

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

FILED
11/21/2024
Clerk of the
Appellate Courts

STATE OF TENNESSEE v. RANDALL C. JOHNSON

IN RE: NASHVILLE BANNER

**Criminal Court for Davidson County
No. 2021-C-1591**

No. M2024-00959-SC-R10-CO

ORDER

The motion of The Reporters Committee for Freedom of the Press, the Tennessee Association of Broadcasters, the Tennessee Coalition for Open Government, and the Tennessee Press Association (collectively “Amici”) for leave to file a brief as amici curiae is granted, and the brief lodged by Amici shall be accepted as filed as of the date of this order. The costs associated with this motion are assessed to Amici.

Upon consideration of the Nashville Banner’s Tennessee Rule of Appellate Procedure 11 application for permission to appeal or, alternatively, Tennessee Rule of Appellate Procedure 10 application for extraordinary appeal, the State of Tennessee’s answer, and Amici’s brief, the appeal is granted.

The trial court clerk shall file the record on appeal within thirty days from the date of entry of this order. The record on appeal shall include any filings and hearing transcripts regarding the motion to disqualify Judge Cheryl Blackburn and the Nashville Banner’s motion to intervene and to unseal records.

The Nashville Banner and the State of Tennessee shall submit briefs in accordance with the time periods provided in Tennessee Rule of Appellate Procedure 29(a). The Court welcomes, but does not require, Randall C. Johnson to file a brief as an appellee.

In addition to the issues presented in the Nashville Banner’s application, the Court is particularly interested in briefing and oral argument on the following issues:

1. If the appeal is not authorized under Tennessee Rule of Appellate Procedure 10, is an appeal from the denial of certiorari review authorized under Tennessee Rule of Appellate Procedure 11?
2. If not, should the Court treat the Nashville Banner's application as a petition for the common law writ of certiorari?
3. What legal standard and standard of review should apply to a motion to unseal records when no initial sealing order was filed?

The Clerk is directed to place this matter on the docket for oral argument upon the completion of briefing.

PER CURIAM