Supreme Court of Georgia
Jane Hansen, Public Information Officer
244 Washington Street, Suite 572
Atlanta, Georgia 30334
404-651-9385
hansenj@gasupreme.us

SUMMARIES OF OPINIONS

Published Monday, May 7, 2012

Please note: *Opinion summaries are prepared by the Public Information Office for the general public and news media. Summaries are not prepared for every opinion released by the Court, but only for those cases considered of great public interest or in which a Justice dissented or the Court reviewed a case from the Court of Appeals. Opinion summaries are not to be considered as official opinions of the Court. The full opinions are available on the Supreme Court website at* www.gasupreme.us .

JONES V. THE STATE (S11G1054)

The Supreme Court of Georgia has reversed a Georgia Court of Appeals ruling, which had upheld a man's conviction in **Coweta County** for Driving Under the Influence (DUI).

Under today's unanimous ruling, **Chief Justice Carol Hunstein** writes for the court that the actions of the arresting officer constituted an unreasonable seizure as the officer had no reasonable suspicion the man was breaking the law when he stopped him.

"A person is seized by the police and thus entitled to challenge the government's action under the Fourth Amendment when the officer, by means of physical force or show of authority, terminates or restrains his freedom of movement, through means intentionally applied," the opinion says, citing the U.S. Supreme Court's 2007 decision in *Brendlin v. California.*

According to briefs filed in the case, on March 14, 2009, the Georgia State Patrol was conducting a roadblock when Trooper J.T. McMillan observed a sport utility vehicle (SUV) turn abruptly into a parking lot about 30 yards short of the roadblock. Concerned the driver was attempting to avoid the roadblock, McMillan activated his blue lights, drove to the parking lot and parked his car so that it blocked the SUV as it tried to exit. Meanwhile, a driver of a truck had also turned into the parking lot and was driving toward the same exit. Driven by Michael Jones, the truck pulled up behind the SUV. The trooper approached the SUV and asked the driver why she had pulled into the lot. She said she thought there had been an accident and was turning around to avoid it. McMillan decided there was no need to keep her, but before moving his vehicle, he went back to ask Jones the same question. As he approached, Jones rolled down

his window, and McMillan smelled a strong odor of alcohol and marijuana. He told Jones to remain where he was then moved his vehicle so the SUV could leave. McMillan then had Jones get out of the truck, at which time he observed Jones' eyes were bloodshot, his speech slurred and he swayed while standing. Following field sobriety tests, McMillan arrested Jones.

Jones' attorney filed a motion to suppress the evidence, arguing that the officer had initiated the traffic stop without reasonable suspicion that Jones had done anything illegal. He also filed a motion asking the court to issue an out-of-state subpoena to CMI, Inc. – the Kentucky company that manufactures the Intoxilyzer 5000 breathalyzer machine. Specifically, Jones wanted the "source code" – or the program used to calculate his computer-generated numerical breath test results. The trial judge denied the motion requesting the subpoena and the motion to suppress, finding that the encounter between the trooper and Jones had been consensual and was not a traffic stop. On appeal, the Georgia Court of Appeals upheld the trial court's ruling.

But in today's opinion, "we conclude that the traffic stop violated the Fourth Amendment, and the evidence obtained as a result of the stop should have been suppressed."

"Contrary to the Court of Appeals, we conclude that the evidence did not support the trial court's ruling that the initial encounter between the trooper and Jones was consensual," the opinion says. "As Jones was turning his truck around in the parking lot, the trooper positioned his patrol car in the exit to prevent any vehicle from leaving and left on his car's flashing lights. He testified, and the trial court found, that Jones could not leave without the patrol car being moved." Based on the circumstances, "we conclude that a seizure occurred when the trooper walked back to question Jones while blocking his exit from the parking lot with the patrol car."

