



Tennessee Supreme Court
DISCRETIONARY APPEALS
Grants & Denials List
November 15, 2021 - November 19, 2021

GRANTS

Style/Appeal Number	County/Trial Judge/ Trial Court No.	Intermediate Court	Supreme Court Action
<u>Nashville</u>			
STATE OF TENNESSEE v. LYNN FRANK BRISTOL M2019-00531-SC-R11-CD	Coffee County Circuit Court Vanessa Jackson 42118F	Easter, Timothy L.: Reverse	GRANTED - Application of the State of Tennessee; Order filed 11-19-2021 (See attached order)
MICHAEL HALLIBURTON v. TENNESSEE BOARD OF PAROLE M2020-01657-SC-R11-CV	Davidson County Chancery Court Russell T. Perkins 20-844-IV	Bennett, Andy D.: Affirm	GRANTED AND REMANDED TO COURT OF APPEALS - Application of Michael Halliburton; DENIED Motion to consolidate appeals. Order filed 11-19-2021 (See attached order)
<u>Knoxville</u>			
GEORGE GARY INGRAM v. DR. MICHAEL GALLAGHER, ET AL. E2020-01222-SC-R11-CV	Hamilton County Circuit Court Ward Jeffrey Hollingsworth 18-C-1272	Swiney, D. Michael: Reverse	GRANTED-Application of Dr. Michael Gallagher and Chattanooga-Hamilton County Hospital Authority d/b/a Erlanger Health System;

Order filed 11-17-2021 (See attached order)

PENNY LAWSON, ET AL. v. HAWKINS COUNTY, TN, ET AL.
E2020-01529-SC-R11-CV

Hawkins County Circuit Court
Alex E. Pearson
20-CV-37

Swiney, D. Michael: Reverse

GRANTED - Application of Hawkins County Emergency Management Agency, Hawkins County, Tennessee and Hawkins County Emergency Communications District Board; Order filed 11-17-2021 (See attached order)

Jackson

STATE OF TENNESSEE v. QUINTON DEVON PERRY
W2019-01553-SC-R11-CD

Madison County Circuit Court
Donald H. Allen
18-502

McMullen, Camille R.: Affirm

GRANTED - Application of Quinton Devon Perry; Order filed 11-17-2021 (See attached order)

