IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE

AT NASHVILLE

FEBRUARY 1998 SESSION

FILED

May 27, 1998

Cecil W. Crowson
Appellate Court Clerk

TRACY HIGGINBOTHAM	)	
	)	
Appellant,	)	C.C.A. No. 01C01-9704-CC-00126
	)	
vs.	)	WAYNE COUNTY
	)	
STATE OF TENNESSEE,	)	Honorable Jim T. Hamilton
	)	
Appellee.	)	(Habeas Corpus)
	)	
	)	

SEPARATE CONCURRING OPINION

I concur in the results in this case. In State v. Milton S. Jones, Jr., No. 02C01-9503-CR-00061, slip op. at 5 (Tenn. Crim. App., at Jackson, March 7, 1997), a panel of this court ruled that mens rea is an element of offenses such as sexual battery or rape. While I subscribe to the view expressed in Jones, I do concur that the allegations in these indictments do imply the mens rea.

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Gary R. Wade, Judge