

ANTHONY EVANS,)
)
 Petitioner/Appellant,)
)
 VS.)
)
 TENNESSEE BOARD OF)
 PAROLES, et al.,)
)
 Respondents/Appellees.)

Appeal No.
01-A-01-9512-CH-00572

Davidson Chancery
No. 95-2229-II

FILED

May 24, 1996

Cecil W. Crowson
Appellate Court Clerk

COURT OF APPEALS OF TENNESSEE
MIDDLE SECTION AT NASHVILLE

APPEALED FROM THE CHANCERY COURT OF DAVIDSON COUNTY
AT NASHVILLE, TENNESSEE

THE HONORABLE ELLEN LYLE, CHANCELLOR

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AFFIRMED AND REMANDED

BEN H. CANTRELL, JUDGE

CONCUR:
TODD, P.J., M.S.
KOCH, J.

MEMORANDUM OPINION¹

The Chancery Court of Davidson County dismissed the appellant's petition for the common law writ of certiorari in which he sought to review the Parole Board's decision to deny him parole.

In *Arnold v. Board of Paroles*, Appeal No. 01-A-01-9508-CH-00375 (filed May 8, 1996) and *Dalton v. Board of Paroles*, Appeal No. 01-A-01-9601-CH-00029 (filed May 8, 1996), we dealt with most of the issues raised by the appellant on appeal. On the basis of our decisions in those cases we affirm the Chancery Court's action.

The only new issue in this case is the one dealing with the requirement that the appellant continue in an alcoholic treatment program. The appellant alleges that the only program available is one based on the principles of Alcoholics Anonymous and since that program has a strong spiritual element, the state is violating his freedom of religion. There is authority on both sides of this issue, but we decline to address it in this case. Since there are several legitimate reasons for denying parole to the appellant our decision on this issue would be advisory only.

¹Rule 10(b) of the Rules of the Court of Appeals reads as follows:

The Court, with the concurrence of all judges participating in the case, may affirm, reverse or modify the actions of the trial court by memorandum opinion when a formal opinion would have no precedential value. When a case is decided by memorandum opinion it shall be designated "MEMORANDUM OPINION," shall not be published, and shall not be cited or relied on for any reason in a subsequent unrelated case.

The decision of the court below is affirmed and the cause is remanded to the Chancery Court of Davidson County for any further proceedings that may become necessary. Tax the costs on appeal to the appellant.

BEN H. CANTRELL, JUDGE

CONCUR:

HENRY F. TODD, PRESIDING JUDGE
MIDDLE SECTION

WILLIAM C. KOCH, JR., JUDGE