

IN THE COURT OF APPEALS OF TENNESSEE
AT NASHVILLE

Assigned on Briefs September 1, 2023

FILED

10/25/2023

Clerk of the
Appellate Courts

LEONARD BLACKSTOCK v. STATE OF TENNESSEE

Appeal from the Tennessee Claims Commission

No. 0546-GL-13-0503078-001 James A. Haltom, Commissioner

No. M2023-00066-COA-R3-CV

This appeal concerns an order of dismissal entered by the Tennessee Claims Commission. Though Appellant raises a number of issues on appeal, this Court is unable to review any of the issues due to Appellant's noncompliance with applicable appellate briefing requirements. Because all of Appellant's issues on appeal have been waived due to his failure to comply with the appellate briefing requirements, we affirm the judgment of the Tennessee Claims Commission.

**Tenn. R. App. P. 3 Appeal as of Right; Judgment of the Claims Commission
Affirmed and Remanded.**

ARNOLD B. GOLDIN, J., delivered the opinion of the Court, in which ANDY D. BENNETT and KRISTI M. DAVIS, JJ., joined.

Leonard Richmond Blackstock, Jr., Springfield, Tennessee, Pro se.

Jonathan Skrmetti, Attorney General and Reporter, and Hollie R. Parrish, Assistant Attorney General, for the appellee, State of Tennessee.

MEMORANDUM OPINION¹

Appellant, Leonard Blackstock, filed a complaint with the Tennessee Claims

¹ Rule 10 of the Rules of the Court of Appeals of Tennessee provides:

This Court, with the concurrence of all judges participating in the case, may affirm, reverse or modify the actions of the trial court by memorandum opinion when a formal opinion would have no precedential value. When a case is decided by memorandum opinion it shall be designated "MEMORANDUM OPINION", shall not be published, and shall not be cited or relied on for any reason in any unrelated case.

RECEIVED

MAY 28 2024

OFFICE OF THE CLERK
SUPREME COURT, U.S.

Commission on October 21, 2022. Subsequent to the filing of the complaint, the Commissioner entered a show cause order. Appellant filed a “Formal Complaint” in response, which consisted of a single sentence. In later dismissing the complaint, the Commissioner stated that “the Tribunal has not located any claims in the complaint that can be reasonably interpreted viable under Tenn. Code Ann. § 9-8-307(a)(1) ... [and the] pending claim also appears to be repetitive, redundant, frivolous, abusive to the system, or moot.”

Appellant, acting pro se in this appeal, has filed a brief that fails to include a single reference to the record. As a threshold matter, we address Appellant’s failure to comply with the Tennessee Rules of Appellate Procedure as well as the rules of this Court. Rule 27 of the Tennessee Rules of Appellate Procedure requires appellate briefs to include, among other elements, the following:

- (a) Brief of the Appellant. The brief of the appellant shall contain under appropriate headings and in the order here indicated:
 - ...
- (6) A statement of facts, setting forth the facts relevant to the issues presented for review with **appropriate references to the record**;
- (7) An argument, which may be preceded by a summary of argument, setting forth:
 - (A) the contentions of the appellant with respect to the issues presented, and the reasons therefor, including the reasons why the contentions require appellate relief, with citations to the authorities and **appropriate references to the record** (which may be quoted verbatim) relied on[.]

Tenn. R. App. P. 27 (emphasis added). Additionally, Rule 6 of the Rules of the Court of Appeals of Tennessee requires the following:

No complaint of or reliance upon action by the trial court will be considered on appeal unless the argument contains a specific reference to the page or pages of the record where such action is recorded. **No assertion of fact will be considered on appeal unless the argument contains a reference to the page or pages of the record where evidence of such fact is recorded.**

Tenn. Ct. App. R. 6(b) (emphasis added). In the present appeal, Appellant’s brief attempts

to advance several arguments addressing alleged mistreatment of Appellant by various government agencies. None of these allegations are supported by references to the record. We have previously explained that references to the record are an integral component of appellate review, and, without such references, our ability to examine the issues raised on appeal is severely hampered. *Bean v. Bean*, 40 S.W.3d 52, 55-56 (Tenn. Ct. App. 2000); *England v. Burns Stone Co., Inc.*, 874 S.W.2d 32, 35 (Tenn. Ct. App. 1993). When such defects plague the entirety of the brief, the whole appeal is subject to waiver and dismissal. *Bean*, 40 S.W.3d at 56.