Furthermore, for a traffic stop to be valid, an officer must have a reasonable suspicion that the person stopped is engaging in illegal activity. Here, the officer was investigating the SUV driver after she made an abrupt turn. "Without evidence of a specific driving violation or maneuver to support the officer's belief that Jones was trying to avoid the roadblock, we conclude that the trooper lacked reasonable suspicion to stop Jones," today's opinion says. The court finds the remaining issue, involving the subpoena, moot in light of today's decision.

Attorney for Appellant (Jones): Gregory Willis

Attorneys for Appellee (State): Robert Stokely, Solicitor General, Sandy Wisenbaker, Chief Asst. Solicitor, Stephen Tuggle, Asst. Solicitor, Kimberly Sewell, Asst. Solicitor

PADIDHAM V. THE STATE (S11G1808)

The Supreme Court of Georgia has ruled against a man who had sought to suppress the results of his breathalyzer tests when his case goes to trial. At issue in this **Gwinnett County** case is whether a person arrested for drunk driving is constitutionally entitled to be *immediately* informed of his breath test results.

In February 2009, Jyothiswar Padidham was stopped for speeding by a Duluth police officer. When the officer approached the car, he detected the smell of alcohol and observed that Padidham's eyes were bloodshot and watery. At the officer's request, Padidham got out of the car and submitted to several field sobriety tests. According to briefs filed in the case, the officer contacted another officer to bring an alco-sensor device to the scene. Within 10 minutes, the second officer arrived with the alco-sensor, and Padidham provided a breath sample, which showed the presence of alcohol. The officer then placed him under arrest for driving under the

influence (DUI) and read him the Georgia Implied Consent Notice, which advised him he had a right to undergo an additional independent chemical test at his expense. At the jail, shortly after 2:00 a.m., Padidham consented to a breath test using the Intoxilyzer 5000 – the state-approved breath testing device. Padidham at no time requested that an independent test be administered. The test yielded two results: 0.129 and 0.126. Under state law, a test result of .08 or above means the person is intoxicated. Padidham did not learn of the results until 10:00 a.m. when he was leaving the jail and received a copy of the results in his property bag.

Padidham's lawyer filed a motion asking the judge to suppress the test results, arguing they were inadmissible because the state had a statutory and constitutional duty to immediately inform him of the results when the test was done and the printed result was produced. He argued that the state's practice of not immediately giving DUI defendants their test results violated his federal and state due process rights because it deprived him of the opportunity to meaningfully decide whether to request the independent testing. The trial court agreed and granted his motions to suppress the evidence. But the Court of Appeals reversed the decision, finding the trial court was wrong to suppress the alco-sensor test results because Padidham was not in custody when the test was administered. It also found the trial court was wrong to suppress the other test results, reasoning that the test only needed to be completed according to methods approved by the Georgia Bureau of Investigation's Division of Forensic Sciences and that administrative steps performed in conducting a test do not constitute a part of the approved method of analysis.

In today's unanimous opinion, written by **Justice Hugh Thompson**, the high court has upheld the Court of Appeals' ruling. "It is clear under our statutes that the State must inform a defendant at the time of his arrest for driving under the influence of his right to refuse to submit to testing by the State, as well as his right to have an independent chemical test by a qualified person in the event he chooses to submit to such testing," the opinion says. However, these rights "do not compel the conclusion that the State has a constitutional duty to immediately inform a defendant of the results of its breath test."

"First, a defendant's right to an independent test…is not one of constitutional dimension but a 'matter of grace' bestowed by the Georgia legislature."

"In addition, the legislature in this instance has established a procedure whereby DUI defendants are fully informed in a timely manner of their right to refuse to submit to State testing and their right to an independent test by a qualified professional."

An arrested defendant who already knows the state has probable cause that he is under the influence of alcohol, and who has been told of these rights, has sufficient information to make a meaningful decision whether to request the independent test. Therefore, the state's failure to *immediately* inform him of the test results does not violate his due process right.

