

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE

AT KNOXVILLE

JUNE 1997 SESSION

FILED

May 27, 1998

Cecil Crowson, Jr.
Appellate Court Clerk

STATE OF TENNESSEE,

Appellee,

VS.

DONALD RAY SHIRLEY,

Appellant.

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C.C.A. NO. 03C01-9610-CR-00369

BRADLEY COUNTY

HON. MAYO L. MASHBURN,
JUDGE

(Aggravated Robbery)

CONCURRING IN PART AND DISSENTING IN PART

I respectfully dissent from the majority's modification of the defendant's sentence for the robbery at the Take Two Video store. Because I believe the enhancing factors support the maximum prison term for this robbery, I would affirm its sentence in this regard. I concur in all other aspects of the majority's opinion.

JOHN H. PEAY, Judge