

IN THE SUPREME COURT OF TENNESSEE
AT JACKSON

STATE OF TENNESSEE v. KENNATH ARTEZ HENDERSON

**Appeal from the Circuit Court for Fayette County
No. 4465 Jon Kerry Blackwood, Judge**

**No. W1998-00342-SC-DDT-DD — Decided July 10, 2000
FOR PUBLICATION**

JUSTICE BIRCH, dissenting.

I am compelled to dissent from the opinion of my colleagues because of my view that under the circumstances here presented, the (i)(6) aggravating factor is fully absorbed by the (i)(9) aggravating factor.¹ Accordingly, only one of the two should affect the defendant's sentence.

¹Tenn. Code Ann. § 39-15-204 (Supp. 1999).