

IN THE CRIMINAL COURT OF HAMILTON COUNTY, TENNESSEE

FILED IN OFFICE
2018 DEC 19 AM 9:48
VINCE DEAN, CLERK
BY _____ DC

STATE OF TENNESSEE,

Plaintiff,

vs.

ARTERRIUS ALLEN, ET AL.

Defendants.

SECOND DIVISION

- 305636 (Allen, Arterrius)
- 305637 (Anderson, Terry)
- 305639 (Arnold, Martrel)
- 305641 (Beamon, Desmond)
- 305643 (Beasley, Terry)
- 305644 (Bowling, Quadarius)
- 305648 (Caldwell, Garrison)
- 305649 (Cannon, Che' Anthony)
- 305652 (Clemons, Johnny)
- 305653 (Collier, Cordelle)
- 305657 (Estes, Marquita)
- 305658 (Green, Melvin)
- 305660 (Haggard, LaCharleston)
- 305661 (Haggard, Lawande)
- 305662 (High, Courtney)
- 305665 (Johnson, Tychius)
- 305668 (Lee, Antwon)
- 305669 (Lomnick, Rodney)
- 305670 (Lykes, Dutchess)
- 305671 (McKinney, Kerry)
- 305672 (McReynolds, Eric)
- 305674 (Mayes, Dexter)
- 305675 (Morris, Osha)
- 305677 (Murphy, Montez)
- 305678 (Orton, Clarence)
- 305679 (Davis, Robert)
- 305680 (Ramsey, Chenika)
- 305681 (Shelton, Charles)
- 305682 (Shepherd, Jamal)
- 305683 (Sims, Cortez)
- 305686 (Sneed, Darrius)
- 305687 (Stamps, Jesse)
- 305688 (Thomas, Andre)
- 305689 (Thomas, Ira)

**NOTICE OF HEARING FOR, AND SUMMARY DISPOSITION OF,
MOTIONS DOCKETED FOR JANUARY 7, 2019**

This cause came before the Court upon motions filed by various parties in the above cases. For clarification of the issues and procedures before the Court, the Court files this notice for the benefit of all the parties in the case.

In some cases herein, and in an effort to conserve the resources of the parties and of the Court, the Court has summarily addressed certain motions likely to be uncontested. If any party wishes reconsideration of the Court's orders herein, the party is requested to appear in open court on January 7, 2019 at 10:30 a.m. Otherwise, the parties having motions summarily addressed may be excused.

For the remaining motions docketed for January 7, 2019, the Court anticipates taking the motions for argument seriatim by case number, if any additional argument is needed beyond the written explication in the motion. As for argument on motions having other joining parties, the Court will hear first from the party filing the original motion. The Court will then hear from other parties joining that motion, in order of case number, if those other parties have non-duplicative and material argument.

MOTIONS SET FOR HEARING

The Court recognizes that the following motions have been properly filed and set for hearing on January 7, 2019 at 10:30 a.m.

1. STATE OF TENNESSEE

- a. State's Motion to Extend Witness List Deadline (filed 11/20/2018)

2. HAGGARD, LACHARLESTON LEE, CASE NO. 305660 (BEARD, ALAN)

- a. Motion No. 13: Motion to Dismiss True Bill (filed 09/19/2018)¹
- i. *Motion joined in by the following:*
1. Melvin Green (Case No. 305658; Wills, Bennett)
- b. Motion No. 14: Motion for Bill of Particulars (filed 09/19/2018)²
- i. *Motion joined in by the following:*
1. Marquita Estes (Case No. 305657; Burnette, Eric)

¹ The Court set this motion for hearing on this date by Order entered September 28, 2018.

² See Order of October 23, 2018 setting motion for January 7, 2019.

2. Melvin Green (Case No. 305658; Wills, Bennett)

3. HAGGARD, LAWANDE CHARLES, CASE NO. 305661 (DEBUSK, ROBERT)

a. Motion No. 4: Motion to Dismiss Defective Presentment or in the Alternative to Declare RICO Unconstitutional (filed 11/14/2018)

b. Motion No. 8: Motion to Dismiss Presentment Under Tenn. Code Ann. § 39-12-204(E) (filed 11/26/2018)