In this case, it is undisputed the officer gave Padidham the required implied consent notice in a timely manner, thereby informing him of his right to an independent test. "Having done so, the State was under no constitutional duty to immediately inform appellant of the results of the State-administered breath test," today's opinion says.

Attorneys for Appellant (Padidham): James Sullivan, Robert Chestney
Attorneys for Appellee (State): Rosanna Szabo, Solicitor-General, Karen Seeley, Asst. Solicitor

JORDAN V. MOSES (S11G1772)

The Supreme Court of Georgia has reversed a decision by the Georgia Court of Appeals and ruled that a case involving a lawyer, whose former partner claimed he wrongfully dissolved their law practice, must be reviewed under a different legal standard.

In today's unanimous decision, written by **Justice P. Harris Hines**, the high court has determined that the Court of Appeals applied the wrong legal analysis in considering the former partner's claim of wrongful dissolution of a partnership.

According to briefs filed in the case, in 2000, Mary Helen Moses began practicing law as a contract attorney for Randall A. Jordan's law firm in Brunswick, GA. Jordan's primary clients were CSX and Norfolk Southern railroads, and his representation primarily involved asbestos defense litigation. Moses helped prepare motions and briefs at the trial and appellate levels. In January 2003, Jordan and Moses formed a two-person law partnership called Jordan & Moses (J&M). Many of the cases J&M handled had originated with Jordan's prior practice, including the "Williams" case. That case settled in the fall of 2005, resulting in a $180,000 fee for J&M. Jordan deposited the fee, written to both Jordan and Moses, in the partnership account, but in March 2006, withdrew it.

The partners' written agreement provided that the partnership could be "dissolved at any time by agreement of the partners." In the spring of 2006, their relationship began to sour and Jordan started thinking about ending the partnership based on his assertion that Moses spent too much time in the office talking about her personal problems. In the summer of 2006, Jordan concluded that Moses' behavior in the workplace had become so "divisive, unprofessional and inappropriate" that his law practice was suffering. At a partner's meeting on Aug. 16, 2006, Jordan told Moses he was considering dissolving the partnership. On Aug. 27, 2006, Jordan left a letter in Moses' chair before leaving town purporting to dissolve the partnership effective Aug. 31. The next day, she sent him an e-mail saying she did not agree to that date and wanted to resolve the partnership "appropriately" and intended to continue to represent the firm's clients. Her attorney subsequently received letters from Jordan's attorney declaring the firm would be dissolved no later than Sept. 26, 2006.

In 2007, Jordan filed a lawsuit in **Glynn County** Superior Court asking for a declaration that the law partnership was legally dissolved as of Sept. 26, 2006 and that Moses was "owed no further monies from assets of the partnership as a result of the dissolution." She responded with 10 counterclaims, including breach of the partnership agreement and wrongful dissolution of the partnership, which is the issue in this case.

The trial court ruled in favor of Jordan, granting him partial "summary judgment." (A court grants summary judgment when it determines there is no need for a jury trial because the facts are undisputed and the law falls squarely on the side of one of the parties.) On appeal, however, the Court of Appeals reversed that judgment, finding that "Moses' evidence that Jordan secretly kept the proceeds of [the $180,000 Williams fee] for himself in March 2006 and his testimony that he first contemplated dissolving the firm in the spring of 2006" presented a genuine issue of fact that should be determined by a jury.

In today's opinion, the high court has reversed the Court of Appeals and is sending the case back to that court for further proceedings. The opinion takes issue with the Court of Appeals' citation of its precedent and notes that the state Supreme Court's 1992 opinion in *Wilensky v. Blalock* "stands for the proposition that if a partner acts in bad faith and violates his fiduciary duty by attempting, through the dissolution, to appropriate for himself partnership

prosperity, he will be liable for wrongful dissolution. Thus, in *Wilensky,…*we recognized that the damages owed to Blalock could include his share of income from the continuing business of the partnership; recovery was not confined to something that could be labeled, 'new prosperity.'"

