

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE
AT KNOXVILLE
March 25, 2026 Session

FILED

05/01/2026

Clerk of the
Appellate Courts

STATE OF TENNESSEE v. JOHNNY ROBERT MCBEE

**Appeal from the Criminal Court for Knox County
No. 121725 Steven W. Sword, Judge**

No. E2025-00191-CCA-R3-CD

A Knox County jury convicted the Defendant, Johnny Robert McBee, of first degree premeditated murder and unlawful possession of a firearm by a convicted felon. The trial court sentenced the Defendant to an effective term of life imprisonment. On appeal, the Defendant raises the following issues: (1) whether the evidence is legally sufficient to support his convictions; and (2) whether the trial court erred in denying his oral motion to bifurcate the unlawful possession charge from the first degree murder charge. Upon our review, we respectfully affirm the judgments of the trial court.

**Tenn. R. App. P. 3 Appeal as of Right;
Judgments of the Criminal Court Affirmed**

TOM GREENHOLTZ, J., delivered the opinion of the court, in which TIMOTHY L. EASTER and J. ROSS DYER, JJ., joined.

Chelsea C. Moore, Knoxville, Tennessee, for the appellant, Johnny Robert McBee.

Jonathan Skrmetti, Attorney General and Reporter; Katherine C. Redding, Senior Assistant Attorney General; Charme P. Allen, District Attorney General; and Rachel S. Hill and Danielle Jones, Assistant District Attorneys General, for the appellee, State of Tennessee.

OPINION

FACTUAL BACKGROUND

A. THE EVENTS SURROUNDING THE HOMICIDE

This case arises from the January 30, 2022, shooting death of Jerome Nance in Knox County. The victim was in a relationship with the Defendant's niece. Earlier that day, the Defendant drove to a family member's home in search of the victim. He stated that he intended to beat the victim for having borrowed his niece's car without her consent. While the Defendant was searching for the victim and the borrowed car, the niece was involved in an accident with her sister. After learning about the accident, the Defendant again told a family member that he intended to harm the victim.

Shortly thereafter, the Defendant and the victim met in the driveway of the residence. When the Defendant accused the victim of having a gun, the victim removed an object from his pocket and showed that it was a brick. Before leaving, the Defendant told the victim that he was "going to go get [his] gun and come back and kill" him.

That afternoon, the Defendant armed himself and obtained a ride to his niece's home. When he arrived, he saw his niece and the victim sitting in a car in the driveway. As the niece and the victim began walking toward the house, they saw the Defendant approaching with an unholstered gun.

As he advanced toward them, the Defendant fired two shots. The victim then turned and told the Defendant that he would "have to shoot [him] straight up." Standing four to five feet away, the Defendant fired a third shot, striking the victim in the neck. The Defendant then fled the scene without rendering aid, despite his niece saying to him, "[C]ome back. Come back. He's dead. Come back. Help."

After leaving the scene, the Defendant drove to a nearby river and threw the gun into the water. The Defendant then went to a gas station, abandoned his car, and paid a stranger to drive him to the home of a woman he had recently met. Once there, he turned off his phone to avoid being tracked by law enforcement.

Law enforcement responded to the scene after receiving a 911 call reporting the shooting, and several witnesses identified the Defendant as the shooter. Officers located the Defendant the following day.

At the police station, the Defendant told officers that the victim had stolen his niece's car and that the gun "just started going off" when he confronted the victim. He insisted that he was attempting only to scare the victim and that the gun fired multiple times without him pulling the trigger. Although the Defendant admitted that he threw the gun into the river after the shooting, law enforcement never recovered the weapon.

B. TRIAL, SENTENCING, AND APPEAL

On June 16, 2022, a Knox County grand jury charged the Defendant with first degree premeditated murder and unlawful possession of a firearm with a prior conviction for a felony crime of violence or a felony involving the use of a deadly weapon. The trial began in July 2024.

On the morning of the first day of trial, the Defendant orally moved to bifurcate the unlawful possession charge from the murder charge. The trial court proposed that the better approach would be to allow the parties to stipulate to the Defendant's status as a convicted felon, and the State requested such a stipulation from the Defendant. After further discussion, the trial court declined to bifurcate the entire possession charge but agreed to bifurcate the question of whether the prior conviction was for a felony crime of violence or one involving the use of a deadly weapon. Defense counsel agreed to the stipulation, and the parties stipulated that the Defendant had "a prior felony conviction that prohibited him from possessing a firearm on January 30, 2022."

