

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE  
AT JACKSON  
Assigned on Briefs December 6, 2022

FILED

01/20/2023

Clerk of the  
Appellate Courts

**STATE OF TENNESSEE v. SIDNEY EUGENE WATKINS**

**Appeal from the Circuit Court for Madison County**  
**No. 18-527 Kyle C. Atkins, Judge**

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**No. W2022-00274-CCA-R3-CD**

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The Defendant, Sidney Eugene Watkins, was convicted by a jury of alternative counts of possession of marijuana with the intent to sell or deliver and possession of a firearm during the commission of those dangerous felonies, as well as simple possession of methamphetamine, simple possession of alprazolam, and possession of drug paraphernalia. Following the jury verdict, the trial court granted the Defendant's motion for judgment of acquittal on the firearm counts (counts 7 and 8). The State appealed, and we reversed, concluding that the trial judge applied the wrong standard in ruling on the Defendant's motion for judgment of acquittal. On remand, the trial court affirmed the jury's verdict in its role as thirteenth juror and found the evidence sufficient to support the firearm counts. The Defendant now appeals challenging the trial court's ruling. Following our review, we affirm. We remand the case for entry of a corrected judgment in count 8 due to clerical errors.

**Tenn. R. App. P. 3 Appeal as of Right; Judgments of the Circuit Court Affirmed;  
Case Remanded**

KYLE A. HIXSON, J., delivered the opinion of the court, in which ROBERT W. WEDEMEYER and JOHN W. CAMPBELL, SR., JJ., joined.

J. Colin Morris, Jackson, Tennessee, for the appellant, Sidney Eugene Watkins.

Jonathan Skrmetti, Attorney General and Reporter; Samantha L. Simpson, Assistant Attorney General; Jody S. Pickens, District Attorney General; and Bradley F. Champine, Assistant District Attorney General, for the appellee, State of Tennessee.

**OPINION**

**I. FACTUAL AND PROCEDURAL HISTORY**

In the Defendant's first appeal of this case, this court summarized the proof presented at trial as follows:<sup>1</sup>

On July 7, 2017, Jackson Police Department ("JPD") officers executed a search warrant at the Defendant's residence. Following that search, a Madison County grand jury, on July 2, 2018, returned a thirteen-count indictment against the Defendant, charging him with the following offenses—possession of a Schedule VI controlled substance, marijuana, with the intent to sell or deliver (counts 1 and 2); possession of a Schedule II controlled substance, methamphetamine, with the intent to sell or deliver (counts 3 and 4); possession of a Schedule IV controlled substance, alprazolam, with the intent to sell or deliver (counts 5 and 6); possession of a firearm, a Winchester 12 gauge shotgun, with the intent to go armed during the commission of the dangerous felonies indicted in counts 1 and 2 (counts 7 and 8); possession of a firearm, a Winchester 12 gauge shotgun, with the intent to go armed during the commission of the dangerous felonies indicted in counts 3 and 4 (counts 9 and 10); possession of a firearm, a Winchester 12 gauge shotgun, with the intent to go armed during the commission of the dangerous felonies indicted in counts 5 and 6 (counts 11 and 12); and possession of drug paraphernalia (count 13). *See* Tenn. Code Ann. §§ 39-17-417, -17-425, -17-434, -17-1324.

At trial, the State presented the following proof. Multiple officers executed a search warrant at the Defendant's residence during the evening hours of July 7, 2017. The officers discovered a bag of marijuana weighing approximately 11 grams inside a pair of pants in the living room closet and 3 boxes of .38 Special ammunition on the kitchen table, collectively containing over 120 live rounds. In the Defendant's bedroom, officers found the following: a clear plastic bag that contained 21 alprazolam pills lying on top of the Defendant's wallet on the television stand; a small clear bag on the TV stand containing 14 marijuana seeds; a large glass mason jar and glass pipe lying on the TV stand, both having marijuana residue on them; a 12 gauge shotgun shell in a drawer of the TV stand; an unopened bag of 100 Ziploc bags in a drawer of the TV stand; 2 credit cards bearing the Defendant's name on a small table in the middle of the room; also on the small table, loose marijuana, 2 small Ziploc bags, a marijuana grinder with marijuana residue on it, several partially smoked blunts, and a small jar of