This Court has rejected the requirement that there be a showing of a "bad faith attempt to appropriate solely the 'new prosperity' of the business" to prove wrongful dissolution, the opinion says. "Nonetheless, the Court of Appeals incorrectly cited its own precedent which included the term 'the new prosperity of the partnership.' We take this opportunity to expressly disapprove any statement of the Court of Appeals that the tort of wrongful dissolution of a partnership requires the attempt to appropriate the 'new prosperity' of the partnership. The gravamen of a wrongful dissolution claim is a partner's attempt to appropriate, through the dissolution, the assets or business of the partnership, which may include prospective business, without adequate compensation to the remaining partners."

Given that the Court of Appeals cited the disapproved language of "new prosperity" in its decision in this case, the opinion says, it is unclear whether the Court of Appeals considered the evidence regarding the $180,000 Williams fee "indicative solely of Jordan's state of mind at the time he decided to dissolve the partnership…or whether the Court of Appeals considered the above evidence as showing that Jordan intended, through the dissolution, to retain a fee that was misappropriated from partnership funds." As a result, "we reverse the judgment of the Court of Appeals and remand the case to that Court for proceedings consistent with this opinion."
Attorneys for Appellant (Jordan): Gary Blasingame, Robert Killian
Attorneys for Appellee (Moses): Peter Hasbrouck, Mark Robinson

DISHAROON V. THE STATE (S11G1880) and **MCINTYRE V. THE STATE (S11G1881)**

The Supreme Court of Georgia has affirmed a ruling by the Georgia Court of Appeals and upheld convictions of a **Spalding County** couple for sexually abusing a teenage girl.

At issue in this case was whether the Court of Appeals was wrong to conclude that there was no violation of the defendants' constitutional right to confront their witnesses when a state's expert was allowed to testify about the results of DNA testing even though she did not perform every step in the test.

Justice Harold Melton writes in today's unanimous decision that "because the record reveals that no violation of the Confrontation Clause occurred under the facts of these cases, we affirm the judgment of the Court of Appeals."

According to briefs filed in the case, in April 2007, 15-year-old "J.M." visited her aunt, Brandi McIntyre, and McIntyre's live-in boyfriend, Jeffery Disharoon, over spring break. The day she arrived at their horse farm in Spalding County, J.M. drank alcohol with them and smoked something which made her feel intoxicated. According to J.M., the three then used the hot tub outside the home where Disharoon had sexual intercourse with her and committed other sexual acts, and McIntyre wore a sexual device that she used to penetrate J.M. The device was later obtained by law enforcement and submitted to the GBI Crime Lab for testing. Both J.M.'s and McIntyre's DNA were found on the device. After J.M. returned home later that week, she became ill and subsequently made an outcry to her friend, who then reported the abuse to J.M.'s mother.

Following a July 2009 trial, a jury convicted Disharoon and McIntyre of rape, aggravated sexual battery, aggravated child molestation, child molestation, possessing more than an ounce

of marijuana and contributing to the delinquency of a minor. They were each sentenced to two consecutive 25-year terms in prison. They appealed to the Court of Appeals on a number of grounds, including that the trial court erred by prohibiting them from introducing evidence of J.M's prior sexual history and by denying their motion to grant a mistrial based on the testimony of the State's expert DNA witness. The Court of Appeals, however, upheld the lower court's ruling. Disharoon and McIntyre then appealed to the state Supreme Court, which agreed to review the case to determine whether the Court of Appeals was wrong to conclude it was not a violation of constitutional rights to have an expert testify about the results of DNA testifying when that expert was not the one who performed all aspects of the tests.

In today's unanimous opinions, **Justice Harold Melton** writes the Court of Appeals issued the correct ruling. The expert, Connie Pickens, testified she was not present when another technician placed 96 test samples and controls into the scientific instrument used to complete one of the steps in the testing procedure. However, she read the results and concluded the control samples worked as expected.