i. *Motion joined in by the following:*

1. Antwon Devon Lee (Case No. 305639; Sanders, Bill)

4. HIGH, COURTNEY, CASE NO. 305662 (MOORE, STEVEN / WISE, FISHER)

a. Motion No. 5: Motion for Bill of Particulars (filed 10/15/2018)³

i. *Motion joined by the following:*

1. Cordelle Collier (Case No. 305653; Hudson, Sam)

2. Melvin Green (Case No. 305658; Wills, Bennett)

3. Lawande Charles Haggard (Case No. 305661; DeBusk, Robert)

4. Cortez Sims (Case No. 305683; Weiss, Joshua)

b. Motion No. 7, Motion to Disqualify the Office of the District Attorney General (filed November 15, 2018)⁴

i. *Motion joined by the following:*

1. Terry Anderson (Case No. 305637; McDougal, John)

2. Lawande Haggard (Case No. 305661; DeBusk, Robert)

³ The record contains two (2) Motions enumerated as “5” for Mr. High filed in October 2018. The motion addressed in this Order is the Motion No. 5 filed on October 15, 2018. This motion was set for argument on January 7, 2019 by the Court’s November 19, 2018 Order.

⁴ The record contains two (2) Motions enumerated as “7” for Mr. High. The motion addressed in this Order is the Motion No. 7 filed on November 7, 2018. This motion was set for argument on January 7, 2019 by the Court’s December 17, 2018 Order.

3. Tychius Johnson (Case No. 305665; James, Brent)
 4. Montez Murphy (Case No. 305677; Shiles, Gene)
 5. Charles Shelton (Case No. 305681; Ripper, Dan / Kurtz, Robert)
 6. Kerry McKinney (Case No. 305671; Smith, Jared) (*withdrawn*)
 7. Terry Beasley (Case No. 305643; Thomas, Taylor) (*withdrawn*)
- c. Motion No. 11: Motion to Dismiss Count I of Superseding Presentment (filed 11/26/2018)
- i. *Motion joined by the following:*
 1. Desmond Beamon (Case No. 305641; Caldwell, Brian)

5. MURPHY, MONTEZ, CASE NO. 305677 (SHILES, GENE)

- a. Motion No. 4, Motion to Dismiss Presentment or, Alternatively, to Provide a Bill of Particulars (filed 10/04/2018)⁵
 - i. Motion joined in by the following:
 1. Cortez Sims (Case No. 305683; Weiss, Joshua)
 2. Clarence Orton (Case No. 305678; Threadgill, Logan)
 3. Johnny Clemons (Case No. 305652; Newman, Zachary)
 4. Garrison Caldwell (Case No. 305648; Crosby, Timothy)
 5. Che' Anthony Berry Cannon (Case No. 305649; McGowan, Ben)
 6. Lawande Haggard (Case No. 305661; DeBusk, Robert)
 7. Terry Montez Beasley (Case No. 305643; Thomas, Taylor)
 8. Desmond Beamon (Case No. 305641; Caldwell, Brian)
 9. Dutchess Lykes (Case No. 305670, Walliser, Jaclyn)
 10. Osha Morris (Case No. 305675; Phillips, Diana)

⁵

See Order of October 9, 2018 setting motion for January 7, 2019.

b. Motion No. 5: Motion for Severance of Defendants and Offenses (filed 10/23/2018)⁶

i. *Motion joined in by the following:*

1. Desmond Cortez Beamon (Case No. 305641; Caldwell, Brian)
2. Tychius Johnson (Case No. 305665; James, Brent)
3. Osha Tremell Morris (Case No. 305675; Phillips, Diana)

6. SNEED, DARRIUS, CASE NO. 305686 (LANIER, CHRIS)

a. Motion No. 11: Motion for Bill of Particulars (filed 10/31/2018)⁷

b. Motion No. 12: Motion to Extend Deadlines for Filing Motions, Notices of Joinder, Briefs and Making Discovery Requests (filed 10/31/2018)⁸

7. STAMPS, JESSE, CASE NO. 305687 (DUPREE, CHARLES)

a. Motion No. 8: Motion to Dismiss Indictment or for the State to Provide a Detailed Bill of Particulars Regarding Charges Against Mr. Stamps (filed 10/09/2018)⁹

b. Motion No. 9: Motion No. 9: Motion for Court to Sever Defendant Stamps' Cases from Those of the Other Defendants (filed 10/09/2018)¹⁰

8. THOMAS, IRA, CASE NO. 305689 (HOLLOWAY, MICHAEL)

a. Motion No. 1: Motion to Dismiss Defective Presentment Pursuant to Rule 12(b)(2)(B) of the *Tennessee Rules of Criminal Procedure* (filed 11/30/2018)

i. *Motion joined by the following:*

1. Melvin Green (Case No. 305658; Wills, Bennett)

⁶ See Order of October 9, 2018 setting motion for January 7, 2019.

