

IN THE SUPREME COURT OF TENNESSEE  
AT NASHVILLE  
October 3, 2001 Session

**STATE OF TENNESSEE v. JERRY W. YANCEY, JR.**

Appeal by Permission from the Court of Criminal Appeals  
Circuit Court for Williamson County  
No. II-499-120 Timothy L. Easter, Judge

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No. M1999-02131-SC-R11-CD - Filed February 7, 2002

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JANICE M. HOLDER, J., dissenting.

An abuse of discretion in denying pretrial diversion should be found only when the record shows an absence of any substantial evidence supporting the district attorney general's decision. State v. Pinkham, 955 S.W.2d 956, 960 (Tenn. 1997); State v. Hammersley, 650 S.W.2d 352, 356 (Tenn. 1983). When the reasons cited by the district attorney general are sufficient to support the denial of pretrial diversion, I would hold that there is no abuse of discretion in the district attorney general's failure to make specific reference to every non-statutory, judicially-imposed factor. I continue to adhere to my separate opinion in State v. Curry, 988 S.W.2d 153 (Tenn. 1999), and therefore must respectfully dissent.

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JANICE M. HOLDER, JUSTICE