

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE
AT NASHVILLE

Assigned on Briefs April 25, 2001

STATE OF TENNESSEE v. MARK A. DOOLEN, JR.

**Direct Appeal Appeal from the Circuit Court for Dickson County
No. CR5088 Allen Wallace, Judge**

No. M2000-01953-CCA-R3-CD - August 29, 2001

In this appeal, Mark A. Doolen, Jr. challenges the order of the Dickson County Circuit Court requiring the appellant's payment of restitution in the amount of \$6,611.76 for his vandalism of two antique automobiles. Following a review of the record and the parties' briefs, we conclude that the appellant should have filed his appeal with the Tennessee Court of Appeals.

Tenn. R. App. P.3 Appeal as of Right; Case is Transferred to the Court of Appeals.

NORMA MCGEE OGLE, J., delivered the opinion of the court, in which DAVID H. WELLES and ALAN E. GLENN, JJ., joined.

Chris Young, Ashland City, Tennessee, for the appellant, Mark A. Doolen, Jr.

Paul G. Summers, Attorney General and Reporter' Elizabeth T. Ryan, Assistant Attorney General; Dan M. Alsobrooks, District Attorney General; Suzanne Lockert, Assistant District Attorney General, for the appellee, State of Tennessee.

OPINION

On May 3, 2000, the thirteen-year-old appellant was adjudicated delinquent in the Dickson County Juvenile Court on the basis of his violation of a probationary sentence and his guilt of possession of drug paraphernalia and vandalism. The juvenile court ordered, among other penalties, restitution in the amount of \$6,611.76. The appellant appealed the juvenile court's order of restitution to the Dickson County Circuit Court pursuant to Tenn. Code Ann. § 37-1-159 (a) (1996). On July 26, 2000, the circuit court conducted a de novo hearing on the issue of restitution, following which hearing the court ordered the appellant to pay restitution in the amount specified by the juvenile court. The appellant then filed a notice of appeal in this court.

We must conclude that, pursuant to Tenn. Code Ann. § 37-1-159 (c), the appellant was required to appeal the order of the circuit court "to the court of appeals as provided by law." Tenn. R. App. P. 17 provides that "[i]f a case is appealed to the...Court of Criminal Appeals that should

have been appealed to another court, the case shall be transferred to the proper court." Accordingly, we transfer this case to the Court of Appeals.

NORMA MCGEE OGLE, JUDGE