

IN THE COURT OF APPEALS OF TENNESSEE
AT KNOXVILLE

CHRISTY MICHELLE BERRY v. LESTER STEPHEN BERRY

Appeal from the Chancery Court for Knox County
No. 148677-2 Daryl R. Fansler, Chancellor

No. E2004-01832-COA-R3-CV - FILED MAY 31, 2005

CHARLES D. SUSANO, JR., concurring.

I concur in the majority's opinion. I write separately to stress that which is missing in this case, *i.e.*, evidence, be it in the form of expert testimony or otherwise, showing that the subject child has been, or can reasonably be expected to be, adversely affected by his mother's lifestyle. In my opinion, the trial court's judgment must be reversed because of a lack of proof to support its critical finding of adverse effect.

CHARLES D. SUSANO, JR., JUDGE