In 2011, before the Court of Appeals issued its decision in this case, the U.S. Supreme Court ruled in *Bullcoming v. New Mexico* that "surrogate testimony" of the "scientist who did not sign the certification or perform or observe the test reported in the certification" violates the Confrontation Clause. However, "the United States Supreme Court's holding in *Bullcoming* was based on the fact that the State's witness, while generally familiar with the laboratory's testing procedures, had not specifically participated in, observed, or reviewed the test on the defendant's blood sample," today's decision says. "Here, however, the level of participation in the DNA testing by the testifying witness was significantly greater than that of the testifying witness in *Bullcoming.*"

"Here, Pickens was the supervisor, she drafted the report, and had a substantial personal connection to the scientific test at issue (having actually performed the vast majority of the testing herself)," the opinion says. "Because the present cases do not involve facts and circumstances that are controlled by the United States Supreme Court's decision in *Bullcoming*, the Court of Appeals did not err in holding that it was not a violation of the Confrontation Clause to allow Pickens' testimony in these cases."

Attorneys for Appellants (Disharoon and McIntyre): Bruce Harvey, J. Scott Key, Margaret Flynt, Lee Sexton

Attorneys for Appellee (State): Scott Ballard, District Attorney, Robert Smith, Jr., Asst. D.A.

SCHERER V. TESTINO (S12A0222)

The Supreme Court of Georgia has reversed a **Columbia County** court ruling that held a woman in contempt for her role in a contentious divorce. The trial court had ruled that the wife owed more than $85,000 in damages and attorney's fees for frustrating the couple's business selling erectile dysfunction aids.

But in today's unanimous opinion, **Chief Justice Carol Hunstein** writes that the trial court abused its discretion in holding the woman in criminal and civil contempt, and it has reversed the ruling.

"Since the award of damages and attorney's fees is based on the erroneous finding of contempt, we also reverse their grant," the opinion says.

The case involves Tanya Scherer and Joseph Testino, who were married for two years, according to briefs filed in the case. In 2007, the couple developed a business venture called Stamen Medical Systems, Inc., which marketed devices for men struggling with erectile dysfunction. A large portion of the proceeds from the sale of the devices came from Medicare payments. While Testino ran the day to day operations, the Medicare number and the business's bank account were in Scherer's name. About three months after the creation of Stamen, the couple separated. Key to the "Settlement Agreement," which was eventually incorporated by the trial court into a Final Decree and Judgment of Divorce, was the transfer of ownership of Stamen to Testino. The agreement, which the parties signed, provided that "Stamen Medical Systems shall continue to use [Scherer's] name, account numbers and/or any other information needed to carry out the business practices until July 3, 2008. [Scherer] shall not withdraw, deposit, cancel or conduct any business or personal transaction with or on behalf of Stamen Medical Systems." The agreement also stated that she "shall not visit, interfere, contract, or communicate with any person, company or entity as a representative of Stamen Medical Systems…" The divorce decree protected each party from mischief by the other, stating: "Each party is hereby enjoined and restrained from committing or threatening to commit any act of injury, maltreatment, harassment, harm, abuse or stalking upon the other party or any member of the other party's family."

When the transfer of ownership did not occur in July 2008, the trial court entered an order stating that Testino was the sole owner of Stamen and divesting Scherer of all ownership as of July 3, 2008. In December 2008, the parties entered into an asset transfer agreement that required Scherer to "maintain the current business account for a period of 30 days after the execution of this agreement to allow the deposit of any outstanding invoices or receivables due the business."

