

IN THE SUPREME COURT OF TENNESSEE  
AT NASHVILLE  
October 5, 2005 Session

**STATE OF TENNESSEE v. WILLIAM GLENN ROGERS**

**Automatic Appeal from the Court of Criminal Appeals  
Circuit Court for Montgomery County  
No. 38939 Robert W. Wedemeyer, Judge**

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**No. M2002-01798-SC-DDT-DD - Filed February 17, 2006**

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ADOLPHO A. BIRCH, JR., J., concurring in part and dissenting in part.

I concur in the conclusion of the majority that Rogers' convictions should be affirmed. As to the sentence of death, however, I respectfully dissent. I continue to adhere to my view that the comparative proportionality review protocol currently embraced by the majority is inadequate to shield defendants from the arbitrary and disproportionate imposition of the death penalty. See State v. Reid, 164 S.W.3d 286, 323-325 (Tenn. 2005)(Birch, J., concurring and dissenting), and cases cited therein. Accordingly, I respectfully dissent from that portion of the majority opinion affirming the imposition of the death penalty in this case.

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ADOLPHO A. BIRCH, JR.