

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE  
AT KNOXVILLE  
August 22, 2000 Session

**STATE OF TENNESSEE v. CORNELIUS MICHAEL HYDE**

**Appeal from the Circuit Court for Blount County  
No. C-10230 D. Kelly Thomas, Jr., Judge**

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**No. E2000-00042-CCA-R3-CD  
December 28, 2000**

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ROBERT W. WEDEMEYER, J., concurring.

I concur in the results reached in the opinion authored by Judge Welles. I differ only in that I believe, as Judge Tipton states in his dissent, that “the failure to instruct on lesser-included offenses in the present case constituted error of a constitutional dimension.” I have concluded, however, that in this case the State has demonstrated beyond a reasonable doubt that the error did not affect the outcome of the trial. Therefore, I concur in the result reached by Judge Welles concerning the issue of lesser-included offenses, and I concur in all respects with the reasoning and results reached by Judge Welles in the remainder of his opinion.

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ROBERT W. WEDEMEYER, JUDGE