IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE

AT JACKSON

SEPTEMBER 1998 SESSION

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STATE OF TENNESSEE,

Appellee,

VS.

JAMES M. WILLIAMS,

Appellant.

Appellate Court Clerk

NO. 02C01-9710-CR-00388

SHELBY COUNTY

HON. ARTHUR T. BENNETT, JUDGE

(Leaving the Scene of an Accident Involving Death)

CONCURRING OPINION

_____I concur in the opinion by my colleague, Judge David H. Welles, but write separately to explicitly state my reasons.

The trial of this case began on a Tuesday and concluded on Saturday. It was zealously prosecuted and zealously defended. The defendant was acquitted by the jury of vehicular homicide by intoxication, vehicular homicide by recklessness, reckless homicide, DUI and reckless driving. As a result of the jury verdict, the defendant was exonerated of any criminal act causing the death of the victim. The jury has spoken.

Had the jury convicted the defendant of a criminal act leading to the death of the victim, incarceration might well be appropriate. However, in view of the verdict, the defendant clearly qualifies for alternative sentencing.

I am authorized to state that Judge Paul G. Summers joins in this Concurring Opinion.

JOE G. RILEY, JUDGE

FILED

January 5, 1999

Cecil Crowson, Jr.