

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE

AT NASHVILLE

DECEMBER 1997 SESSION

<p>FILED</p> <p>December 30, 1997</p> <p>Cecil W. Crowson Appellate Court Clerk</p>
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STATE OF TENNESSEE,

Appellee,

V.

CARLA SMITH,

Appellant.

)
) C.C.A. No. 01C01-9701-CC-00033
)
) Montgomery County
)
) Honorable John H. Gasaway, III, Judge
)
) (Assault & Driving on a Revoked License)
)
)

FOR THE APPELLANT:

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FOR THE APPELLEE:

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OPINION FILED: _____

AFFIRMED

PAUL G. SUMMERS,
Judge

OPINION

The appellant, Carla Smith, pled guilty to assault and driving on a revoked license. She received an effective sentence of eleven months and twenty-nine days probation. A probation violation warrant issued alleging that the appellant failed to report, did not fulfill educational requirements, and did not pay various fees and fines. The hearing court found the allegations and the warrant to be valid and revoked the appellant's probation. She appeals to this Court. We affirm the court's disposition.

The appellant is no neophyte to the system. She has previously been on post-trial diversion and probation prior to this revocation. The court found sufficient evidence to sustain the allegations made in the revocation warrant. We agree with the hearing court's findings.

Appointed counsel for the appellant cites Anders v. California, 386 U.S. 738 (1976); and we duly note his position. Counsel also moves in his brief to be allowed to withdraw. We respectfully deny the request for withdrawal at this time. Counsel may resubmit the motion pursuant to Tenn. Sup. Ct. R. 14 at the appropriate time.

This Court finds that the evidence does not preponderate against the findings of the trial court. Furthermore, there is no error of law which would mandate a reversal. The trial judge did not abuse his discretion in revoking probation. See State v. Harkins, 811 S.W.2d 79, 82 (Tenn. 1991). Hence, we affirm the judgment of the trial court revoking probation pursuant to Tenn. Ct. of Crim. App. Rule 20.

PAUL G. SUMMERS, Judge

CONCUR:

JOSEPH B. JONES, Presiding Judge

WILLIAM M. BARKER, Judge