

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE
AT JACKSON

Assigned on Briefs October 5, 2004

STATE OF TENNESSEE v. MICHAEL WOODS

Appeal from the Criminal Court for Shelby County
No. 99-09509 W. Fred Axley, Judge

No. W2003-02762-CCA-R3-CD - Filed February 17, 2005

JOSEPH M. TIPTON, J., concurring.

I concur in the results reached and most of the reasoning used in the majority opinion. I disagree, though, with the conclusion that Blakely v. Washington, 542 U.S. ____, 124 S. Ct. 2531 (2004), does not affect the sentencing. However, I believe the defendant's history of criminal convictions justifies the sentence he received.

JOSEPH M. TIPTON, JUDGE