Because none of Appellant's allegations are supported by references to the record, we are unable to verify the veracity of any raised allegation. Although we recognize that Appellant is proceeding pro se in this appeal, and although this Court makes every effort to accord such litigants equal treatment, *Chiozza v. Chiozza*, 315 S.W.3d 482, 486 (Tenn. Ct. App. 2009) (citing *Hodges v. Tenn. Att'y Gen.*, 43 S.W.3d 918, 920 (Tenn. Ct. App. 2000)), pro se litigants still "must comply with the same substantive and procedural law" in the same manner as represented parties. *Id.* (citing *Hodges*, 43 S.W.3d at 920-921). Having found no references to the record throughout Appellant's entire appellate brief, we conclude that Appellant has waived all his raised issues.

Because we conclude that all of the issues raised by Appellant are waived due to Appellant's noncompliance with applicable briefing requirements of both the Tennessee Rules of Appellate Procedures as well as the Rules of the Court of Appeals, the judgment of the Tennessee Claims Commission is affirmed.

s/ Arnold B. Goldin
ARNOLD B. GOLDIN, JUDGE

IN THE CLAIMS COMMISSION OF THE STATE OF TENNESSEE
MIDDLE DIVISION

LEONARD BLACKSTOCK,)
Claimant,) Claim No. 0546-GL-13-0503078-001
vs.)
STATE OF TENNESSEE,)
Defendant.) Regular Claims Docket

ORDER OF DISMISSAL

This matter is before the Middle Division of the Tennessee Claims Commission upon a Notice of Transfer on October 5, 2022, from the Division of Claims and Risk Management.

On October 21, 2022, Claimant filed a Complaint. Based on the allegations of the Complaint, on December 1, 2022, the Tribunal entered an Order to Show Cause. In response, on December 15, 2022, Claimant filed a Formal Complaint, which states in its entirety “[o]ur team would like to verify this claim was submitted by force at gunpoint and knifepoint of WMD's on video and photograph with witnesses.”

Prior to the pending action, Claimant filed Claim No. T20210745-1, which was dismissed on July 7, 2021, and Claim No. 0546-AL-11-0503322-001, which was dismissed on December 1, 2021. As reflected in the record, Claimant appealed both cases to the Tennessee Court of Appeals, which dismissed the cases. In addition, on November 9, 2021, Claimant filed Claim No. 0546-GL-21-0503841-001, which was dismissed by the Tribunal on January 12, 2022. On August 26, 2022, Claimant filed Claim No. 0546-GL-22-0504675-001, which was dismissed by the Tribunal on October 18, 2022. On October 5, 2022, Claimant filed Claim No. 0546-GL-23-0500765-001, which the Tribunal has separately dismissed.

Based on the procedural status of Claimant's prior actions, the Tribunal has *sua sponte* reviewed the pending lawsuit. The applicable standard for claims against the State of Tennessee is set forth in *Vetrano v. State*, No. M2015-02474-COA-R3-CV, 2017 WL 3411921, at *1-2 (Tenn. Ct. App. Aug. 8, 2017), which states:

In Tennessee, “[s]uits may be brought against the State in such manner and in such courts as the Legislature may by law direct.” Tenn. Const. art. I, § 17. In 1984, with the enactment of the Tennessee Claims Commission Act (sometimes referred to as the “Act”), the Legislature broadly waived sovereign immunity for specified claims against the State. Tenn. Code Ann. § 9–8–307; see *Lucas v. State*, 141 S.W.3d 121, 129 (Tenn. Ct. App. 2004) (“The Tennessee Claims Commission Act, subject to its monetary cap on recoverable damages, accomplished a sweeping abrogation of sovereign immunity as to the State of Tennessee relative to acts or omissions of state employees.”). A successful claimant under the Act is entitled to an award of actual damages and court costs up to a specified monetary limit, but no punitive damages or other litigation costs. Tenn. Code Ann. § 9–8–307(d).

Under the Act, the Claims Commission possesses exclusive jurisdiction over monetary claims against the State based on acts or omissions of state employees that fit within the twenty-three categories described in the statute. Tenn. Code Ann. § 9–8–307(a)(1).

Id. citing Mullins v. State, 320 S.W.3d 273, 278 (Tenn. 2010).

The Tennessee Claims Commission's jurisdiction is limited to monetary claims against the State, based upon the acts and omissions of State employees that fit within the categories set forth at Tenn. Code Ann. § 9–8–307. See *Stewart v. State*, 33 S.W.3d 785, 790 (Tenn. 2000). If a claim falls outside of the categories set forth at Tenn. Code Ann. § 9–8–307, “the state retains its immunity from suit, and a claimant may not seek relief from the state.” *Id.* The Tennessee legislature “did not remove immunity for all claims against the State, but only those claims specified in [§] 9–8–307(a).” See *Mullins v. State*, 320 S.W.3d 279 (Tenn. 2010).