During the trial, the State called witnesses who testified to the above facts, including eyewitnesses, law enforcement officers, a medical examiner, and a jail inmate who recounted inculpatory statements the Defendant made while incarcerated. The Defendant also testified on his own behalf. He acknowledged the confrontations and admitted bringing a revolver to the final encounter but denied any intent to kill. According to the Defendant, he feared the victim was armed, displayed the gun in response, and the weapon fired accidentally without his pulling the trigger.

In rebuttal, the State presented expert testimony from a firearms examiner. The expert testified about the mechanical operation and safety features of revolvers, explaining that such firearms are designed to prevent accidental discharge. He further testified that a

revolver of the type described by the Defendant would be unlikely to fire on its own, and especially unlikely to discharge multiple times without the trigger being pulled.

The jury rejected the Defendant's account and, on July 17, 2024, found him guilty of first degree premeditated murder and unlawful possession of a firearm. In the bifurcated proceeding that followed, the jury found that the Defendant had a prior conviction for a felony crime of violence or a felony involving the use of a deadly weapon. The trial court later imposed a life sentence for the murder conviction and a concurrent thirty-year sentence for the unlawful possession conviction.

The Defendant filed a timely motion for a new trial, which the trial court denied by a written order entered on February 5, 2025. The Defendant filed a timely notice of appeal six days later. *See* Tenn. R. App. P. 4(a).

ANALYSIS

In his appeal, the Defendant argues that the evidence was insufficient to support his convictions for first degree premeditated murder and unlawful possession of a firearm. The Defendant also asserts that the trial court erred in refusing to fully bifurcate his unlawful possession of a firearm charge, contending that the decision “caused an injustice to [the Defendant].”

We address each of these issues in turn.

A. LEGAL SUFFICIENCY OF THE EVIDENCE

The Defendant first challenges the legal sufficiency of the evidence supporting his convictions for first degree premeditated murder and unlawful possession of a firearm. He argues that his actions may have been reckless but did not amount to intentional or premeditated conduct. The Defendant also asserts that the evidence was legally insufficient to sustain his conviction for unlawful possession of a firearm.

The State responds that a reasonable jury could have found that the State proved each element of the offense beyond a reasonable doubt. It further contends that the Defendant waived his claim to his unlawful possession conviction by failing to brief the issue in accordance with Tennessee Rule of Appellate Procedure 27(a)(7)(A). We agree with the State.

1. Standard of Appellate Review

“The standard for appellate review of a claim challenging the sufficiency of the State’s evidence is ‘whether, after viewing the evidence in the light most favorable to the prosecution, *any* rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt.’” *State v. Miller*, 638 S.W.3d 136, 157 (Tenn. 2021) (quoting *Jackson v. Virginia*, 443 U.S. 307, 319 (1979)). This standard of review is “highly deferential” in favor of the jury’s verdict. *See State v. Lyons*, 669 S.W.3d 775, 791 (Tenn. 2023). Indeed, when making that determination, the State “is entitled to the strongest legitimate view of the evidence and any reasonable inferences that may be drawn from it.” *State v. Rimmel*, 710 S.W.3d 640, 645 (Tenn. 2025) (citation and internal quotation marks omitted).

To that end, “[w]e do not reweigh the evidence, because questions regarding witness credibility, the weight to be given the evidence, and factual issues raised by the evidence are resolved by the jury as the trier of fact.” *State v. Curry*, 705 S.W.3d 176, 183 (Tenn. 2025) (citations omitted). “The standard of review is the same whether the conviction is based upon direct or circumstantial evidence.” *State v. Dorantes*, 331 S.W.3d 370, 379 (Tenn. 2011) (citation and internal quotation marks omitted).

