



Tennessee Supreme Court Building - Knoxville

The Tennessee Court of Criminal Appeals was established in 1967 to alleviate the growing caseload of the Tennessee Supreme Court. It serves as an intermediate appellate court, handling appeals in criminal cases from lower trial courts across the state. The court hears appeals on matters such as convictions, sentences, and post-conviction relief petitions.

Comprised of twelve judges, the court hears appeals from trial courts across Tennessee. Cases are typically heard by three-judge panels that rotate among different locations, including Knoxville, Nashville, and Jackson. The judges are elected to eight-years terms.

The Court of Criminal Appeals does not hold jury trials but instead reviews the proceedings from lower courts. It plays a crucial role in ensuring the rule of law and fair treatment in Tennessee's criminal justice system. Appeals from this court may be further appealed to the Tennessee Supreme Court.



For more information on the Court of Criminal Appeals or the Appellate Court Clerk's Office, please visit www.tncourts.gov.



TENNESSEE COURT OF CRIMINAL APPEALS

October 23, 2024

JUDGES

Jill Bartee Ayers

Tom Greenholtz

Kyle A. Hixson

James M. Hivner, Clerk

Rebecca Doyal,
Chief Deputy Clerk

Oral Argument is limited to 20 minutes per side, unless otherwise allowed per Court order.



Tom Greenholtz



Jill Bartee Ayers



Kyle A. Hixson



Appointed in 2022

Previous Employment

Judge, Criminal Court for Hamilton County

Education

University of Tennessee College of Law , 1999

University of Tennessee, Chattanooga, 1996

Community Involvement

Orange Grove Center, Board President; Chambliss Center for Children, Board Chair; Tennessee Commission on CLE , Chair; Tennessee Bar Association Standing Committee on Ethics and Professional Responsibility; Community Foundation of Greater Chattanooga; United Way of Greater Chattanooga; Rotary Club of Chattanooga; St. Peter's Episcopal Church.

Appointed in 2020

Previous Employment

Judge, Circuit Court for Montgomery and Roberson Counties

Education

University of Tennessee College of Law , 1992

Belmont University, 1989

Community Involvement

Tennessee Judicial Conference Executive Committee; Belmont University College of Law Inns of Court; Rotary Paul Harris Fellow; Tennessee Promise Mentor; Belmont University Athlete Mentor; Class XI Leadership Tennessee; Leadership Middle Tennessee graduate and past board chair; Leadership Clarksville graduate; member, Westminster Presbyterian Church.

Appointed in 2022

Previous Employment

Judge, Criminal Court for Knox County

Education

University of Tennessee College of Law, 2008

University of Tennessee, Knoxville, 2005

Community Involvement

Adjunct Professor of Law and Member of the Alumni Council, University of Tennessee College of Law; Sertoma Center and Court Appointed Special Advocates of East Tennessee, Past Member of the Board of Directors; Friend of the Great Smoky Mountains National Park; Sevier Heights Baptist Church, Member.

Judicial Panel for Arguments

Appellate Court Clerk

The Appellate Court Clerk's office works for the Tennessee Supreme Court, Tennessee Court of Appeals and Tennessee Court of Criminal Appeals. The primary responsibilities of the Office include:

- filing and processing all briefs, motions and other documents for cases on appeal;
- scheduling all oral arguments;
- filing all orders and opinions issued; and
- notifying all parties to appeals of all filings.

The dedicated staff with 30 employees are located at the Supreme Court buildings in Knoxville, Nashville, and Jackson.



James M. Hivner became Clerk of the Appellate Courts June 3, 2014. He earned a bachelor's degree in business administration from the University of Tennessee and received his J.D and LL.M. in taxation from the University of Alabama School of Law.



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CASE 1: 10:00 a.m.