⁷ See Order of November 19, 2018 setting motion for January 7, 2019.

⁸ See Order of November 19, 2018 setting motion for January 7, 2019.

⁹ See Order of November 19, 2018 setting motion for January 7, 2019.

¹⁰ See Order of November 19, 2018 setting motion for January 7, 2019.

2. Terry Anderson (Case No. 305637; McDougal, John)

MOTIONS ADDRESSED SUMMARILY

To conserve the resources of the parties and the Court, the Court has summarily addressed the following motions thought to be largely routine or unopposed.

However, it is not the Court's intention to deny any party a hearing if a hearing is necessary. As such, if any party wishes reconsideration of the Court's orders herein, the party is requested to appear in open court on January 7, 2019 at 10:30 a.m. If no party wishes reconsideration, then apart from the regularly scheduled check-in date, all parties may be excused on that day and not appear in court.

1. **HAGGARD, LAWANDE CHARLES, CASE NO. 305661 (DEBUSK, ROBERT)**

- a. Motion No. 5: Motion for Notice of Intent to Use Evidence (filed 11/14/2018)

COURT'S ORDER: The Court orders that Lawande Haggard Motion No. 5 be treated as a request for discovery pursuant to Tenn. R. Crim. P. 16 or a request for notice of the State's evidence pursuant to Tenn. R. Crim. P. 12(d)(2), with notice given to the State of such requests.

Absent a request for rehearing, the parties need not appear on January 7, 2019 to address this motion.

The Court requests that the Clerk enter the resolution of this motion upon the Rule Docket in this case.

- b. Motion No. 6: Motion for Exculpatory Evidence (filed 11/14/2018)

COURT'S ORDER: The Court **GRANTS** Lawande Haggard Motion No. 6 to the extent that production of such information and evidence would be compelled by *State v. Jackson*, 444 S.W.3d 554, 593 (Tenn. 2014) and *Johnson v. State*, 38 S.W.3d 52, 55 (Tenn. 2001). The Court's intention is to grant the motion as requested, even though the motion is broadly worded, with the State given leave to request reconsideration should particular issues arise.

Absent a request for rehearing, the parties need not appear on January 7, 2019 to address this motion.

The Court requests that the Clerk enter the resolution of this motion upon the Rule Docket in this case.

c. Motion No. 7: Motion for Production of Statements of Those Not Intended to Be Called as Witnesses by the State (filed 11/14/2018)

i. *Motion joined in by the following:*

1. Antwon Devon Lee (Case No. 305639; Sanders, Bill)

COURT'S ORDER: Lawande Haggard Motion No. 7, if taken literally and without any limitation, would likely encompass the entire docket of the criminal court (and beyond) and prove impossible to administer. The Court further recognizes that the State has not made a determination as to who will not be called as a witness in the case and that any such determination, as a practical matter, will not occur until trial is near.

However, the Court does not believe that the Lawande Haggard Motion No. 7 is intended to apply literally. As such, the Court **GRANTS IN PART** Lawande Haggard Motion No. 7 to the extent that production of such information and evidence would be compelled in Mr. Haggard's case by *State v. Jackson*, 444 S.W.3d 554, 593 (Tenn. 2014) and *Johnson v. State*, 38 S.W.3d 52, 55 (Tenn. 2001). The Court's intention is to grant the motion, but only to the extent that (1) such evidence is in the possession, custody, or control of the State; and (ii) is favorable to the defendant, with the parties given leave to request reconsideration should particular issues arise.

Absent a request for rehearing, the parties need not appear on January 7, 2018 to address this motion.

The Court requests that the Clerk enter the resolution of this motion upon the Rule Docket in each of these cases.

