

**IN THE COURT OF CRIMINAL APPEALS OF
TENNESSEE**

AT KNOXVILLE

JULY SESSION, 1999

FILED

November 15, 1999

Cecil CROWS ON, Jr.
Appellate Court Clerk

STATE OF TENNESSEE,)	C.C.A. NO. 03C01-9901-CR-00031
)	
Appellee,)	NO. 213542, 213544, 213546 BELOW
)	
VS)	HAMILTON COUNTY
)	
CHARLES W. ELSEA, JR.,)	(First Degree Felony Murder)
)	
Appellant.)	AFFIRMED AS MODIFIED;
)	REMANDED

J U D G M E N T

Came the Appellant, Charles W. Elsea, Jr., by counsel, and also came the Attorney General on behalf of the State, and this case was heard on the record on appeal from the Criminal Court of Hamilton County; and upon consideration thereof, this Court is of the opinion that the Appellant's conviction for aggravated robbery should be modified to robbery, with a concurrent sentence of three years for this conviction.

It is, therefore, ordered and adjudged by this Court that the Appellant's conviction of aggravated robbery is modified to robbery, and his sentence for robbery is set at three years in the Department of Correction. In all other respects, the judgment is affirmed.

This case is remanded solely for the entry of an order modifying the conviction and sentence.

Because it appears to the Court that the Appellant, Charles W. Elsea, Jr., is indigent, costs will be paid by the State of Tennessee.

Per Curiam

Welles, Wade, Riley