

APPENDIX A

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

FILED

04/07/2020

Clerk of the
Appellate Courts

GERALD A. SANFORD, SR. v. TENNESSEE DEPARTMENT OF
CORRECTION ET AL.

Circuit Court for Wayne County
No. 4727

No. M2018-00860-SC-R11-CV

ORDER

The appellant, Gerald A. Sanford, Sr., filed a Tenn. R. App. P. 11 application for permission to appeal on March 16, 2020. The decision of the Court of Appeals was filed on January 28, 2019. Mr. Sanford filed a petition to rehear on March 18, 2019, which was dismissed on March 20, 2019. An application for permission to appeal must be filed within sixty (60) days of the filing of the judgment of the intermediate appellate court or, if a timely petition for rehearing was filed, within sixty (60) days of the entry of the order on the petition for rehearing. *See* Tenn. R. App. P. 11(b). The sixty-day period for filing an application for permission to appeal is jurisdictional and cannot be extended. *See* Tenn. R. App. P. 2 & 21(b) and *State v. Sims*, 626 S.W.2d 3 (Tenn. 1981).

It is, therefore, ORDERED that the application for permission to appeal be DISMISSED. Costs are taxed to Gerald A. Sanford, Sr., for which execution may issue if necessary.

PER CURIAM

APPENDIX B

IN THE COURT OF APPEALS OF TENNESSEE
AT NASHVILLE

Assigned on Briefs January 7, 2019

FILED

01/28/2019

Clerk of the
Appellate Courts

**GERALD A. SANFORD, SR. v. TENNESSEE DEPARTMENT OF
CORRECTION ET AL.**

Circuit Court for Wayne County
No. 4727

No. M2018-00860-COA-R3-CV

JUDGMENT

This cause came on to be regularly heard and considered by the Court and for the reasons stated in the Opinion of this Court filed this date, it is so **ORDERED** that:

1. The decision of the trial court is affirmed as modified and the case is remanded to the trial court for further proceedings consistent with the Opinion.
2. Costs of this appeal are taxed to the Appellant, Gerald A. Sanford, Sr., for which execution may issue if necessary.

**J. STEVEN STAFFORD, P.J., W.S.
CHARLES D. SUSANO, JR., J.
ANDY D. BENNETT, J.**

IN THE COURT OF APPEALS OF TENNESSEE
AT NASHVILLE



**GERALD A. SANFORD, SR. v. TENNESSEE DEPARTMENT OF
CORRECTION ET AL.**

**Circuit Court for Wayne County
No. 4727**

No. M2018-00860-COA-R3-CV

ORDER

The appellant has filed a "Motion for Clarity" regarding the record on appeal. It appears from the motion and the prior filings in this matter that a transcript of the evidence is not available and that a statement of the evidence is unnecessary because no evidence was presented. It thus appears the appellant should have filed a Tenn. R. App. P. 24(d) notice that no transcript or statement of the evidence would be filed. Under Tenn. R. App. P. 25, the trial court clerk is not required to prepare and transmit the record on appeal, which includes most of the documents filed in the trial court, until the appellant files a Tenn. R. App. P. 24(d) notice. In order to avoid further delay, the court will waive the filing of the Tenn. R. App. P. 24(d) notice and allow the appeal to proceed.

It is, therefore, ordered that the appellant's failure to comply with Tenn. R. App. P. 24 is hereby waived. The appeal shall proceed without a transcript or statement of the evidence. The trial court clerk shall prepare and transmit the record on appeal within thirty days following the entry of this order.

PER CURIAM

IN THE COURT OF APPEALS OF TENNESSEE
AT NASHVILLE

FILED

03/20/2019

Clerk of the
Appellate Courts

GERALD A. SANFORD, SR. v. TENNESSEE DEPARTMENT OF
CORRECTION ET AL.