2. MAYES, DEXTER, CASE NO. 305674 (HEDRICK, JOSHUA)

a. Motion No. 1: Motion to Extend the Time for Filing of Reciprocal Discovery and Notice of Affirmative Defenses (filed 11/27/2018)

i. *Motion joined in by the following:*

1. Arterrius Allen (Case No. 305636; Daugherty, Terri)

2. Terry Anderson (Case No. 305637; McDougal, John)

3. Martrel Arnold (Case No. 305639; Spurgin-Floyd, Brandy)

4. Desmond Beamon (Case No. 305641; Caldwell, Brian)

5. Terry Montez Beasley (Case No. 305643; Thomas, Taylor)
6. Quadarius Bowling (Case No. 305644; Thomas, Michael)
7. Che' Anthony Berry Cannon (Case No. 305649; McGowan, Ben)
8. Johnny Clemons (Case No. 305652; Newman, Zachary)
9. Cordelle Collier (Case No. 305653; Hudson, Sam)
10. Robert Davis a/k/a Demetric Pointer (Case No. 305679; Pro Se / Sam Elliott)
11. Melvin Green (Case No. 305658; Wills, Bennett)
12. Lawande Charles Haggard (Case No. 305661; DeBusk, Robert)
13. Tychius Johnson (Case No. 305665; James, Brent)
14. Antwon Devon Lee (Case No. 305668; Sanders, Bill)
15. Rodney Arnez Lomnick, Jr. (Case No. 305669; Wells, Aaron)
16. Kerry Lamar McKinney (Case No. 305671; Smith, Jared), *as McKinney Motion No. 10.*
17. Eric McReynolds (Case No. 305672; Austin, Thomas)
18. Montez Murphy (Case No. 305677; Shiles, Gene)
19. Clarence Orton (Case No. 305678; Threadgill, Logan)
20. Chenika Ramsey (Case No. 305680; Rogers, Stephanie)
21. Jamal Shepherd (Case No. 305682; Wilson, Chad)

COURT'S ORDER: The Court **GRANTS** Mayes Motion No. 1. The Court will hold setting a reciprocal discovery deadline in abeyance pending further discussion on the status of pretrial discovery disclosures at the Main Status Conference on January 28, 2019.

Absent a request for rehearing, the parties need not appear on January 7, 2019 to address this motion.

The Court requests that the Clerk enter the resolution of this motion upon the Rule Docket in each of these cases.

3. SNEED, DARRIUS, CASE NO. 305686 (LANIER, CHRIS)

- a. Motion No. 12: Motion to Extend Deadlines for Filing Motions, Notices of Joinder, Briefs and Making Discovery Requests (filed 10/31/2018)¹¹

COURT'S ORDER: The Court **GRANTS** Sneed Motion No. 12. The Court will hold setting a reciprocal discovery deadline in abeyance pending further discussion on the status of pretrial discovery disclosures at the Main Status Conference on January 28, 2019.

Absent a request for rehearing, the parties need not appear on January 7, 2019 to address this motion.

The Court requests that the Clerk enter the resolution of this motion upon the Rule Docket in each of these cases.

4. THOMAS, ANDRE, CASE NO. 305688 (RODERICK, ELIZABETH)

- a. Motion No. 3: Motion to Extend the Time for Filing of Reciprocal Discovery and Notice of Affirmative Defenses (filed 11/30/2018)

i. *Motion joined by the following:*

1. Desmond Beamon (Case No. 305641; Caldwell, Brian)
2. Antwon Devon Lee (Case No. 305668; Sanders, Bill), *as Lee Motion No. 17.*
3. Osha Morris (Case No. 305675; Phillips, Diana)
4. Cortez Sims (Case No. 305683; Weiss, Joshua)

COURT'S ORDER: The Court **GRANTS** Andre Thomas Motion No. 3. The Court will hold the requested deadlines in abeyance pending further discussion on the status of pretrial discovery disclosures at the Main Status Conference on January 28, 2019.

As to the joined cases, the Court **DENIES** the similar requested relief in the joined cases without prejudice as to any motions to be filed pursuant to Tenn. R. Crim. P. 12(b)(A), (B), and (E), but otherwise grants the relief requested as well. Mr. Thomas's case was arraigned late in the proceedings, and the need for additional time is readily apparent. If the

¹¹ See Order of November 19, 2018 setting motion for January 7, 2019.

joined cases show good cause under their individual facts and circumstances, the Court will, of course, reconsider the denial.

Absent a request for rehearing, the parties need not appear on January 7, 2019 to address this motion.

The Court requests that the Clerk enter the resolution of this motion upon the Rule Docket in each of these cases.

It is so ordered.

Enter, this the 19th day of December, 2018.

A handwritten signature in blue ink, appearing to read "Tom Greenholtz", is written over a horizontal line.

TOM GREENHOLTZ, Judge