

IN THE COURT OF CRIMINAL APPEALS

AT JACKSON

OCTOBER 1995 SESSION

<b>FILED</b>
<b>January 31, 1996</b>
<b>Cecil Crowson, Jr.</b> Appellate Court Clerk

STATE OF TENNESSEE, )  
 )  
 Appellee )  
 )  
 V. )  
 )  
 RAVEN P. GUNN, )  
 )  
 Appellant )

NO. 02C01-9505-CR-00121  
 SHELBY COUNTY  
 HON. ARTHUR T. BENNETT  
 JUDGE  
 (Reckless Endangerment)

FOR THE APPELLANT:

A.C. Wharton  
 Public Defender  
  
 Teresa Jones  
 Assistant Public Defender  
  
 Catherine Costict  
 Assistant Public Defender  
  
 Walker Gwinn  
 Assistant Public Defender  
 201 Poplar Avenue - 2nd floor  
 Memphis, Tennessee 38103

FOR THE APPELLEE:

Charles W. Burson  
 Attorney General Reporter  
 450 James Robertson Parkway  
 Nashville, Tennessee 37243-0493  
  
 Clinton J. Morgan  
 Assistant Atty. Gen. & Reporter  
 450 James Robertson Parkway  
 Nashville, Tennessee 37243-0493  
  
 John W. Pierotti  
 District Attorney General  
  
 David Henry  
 Assistant District Attorney General  
 201 Poplar Avenue- 2rd Floor  
 Memphis, Tennessee 38103

OPINION FILED: \_\_\_\_\_

AFFIRMED

William M. Barker, Judge

OPINION

The appellant, Raven P. Gunn, was charged in a one count indictment with aggravated assault. The case was tried before a Shelby County jury which found the appellant guilty of the lesser included offense of reckless endangerment. The sole issue presented on appeal is whether the evidence was sufficient to support the conviction.

On May 15, 1993, during the course of an impromptu street party, the appellant and the victim argued over what can only be described as an apparent breach of gambling etiquette by the victim. The appellant left the scene of the argument, entered his apartment and returned to the street moments later with a nine millimeter semi-automatic pistol. The two men resumed their quarrel. The appellant pointed the gun at the victim and ultimately the victim turned to leave the scene at which point he was shot in the leg just above the ankle by the appellant.

After full consideration of the record, the briefs, and the law governing the issue presented by the appellant, we are of the opinion that the evidence is more than sufficient to support the jury verdict and that no error of law exists that would require a reversal. Therefore, we determine that the judgment of the trial court should be affirmed pursuant to Rule 20, Tenn. Ct. Crim. App.

WILLIAM M. BARKER

CONCUR:

JOE B. JONES, JUDGE

PAUL G. SUMMERS, JUDGE