

IN THE COURT OF APPEALS OF TENNESSEE
AT KNOXVILLE
August 9, 2000 Session

CITY OF CHATTANOOGA v. KEVIN DAVIS

**Appeal from the Criminal Court for Hamilton County
No. 225103 Douglas A. Meyer, Judge**

FILED OCTOBER 31, 2000

No. E2000-00664-COA-R3-CV

HOUSTON M. GODDARD, P.J., Concurring

I concur in the opinion of Judge Susano because I believe he has accurately articulated the present state of Tennessee law on the subject at hand. I also concur in the dissenting opinion of Judge Franks, which urges the Supreme Court to accept this case if an application for permission to appeal is requested so that a definitive and authoritative rule may be enunciated as to this significant constitutional question.

HOUSTON M. GODDARD, PRESIDING JUDGE