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<sup>1</sup> We note that the Defendant has only provided a record of the proceedings since this case was remanded to the trial court. All of the proceedings that occurred prior to that remand, as well as a subsequent sentencing hearing, are not included in the appellate record.

what appeared to be cannabis oil; inside the bedroom closet, a digital scale with marijuana residue on it and a large glass jar containing “high grade” loose marijuana; on top of the window curtain, a clear bag containing 12 Methylenedioxymethamphetamine (“MDMA”) pills; an unloaded 12 gauge Winchester pump shotgun that was behind the TV stand propped up against the wall on top of a pile of clothes; and on the floor, another small glass jar with marijuana residue on it and an opened box of Ziploc bags.

Following entry into the residence, the officers removed the Defendant, Rodricus<sup>2</sup> Johnson, and five small children. The Defendant was arrested, read his *Miranda* rights, and placed in the back of JPD Sergeant Daniel Washburn’s patrol car. Though the officers initially found money in the Defendant’s pocket, they did not confiscate the money at that time because they had yet to search the house. Once the Defendant was placed inside the car, his movements and statements were recorded. At one point in the recording, the Defendant appeared to be reaching towards his feet, and when the Defendant was taken out of the patrol car and searched a second time, \$340 in cash was found in his sock.

Mr. Johnson was also placed inside the car with the Defendant.<sup>3</sup> On the recording, the Defendant can be heard informing Mr. Johnson that “he was straight” because the Defendant was the one in trouble, not him. The Defendant told Mr. Johnson that “he had about [\$200] worth of dope” inside the house and that it was all located in one jar, except for the small amount on the table. The Defendant also referenced a “quarter pound” of marijuana, which was the amount of marijuana found inside the house minus one ounce. The Defendant claimed that he had “never been caught up before” as long as he [had] been doing this, insinuating that [he] had never previously been caught for selling drugs. In addition, the Defendant affirmed that he was “the one in control” because everything was in his bedroom, and he mentioned that he had restocked his narcotics supply the day before his arrest.

On July 8, Sergeant Washburn interviewed the Defendant at the Madison County Jail after the Defendant waived his *Miranda* rights and signed a written waiver to that effect. According to Sergeant Washburn, the Defendant did not appear to be under the influence of any drugs when he was

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<sup>2</sup> In the search warrant affidavit, this individual’s first name is spelled Rondarrius.

<sup>3</sup> Mr. Johnson was charged in relation to this case and subsequently pled guilty to simple possession of marijuana.

interviewed, and he seemingly understood the information being conveyed to him. At the conclusion of the interview, the Defendant adopted a written statement. In that statement, the Defendant admitted that he possessed the marijuana on a small table in his bedroom, as well as some alprazolam pills, a marijuana grinder, a 12 gauge shotgun, and a digital scale. Additionally, the Defendant admitted that when the police came to the door, he was in his bedroom. Moreover, he admitted to using and selling marijuana, though he stated that he only sold to his family. However, the Defendant said that the jar of marijuana in his bedroom closet was not his, possibly belonging to Charles Jackson. Sergeant Washburn confirmed that when the officers executed the search warrant, they were looking for Mr. Jackson.

Forensic testing revealed the Defendant's fingerprint on the 12 gauge shotgun. Sergeant Washburn recalled that the Defendant claimed that he possessed the shotgun because there were raccoons at the residence, though Sergeant Washburn acknowledged that this information was not included in the Defendant's written statement. In addition, Sergeant Washburn noted that the stock of the shotgun "had been sawed off to kind of a pistol grip," which was inconsistent with hunting use.