Lawyers

Defendant: William W. Gill

State: Ronald L. Coleman

In *STATE OF TENNESSEE V. BILLY FORTE*, Forte and his son, Charles, argued over a suspected theft from the family business on April 2, 2018. Forte claimed self-defense, believing Charles, who had a violent history, was reaching for a weapon. He shot Charles with a shotgun and called 911, but the recording of the call was lost due to the State's error. Forte was convicted of second-degree murder.

Legal Issues and Arguments:

Destruction of Exculpatory Evidence: Forte argues that the State's failure to preserve his 911 call violated his due process rights. The State maintains that the destruction was unintentional and that a jury instruction was an appropriate remedy, which the trial court granted.

Admissibility of Prior Convictions: Forte contests the admission of his 1996 domestic assault conviction. The State argues that Forte "opened the door" to this evidence by testifying about his clean record and relationship with his ex-wife.

Exclusion of Victim's Criminal History: Forte claims the court improperly limited evidence of Charles's criminal history, which he argued was critical to his self-defense claim. The State contends that while some details were admitted, others were irrelevant or confusing for the jury.

Forte seeks dismissal or a new trial based on these legal errors.

CASE 2: 11:00 a.m.

Lawyers

Defendant: Brennan Maureen Wingerter

State: Katherine Casseley Redding

In *STATE OF TENNESSEE V. CLARENCE M. PORTER*, Porter, along with co-defendants Christopher Orr and Brown, was involved in a robbery at James Johnson's home on May 10, 2017. Orr shot Johnson, and the group stole Johnson's cell phone before fleeing. The case against Porter relied on Brown's testimony and cell phone data. He was later convicted of two counts of felony murder, theft, and especially aggravated robbery.

Legal Issues and Arguments:

Sufficiency of Evidence: Porter argues that the evidence, primarily Brown's testimony and cell phone records, was insufficient and lacked corroboration. The State counters that the phone data and independent evidence supported Brown's testimony, establishing Porter's involvement.

Admissibility of Evidence: Porter contests the admission of Orr's text messages as hearsay. The State argues the messages were admissible because it proved a conspiracy to commit theft or robbery.

Gang Unit Reference: Porter claims that a reference to Chattanooga's "street gangs unit" was irrelevant and prejudicial. The State contends it was a harmless remark used only to explain law enforcement's investigation.

Prosecutorial Misconduct: Porter alleges that the prosecution's closing argument inflamed the jury with racial biases. The State argues the comments were appropriate and did not violate legal standards.

Porter seeks to overturn his convictions or obtain a new trial.

CASE 3: 1:00 p.m.

Lawyers

Defendant: Autumn Marie Bowling

State: Katherine Casseley Redding

In *STATE OF TENNESSEE V. BYRON HARTSHAW*, Hartshaw robbed his wheelchair-bound uncle, Robert Beasley, in Knox County on October 1, 2016. He and co-defendant Gary Emory entered Beasley's apartment, pretending to repay money. They assaulted Beasley and stole his wallet, cash, liquor, cigarettes, and a hammer. Emory was seen with both a gun and a hammer during the robbery. Hartshaw was later convicted at a trial of aggravated robbery and burglary.

Legal Issues and Arguments:

Ineffective Assistance of Counsel – Hammer as a Deadly Weapon: Hartshaw argues that his trial counsel failed to object to the State's use of the hammer as a deadly weapon, despite prior statements indicating it was only a stolen item. The State counters that it clarified in an email before trial that both the gun and hammer would be considered weapons, and the defense had ample opportunity to respond but did not act.

Failure to Object to Hammer in Opening and Closing: Hartshaw contends that his counsel was ineffective for not objecting when the State referenced the hammer as a weapon during opening and closing statements. The State maintains that the evidence, including testimony and video, supported its argument.

Jury Instructions on Deadly Weapons: Hartshaw claims he was prejudiced by the jury being allowed to consider the hammer as a deadly weapon. The State argues that the court correctly handled the instructions.

Hartshaw seeks a new trial because his trial lawyer did not provide effective assistance.