

IN THE COURT OF APPEALS OF TENNESSEE  
AT NASHVILLE

Assigned on Briefs October 4, 2016

**BRYAN R. HANLEY v. TURNEY CENTER DISCIPLINARY BOARD,  
ET AL.**

**Appeal from the Chancery Court for Hickman County  
No. 15-CV-5637 Joseph Woodruff, Chancellor**

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**No. M2016-01223-COA-R3-CV – Filed November 30, 2016**

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RICHARD H. DINKINS, J., dissenting.

I respectfully dissent from the majority’s holding. As the majority notes, a charge against an inmate be proven by a preponderance of the evidence, defined at TDOC Policy No. 502.01(IV)(I) as “[t]he degree of proof which best accords with reason and probability and is more probable than not.” As the majority also notes, the evidence upon which Mr. Hanley’s conviction rested consisted of the two knives and Corporal Story’s statement, the salient portion of which is quoted in the majority opinion. Corporal Story did not testify and the only live witnesses were Mr. Hanley, who denied that the knives were his, and Duane Brooks, an inmate who testified in support of Mr. Hanley’s contention that the knives were left by a previous occupant of the cell.

Because I believe that the proof falls short of the standard mandated by the TDOC policy, I would grant Mr. Hanley relief.

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RICHARD H. DINKINS, JUDGE