DENIALS

Style/Appeal Number

**County/Trial Judge/
Trial Court No.**

Intermediate Court

Supreme Court Action

Nashville

STATE OF TENNESSEE v. WILLIE AUSTIN DAVIS
M2019-01852-SC-R11-CO

Davidson County Criminal Court
Cheryl A. Blackburn
2017-A-62

Glenn, Alan E.: Affirm

DENIED - Application of Willie Austin Davis; Order filed 11-18-2021

ANGELA MICHELLE CELA v. SOKOL CELA
M2019-01861-SC-R11-CV

Montgomery County Circuit Court
Kathryn Wall Olita
CC-16-CV-1070

Davis, Kristi M.: Affirm in Part

DENIED - Application of Angela
Michelle Cela;
Order filed 11-17-2021

WINFORD PAUL WILHOITE v. STATE OF
TENNESSEE
M2019-02198-SC-R11-PC

Maury County Circuit Court
Stella L. Hargrove
25743, 26127

McMullen, Camille R.: Affirm

DENIED - Application of Winford
Paul Wilhoite;
Order filed 11-17-2021

WESLEY HOWARD LUTHRINGER v. STATE OF
TENNESSEE
M2020-00503-SC-R11-PC

Bedford County Circuit Court
Forest A. Durard, Jr.
17864, 18086PC

Witt Jr., James Curwood: Affirm

DENIED - Application of Wesley
Howard Luthringer;
Order filed 11-19-2021

CHRISTINA LYNN MCCARTNEY v. LESTER DALE
MCCARTNEY ET AL.
M2020-00703-SC-R11-CV

Sequatchie County Chancery Court
Melissa T. Blevins-Willis
2420

Armstrong, Kenny W.: Affirm

DENIED - Application of Lester
Dale McCartney;
Order filed 11-19-2021

STATE OF TENNESSEE v. CINDY B. HINTON
M2020-00812-SC-R11-CD

Cheatham County Circuit Court
Suzanne Lockert-Mash
18762

Thomas Jr., D. Kelly: Affirm

DENIED - Application of Cindy B.
Hinton;
Order filed 11-19-2021

PERRY ALLEN ET AL. v. WILLIAM B. LEE ET AL. M2020-00918-SC-R11-CV	Davidson County Chancery Court Russell T. Perkins 20-405-IV	Goldin, Arnold B.: Vacate	DENIED - Application of Perry Allen and Roller Express, Inc.; Order filed 11-19-2021
DARRELL WAYNE BUMPAS v. STATE OF TENNESSEE M2020-00948-SC-R11-PC	Davidson County Criminal Court Steve R. Dozier 2014-D-2676	Ayers, Jill Bartee: Affirm	DENIED - Application of Darrell Wayne Bumpas; Order filed 11-19-2021
JAMES E. GAGNON v. DANIEL E. BUSTOS, M.D, ET AL. M2021-00592-SC-R11-CV	Rutherford County Circuit Court (CIVIL) Darrell Scarlett 77015	Per Curiam: Case Dispositional Decision	DENIED - Application of Matthew S. J. Katz; Order filed 11-19-2021
<u>Knoxville</u>			
STATE OF TENNESSEE v. GLENN BROWN AND THOMAS BYRD E2019-01618-SC-R11-CD	Knox County Criminal Court Bobby R. McGee 109768	Glenn, Alan E.: Affirm	DENIED - Application of Thomas Byrd; Order filed 11-17-2021
STATE OF TENNESSEE v. ANDRE TERRY AND NOLANDUS SIMS E2019-01741-SC-R11-CD	Knox County Criminal Court Bobby R. McGee 104542	Dyer, J. Ross: Affirm	DENIED - Applications of Andre Terry and Nolandus Sims; Order filed 11-17-2021

STATE OF TENNESSEE v. RALPHEAL CAMERON COFFEY E2019-01764-SC-R11-CD	Knox County Criminal Court G. Scott Green 110330	Ogle, Norma McGee: Affirm	DENIED - Application of Ralpheal C. Coffey; Order filed 11-19-2021
STATE OF TENNESSEE v. JOSHUA WILLIAMS E2019-01995-SC-R11-CD	Knox County Criminal Court Bobby R. McGee 103238B	Glenn, Alan E.: Affirm	DENIED - Application of Joshua M. Williams; Order filed 11-17-2021
STATE OF TENNESSEE v. JAY W. EDWARDS E2019-02176-SC-R11-CD	Knox County Criminal Court Bobby R. McGee 112890	Witt Jr., James Curwood: Affirm	DENIED - Application of Jay W. Edwards; Order filed 11-17-2021
MICHAEL MURPHY v. RICHARD SARTA ET AL. E2020-00445-SC-R11-CV	Hamblen County Circuit Court Alex E. Pearson 13CV127	Stafford, J. Steven: Affirm	DENIED - Application of Michael C. Murphy; Order filed 11-17-2021
STATE OF TENNESSEE v. ANTHONY LEBRON VANCE E2020-00467-SC-R11-CD	Hamilton County Criminal Court Don W. Poole 304410	Montgomery Jr., Robert H.: Affirm	DENIED - Application of Anthony Lebron Vance; Order filed 11-17-2021

MARCUS THOMAS v. STATE OF TENNESSEE
E2020-00751-SC-R11-PC

Knox County Criminal Court
G. Scott Green
108073

Montgomery Jr., Robert H.: Reverse
in Part

DENIED - Application of Marcus
D. Thomas;
Order filed 11-17-2021

STATE OF TENNESSEE v. JAMES D. DUNCAN
E2020-00827-SC-R11-CD

Anderson County Circuit Court
Donald Ray Elledge
B8C00515

McMullen, Camille R.: Affirm

DENIED - Application of James
David Duncan filed by counsel
and
Application of James David
Duncan filed Pro Se;
Order filed 11-17-2021

DOUG ZUKOWSKI EX REL. TAYLOR
ALEXANDER ZUKOWSKI v. HAMILTON COUNTY
DEPARTMENT OF EDUCATION
E2020-00939-SC-R11-CV

Hamilton County Circuit Court
Ward Jeffrey Hollingsworth
14C684

Swiney, D. Michael: Affirm

DENIED - Application of Aimee
Zukowski, Doug Zukowski, and
Taylor Alexander Zukowski;
Order filed 11-17-2021