2. First Degree Premeditated Murder

The first step in evaluating the sufficiency of the evidence is to identify the elements of the offense. *See Rimmel*, 710 S.W.3d at 646. In this case, Count 1 of the indictment charged the Defendant with first degree premeditated murder, which is defined as “[a] premeditated and intentional killing of another[.]” Tenn. Code Ann. § 39-13-202(a)(1) (2025). A person acts intentionally “when it is the person’s conscious objective or desire to engage in the conduct or cause the result.” *Id.* § 39-11-302(a) (2025). Our General Assembly has defined “premeditation” to mean

an act done after the exercise of reflection and judgment. “Premeditation” means that the intent to kill must have been formed prior to the act itself. It is not necessary that the purpose to kill preexist in the mind of the accused for any definite period of time. The mental state of the accused at the time the accused allegedly decided to kill must be carefully considered in order to determine whether the accused was sufficiently free from excitement and passion as to be capable of premeditation.

Id. § 39-13-202(e). Like any other element of an offense, “the State must prove premeditation beyond a reasonable doubt.” *Miller*, 638 S.W.3d at 159.

The question of “[w]hether premeditation is present in a given case is a question of fact to be determined by the jury from all of the circumstances surrounding the killing.” *State v. Davidson*, 121 S.W.3d 600, 614 (Tenn. 2003). As our supreme court has observed,

Several factors are considered to infer premeditation: the use of a deadly weapon upon an unarmed victim, the particular cruelty of the killing, declarations by the defendant of an intent to kill, evidence of procurement of a weapon, preparations before the killing for concealment of the crime, and calmness immediately after the killing. Additional considerations include a lack of provocation on the victim’s part and a defendant’s failure to render aid to a victim.

State v. Clayton, 535 S.W.3d 829, 845 (Tenn. 2017) (citations omitted). In addition, “[e]stablishment of a motive for the killing is a factor from which the jury may infer premeditation.” *State v. Leach*, 148 S.W.3d 42, 54 (Tenn. 2004).

“[I]n determining the existence of premeditation, the trier of fact ‘may not engage in speculation.’” *See State v. Reynolds*, 635 S.W.3d 893, 918 (Tenn. 2021) (quoting *State v. Jackson*, 173 S.W.3d 401, 408 (Tenn. 2005)). That said, “Tennessee cases have long recognized that premeditation may be proved by circumstantial evidence” because “premeditation involves the defendant’s state of mind, concerning which there is often no direct evidence.” *Davidson*, 121 S.W.3d at 614-15.

Applying these principles, the record contains ample evidence from which a rational juror could find that the Defendant acted intentionally and with premeditation beyond a reasonable doubt. The evidence established that the Defendant searched for the victim, repeatedly saying that he intended to assault him. When he encountered the victim, the Defendant escalated the confrontation, telling the victim that he was going to retrieve his gun and return to kill him. Later that day, the Defendant armed himself and traveled to his niece’s home, where he confronted the victim again. He then fired multiple shots at the victim, ultimately shooting him in the neck from close range as the victim attempted to reach the house.

This evidence reflects multiple recognized indicators of premeditation, including the Defendant’s declared intent to kill, his procurement of a firearm, his deliberate pursuit

of the victim, and his use of a deadly weapon against an unarmed person. The sequence of events—threatening to kill the victim, leaving to obtain a weapon, returning to locate the victim, and firing multiple shots—demonstrates a purposeful and sustained course of conduct directed toward the victim. *See State v. Coyne*, No. E2020-01655-CCA-R3-CD, 2022 WL 414355, at *11 (Tenn. Crim. App. Feb. 11, 2022), *perm. app. denied* (Tenn. June 9, 2022); *State v. Stitts*, No. W2017-00209-CCA-R3-CD, 2018 WL 2065043, at *8 (Tenn. Crim. App. Apr. 27, 2018), *perm. app. denied* (Tenn. Aug. 8, 2018).

The Defendant’s conduct following the shooting further supports an inference of reflection and judgment. After firing the fatal shot, the Defendant fled the scene without rendering aid, despite his niece’s pleas for help. He then disposed of the firearm by throwing it into a river and took steps to avoid detection, including abandoning the vehicle he had been using and turning off his phone. Such actions are consistent with consciousness of guilt and support the jury’s finding of premeditation. *See Reynolds*, 635 S.W.3d at 919.

Additional evidence also supports the jury’s verdict. While incarcerated, the Defendant told a cellmate that he had sent the victim to “no man’s land” and admitted, “That’s the one I killed,” while also stating that he had “popped” the victim and making a shooting gesture. These statements confirm the Defendant’s intent and reinforce the jury’s conclusion that the killing was intentional and premeditated.

