

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE

AT NASHVILLE  
APRIL 1998 SESSION

**FILED**  
August 7, 1998  
Cecil W. Cross  
Appellate Court Clerk

STATE OF TENNESSEE,	)	C.C.A. NO. 01CP9705-CR-0096
	)	
Appellee,	)	
	)	WILLIAMSON COUNTY
V.	)	
	)	
	)	HON. HENRY DENMARK BELL,
CHARLENE HARDISON,	)	JUDGE
	)	
Appellant.	)	(SENTENCING)

**SEPARATE OPINION CONCURRING  
IN PART AND DISSENTING IN PART**

I concur with all portions of Judge Lafferty's opinion with the exception of the portion that reduces the period of confinement from six (6) months to ninety (90) days. I might agree with that ultimate result after a specific finding of facts by the trial court following the dictates of the Tennessee Criminal Sentencing Reform Act of 1989. However, it is my opinion that the more appropriate disposition of this particular case is to remand it back to the trial court for a new sentencing hearing which follows the specific requirements of the Act. See State v. Ervin, 939 S.W.2d 581, 584-85 (Tenn. Crim. App. 1996) and cases cited therein.

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THOMAS T. WOODALL, Judge