JPD Lieutenant Justin Harris, who participated in the search, opined that the Defendant possessed the controlled substances "for resale, based on the amount of marijuana and the digital scale in the same location, the amount of money that was seized off [the Defendant] and all the other pills inside" the Defendant's bedroom. Lieutenant Harris also testified that the shotgun shell found in the TV stand drawer was "within five feet of the shotgun" and that the shotgun could have been loaded "within a matter of seconds." Lieutenant Harris confirmed that the search warrant for the residence "involved another individual," who had not been charged with any crime.

Investigator Nathaniel Scohate with the Madison County Sheriff's Office, who was also involved in the search, testified that based upon his experience, he believed the Defendant possessed the marijuana for resale. He based his opinion on the large quantity of loose marijuana inside the mason jar and the presence of digital scales, other drugs, money, and firearms.

Investigator Michael Arnold, who worked in the Jackson-Madison County Metro Narcotics Unit, was qualified as an expert in the narcotics trade, sales, and practices. Investigator Arnold, who [was] also involved in the search, testified that it would take "[l]ess than two" seconds to load the

shotgun shell into the shotgun once both items were in the possession of the individual, estimating that the two were roughly “within [an] arm’s reach of each other.” Investigator Arnold explained that the shotgun was approximately two feet away, “three feet at the most,” from the TV stand where the shotgun shell was located. Thus, in Investigator Arnold’s opinion, the Defendant could have loaded the shotgun shell into the shotgun in “[a] matter of seconds.” In addition, Investigator Arnold noted that the shotgun’s stock had been modified so that it resembled a “pistol grip form” and was “wrapped up with what appear[ed] to be electrical tape.” Investigator Arnold indicated that all the Defendant would have to do to protect his drugs and money if the need arose would be to pick up the shotgun, regardless of whether the weapon was loaded or not.

Investigator Arnold believed that the Defendant was using the digital scale to “weigh up the bags that he [sold] to his clients” because of the large quantity of drugs found in the residence and the residue found on the scale. According to Investigator Arnold, a drug dealer used a digital scale “[t]o make sure they [made] the most money,” so they would not sell too much or too little to their buyers. When asked why someone might keep marijuana seeds, Investigator Arnold replied that someone might remove the seeds “so they can sell a better quality product to their clients.” He also noted that the boxes of small Ziploc bags indicated that the Defendant was selling drugs, those types of bags often being used in packaging for resale. Further, he explained that drug dealers frequently put marijuana in multiple glass mason jars to diminish the marijuana odor.

According to Investigator Arnold, the “collective field weight of the marijuana located inside the apartment” was 86.5 grams and worth approximately \$675 in the Jackson area; the 12 MDMA pills contained a little over 3 grams of methamphetamine and were worth approximately \$300; and the 21 alprazolam pills would garner between \$3 and \$5 per pill. In Investigator Arnold’s opinion, he believed that the Defendant possessed the various controlled substances for the purpose of resale and the shotgun “to protect his drugs and his money.”

Investigator Arnold confirmed that the confidential informant used to secure the search warrant in this case did not say that he saw anyone engaged in selling drugs, only that drugs were present inside the residence. The informant did not provide any information about a firearm.

After the State rested its case, the Defendant made a motion for judgment of acquittal on all counts, arguing that the State failed to present proof of his guilt beyond a reasonable doubt. Specifically, regarding the weapons charges, the Defendant submitted that the shotgun was not loaded, that it was in the corner of the bedroom on top of some clothes, that the Defendant was not observed near the gun, that the shotgun shell was “a great distance” from the weapon, and that the location of the unloaded shotgun did not indicate that it was used to protect the controlled substances. In response, the State noted that the Defendant admitted ownership of the shotgun and that he was in the bedroom, where the shotgun and shell were located, when the officers arrived at his residence to execute the search warrant. Thus, the State argued that based on the totality of the circumstances, including the numerous rounds of additional ammunition found in the kitchen, as well as the fact that Defendant could give the appearance of being armed even if the weapon was unloaded, the jury could reasonably infer that the Defendant possessed the shotgun with the intent to protect his drug trade enterprise. The trial court denied the Defendant’s motion as to counts 1 through 6 but reserved ruling on counts 7 through 12; no mention was made of count 13 at that time.