MAINOR CANALES v. STATE OF TENNESSEE
E2020-01040-SC-R11-PC

Sevier County Circuit Court
James L. Gass
19414-II

Holloway Jr., Robert L.: Affirm

DENIED - Application of Mainor
Canales filed by counsel and
Application of Mainor Canales
filed Pro Se;
Order filed 11-17-2021

STERLING LAMARR COOPER v. SHAWN
PHILLIPS, WARDEN
E2020-01568-SC-R11-HC

Morgan County Criminal Court
Jeffery Hill Wicks
2020-CR-160

McMullen, Camille R.: Affirm

DENIED - Application of Sterling
Lamarr Cooper;
Order filed 11-17-2021

Jackson

STATE OF TENNESSEE v. MARTERIOUS O'NEAL
W2019-02157-SC-R11-CD

Shelby County Criminal Court
Paula L. Skahan
15-04917

Witt Jr., James Curwood: Affirm

DENIED - Application of
Marterious O'Neal;
Order filed 11-19-2021

STATE OF TENNESSEE v. ANTONIO D.
BLAYLOCK
W2020-00080-SC-R11-CD

Madison County Circuit Court
Donald H. Allen
19-636

Thomas Jr., D. Kelly: Reverse
Dyer, J. Ross: Concur in Part/Dissent
in Part

DENIED - Application of the State
of Tennessee;
The opinion of the Court of
Criminal Appeals is designated
"Not For Citation" in accordance
with Supreme Court Rule 4, Sec.
E;
Order filed 11-17-2021

CHIMNEYHILL CONDOMINIUM ASSOCIATION
v. KING CHOW
W2020-00873-SC-R11-CV

Shelby County Circuit Court
Rhynette N. Hurd
CT-004471-16

Stafford, J. Steven: Reverse in Part

DENIED - Application of
Chimneyhill Condominium
Association;
Order filed 11-17-2021

DARRYL ROBINSON v. STATE OF TENNESSEE
W2020-00942-SC-R11-PC

Shelby County Criminal Court
Glenn Ivy Wright
14-00511

Thomas Jr., D. Kelly: Reverse

DENIED - Application of Darryl
Robinson;
DENIED - Motion for
appointment of counsel and
Motion to proceed as a poor
person;
Order filed 11-17-2021

JEFFREY D. BUTLER v. STATE OF TENNESSEE
W2020-01261-SC-R11-CV

Tennessee Claims Commission
Commissioner, TN. Claims Commission
(Western Division)
T20171490

Per Curiam: Case Dispositional
Decision

DISMISSED - Application of
Carlos D. Wilson;
Order filed 11-17-2021

CARLOS WILSON v. STATE OF TENNESSEE
W2021-01043-SC-R11-CO

Shelby County Criminal Court
John Wheeler Campbell
14-02325

Dyer, J. Ross, McMullen, Camille R.,
Williams, John Everett: Case
Dispositional Decision

DENIED - Application of Carlos D.
Wilson;
Order filed 11-17-2021

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

FILED
11/19/2021
Clerk of the
Appellate Courts

STATE OF TENNESSEE v. LYNN FRANK BRISTOL

**Circuit Court for Coffee County
No. 42118F**

No. M2019-00531-SC-R11-CD

ORDER

Upon consideration of the application for permission to appeal of the State of Tennessee and the record before us, the application is granted.

Additionally, the trial court is ordered to make a written determination of whether the written jury instructions transmitted originally with the appellate record, the written jury instructions transmitted to the Court of Criminal Appeals in a supplemental record, or some other version of written jury instructions accurately reflect the written instructions provided to the jury at trial. Tenn. R. App. P. 24(e), (g).

The trial court shall file its written determination as a supplemental record with the Clerk of this Court no later than (15) fifteen days after the filing of this order. If the trial court determines that neither version of the written jury instructions already contained in the record on appeal is the version submitted to the jury at trial, the trial court shall include in the supplemental record, along with its written determination, the written instructions submitted to the jury at trial.

The time for briefing this appeal under Tenn. R. App. P. 11(f) shall begin on the date the supplemental record is filed.