Here, the Tribunal has not located any claims in the Complaint that can be reasonably interpreted viable under Tenn. Code Ann. § 9-8-307(a)(1). Moreover, it appears the basis of the pending lawsuit originates from the same factual allegations previously raised before the Tribunal and dismissed. Claimant is attempting to relitigate the claim, after it was previously dismissed by this Tribunal. Therefore, the subject claim is barred by *res judicata*. *See Jackson v. Smith*, 387 S.W.3d 486, 491 (Tenn. 2012).

The pending claim also appears to be repetitive, redundant, frivolous, abusive to the system, or moot. As explained in *Hodges v. Att'y Gen.*, 43 S.W.3d 918, 921 (Tenn. Ct. App. 2000), Tennessee “trial courts possess inherent, common-law authority to control their dockets and the proceedings in their courts. Their authority is quite broad and includes the express authority to dismiss cases for failure to prosecute or to comply with the Tennessee Rules of Civil Procedure or the orders of the court.” *Id.* citing Tenn. R. Civ. P. 37.02(C); Tenn. R. Civ. P. 41.02(1); *Kotil v. Hydra-Sports, Inc.*, No. 01A01-9305-CV-00200, 1994 WL 535542, at *3 (Tenn. Ct. App. Oct. 5, 1994) (No Tenn. R. App. P. 11 application filed).

Moreover, there are no viable claims alleged under Tenn. Code Ann. § 9-8-307(a)(1). Therefore, the lawsuit is DISMISSED. Any pending motion is denied as moot. This constitutes a final order dismissing all claims. **IT IS SO ORDERED.**

/s/ James A. Haltom
JAMES A. HALTOM
Commissioner (Judge)
Claims Commission, Middle Division
Sitting as Trial Court of Record

CERTIFICATE OF SERVICE

This is to certify that a true and exact copy of the foregoing document has been served upon the following parties of record:

Hollie R. Parrish
Attorney General's Office
P.O. Box 20207
Nashville, TN 37202

Leonard Blackstock
133 Carden Circle
Springfield, TN 37172

This 21st day of December, 2022.

Paula Merrifield
Digitally signed by Paula
Merrifield
Date: 2022.12.21 13:54:50
-06'00'

PAULA MERRIFIELD
Administrative Clerk
Tennessee Claims Commission

IN THE CLAIMS COMMISSION OF THE STATE OF TENNESSEE
MIDDLE DIVISION

LEONARD BLACKSTOCK,)
Claimant,) Claim No. 0546-GL-13-0503078-001
vs.)
STATE OF TENNESSEE,)
Defendant.) Regular Claims Docket

ORDER TO SHOW CAUSE

This claim was transferred to the Middle Division of the Tennessee Claims Commission on October 5, 2022, based on a claim filed on October 2, 2022 with the Division of Claims and Risk Management (“DCRM”). Upon a review of the Commission’s records, the pending claim is the fifth (5th) lawsuit filed by Mr. Blackstock against the State of Tennessee (the “State”) within the last two (2) years.

Based on the number of cases filed by Mr. Blackstock, the Tribunal has *sua sponte* reviewed the merits of the case to determine whether the lawsuit asserts allegations that were previously adjudicated by the Tribunal and/or fall within the jurisdiction of the Tribunal.

On October 21, 2022, Claimant filed a Complaint related to events that occurred in 2013 and 2014. It appears Mr. Blackstock is attempting to relitigate the same claim previously dismissed by this Tribunal in cases T20210745-1, 0546-AL-11-0503322-001, and 0546-GL-21-0503841-001. As set forth in *Jackson v. Smith*, 387 S.W.3d 486, 491 (Tenn. 2012):

The doctrine of res judicata or claim preclusion bars a second suit [or third] between the same parties or their privies on the same claim with respect to all issues which were, or could have been, litigated in the former suit. *Creech v. Addington*, 281 S.W.3d 363, 376 (Tenn. 2009); *Richardson v. Tennessee Bd. of Dentistry*, 913 S.W.2d 446, 459 (Tenn. 1995) (quoting *Goeke v. Woods*, 777 S.W.2d 347, 349 (Tenn. 1989)). It is a “rule of rest,” *Moulton v. Ford Motor Co.*, 533 S.W.2d 295, 296 (Tenn. 1976), and it promotes finality in litigation, prevents

inconsistent or contradictory judgments, conserves judicial resources, and protects litigants from the cost and vexation of multiple lawsuits. *In re Estate of Boote*, 198 S.W.3d 699, 718 (Tenn. Ct. App. 2005); *Sweatt v. Tennessee Dep't of Corr.*, 88 S.W.3d 567, 570 (Tenn. Ct. App. 2002).

