

IN THE CRIMINAL COURT OF HAMILTON COUNTY, TENNESSEE

SECOND DIVISION

STATE OF TENNESSEE,

*Plaintiff,*

vs.

ARTERRIUS ALLEN, ET AL.

*Defendants.*

FILED IN OFFICE  
2018 AUG 22 PM 3:53  
VINCE DEAN, CLERK  
BY \_\_\_\_\_ DC

- NO(s). 304472 (Allen, Arterrius)
- 304473 (Anderson, Terry Lee)
- 304475 (Arnold, Martrel)
- 304478 (Beard, Henry)
- 304480 (Bowling, Quadarius)
- 304482 (Bragg, Raven)
- 304484 (Caldwell, Garrison)
- 304485 (Cannon, Che' Anthony)
- 304486 (Carter, Corey)
- 304488 (Clemons, Countess)
- 304487 (Clemons, Johnny)
- 304489 (Collier, Cordelle)
- 304490 (Davis, Floyd)
- 304491 (Dean, Danielle)
- 304492 (Ellis, Jeremy)
- 304493 (Estes, Marquita)
- 304494 (Green, Melvin)
- 304525 (Grier, Andre)
- 304495 (Haggard, Lacharleston)
- 304496 (Haggard, Lawande)
- 304497 (High, Courtney)
- 304498 (Holland, Eric)
- 304500 (Johnson, Tychius)
- 304501 (Kirk, Dimesha)
- 304502 (Lay, Broderick)
- 304503 (Lee, Antwon)
- 304504 (Lomnick, Rodney)
- 304508 (McKinney, Kerry)
- 304509 (McReynolds, Eric)
- 304506 (Martin, Travis)
- 304507 (Mayes, Dexter)
- 304510 (Morris, Osha)
- 304512 (Myricks, Jermaine)
- 304513 (Orton, Clarence)
- 304515 (Ramsey, Chenika)
- 304516 (Shelton, Charles)
- 304517 (Shepherd, Jamal)
- 304518 (Sims, Cortez)
- 304519 (Sims, Coynesha)
- 304521 (Sneed, Darrius)
- 304522 (Stamps, Jesse)
- 304523 (Thomas, Ira)

**AMENDED ORDER GRANTING MOTIONS TO DISMISS**

This matter came before the Court upon motions to dismiss filed by the State of Tennessee in light of a superseding presentment issued by the Hamilton County Grand Jury on August 14, 2018.

Pursuant to Tenn. R. Crim. P. 48(a), the State may terminate a prosecution by filing a dismissal of an indictment, presentment, information, or complaint. Although dismissal formally requires the “permission of the Court,” Rule 48(a) “only grants the trial court limited control over the prosecutor’s discretionary powers.”<sup>1</sup> Rather,

“[t]he [State] remains the absolute judge of whether a prosecution should be initiated and the first and presumptively the best judge of whether a pending prosecution should be terminated. The exercise of its discretion with respect to the termination of pending prosecutions should not be judicially disturbed unless clearly contrary to manifest public interest.”<sup>2</sup>

Accordingly, the Court hereby **ORDERS** as follow:

- **Granting of Motions:** Because the dismissals are not clearly contrary to manifest public interest in light of the superseding presentment, the Court grants the motions to dismiss without prejudice.
- **Effect on Current Filings:** The Court requests and orders that the Criminal Court Clerk transfer the filings made in each of these cases to the respective corresponding cases brought as part of the superseding presentment. In individual cases, the Court will then, by separate order, consider whether motions, requests, or other papers remain ripe for adjudication.
- **Current Scheduling Order Maintained:** The currently entered scheduling orders in these cases shall be transferred to the new cases, and they shall continue to govern all proceedings in the respective cases brought as part of the superseding presentment until further order of the Court.
- **Continuation of Representation by Counsel:** All counsel who have entered an appearance as counsel of record for a party in the original action, whether by retention or appointment, shall continue representing that party in the respective corresponding cases brought as part of the superseding presentment. Formal appointment orders will be filed upon arraignment with an entry date, *nunc pro tunc*, August 22, 2018.
- **Unaffected Cases:** With these dismissals, the Court believes that the only remaining cases from the original *Allen* presentment are as follows:

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<sup>1</sup> See *State v. Langston*, No. W2015-02359-CCA-R3-CD, 2017 WL 1968827, at \*7 (Tenn. Crim. App. May 12, 2017), *perm. app. denied*, Sept. 22, 2017 (citing *State v. Harris*, 33 S.W.3d 767, 770 (Tenn. 2000)); see also *State v. Layman*, 214 S.W.3d 442, 451 (Tenn. 2007).

<sup>2</sup> See *State v. Harris*, 33 S.W.3d 767, 771 (Tenn. 2000) (emphasis added); *State v. Layman*, 214 S.W.3d 442, 451 (Tenn. 2007).

- 304474 (Armstrong, Darrell);
- 304476 (Atkinson, Jamaal);
- 304477 (Beamon, Desmond);
- 304479 (Beasley, Terry);
- 304481 (Bradley, Ladarrel);
- 304483 (Burton, Clarence);
- 304499 (Johnson, Ladarrius);
- 304505 (Lykes, Dutchess);
- 304511 (Murphy, Montez);
- 304514 (Pointer, Demetric);
- 304520 (Smith, Jr., Lawarren);
- 304524 (Thorne, Theonda).

It is so ordered.

Enter, this the 22<sup>nd</sup> day of August, 2018.



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TOM GREENHOLTZ, Judge