

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE
AT KNOXVILLE

Assigned on Briefs September 26, 2018

FILED

01/03/2019

Clerk of the
Appellate Courts

STATE OF TENNESSEE v. AARON HATFIELD

**Appeal from the Criminal Court for Knox County
No. 111759 Bob McGee, Judge**

No. E2018-00041-CCA-R3-CD

ROBERT L. HOLLOWAY, JR., J., dissenting.

I respectfully disagree with the conclusion reached by the majority in this case. For the reasons that follow, I would affirm the trial court's judgment denying judicial diversion. The trial court considered and weighed on the record the factors governing judicial diversion for a qualified defendant set forth in *State v. Parker*, 932 S.W.2d 945 (Tenn. Crim. App. 1996) and *State v. Electroplating, Inc.*, 990 S.W.2d 211 (Tenn. Crim. App. 1998). Therefore, we review the trial court's decision under an "abuse of discretion standard accompanied by a presumption of reasonableness." *State v. King*, 432 S.W.3d 316, 329 (Tenn. 2014). Although the trial court could have been more artful in its oral findings, the trial court's findings, as set forth in the majority opinion, are in my opinion sufficient to determine that the trial court did not abuse its discretion in denying judicial diversion and that the trial court's decision was reasonable.

Robert L. Holloway, Jr., Judge