

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE
AT JACKSON
October 07, 2014 Session

**STATE OF TENNESSEE v. CHRISTOPHER SWIFT and MARQUAVIOUS
HOUSTON**

**Appeal from the Criminal Court for Shelby County
No. 11-04531 James C. Beasley, Jr., Judge**

No. W2013-00842-CCA-R3-CD - Filed May 5, 2015

TIMOTHY L. EASTER, J., concurring in part and dissenting in part.

I concur with the results and most of the reasoning in the majority opinion. I respectfully disagree, however, with the majority's conclusion that the trial court abused its discretion when it failed to grant Defendant Swift's motion to sever. In my view, neither Rule 8 or Rule 14 of the Rules of Criminal Procedure required the trial court to grant Defendant Swift's motion to sever.

Furthermore, I am satisfied that the trial court gave clear and correct instructions on how the jury was to consider the evidence as to each Defendant. The manner in which the evidence was admitted by the trial court did not so prejudice Defendant Swift as to require severance.

TIMOTHY L. EASTER, JUDGE