

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE  
AT NASHVILLE  
June 17, 2003 Session

**STATE OF TENNESSEE v. VERNICA SHABREE WARD**

**Direct Appeal from the Criminal Court for Davidson County  
No. 99-D-2836 Cheryl Blackburn, Judge**

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**No. M2002-01816-CCA-R3-CD - Filed December 30, 2003**

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JOHN EVERETT WILLIAMS, J., separate concurring.

I agree with the majority opinion that the so-called “rule of three” evidence should have been excluded in this case, based upon the trial court’s initial ruling that there was insufficient foundation laid to allow its admissibility. I write separately to express that I limit my decision to the instant case. After careful review, I concluded that the admissibility of this evidence was a very close decision and deferred, as I must, to the trial court’s decision. However, with additional testimony concerning the McDaniel factors, a proper foundation might be laid for admitting expert testimony concerning the “rule of three.”

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JOHN EVERETT WILLIAMS, JUDGE