

IN THE SUPREME COURT OF TENNESSEE  
AT KNOXVILLE  
HEARD IN GALLATIN

**STATE OF TENNESSEE v. JOHN R. FARNER, JR.**

**Appeal from the Criminal Court for Sullivan County  
No. 40,003 R. Jerry Beck, Judge**

**FOR PUBLICATION**

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**No. E1999-00491-SC-R11-CD**

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**OPINION ON PETITION TO REHEAR**

The State of Tennessee has filed a petition to rehear asking this Court to reconsider certain portions of the opinion.

Contrary to the assertions of the petition the opinion does not require the giving of a special “proximate cause” instruction in every homicide case. The opinion requires the giving of a general causation instruction whenever the homicide offense does not itself explicitly or implicitly include a causation instruction. As the State recognizes, some of the homicide offenses include elements that implicitly instruct the jury that a causation finding is necessary. Also without merit is the State’s assertion that the suggested pattern jury instruction set out in footnote 16 conflicts with existing law and relieves the State of its burden of proof. The State’s petition confuses criminal negligence and causation. Both elements must be proven beyond a reasonable doubt to establish criminally negligent homicide. Moreover, we emphasize that the language in footnote 16 is merely a suggestion which may be accepted, revised, or rejected by the Pattern Jury Instruction Committee.

Accordingly, the State’s petition to rehear is DENIED. Costs of this petition are taxed to the State of Tennessee, for which execution may issue if necessary.

PER CURIAM

