IN THE COURT OF APPEALS OF TENNESSEE
WESTERN SECTION AT NASHVILLE

FILED

May 15, 1996

Cecil W. Crowson
Appellate Court Clerk

STATE OF TENNESSEE, EX REL ADRIENNE A. HARDISON,	)	
Petitioner/Appellee,	)	**Bedford Juvenile No. 19-61**
VS.	)	**Appeal No. 01A01-9506-JV-00262**
KENNETH K. GARRETT,	)	
Defendant/Appellant.	)	

APPEAL FROM THE JUVENILE COURT OF BEDFORD COUNTY
AT SHELBYVILLE, TENNESSEE
THE HONORABLE W. NOWLIN TAYLOR, JUDGE

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Winchester, Tennessee
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Assistant Attorney General
Nashville, Tennessee
Attorney for Appellee

AFFIRMED

ALAN E. HIGHERS, J.

CONCUR:

DAVID R. FARMER, J.

HOLLY KIRBY LILLARD, J.

Appellee, Adrienne Hardison, filed a Petition to Establish Paternity in the Juvenile

Court of Bedford County, naming appellant, Robert K. Garrett, as the natural father of her minor child, Angel Michelle Hardison. Following a hearing, the trial court ordered DNA/blood testing of the parties and of the minor child.The blood tests subsequently established to a 99.58% probability that appellant is the natural father of the child.

Appellant contends that he made an oral objection to the introduction of the test results on the basis that they were incomplete at a hearing held on August 25, 1994. According to appellant, the trial court ruled from the bench that the tests were inadmissible. It is undisputed that appellant made no written objection to the admissibility of the blood tests and that no order was entered following the August hearing.

Another hearing in the matter was set for December 12, 1994. The state intervened in the suit and filed a Notice of Intent to Admit Report of Parentage Testing into evidence. In response, appellant filed a Motion to Enforce Prior Ruling, arguing that the trial judge had previously ruled that the tests were inadmissible. The trial court admitted the blood tests into evidence over appellant's objection. Following the hearing, the trial judge held that appellant was the natural father of the minor child and ordered him to pay child support in the amount of $78.00 per week. The trial court also denied appellant's Motion to Enforce Prior Ruling because no order had been entered pursuant to the prior hearing in August.

Appellant has raised two issues on appeal, which are: (1) whether the trial court erred in admitting the blood tests into evidence when the court had previously held such tests to be inadmissible and when no proper foundation was laid; and (2) whether appellant was denied due process of law because he was not afforded a fair and complete hearing.

T.C.A. § 24-7-112(b)(2)(A) provides:

> In any proceeding where the paternity of an individual is at issue, the written report of blood, genetic, or DNA test results by the testing agent concerning the paternity is admissible without the need for any foundation testimony or other proof of the authenticity or accuracy of the test unless a written objection is filed with the court and served upon all parties thirty (30) days prior to the hearing.

T.C.A. § 24-7-112(b)(2)(A) (Supp. 1995).

Appellee relies on the above statute in support of her position that the blood tests were properly admitted because appellant failed to file a written objection to the admissibility of the tests thirty days prior to the hearing. Appellant responds that he was unable to file an objection because his attorney did not receive a copy of the blood test results until July 26, 1994, which was less than thirty days before the hearing.

We agree with appellee that T.C.A. § 24-7-112 controls the case *sub judice*. The statute provides that blood tests are admissible into evidence unless a written objection is filed 30 days prior to the hearing. Appellant failed to file and serve such an objection within the prescribed time limit. Appellant had ample opportunity to file a motion for continuance prior to the date set for the original hearing, but failed to do so. Consequently, the tests are admissible into evidence without foundation testimony and without proof regarding authenticity or accuracy. T.C.A. § 24-7-112(b)(2)(A) (Supp. 1995). Accordingly, appellant's first contention is without merit.

Appellant's assertion that he did not receive a full and fair hearing is similarly without merit. No verbatim transcript of the proceedings was filed with this court, nor does the record contain a proper statement of the evidence. Where the record is incomplete and does not contain a transcript of the proceedings relevant to an issue presented for review, this court is precluded from considering the issue. J.C. Bradford & Co. V. Martin Constr. Co., 576 S.W.2d 586, 587 (Tenn. 1979). Insofar as appellant attempts to raise a constitutional challenge to T.C.A. § 24-7-112, it is well-established that constitutional issues may not be raised for the first time on appeal, unless the statute is clearly and blatantly unconstitutional. Lawrence v. Stanford, 655 S.W.2d 927, 929 (Tenn. 1983). We perceive no such blatant unconstitutionality in T.C.A. § 24-7-112.

Accordingly, the judgment of the trial court is affirmed. Costs on appeal are taxed to appellant, for which execution may issue if necessary.

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HIGHERS, J.

CONCUR:

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FARMER, J.

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LILLARD, J.