

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE

AT NASHVILLE

JANUARY 1996 SESSION

<p>FILED</p> <p>April 24, 1997</p> <p>Cecil W. Crowson Appellate Court Clerk</p>

STATE OF TENNESSEE,)
)
 Appellee,)
)
 v.)
)
 BOBBY KENNETH NASH, JR.,)
)
 Appellant.)

No. 01C01-9409-CR-00330
 Davidson County
 Hon. Seth Norman, Judge
 (First Degree Murder)

For the Appellant:

Sam E. Wallace, Jr.
 227 Second Avenue, N.
 Nashville, TN 37201

For the Appellee:

John Knox Walkup
 Attorney General of Tennessee
 and
 Darian B. Taylor
 Assistant Attorney General of Tennessee
 450 James Robertson Parkway
 Nashville, TN 37243-0493

Victor S. Johnson, III
 District Attorney General
 and
 Kimberly Hattaway
 Washington Square
 222 2nd Avenue North
 Nashville, TN 37201-1649

OPINION FILED: _____

AFFIRMED PURSUANT TO RULE 20

Joseph M. Tipton
 Judge

OPINION

The defendant, Bobby Kenneth Nash, Jr., appeals from his jury conviction in the Davidson County Criminal Court for first degree murder. He received a sentence of life in prison. In this appeal as of right, he contends that the evidence is insufficient to support his first degree murder conviction.

In the light most favorable to the state, see State v. Cabbage, 571 S.W.2d 832 (Tenn. 1978), the proof established that the defendant shot his aunt six times while she was stopped at a red light. The gun was within twelve inches of her head when he fired four of the shots into her face. During the six months preceding the shooting, the defendant and the victim were involved in a dispute over the defendant's father's estate. The defendant remarked that he wanted to get back at the victim and described how it would be possible for him to go to the top of a school building and shoot the victim as she left the house where she was living. On another occasion during the months preceding the shooting, he stated that the best way to remedy serious problems that you have with a person is to kill the person. Two weeks before the shooting the defendant refused to promise that he would not kill the victim.

After full consideration of the record, the briefs, and the law governing the issue presented, we are of the opinion that the evidence is sufficient to support the defendant's conviction for first degree murder and that no precedential value would be derived from the rendering of a full opinion. Therefore we conclude that the judgment of the trial court should be affirmed pursuant to Rule 20, Tenn Ct. Crim. App. R.

Joseph M. Tipton, Judge

CONCUR:

Gary R. Wade, Judge

Paul G. Summers, Judge