The Defendant declined to offer any proof. The trial court then instructed the jury on all thirteen counts, and closing arguments followed. Following the closing jury instructions, the trial court ruled that it was also denying the motion for judgment of acquittal on count 13. When asked about the disposition of the firearm charges, the trial court simply remarked that those were still under indictment.

All counts were submitted to the jury for their consideration. Following deliberations, the jury found the Defendant guilty as charged in counts 1 and 2 of possession of marijuana with the intent to sell or deliver, as well as finding him guilty in counts 7 and 8 of possession of [a] firearm during the commission of those dangerous felonies. As for counts 3 through 6 relating to possession of methamphetamine and alprazolam, the jury found the Defendant guilty in each of those counts of the lesser-included offense of simple possession. Correspondingly, because there was no underlying dangerous felony, the jury acquitted the Defendant of the firearm possession charges in counts 9 through 12. The jury found the Defendant guilty as charged in count 13 of possession of drug paraphernalia.

At a subsequent hearing, the Defendant renewed his motion for judgment of acquittal relative to counts 7 and 8<sup>4</sup> (possession of a firearm with the intent to go armed during the commission of the dangerous felonies indicted in counts 1 and 2). The State noted that the officers found a Winchester 12 gauge shotgun in the Defendant's bedroom and that "there was a live 12 gauge shotgun shell in the drawer of the TV stand," which was "within an arm's reach of the shotgun." The State argued that the shotgun was "in a place where [the Defendant] could [have] quickly and readily reduce[d] it to a state where it could [have] be[en] fired." The trial court stated that "a shotgun that was unloaded with one bullet in the room" did not "rise[] to the level of . . . possession of a firearm with the intent to go armed" during the commission of a dangerous felony. The trial court found that based on the totality of the circumstances, the jury's verdicts on the weapons charges were "against the weight of the evidence" because the gun was unloaded and there was only one bullet in the room that was not in close proximity to the weapon.

Thereafter, the trial court issued a written order granting the motion. The trial court reviewed the evidence presented at trial, noting first that the shotgun was found in the room where the drugs were located and that one shotgun shell was found in the room. The trial court then commented that the shotgun was unloaded and that "there was no testimony that [the] Defendant was in the room with the shotgun at the time the warrant was executed." The trial court also commented that there was no proof that the Defendant was in close proximity to the shotgun, that he wielded the gun, or that he intended to use the gun in any way. In conclusion, the trial court stated as follows:

[W]hen reviewing the evidence, in a light most favorable to the [S]tate and taking the strongest legitimate fear [sic] of the evidence in the [S]tate's favor, including all reasonable inferences, the [c]ourt finds that the proof was insufficient to warrant a conviction for possession of a weapon with the intent to go armed during the commission of a dangerous felony.

After a sentencing hearing, the trial court imposed an effective two-year sentence.

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<sup>4</sup> After the jury returned its verdict, counts 7 and 8 were the only firearm offenses that remained.

*State v. Sidney Eugene Watkins*, No. W2020-01006-CCA-R3-CD, 2021 WL 5919119, at \*1-4 (Tenn. Crim. App. Dec. 15, 2021) (footnotes in original and one footnote omitted).

The State appealed challenging the trial court's ruling on the motion for judgment of acquittal and dismissal of counts 7 and 8. A panel of this court reversed the trial court's decision and reinstated the Defendant's firearm convictions. *Watkins*, 2021 WL 5919119, at \*1. In so concluding, the panel determined that the trial court applied the wrong standard of review at the motion for judgment of acquittal hearing and improperly "made its own assessment of the evidence and the credibility of the witnesses." *Id.* at \*7. The panel noted that the same standard of review applied to both the trial court's denial of a motion for a judgment of acquittal and the sufficiency of the convicting evidence underlying the jury's verdict. *Id.* at \*4 (citing *State v. Carroll*, 36 S.W.3d 854, 869 (Tenn. Crim. App. 1999)). In addition, this court observed that the proper place for a trial judge to "weigh the evidence himself as if he were a juror and determine for himself the credibility of the witnesses" was in his role as thirteenth juror. *Id.* at \*6 (citing *State v. Ellis*, 453 S.W.3d 889, 898-901 (Tenn. 2015)).

