

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE
AT KNOXVILLE
JUNE 1999 SESSION

FILED
August 9, 1999
Cecil Crowson, Jr.
Appellate Court
Clerk

STATE OF TENNESSEE,)	
)	C.C.A. NO. 9812-CC-00422
Appellee,)	
)	JEFFERSON COUNTY
VS.)	
)	HON. BEN W. HOOPER, II,
RICHARD A. GREEN,)	JUDGE
)	
Appellant.)	(Vehicular Homicide)

SEPARATE CONCURRING OPINION

I agree with the results in this case. I would not find the trial judge in error for admitting evidence of alcoholic beverage containers that were found in the back seat and trunk of the vehicle. The trial judge evidently found the evidence to be more probative than prejudicial at the motion to suppress. Had I been the trial judge, I might not have admitted evidence containers found in the trunk. I would not, however, find an abuse of discretion by the trial judge in admitting this evidence.

In all other respects, I fully concur in the opinion and the results.

JOHN H. PEAY, Judge