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

It is so ORDERED.

PER CURIAM

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

FILED
11/19/2021
Clerk of the
Appellate Courts

MICHAEL HALLIBURTON v. TENNESSEE BOARD OF PAROLE

**Chancery Court for Davidson County
No. 20-844-IV**

No. M2020-01657-SC-R11-CV

ORDER

Applicant Michael Halliburton, an inmate in the Tennessee Department of Correction, filed a petition for common law writ of certiorari pro se and in forma pauperis in the Chancery Court for Davidson County, seeking judicial review of the Tennessee Board of Parole’s March 10, 2020 parole proceedings. The Chancery Court dismissed the petition pursuant to Tennessee Code Annotated section 41-21-812, which provides that “on notice of assessment of any fees, taxes, costs and expenses under this part, a clerk of a court may not accept for filing another claim by the same inmate until prior fees, taxes, costs and other expenses are paid in full.” The Court of Appeals affirmed the dismissal, holding in part that Mr. Halliburton had waived his argument that Tennessee Code Annotated section 41-21-812 violates the open courts clause in article I, section 17 of the Tennessee Constitution by failing to raise the issue in the trial court. Upon review of the record, we conclude that Mr. Halliburton’s answer to the Tennessee Board of Parole’s motion to dismiss sufficiently raised the argument that Tennessee Code Annotated section 41-21-812 violates the open courts clause by stating:

Tenn. Code Ann. § 41-21-801, et seq., is unconstitutional as per the Tennessee Constitution which clearly grants an absolute right to the courts of the State “without sale, denial, or delay.” Tenn. Const. art. I, sec. 17. “Nothing contained in this Constitution shall impair the validity of any debts or contracts, or affect any rights of property or any suits, actions, rights of action or other proceedings in Courts of Justice.” Tenn. Const. art. XI, sec. 2. That is precisely what Tenn. Code Ann. § 41-21-801, et seq., does--it impairs access to the courts. Certainly frivolous lawsuits adversely affect taxpayers, but they also adversely affect indigent inmates with non-frivolous claims. The ability to appeal an agency or court decision should not be determined by the depth of one’s pocketbook. A legitimate concern over a

frivolous lawsuit does not warrant the violation of a person's clearly enumerated constitutional right to access the courts. For the above reasons Petitioner's suit should be filed without further delay.

Accordingly, upon consideration of the application for permission to appeal of Mr. Halliburton and the record before us, the application is granted and the case is remanded to the Court of Appeals to consider Mr. Halliburton's argument that Tennessee Code Annotated section 41-21-812 violates the open courts clause in article I, section 17 of the Tennessee Constitution.

Mr. Halliburton has filed a motion requesting that this appeal be consolidated with the pending appeal in *Halliburton v. Tennessee Board of Parole*, No. M2021-00470-COA-R3-CV. Upon due consideration, that motion is denied.

PER CURIAM

IN THE SUPREME COURT OF TENNESSEE
AT KNOXVILLE

FILED
11/17/2021
Clerk of the
Appellate Courts

GEORGE GARY INGRAM v. DR. MICHAEL GALLAGHER ET AL.

**Circuit Court for Hamilton County
No. 18-C-1272**

No. E2020-01222-SC-R11-CV

ORDER

Upon consideration of the application for permission to appeal of Dr. Michael Gallagher, and Chattanooga-Hamilton County Hospital Authority d/b/a Erlanger Health System 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 JACKSON

FILED

11/18/2021

Clerk of the
Appellate Courts

STATE OF TENNESSEE v. QUINTON DEVON PERRY

**Circuit Court for Madison County
No. 18-502**

No. W2019-01553-SC-R11-CD

ORDER

Upon consideration of the application for permission to appeal of Quinton Devon Perry 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

FILED

11/17/2021

Clerk of the
Appellate Courts

PENNY LAWSON, ET AL. v. HAWKINS COUNTY, TN, ET AL.

**Circuit Court for Hawkins County
No. 20-CV-37**

No. E2020-01529-SC-R11-CV

ORDER

Upon consideration of the application for permission to appeal of Hawkins County Emergency Management Agency, Hawkins County, Tennessee, and Hawkins County Emergency Communications District 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