

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE
AT KNOXVILLE

Assigned on Briefs March 25, 2009

STATE OF TENNESSEE v. RANDY BERNARD BRASWELL

**Appeal from the Criminal Court for Hamilton County
No. 241518 Jon Kerry Blackwood, Senior Judge**

No. E2008-01392-CCA-R3-CD - Filed December 14, 2009

JAMES CURWOOD WITT, JR., J., concurring.

I concur in the majority opinion but write separately to express the views (1) that the statutes proscribing child abuse and child neglect are needlessly complex and (2) that our controlling case law does not invite helpful application of the child abuse statute by applying the “knowing” scienter to “treating a child in *an abusive manner*.” (Emphasis added.)

JAMES CURWOOD WITT, JR., JUDGE