

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE
AT NASHVILLE
March 14, 2017 Session

FILED
08/07/2017
Clerk of the
Appellate Courts

STATE OF TENNESSEE v. BART LEO TUCKER

**Appeal from the Circuit Court for Williamson County
No. I-CR099094 Joseph Woodruff, Judge**

No. M2016-01960-CCA-R3-CD

Easter, J., dissenting

Because I believe the appellate record is incomplete for our review, I respectfully dissent. While I am certainly a proponent of records containing only what is essential for a meaningful review on appeal, when an appellant raises the issue of sufficiency of the evidence, as is the case here, all of the evidence presented at trial is needed. Here, Defendant has picked and chosen parts of only one of the State's witnesses for inclusion in the record, leaving us to speculate whether other evidence or witness testimony may have fulfilled the State's burden. Thus, the record does not convey a fair, accurate, and complete account of what transpired with respect to the issue of sufficiency of evidence. The record is not in keeping with Tennessee Rule of Appellate Procedure 24(b). I would grant Defendant's "(Conditional) Motion To Supplement The Record" and then proceed with an unabridged record.

TIMOTHY L. EASTER, JUDGE