Following a dispute over which party was going to pay taxes owed by Stamen, in June 2009, Scherer gave notice to Testino that she planned to close the account. In July 2009, after his attorney sent a letter asking her to keep it open due to Medicare payments that were pending, she closed the account. As a result, Medicare deemed Stamen no longer an active business and terminated all claims. The next day, Testino filed a motion for criminal contempt against Scherer. Following hearings, the trial court ruled she had violated the divorce decree and settlement agreement by closing Stamen's business checking account and by communicating with the bank as a representative of Stamen. The judge concluded the asset transfer agreement's 30-day period for maintaining the checking account was an unrealistic time limit and, further, that Scherer had waived the 30-day provision for closing the account. Based on the findings, the judge found Scherer in criminal and civil contempt. He ordered her to jail and awarded Testino more than $52,000 in damages and more than $33,000 in attorney's fees, allowing her to purge herself of the contempt by paying off the amounts within 60 days. She then appealed to the state Supreme Court, arguing the trial court improperly modified the two agreements to allow Stamen to continue to use her name and account numbers as long as it was convenient.

In today's opinion, the high court agrees. "While a trial court may interpret a divorce decree or clarify a prior order in resolving a contempt issue, it does not have the power to modify a prior decree in a contempt proceeding," the opinion says. "In this case, the trial court's attempt to extend indefinitely the time that Scherer was required to keep the business account open was an improper modification of the parties' agreements." The settlement agreement required Scherer

to allow the use of her name and account number until July 3, 2008; the asset transfer agreement required her to keep the business checking account open for 30 days after the signing of the agreement or until Jan. 7, 2009. In fact, she kept the account open for a year after her ownership interest in Stamen had ended and six months after the deadline in the asset transfer agreement had passed.

"Because Scherer did not violate the terms of the divorce decree, amended settlement agreement, or asset transfer agreement in closing the checking account in July 2009, the trial court abused its discretion in holding her in criminal and civil contempt," the opinion says.

Attorney for Appellant (Tanya): John Claeys
Attorney for Appellee (Joseph): John Garcia

JETT V. JETT (S12A0075)

In another divorce case involving a contempt order, the Georgia Supreme Court has partially reversed a **Clayton County** judge's decision on the ground that she improperly modified the couple's settlement agreement.

Bryan and Nikita Jett divorced in October 2007. The couple signed a settlement agreement, which was incorporated into the Final Judgment and Decree of Divorce. Under the agreement, Bryan was required to put the couple's home on the market and until it sold, pay the mortgage, insurance, taxes and upkeep for up to two years. If it did not sell within two years, the parties agreed he would refinance the property into his own name and pay her one-half the equity. At the same, she would "quit claim" her interest in the property to him.

Bryan put the marital residence on the market, but it did not sell within two years. He meanwhile remarried and bought another house, which had a $315,000 debt that was solely in his name. His subsequent attempts to refinance the house he'd owned with his first wife were unsuccessful, and in June 2010, Nikita filed a Motion for Citation for Contempt. At two hearings on the motion, evidence was presented showing that the couple's home in Clayton County was worth $101,000, yet the outstanding debt on the home was $158,000. The evidence suggested that given the debt on his new home, there was no reasonable expectation a lender would refinance the Jetts' marital home. The trial court subsequently found him in contempt and sentenced him to five days in jail, which the court agreed to suspend. The trial court's contempt order stated that upon Bryan's release, he "shall sell or liquidate all available accounts and property and shall pay down the mortgage at issue…In doing so, he will potentially be in a position to refinance the former marital residence in his own name…" The order also stated that the wife had expressed concerns about her ability to buy a home and about what would happen to her security clearance when her employer, the federal government, checked her financial status. The order stated that should "there be any deficiency owed as a result of the sale of the marital residence, [Husband] shall be responsible for, and shall hold [Wife] harmless, for any deficiency."

In today's 6-to-1 opinion, **Justice P. Harris Hines** writes that the majority agrees that Bryan was in contempt of his obligation to refinance the house. "Evidence authorized the court's conclusions that Husband's willful actions of purchasing another house, and entering into significant debt in doing so, prevented him from fulfilling his obligations under the divorce decree…," the majority opinion says.