Pushing against this conclusion, the Defendant contends that the evidence was legally insufficient because he testified that the shooting was accidental and that his actions were only reckless, not intentional or premeditated. However, the resolution of factual disputes and the assessment of witness credibility are entrusted to the jury. *See Curry*, 705 S.W.3d at 183; *State v. Watkins*, 648 S.W.3d 235, 256 (Tenn. Crim. App. 2021). Although the Defendant testified that the gun fired accidentally, the jury was free to discredit his testimony and to credit the evidence supporting his guilt. In this regard, the State presented expert testimony that a revolver of the type described by the Defendant is unlikely to discharge on its own, and especially unlikely to fire multiple times without the trigger being pulled. We will not reweigh the evidence or reassess the credibility of witnesses on appeal. *See Watkins*, 648 S.W.3d at 256.

Ultimately, the Defendant’s arguments invite this court to reweigh the evidence and disturb the jury’s credibility determinations. We decline that invitation. *See State v. Shackelford*, 673 S.W.3d 243, 250 (Tenn. 2023). Viewing the evidence in the light most favorable to the State, a rational juror could find beyond a reasonable doubt that the

Defendant acted intentionally and with premeditation. Accordingly, because the Defendant challenges no other elements of the offense, we conclude that the evidence is sufficient to support his conviction for first degree premeditated murder.

3. Unlawful Possession of a Firearm

Count 2 charged the Defendant with unlawful possession of a firearm after having been convicted of a felony crime of violence. *See* Tenn. Code Ann. § 39-17-1307(b)(1)(A) (2025). In his statement of the issues, the Defendant asserts that the evidence is insufficient to support this conviction. The State responds that the Defendant has failed to present any developed argument in support of this claim and has, therefore, waived appellate review. We agree with the State and conclude that the issue is waived.

We have recognized that “simply raising an issue is not sufficient to preserve it for appellate review.” *State v. Cunningham*, No. M2023-00909-CCA-R3-CD, 2024 WL 3634259, at *2 (Tenn. Crim. App. Aug. 2, 2024) (citation omitted), *no perm. app. filed*. Instead, Tennessee Rule of Appellate Procedure 27(a)(7)(A) requires an appellant to present an argument supported by citations to authority and appropriate references to the record. Reinforcing this requirement, Rule 10(b) of this court provides that issues unsupported by argument, citation to authorities, or references to the record are waived. *See also State v. Molthan*, No. M2021-01108-CCA-R3-CD, 2022 WL 17245128, at *2 (Tenn. Crim. App. Nov. 28, 2022) (recognizing waiver when the defendant did not “make any argument in support of this issue in his brief” and did not “cite to any authorities or appropriate references in the record”), *no perm. app. filed*.

In his brief, the Defendant asserts in the issue statement that “[t]he State failed to present sufficient evidence to sustain convictions for first[]degree murder and unlawful possession of a weapon.” Apart from this passing reference, the brief does not include any substantive discussion of how the evidence was legally insufficient to support his conviction. It cites no relevant legal authority and includes no references to the record in support of any claim.

In essence, to address the Defendant’s issue, we would first need to construct substantive arguments on his behalf and make assumptions about the scope of the relief he seeks. We would then need to examine the extensive record for testimony, evidence, and information relevant to those arguments. Finally, we would need to address and resolve our own constructed arguments in light of the applicable law and the proper standards of appellate review.

Our role as an error-correction court does not include—and does not permit—undertaking the efforts required by the Defendant’s submission. *See City of Memphis v. Edwards by & Through Edwards*, No. W2022-00087-SC-R11-CV, 2023 WL 4414598, at *2 (Tenn. July 5, 2023) (Order) (“[D]ecades of caselaw and the very foundations of our adversarial justice system dictate that courts cannot and should not shoulder the burden of fashioning the arguments of the parties who have chosen not to do so for themselves.” (citation omitted)). This limitation reflects the fundamental principle that the parties “know what is best for them” and are responsible for advancing the facts and arguments entitling them to relief. *State v. Bristol*, 654 S.W.3d 917, 923-24 (Tenn. 2022) (citations and internal quotation marks omitted); *see State v. Manning*, No. E2022-01715-CCA-R3-CD, 2023 WL 7439203, at *5 (Tenn. Crim. App. Nov. 9, 2023) (citation omitted), *perm. app. denied* (Tenn. May 16, 2024).