Thereafter, the panel reviewed the sufficiency of the evidence under the appropriate standard. In response to the trial judge's analysis at the motion for judgment of acquittal, the panel responded, "the State was not required to prove that the Defendant wielded or used the weapon for the jury to find all of the necessary elements of possession of a firearm with the intent to go armed during the commission of a dangerous felony." *Watkins*, 2021 WL 5919119, at \*7 (collecting cases). After reviewing the elements of the offense and the evidence presented at trial, the panel determined that "a reasonable jury could have determined that the State proved all of the necessary elements of possession of a firearm with the intent to go armed during the commission of a dangerous felony." *Id.* at \*8. Finally, the panel noted that nothing in the court's opinion "preclude[d] the Defendant from filing a motion for new trial on remand and seek for the trial court to specifically review the evidence as thirteenth juror." *Id.* n.8.

On January 31, 2022, the Defendant filed a motion for new trial, arguing that the evidence was insufficient to support the jury's verdict in counts 7 and 8, and asking the trial judge to exercise his authority as thirteenth juror and order a new trial. This court issued its mandate on February 25, 2022.

A hearing was held on the Defendant's motion for new trial on March 1, 2022, where the trial court heard argument from the parties. Thereafter, the trial court denied the Defendant's motion for new trial, explaining as follows: "The jury's verdict was not against the weight of the evidence and the evidence was sufficient to support the jury's verdict. The [c]ourt found that the verdict was not against the weight of the evidence and affirmed



the jury's verdict in its role as 13th juror." The Defendant filed a timely, albeit premature, notice of appeal.

## II. ANALYSIS

The Defendant now appeals challenging the sufficiency of the evidence, stating that "he did not possess a firearm with the intent to go armed during the commission of a dangerous felony." Specifically, he alleges that the State failed to establish the culpable mental state of intent, noting that the shotgun was unloaded, that the only shell in the bedroom was in a drawer across the room from the shotgun, that he was not in the process of selling or delivering drugs, and that he was not in the room where the shotgun was found when the search warrant was executed. The State responds that the evidence was sufficient to support the Defendant's convictions and reviews the evidence cited by this court in the prior appeal.

Given the unique procedural posture of this case, we observe that the Defendant's argument could be viewed as asking this court to overturn the trial court's approval of the verdict in its role as thirteenth juror. However, "once the trial court approves the verdict as the thirteenth juror and imposes judgment, the review of the evidence on appeal" is limited to the consideration of the legal sufficiency of the evidence. *State v. Burlison*, 868 S.W.2d 713, 719 (Tenn. Crim. App. 1993). Accordingly, we will proceed to address the sufficiency of the convicting evidence.

The United States Constitution prohibits the states from depriving "any person of life, liberty, or property, without due process of law[.]" U.S. Const. amend. XIV, § 1. A state shall not deprive a criminal defendant of his liberty "except upon proof beyond a reasonable doubt of every fact necessary to constitute the crime with which he is charged." *In re Winship*, 397 U.S. 358, 364 (1970). In determining whether a state has met this burden following a finding of guilt, "the relevant question is whether, after viewing the evidence in the light most favorable to the prosecution, any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt." *Jackson v. Virginia*, 443 U.S. 307, 319 (1979) (emphasis in original). Because a guilty verdict removes the presumption of innocence and replaces it with a presumption of guilt, the defendant has the burden on appeal of illustrating why the evidence is insufficient to support the jury's verdict. *State v. Tuggle*, 639 S.W.2d 913, 914 (Tenn. 1982). If a convicted defendant makes this showing, the finding of guilt shall be set aside. Tenn. R. App. P. 13(e).