The pending claim appears to be repetitive, redundant, frivolous, abusive to the system, or moot. As explained in *Hodges v. Att'y Gen.*, 43 S.W.3d 918, 921 (Tenn. Ct. App. 2000), Tennessee “trial courts possess inherent, common-law authority to control their dockets and the proceedings in their courts. Their authority is quite broad and includes the express authority to dismiss cases for failure to prosecute or to comply with the Tennessee Rules of Civil Procedure or the orders of the court.” *Id. citing* Tenn. R. Civ. P. 37.02(C); Tenn. R. Civ. P. 41.02(1); *Kotil v. Hydra-Sports, Inc.*, No. 01A01-9305-CV-00200, 1994 WL 535542, at *3 (Tenn. Ct. App. Oct. 5, 1994) (No Tenn. R. App. P. 11 application filed).

The Tennessee Claims Commission’s jurisdiction is limited to monetary claims against the State, based upon the acts and omissions of State employees that fit within the categories set forth at Tenn. Code Ann. § 9-8-307. *See Stewart v. State*, 33 S.W.3d 785, 790 (Tenn. 2000). If a claim falls outside of the categories set forth at Tenn. Code Ann. § 9-8-307, “the state retains its immunity from suit, and a claimant may not seek relief from the state.” *Id.* The Tennessee legislature “did not remove immunity for all claims against the State, but only those claims specified in [§] 9-8-307(a).” *See Mullins v. State*, 320 S.W.3d 279 (Tenn. 2010). Based on the allegations in the current Complaint, it does not appear the claim asserts a viable cause of action under Tenn. Code Ann. § 9-8-307(a)(1).

Accordingly, Claimant is ordered to show cause within thirty (30) days why this claim should not be dismissed, for failure to articulate a viable claim under Tenn. Code Ann. § 9-8-307, and as barred under the doctrine of *res judicata* since the facts and allegations have

previously been dismissed by the Tribunal, and because the claim appears repetitive, redundant, frivolous, abusive to the system, or moot. Failure to respond to this Order will result in the dismissal of this action without further notice. It is so **ORDERED**.

/s/ James A. Haltom

JAMES A. HALTOM
Commissioner (Judge)
Claims Commission, Middle Division
Sitting as Trial Court of Record

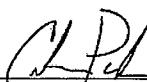
CERTIFICATE OF SERVICE

This is to certify that a true and exact copy of the foregoing document has been served upon the following parties of record:

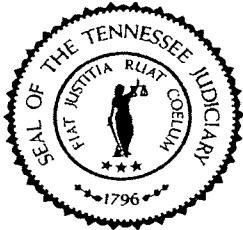
Hollie R. Parrish
Attorney General's Office
P.O. Box 20207
Nashville, TN 37202

Leonard Blackstock
133 Carden Circle
Springfield, TN 37172

This 1st day of December, 2022.



Tennessee Claims Commission
Middle Division



Supreme Court – Middle Division
Appellate Court Clerk's Office - Nashville
100 Supreme Court Building
401 7th Avenue North
Nashville, TN 37219-1407
(615) 741-2681

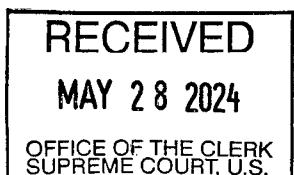
Leonard Richmond Blackstock, Jr.
133 Carden Circle
Springfield TN 37172

Re: M2023-00066-SC-R11-CV - LEONARD BLACKSTOCK v. STATE OF TENNESSEE

Notice: Case Dispositional Decision - TRAP 11 Denied

Attached to this cover letter, please find the referenced notice issued in the above case. If you have any questions, please feel free to call our office at the number provided.

cc: Leonard Richmond Blackstock, Jr.
Hollie Rebecca Parrish
Commissioner, TN. Claims Commission (Middle Division)



**IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE**

LEONARD BLACKSTOCK v. STATE OF TENNESSEE

**Tennessee Claims Commission
0546-GL-13-0503078-001**

No. M2023-00066-SC-R11-CV

Date Printed: 02/13/2024

Notice / Filed Date: 02/13/2024

NOTICE - Case Dispositional Decision - TRAP 11 Denied

The Appellate Court Clerk's Office has entered the above action.

James M. Hivner
Clerk of the Appellate Courts

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

FILED
02/13/2024
Clerk of the
Appellate Courts

LEONARD BLACKSTOCK v. STATE OF TENNESSEE

Claims Commission Court at Middle Division Tennessee
No. 0546-GL-13-0503078-001

No. M2023-00066-SC-R11-CV

ORDER

Upon consideration of the application for permission to appeal of Leonard R. Blackstock, Jr. and the record before us, the application is denied.

PER CURIAM

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