

IN THE COURT OF APPEALS OF TENNESSEE
MIDDLE SECTION AT NASHVILLE

THURSTON ANDREW HELMS,)

Plaintiff/Appellant,)

VS.)

MICHAEL C. GREENE,)
COMMISSIONER, TENNESSEE)
DEPARTMENT OF SAFETY,)

Defendant/Appellee.)

Davidson Chancery
No. 92-3515-I

Appeal No.
01-A-01-9505-CH-00194

FILED

January 31, 1997

Cecil W. Crowson
Appellate Court Clerk

PARTIAL DISSENTING OPINION

I concur in the result reached in this case, but continue to be troubled by the question of the appellant's right to a jury trial. Since my two colleagues participated in the case of *Jones v. Greene*, App. No. 01-A-01-9505-CH-00187 (Tenn. App. Dec. 4, 1996), which decided this issue contrary to the appellant's position, I will not press the issue here. But, I decline to join Part III of the majority opinion.

BEN H. CANTRELL, JUDGE