However, the settlement agreement specified that the net proceeds of any sale of the house would be divided *equally* between Bryan and Nikita, and if refinancing was necessary one-half of the equity in the house would be paid by Bryan to Nikita. The trial court's contempt order sets forth an *unequal* division by assigning Bryan all risk of any deficiency and ordering him to hold Nikita harmless. "This is clearly a modification of the property division set forth in the settlement agreement," the majority opinion says. Further, the court's order that Bryan has to sell or liquidate all accounts and property is an improper "modification of the settlement agreement and divorce decree."

Bryan may ultimately choose to follow that course, the majority says, but "it will be based upon his decision to take that action in light of the financial circumstances he faces, rather than upon an impermissible modification of the decree." In the meantime, Bryan is "still obligated to refinance the marital residence and the trial court has means to compel his compliance, including incarceration."

In the dissent, **Chief Justice Carol Hunstein** agrees that the husband was in contempt but writes that the "majority has taken away the discretion of the trial court to enforce its own contempt orders, except by requiring jail time."

"In this case, the trial court's order did not improperly modify the divorce decree. Instead, the trial court was attempting to enforce the agreement by imposing reasonable conditions that required the husband to carry out his contractual obligations," the dissent says.

"Because the trial court imposed reasonable conditions that were designed to place the parties in the position they would have occupied had the husband timely complied with the settlement agreement, I conclude that the trial court did not abuse its discretion."

Attorney for Appellant (Bryan): Jacquelyn Luther
Attorney for Appellee (Nikita): Stephen Berk

****

IN OTHER CASES, the Supreme Court of Georgia has upheld **murder** convictions and life prison sentences for:

* Robert Deandre Dunlap (DeKalb Co.)	**DUNLAP V. THE STATE (S12A0032)**
* Walter Lee Harris (DeKalb Co.)	**HARRIS V. THE STATE (S12A0698)**
* Joshua Jackson (Fulton Co.)	**JACKSON V. THE STATE (S12A0047)**
* Lance Coleman Rockholt (Walker Co.)	**ROCKHOLT V. THE STATE (S12A0638)**
* Mario Demetrius Westbrook (Clarke Co.)	**WESTBROOK V. THE STATE (S12A0081)**

IN DISCIPLINARY MATTERS, the Supreme Court has **disbarred** the following attorneys:

* Robert E. Bach	**IN THE MATTER OF: ROBERT E. BACH (S11Y1961, 1962, 1963, 1964, 1965, 1966, 1967, S11Y1968)**
* A. Lee Hayes	**IN THE MATTER OF: A. LEE HAYES (S12Y0767)**

* Scott M. Herrmann	**IN THE MATTER OF: SCOTT M. HERRMANN (S12Y00365)**
* Nerrylle Manning-Wallace	**IN THE MATTER OF: NERRYLLE MANNING-WALLACE (S12Y1045)**

The Court has accepted the petition for voluntary discipline and ordered the **6-month suspension** of attorneys:

* Scott Chandler Huggins	**IN THE MATTER OF: SCOTT CHANDLER HUGGINS (S12Y1014)**
* Michael L. Terrell	**IN THE MATTER OF: MICHAEL L. TERRELL (S12Y0818)**

The Court has accepted the petition for voluntary discipline and ordered the **suspension for the next 45 days** of attorney:

* Charles M. Hutt	**IN THE MATTER OF: CHARLES M. HUTT (S12Y1087)**

The Court has accepted the petition for voluntary discipline and ordered a **public reprimand** of attorney:

* Beryl B. Farris	**IN THE MATTER OF: BERYL B. FARRIS (S12Y1163, 1164)**

The Court has a **rejected a Review Panel reprimand** as an inappropriate level of discipline for attorneys:

* Kenneth Andrew Glenn	**IN THE MATTER OF: KENNETH ANDREW GLENN (S11Y1797)**
* Amjad Muhammad Ibrahim	**IN THE MATTER OF: AMJAD MUHAMMAD IBRAHIM (S12Y1025)**