

IN THE COURT OF APPEALS OF TENNESSEE
AT KNOXVILLE

February 12, 2003 Session

**STATE OF TENNESSEE , EX REL. ROBYN L. WEST v.
JACKSON B. WEST**

**Appeal from the Chancery Court for Greene County
No. 88-195 Thomas R. Frierson, II, Chancellor**

FILED APRIL 3, 2003

No. E2002-01667-COA-R3-CV

HOUSTON M. GODDARD, P.J., concurring.

I reluctantly concur in the result reached by the majority opinion, but only on the ground of *res judicata*.

My reluctance stems from the fact that Mr. Russell, the biological father, is presently married to the child's mother, and presumably is content to permit Mr. West to continue to support Mr. Russell's own flesh and blood.

HOUSTON M. GODDARD, PRESIDING JUDGE