

FOR PUBLICATION

FILED

December 15, 1997

Cecil Crowson, Jr.
Appellate Court Clerk

IN THE SUPREME COURT OF TENNESSEE
AT KNOXVILLE

STATE OF TENNESSEE

Appellant,

v.

RICKY MICHAEL DIXON,

Appellee.

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(Hamilton Criminal
(
(Hon. Douglas A. Meyer,
(Judge
(
(S. Ct. No.
(03S01-9704-CR-00043
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(

DISSENTING OPINION

We would affirm the decision of the Court of Criminal Appeals reversing the conviction of kidnapping.

The removal of the victim from the sidewalk to the far side of the vacant lot was incidental to the offenses of aggravated assault and aggravated sexual battery in the same way that removal of the victim in State v. Anthony, 817 S.W.2d 299 (Tenn.1991), from one room in the restaurant to another was incidental to the offense of robbery.

Reid, J.

Birch, J.