Because the Defendant has failed to present any developed argument regarding Count 2, we conclude that he has waived appellate consideration of this issue. *See Tenn. R. App. P. 27(a)(7)*; *State v. Hamilton*, No. W2023-01127-CCA-R3-CD, 2024 WL 4130757, at *5 (Tenn. Crim. App. Sept. 10, 2024), *perm. app. denied* (Tenn. Feb. 20, 2025). Accordingly, the Defendant is not entitled to relief on this issue.

B. BIFURCATION OF THE POSSESSION CHARGE

The Defendant next argues that the trial court erred in denying his oral motion to bifurcate the unlawful possession charge from the first degree murder charge.¹ More specifically, he contends that the admission of his prior felony conviction in the main trial—rather than in a bifurcated proceeding—introduced irrelevant evidence that invited an impermissible inference about his character.

The State responds that the trial court acted within its discretion in denying the motion because bifurcation is not mandatory under Tennessee law and the Defendant has failed to demonstrate undue prejudice. It further asserts that any potential prejudice was

¹ Although the Defendant’s brief uses the terms “severance” and “bifurcation” interchangeably, the concepts are distinct. As this court has explained, “bifurcation concerns splitting a charge into separate determinations of guilt and punishment by the same jury, whereas severance involves separating one charge from other charges in the indictment and trying them individually.” *State v. Johnson*, No. W2018-01222-CCA-R3-CD, 2019 WL 6045569, at *14 (Tenn. Crim. App. Nov. 14, 2019), *perm. app. denied* (Tenn. Apr. 1, 2020). Because the Defendant’s argument seeks to divide the consideration of a single charge rather than to separate charges for trial, we address the issue under the principles governing bifurcation.

mitigated by the parties' stipulation to a qualifying prior felony conviction and the redaction of the name of that conviction from the indictment. We agree with the State.

As an initial matter, there is a question about whether this issue has been preserved for appellate review. This court has recognized that “stipulating to prior felonies and requesting bifurcated proceedings are both valid avenues for a defendant charged with possession of a firearm as a convicted felon.” *See State v. Abston*, No. W2024-00928-CCA-R3-CD, 2025 WL 2961966, at *14 (Tenn. Crim. App. Oct. 21, 2025) (citation and internal quotation marks omitted), *no perm. app. filed*. Although the Defendant orally moved on the first day of trial to fully bifurcate the possession charge, he agreed to the stipulation proposed by the trial court and requested by the State—stipulating his status as a convicted felon and partially bifurcating the enhancement portion of the charge. Defense counsel signed the stipulation that was admitted at trial, and the Defendant raised no objection to its use.

Under these circumstances, it is not clear that the Defendant has preserved any challenge to the trial court's refusal to fully bifurcate the proceedings. *See State v. Griffin*, No. E2019-00969-CCA-R3-CD, 2020 WL 3396675, at *8 (Tenn. Crim. App. June 19, 2020) (denying relief when the defendant “never objected to entering into a stipulation, and the stipulation entered into evidence at trial was signed by the prosecutor, defense counsel, and the [d]efendant”), *perm. app. denied* (Tenn. Nov. 16, 2020). Nevertheless, even assuming that the issue is preserved, the Defendant is not entitled to relief.

Tennessee courts have repeatedly emphasized that, when a defendant is charged with unlawful possession of a firearm along with other offenses, bifurcation of the possession charge is the preferred practice. *See Curry*, 705 S.W.3d at 181 n.3 (“Clearly, bifurcation is the better practice.”); *see also, e.g., State v. Foust*, 482 S.W.3d 20, 46-47 (Tenn. Crim. App. 2015). This preference reflects the substantial risk of unfair prejudice that may arise when a jury learns of a defendant's prior felony convictions. At the same time, bifurcation is not mandatory, and our courts have recognized that stipulations and limiting instructions provide an alternative method of addressing that risk. *See, e.g., Davis v. State*, No. E2024-01309-CCA-R3-PC, 2025 WL 3229123, at *5 (Tenn. Crim. App. Nov. 19, 2025) (“[B]ifurcation and stipulation are recognized as valid procedural options that may be used to mitigate potential prejudice to the defendant.”), *no perm. app. filed; Abston*, 2025 WL 2961966, at *14.

