

IN THE SUPREME COURT OF TENNESSEE  
AT JACKSON

STATE OF TENNESSEE )  
 )  
 ) FOR PUBLICATION  
 )  
 V. ) NO. 02-S-01-9112-CP-00064  
 )  
 )  
 ) SHELBY COUNTY  
 DAVID KEEN )

**FILED**

**July 8, 1996**

**Cecil Crowson, Jr.**  
**Appellate Court Clerk**

OPINION ON PETITION TO REHEAR

On May 23, 1994, this Court affirmed petitioner's conviction for first-degree murder and remanded the cause for re-sentencing.

Subsequently, the petitioner filed a timely petition pursuant to Rule 39, Tenn. R. App. P. for a rehearing.

We grant the petition to rehear and remand the cause to the trial court for the conduct of a sentencing hearing consonant with our holding in State v. Richard Odom.

Enter this the \_\_\_\_\_ day of \_\_\_\_\_, 1996.

PER CURIAM