01782-SC-R11-CO     | Shelby County Criminal Court<br>James M. Lammey<br>16-01195         | Glenn, Alan E.: Affirm          | Denied: Application of Merrico Jackson<br><br>Order filed 2-25-19      |
| STATE OF TENNESSEE v. CASEY COLBERT<br>W2017-01998-SC-R11-CD       | Shelby County Criminal Court<br>James M. Lammey<br>11-05332         | McMullen, Camille R.: Affirm    | Denied: Application of Casey Colbert<br><br>Order filed 2-25-19        |
| DONALD K. MOORE v. GRADY PERRY,<br>WARDEN<br>W2017-02180-SC-R11-HC | Hardeman County Circuit Court<br>Joe H. Walker, III<br>CC-17-CR-165 | Wedemeyer, Robert W.: Affirm    | Denied: Application of Donald K. Moore, Jr.<br><br>Order filed 2-25-19 |
| DEVON BROWN v. STATE OF TENNESSEE<br>W2017-02187-SC-R11-PC         | Shelby County Criminal Court<br>Lee V. Coffee<br>11-02623, 11-07432 | Witt Jr., James Curwood: Affirm | Denied: Application of Devon Brown<br><br>Order filed 2-25-19          |
| TAMAINE WORKS v. STATE OF TENNESSEE<br>W2017-02276-SC-R11-ECN      | Shelby County Criminal Court<br>Chris Craft<br>04-02521             | Woodall, Thomas T.: Affirm      | Denied: Application of Tamaine Works<br><br>Order filed 2-25-19        |

CHARLES REED v. WEST TENNESSEE  
HEALTHCARE INC. ET AL.  
W2018-00227-SC-R11-CV

Madison County Circuit Court  
Kyle Atkins  
C-16-262

Swiney, D. Michael: Affirm

Denied: Application of West  
Tennessee Healthcare, Inc., and  
Jackson-Madison County General  
Hospital District

Order filed 2-25-19

ADRIAN WHITE v. WARDEN GRADY PERRY ET  
AL.  
W2018-01185-SC-R11-CV

Hardeman County Chancery Court  
  
unknown

Per Curiam: Case Dispositional  
Decision

Denied: Application of Adrian  
White

Order filed 2-25-19

EDWARD PORRECA v. STATE OF TENNESSEE  
W2018-01593-SC-R11-PC

Shelby County Criminal Court  
W. Mark Ward  
12-01529

Per Curiam: Case Dispositional  
Decision

Denied: Application of Edward  
Porreca

Order filed 2-25-19

S. REDDY KARRI M.D. v. AMISUB (SFH) INC.  
D/B/A ST. FRANCIS HOSPITAL  
W2018-01888-SC-R11-CV

Shelby County Circuit Court  
Jerry Stokes  
CT-001110-16

Per Curiam: Case Dispositional  
Decision

Denied: Application of AMIAHUB  
(SFH), Inc. d/b/a St. Francis  
Hospital

Order filed 2-25-19

IN THE SUPREME COURT OF TENNESSEE  
AT JACKSON

**FILED**  
02/27/2019  
Clerk of the  
Appellate Courts

**MCARTHUR BOBO v. STATE OF TENNESSEE**

**Criminal Court for Shelby County  
No. 08-02588**

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**No. W2017-00681-SC-R11-CO**

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**ORDER**

This matter came before the Court upon the application for permission to appeal of McArthur Bobo. Mr. Bobo maintains he was effectively denied a hearing on his motion for new trial when the trial court applied the facts of another case in ruling on his motion for new trial. He claims the trial court's mistake, compounded by subsequent errors on appeal, deprived him of the right to an appeal as guaranteed by the United States and Tennessee Constitutions.

From the record before us, the Court has determined that the trial court indeed recalled the facts of another case when ruling on Mr. Bobo's motion for new trial. Consequently, in the unusual circumstances of this case, including the trial court's mistake and errors on appeal, the Court concludes that Mr. Bobo was, as a practical matter, deprived of a hearing on his motion for new trial, and the resulting appeal was flawed from its inception. *Cf.* Tenn. Code Ann. § 40-30-113(a)(3)(2018) (authorizing the filing of a motion for new trial in the original trial court when a petitioner has been unconstitutionally denied the right to an appeal).

Accordingly, Mr. Bobo's application for permission to appeal is granted for the purpose of remanding the case to the original trial judge for a hearing on Mr. Bobo's motion for new trial filed on November 2, 2009. The original trial judge shall hold a hearing on this motion within sixty days of the date of this order. Any appeal from the trial court's ruling shall proceed pursuant to Tennessee Rule of Appellate Procedure 3.

PER CURIAM

IN THE SUPREME COURT OF TENNESSEE  
AT JACKSON

**FILED**

02/25/2019

Clerk of the  
Appellate Courts

**PAUL ZACHARY MOSS v. SHELBY COUNTY CIVIL SERVICE MERIT  
BOARD**

**Chancery Court for Shelby County  
No. CH-15-1669**

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**No. W2017-01813-SC-R11-CV**

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**ORDER**

Upon consideration of the application for permission to appeal of Shelby County Civil Service Board 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