Accordingly, the dispositive question on appeal is not whether the trial court followed the Defendant's preferred approach, but whether the procedure the court

employed fell within the range of acceptable alternatives that adequately protected the Defendant from unfair prejudice. To obtain relief, the Defendant must show that the trial court's decision fell outside that range, *see, e.g., State v. French*, No. W2024-01637-CCA-R3-CD, 2025 WL 2218667, at *8 (Tenn. Crim. App. Aug. 5, 2025), *perm. app. denied* (Tenn. Dec. 11, 2025), and that any error more probably than not affected the outcome of the trial, *see* Tenn. R. App. P. 36(b); *State v. Rodriguez*, 254 S.W.3d 361, 374 (Tenn. 2008).

In this case, the trial court articulated grounds for proceeding without a full bifurcation, including considerations related to the State's theory of premeditation and the Defendant's assertion of self-defense. We need not resolve whether those considerations independently justified the ruling. What is clear is that the procedure employed—a stipulation coupled with a limiting instruction—fell within the range of accepted alternatives and adequately mitigated the risk of unfair prejudice.

First, the parties' stipulation was appropriately limited and restrained. It provided simply that the Defendant "has a prior felony conviction that prohibited him from possessing a firearm on January 30, 2022." The stipulation did not inform the jury of the number, nature, or similarity of any prior convictions, and it allowed the State to establish an essential element of the possession offense while minimizing the risk that the jury would draw impermissible character inferences. *See Abston*, 2025 WL 2961966, at *15 (recognizing that a stipulation as to the defendant's conviction "of a violent felony without disclosing the name or nature of the prior conviction" is "a method of limiting the potential prejudicial effects of prosecutions involving status offenses which this court has repeatedly approved").

Second, the trial court further instructed the jury that it could not consider evidence of prior convictions to prove the Defendant's disposition to commit the charged offenses. The court explained that such evidence could be considered only for the limited purpose of determining whether the Defendant was prohibited from possessing a firearm and, if applicable, for assessing credibility. The court also instructed that the evidence must not be considered for any purpose other than that specifically stated. We presume that juries follow the instructions given, *see, e.g., State v. Young*, 196 S.W.3d 85, 111 (Tenn. 2006), and nothing in the record indicates that the jury relied on the stipulation as evidence of the Defendant's propensity to commit the charged offenses.

Finally, the Defendant's own conduct at trial further diminishes any claim of unfair prejudice. The Defendant testified at trial and was properly subject to impeachment with prior convictions unrelated to the firearm disability. *See* Tenn. R. Evid. 609(a); *McKinney*

v. State, No. W2024-00374-CCA-R3-PC, 2025 WL 2416699, at *13 (Tenn. Crim. App. Aug. 21, 2025) (recognizing that a petitioner was not prejudiced by counsel’s failure to request bifurcation when the petitioner “testified, knowing that one of his prior felony convictions would be used to impeach him”), *perm. app. denied* (Tenn. Mar. 2, 2026). He does not contend that his decision to testify was compelled by the trial court’s ruling or that the impeachment evidence was improperly admitted. Nor does he argue that the failure to fully bifurcate the possession charge caused him to place his credibility before the jury. *Cf. Harrison v. United States*, 392 U.S. 219, 222-23 (1968). Thus, any awareness by the jury of the Defendant’s prior convictions cannot be attributed to the challenged procedure in any meaningful way.

In sum, although bifurcation remains the better practice, *Curry*, 705 S.W.3d at 181 n.3, the stipulation and limiting instructions provided a valid and adequate alternative means of addressing the risk of unfair prejudice. The Defendant has failed to demonstrate that the trial court’s procedure fell outside the range of acceptable alternatives or that it more probably than not affected the outcome of the trial. Accordingly, he is not entitled to relief on this ground.

CONCLUSION

In summary, we hold that the evidence is legally sufficient to sustain the Defendant's conviction for first degree premeditated murder. We further conclude that the Defendant has waived appellate review of the sufficiency of the evidence supporting his unlawful possession conviction. Finally, we hold that the trial court did not err in denying the Defendant's motion to bifurcate the unlawful possession of a firearm charge from the first degree murder charge. Accordingly, we respectfully affirm the judgments of the trial court.

s/ *Tom Greenholtz*

TOM GREENHOLTZ, JUDGE