"Questions concerning the credibility of witnesses, the weight and value to be given the evidence, as well as all factual issues raised by the evidence are resolved by the trier of fact." *State v. Bland*, 958 S.W.2d 651, 659 (Tenn. 1997). Appellate courts do not "reweigh or reevaluate the evidence." *Id.* (citing *State v. Cabbage*, 571 S.W.2d 832, 835 (Tenn.

1978)). “A guilty verdict by the jury, approved by the trial judge, accredits the testimony of the witnesses for the State and resolves all conflicts in favor of the theory of the State.” *State v. Grace*, 493 S.W.2d 474, 476 (Tenn. 1973). Therefore, on appellate review, “the State is entitled to the strongest legitimate view of the evidence and to all reasonable and legitimate inferences that may be drawn therefrom.” *Cabbage*, 571 S.W.2d at 835.

Pursuant to the law of the case doctrine, an appellate court’s decision on an issue of law is binding in later trials and appeals of the same case if the facts on the second trial or appeal are substantially the same as the facts in the first trial or appeal. *State v. Jefferson*, 31 S.W.3d 558, 561 (Tenn. 2000) (quoting *Memphis Publ’g Co. v. Tennessee Petroleum Underground Storage Tank Bd.*, 975 S.W.2d 303, 306 (Tenn. 1998)). Furthermore, “[t]he doctrine applies to issues that were actually before the appellate court in the first appeal and to issues that were necessarily decided by implication.” *Id.* “There are limited circumstances which may justify reconsideration of an issue which was [an] issue decided in a prior appeal: (1) the evidence offered at a trial or hearing after remand was substantially different from the evidence in the initial proceeding; (2) the prior ruling was clearly erroneous and would result in a manifest injustice if allowed to stand; or (3) the prior decision is contrary to a change in the controlling law which has occurred between the first and second appeal.” *Id.* (quoting *Memphis Publ’g Co.*, 975 S.W.2d at 306).

As we have observed above, a panel of this court has reviewed the elements of the offense, as well as the evidence presented at trial, and determined that “a reasonable jury could have determined that the State proved all of the necessary elements of possession of a firearm with the intent to go armed during the commission of a dangerous felony.” *Watkins*, 2021 WL 5919119, at \*8. Stated another way, the panel concluded that the evidence was sufficient to support the Defendant’s firearm convictions. We will repeat that analysis, in pertinent part, here:

Relative to this case, “[i]t is an offense to possess a firearm or antique firearm with the intent to go armed during the commission of or attempt to commit a dangerous felony.” Tenn. Code Ann. § 39-17-1324(a). A person acts intentionally “with respect to the nature of the conduct or to a result of the conduct when it is the person’s conscious objective or desire to engage in the conduct or cause the result.” Tenn. Code Ann. § 39-11-302(a). “A felony involving the sale, manufacture, distribution or possession with intent to sell, manufacture or distribute a controlled substance of controlled substance analogue” is a dangerous felony. Tenn. Code Ann. § 39-17-1324(i)(1)(L).

“Possession may be actual or constructive.” *State v. Robinson*, 400 S.W.3d 529, 534 (Tenn. 2013) (citing *State v. Shaw*, 37 S.W.3d 900, 903

(Tenn. 2001)). “[A]ctual possession refers to physical control over an item,” while “constructive possession requires only that a defendant have ‘the power and intention to exercise dominion and control over’ the item allegedly possessed.” *State v. Fayne*, 451 S.W.3d 362, 370 (Tenn. 2014) (quoting *Shaw*, 37 S.W.3d at 903). Whether a defendant constructively possessed contraband “depends on the totality of the circumstances in each case,” and constructive possession “may be proven by circumstantial evidence.” *Robinson*, 400 S.W.3d at 534 (citing Tenn. Code Ann. § 39-17-419).

