

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE
AT JACKSON
MAY SESSION, 1997

FILED

June 09, 1997

Cecil Crowson, Jr.
Appellate Court Clerk

STATE OF TENNESSEE,)

Appellee)

vs.)

JAMES IRVIN HARVEST,)

Appellant)

No. 02C01-9506-CC-00167

HARDEMAN COUNTY

Hon. Jon. Kerry Blackwood, Judge

(Murder Second Degree)

SEPARATE CONCURRING OPINION

I concur. However, in fairness to the trial court, I find it appropriate to note that, under the law that existed at the time this offense was tried, the trial judge's denial of funds to obtain an independent evaluation was correct. This case proceeded to trial on January 18, 1995; the supreme court's decision in State v. Barnett was released on November 13, 1995.

DAVID G. HAYES, Judge