

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE

AT KNOXVILLE

MAY 1998 SESSION

<p>FILED</p> <p>June 26, 1998</p> <p>Cecil Crowson, Jr. Appellate Court Clerk</p>
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STATE OF TENNESSEE,)

Appellee,)

v.)

LULA J. FLANIGAN,)

Appellant.)

No. 03C01-9708-CR-00330

Sullivan County

Honorable Phyllis H. Miller, Judge

(Aggravated Kidnapping and
Aggravated Assault)

CONCURRING OPINION

I concur in the majority opinion. I add, though, that I do not believe we have to conduct the two-prong inquiry provided in State v. Anthony, 817 S.W.2d 299 (Tenn. 1991) and State v. Dixon, 957 S.W.2d 532 (Tenn. 1997). This is because an aggravated assault does not necessarily include the elements of kidnapping. Thus, I believe that an Anthony issue is not even implicated.

Joseph M. Tipton, Judge