

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE
AT NASHVILLE

On Remand from the Tennessee Supreme Court

STATE OF TENNESSEE v. ANTHONY RIGGS

**Direct Appeal from the Circuit Court for Wayne County
No. 13,665 Stella Hargrove, Judge**

No. M2007-02322-RM-CD - Filed May 7, 2008

JAMES CURWOOD WITT, JR., J., concurring.

I concur in the majority opinion except I would have not relied upon the presentence report for a *Blakely*-type admission. See *State v. Charles Vantilburg III*, No. W2006-02475-CCA-R3-CD (Tenn. Crim. App., at Jackson, Feb. 12, 2008) (holding that statements “made outside the confines of any judicial proceeding . . . do not qualify as admissions for purposes of the Sixth Amendment”).

JAMES CURWOOD WITT, JR., JUDGE