

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE
AT KNOXVILLE

STATE OF TENNESSEE v. ROBERT JARNAGIN

**Direct Appeal from the Criminal Court for Hamblen County
No. 97-CR-181 James E. Beckner, Judge**

**No. E1998-00892-CCA-R8-CD - Decided
May 12, 2000**

JUDGE TIPTON concurring.

I concur in the results reached and with most of the reasoning used in the majority opinion. I only note that the parties tried this case with an understanding that the Sensing requirements applied to the Intoximeter EC-IR. However, no evidence in the record shows such to be the case. Absent such evidence, I would not conclude in this case that Sensing applies in all cases involving the Intoximeter EC-IR. That should be left to another day with a more developed record.