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The Defendant in his written statement admitted that the shotgun belonged to him, that he was in his bedroom where the gun was located when the police came to the door, and that he sold drugs. A fingerprint found on the shotgun matched the Defendant’s. In addition, 3 boxes of .38 Special ammunition were on the kitchen table, collectively containing over 120 live rounds. Investigator Scohate testified that based upon his experience, he believed the Defendant possessed the marijuana for resale given the large quantity of loose marijuana inside the mason jar and the presence of digital scales, other drugs, money, and firearms.

Also, as noted above, a defendant’s mental state is often proved through circumstantial evidence. Investigator Arnold indicated that the shotgun’s stock had been modified so that it resembled a “pistol grip form” and was “wrapped up with what appear[ed] to be electrical tape.” Sergeant Washburn recalled that the Defendant claimed that he possessed the shotgun to exterminate raccoons at his residence; however, Sergeant Washburn noted that the stock of the shotgun “had been sawed off to kind of a pistol grip,” which was inconsistent with hunting use.

Lieutenant Harris also testified that the shotgun shell found in the TV stand drawer was “within five feet of the shotgun” and that the shotgun could have been loaded “within a matter of seconds.” Investigator Arnold testified that the shotgun and shotgun shell were roughly “within [an] arm’s reach of each other” and that it would take “[l]ess than two” seconds to load the shotgun. Investigator Arnold recalled that the shotgun was approximately two feet away, “three feet at the most,” from the TV stand where he located the shotgun shell. Thus, in Investigator Arnold’s opinion, the Defendant could have loaded the shotgun shell into the shotgun in “[a] matter of seconds.” Investigator Arnold indicated that all the Defendant would have

to do to protect his drugs and money if the need arose would be to pick up the shotgun, regardless of whether the weapon was loaded or not. In Investigator Arnold's opinion, he believed that the Defendant possessed the various controlled substances for the purpose of resale and the shotgun "to protect his drugs and his money."

*Id.* at \*5-7. We agree with this analysis of this prior panel, and this forecloses our review of the issue as none of the three exceptions to the law of the case doctrine are applicable here.

Nonetheless, we must remand this case for anomalies in the judgment form in count 8. In this court's prior opinion, the panel, after concluding that the evidence was sufficient to support the firearm convictions, instructed the trial court to impose sentences in counts 7 and 8. *Watkins*, 2021 WL 5919119, at \*8 n.6. On remand, the trial court entered a judgment form in count 7 imposing the mandatory minimum sentence length of three years, noting that counts 7 and 8 merged and that the "merged counts" were to run consecutively to the effective sentence in counts 1 and 2. However, the judgment form for count 8 does not list a sentence length, and instead, the boxes for "Dismissed" and "Not Guilty" are marked. *See State v. Berry*, 503 S.W.3d 360, 362-65 (Tenn. 2015) (requiring a judgment form and sentence for each conviction). In the special conditions section of both judgment forms, it is stated that on February 1, 2022, the trial court imposed three-year sentences in counts 7 and 8. The record clearly reflects the trial court's sentencing decision. Accordingly, the trial court, on remand, should enter a corrected judgment form in count 8 reflecting the jury's verdict of guilty and imposition of a mandatory minimum three-year sentence. It should once again be noted that the sentence in count 8 merges with the sentence in count 7 and that the effective three-year sentence is to be served consecutively to the sentences imposed in counts 1 and 2.

### III. CONCLUSION

Based on the evidence presented at trial, and relying on the analysis from this court in our prior opinion, we conclude that a reasonable jury could have determined that the State proved all of the necessary elements of possession of a firearm with the intent to go armed during the commission of a dangerous felony, *i.e.*, that the evidence is sufficient to support the Defendant's convictions. Accordingly, the judgments in counts 7 and 8 are affirmed. Having noted errors in the judgment form in count 8, we remand this case for further proceedings consistent with this opinion.

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KYLE A. HIXSON, JUDGE