

IN THE SUPREME COURT OF TENNESSEE
AT JACKSON
(Heard at Memphis)

FILED
October 12, 1998
NO. 02S01-9711-CR-00094
Cecil Crowson, Jr.
Appellate Court Clerk

STATE OF TENNESSEE)
)
 Appellee)
)
 v.)
)
 DEWAYNE B. BUTLER,)
 FREDRICK D. BUTLER, and)
 ERIC D. ALEXANDER)
)
 Appellants.)
)

NO. 02S01-9711-CR-00094
SHELBY COUNTY
(Interlocutory Appeal)
AFFIRMED

ORDER SUBSTITUTING OPINION AND JUDGMENT

It appearing to the Court that the original opinion in this case, filed September 14, 1998, inadvertently stated that mitigating circumstances must be proven beyond a reasonable doubt. Such a burden of proof is not required by the provisions of Tennessee Code Annotated Sections 39-13-204(e)(1) and 39-13-207(d).

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the attached opinion and judgment be, and the same hereby is, substituted for the opinion and judgment previously filed in this cause on September 14, 1998, without the further taxing of costs.

PER CURIAM