

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE
AT KNOXVILLE
November 19, 2013

STATE OF TENNESSEE v. MARQUIS DASHAWN HENDRICKS

**Appeal from the Criminal Court for Knox County
No. 96532 Jon Kerry Blackwood, Judge**

No. E2013-00346-CCA-R3-CD - Filed April 3, 2014

JAMES CURWOOD WITT, JR., J., dissenting.

Respectfully, the facts of this case in the light most favorable to the State do not establish the first degree murder element of premeditation. The evidence does establish a knowing killing, and so I would impose a conviction of second degree murder and would remand for sentencing.

JAMES CURWOOD WITT, JR., JUDGE