

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE

FILED

AT KNOXVILLE

JULY SESSION, 1999

August 4, 1999

Cecil Crowson, Jr.
Appellate Court
Clerk

STATE OF TENNESSEE,)	C.C.A. NO. 03C01-9809-CC-00330
)	
Appellee,)	
)	
)	BLOUNT COUNTY
VS.)	
)	HON. D. KELLY THOMAS, JR.
RICHARD MILBURN WHITE,)	JUDGE
)	
Appellant.)	(Sentencing)

ON APPEAL FROM THE JUDGMENT OF THE
CRIMINAL COURT OF BLOUNT COUNTY

FOR THE APPELLANT:

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FOR THE APPELLEE:

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OPINION FILED _____

AFFIRMED IN ACCORDANCE WITH RULE 20

DAVID H. WELLES, JUDGE

OPINION

The Defendant, Richard Milburn White, was convicted, upon his pleas of guilty, of three counts of forgery, three counts of uttering a forged writing, one count of assault, and one count of aggravated assault. In exchange for his guilty pleas, he agreed to an effective sentence of five years as a Range I standard offender, with the manner of service of the sentences left to the discretion of the trial judge. After conducting a sentencing hearing, the judge ordered that the sentences be served in the Department of Correction. The Defendant appeals from the trial judge's order. We affirm the judgment of the trial court.

In denying the Defendant any form of alternative sentencing, the trial judge noted the Defendant's long history of criminal conduct and convictions, observed that prior sentences not involving jail had apparently been unsuccessful in rehabilitating the Defendant, and pointed out that the Defendant appeared to exhibit a continuing and escalating pattern of assaults and violence. The judge also noted that the assault in the case at bar occurred while the Defendant was on probation for a previous assault and that the aggravated assault was committed in violation of a restraining order.

The record clearly supports the findings of the trial judge. We are unable to conclude that the trial judge erred or abused his discretion by ordering that the Defendant's sentences be served in the Department of Correction. We conclude that no error of law requiring a reversal of the judgment is apparent on the record. Based upon a thorough reading of the record, the briefs of the parties, and the

law governing the issues presented for review, the judgement of the trial court is affirmed in accordance with Rule 20 of the Court of Criminal Appeals of Tennessee.

DAVID H. WELLES, JUDGE

CONCUR:

GARY R. WADE, PRESIDING JUDGE

JOE G. RILEY, JUDGE