

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE  
AT NASHVILLE  
February 12, 2003 Session

**STATE OF TENNESSEE v. THURMAN L. WHITSEY AND  
CHARLIE MAE WHITSEY**

**Criminal Court for Davidson County  
No. 2000-B-1062**

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**No. M2001-03127-CCA-R3-CD - Filed June 3, 2003**

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**AMENDED JUDGMENT**

Came the appellants, THURMAN L. WHITSEY and CHARLIE MAE WHITSEY, by counsel, and the state, by the Attorney General, and this case was heard on the record on appeal from the Criminal Court of Davidson County; and upon consideration thereof, this court is of the opinion that our original judgment entered April 23, 2003, should be vacated; that there is reversible error in the judgments of the trial court relating only to the weapons offense under Count 5; and the case should be remanded for a resentencing determination relating to appellant, Charlie Mae Whitsey.

It is, therefore, ordered and adjudged by this court that our original judgment dated April 23, 2003, be vacated, and appellant Thurman L. Whitsey's conviction under Count 5 for unlawful possession of a weapon and appellant Charlie Mae Whitsey's conviction under Count 5 for facilitation of unlawful possession of a weapon are reversed and dismissed. It is further ordered that the case be remanded for a resentencing determination as to appellant, Charlie Mae Whitsey, pursuant to our order granting the petition to rehear. The judgments of the trial court are otherwise affirmed, and the case is remanded to the Criminal Court of Davidson County for a resentencing determination as to Charlie Mae Whitsey, the execution of the remaining judgments of that court, and for collection of costs accrued below.

It appears that the appellants are indigent. Costs of appeal will be paid by the State of Tennessee.

Joe G. Riley, Judge  
Joseph M. Tipton, Judge  
Thomas T. Woodall, Judge