Circuit Court for Wayne County
No. 4727

No. M2018-00860-COA-R3-CV

ORDER

On March 18, 2019, Appellant Gerald A. Sanford, Sr. lodged a “Motion to Reconsider” this Court’s opinion issued January 28, 2019. *See Sanford v. Tennessee Dep’t of Correction*, No. M2018-00860-COA-R3-CV, 2019 WL 351249 (Tenn. Ct. App. Jan. 28, 2019). Therein, Appellant asks this Court to reconsider based on documents that were not included in the appellate record, as Appellant asserts these documents were wrongly omitted from the record.

Although Appellant asserts that his motion is timely based on the timeline provided for motions to alter or amend in the Tennessee Rules of Civil Procedure, we note that this motion is governed by the Tennessee Rules of Appellate Procedure. Pursuant to Rule 39 of the Tennessee Rules of Appellate Procedure, petitions to rehear opinions rendered by this Court must be filed within ten (10) days of the entry of judgment unless the time is shortened or lengthened by this Court. Tenn. R. App. P. 39(b). This timeline will only be extended upon motion showing “extreme and unavoidable circumstances.” *Id.* A petition to rehear this matter was therefore due on or before February 7, 2019.

Appellant’s motion was lodged on March 18, 2019, well beyond the ten-day timeline. Moreover, the certificate of service showing the purported original mailing date of February 15, 2019, was also outside of the time provided by Rule 39. *See also* Tenn. R. App. P. 20(g) (noting that where papers are filed by a pro se incarcerated litigant “filing shall be timely if the papers were delivered to the appropriate person at the correctional facility within the time fixed for filing”). Nothing in Appellant’s motion shows “extreme and unavoidable circumstances” sufficient to justify an extension of this time period. As such, Appellant’s petition to rehear is respectfully dismissed.

PER CURIAM

APPENDIX D

**IN THE CIRCUIT COURT OF WAYNE COUNTY TENNESSEE
THE TWENTY SECOND JUDICIAL DISTRICT
AT WAYNESBORO**

GERALD A. SANFORD SR.,

PLAINTIFF,

v.

CASE NO. 4727

**TENNESSEE DEPARTMENT OF
CORRECTION, TDOC,
CORECIVIC,
DANNY DODD,
CINTHIA J. KELLEY,
TYLER MARTIN,
SHANE MCCLAIN,
SAMUEL MULKINS,
SCOTT PEELER,
BRENDA PEVAHOUSE,
LEIGH STAGGS,
ROBIN TODD,
DANIEL V. TOLER,
ROBERT COLE TURMAN,
TONYA WARNER,
BRUCE WOODS,**

DEFENDANTS.

ORDER OF DISMISSAL

This matter came to be heard by the Honorable Robert L. Jones, Circuit Court Judge, upon the CoreCivic Defendants' and Tennessee Department of Correction Defendants' Motions to Dismiss. Based upon the filings of the parties and upon the record as a whole, the Court hereby finds that the Defendants' Motions are well-taken and are therefore **GRANTED**. Accordingly, Plaintiff's Complaint is hereby **DISMISSED** with prejudice in its entirety.

APPENDIX C

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

FILED

04/21/2020

Clerk of the
Appellate Courts

**GERALD A. SANFORD, SR. v. TENNESSEE DEPARTMENT OF
CORRECTION ET AL.**

**Circuit Court for Wayne County
No. 4727**

No. M2018-00860-SC-R11-CV

ORDER

On April 7, 2020, this Court dismissed the application for permission to appeal filed by Gerald Sanford, as untimely. On April 20, 2020, Mr. Sanford filed a "Motion to Rehear," which the Court construes as a petition for rehearing pursuant to Tenn. R. App. P. 39. As indicated in the Court's dismissal order, this Court has no jurisdiction to extend the sixty-day period for filing an application for permission to appeal a decision of the Court of Appeals. *See* Tenn. R. App. P. 11(b); Tenn. R. App. P. 2 & 21(b); and *State v. Sims*, 626 S.W.2d 3 (Tenn. 1981). Accordingly, the petition to rehear is respectfully denied.

PER CURIAM

**Additional material
from this filing is
available in the
Clerk's Office.**