IN THE COURT OF APPEALS OF TENNESSEE

EASTERN SECTION

FILED

May 24, 1996

Cecil Crowson, Jr.
Appellate Court Clerk

JOYCE KING,	)	C/A NO. 03A01-9601-CV-00011
	)	
Plaintiff-Appellee,	)	RHEA LAW
	)	
v.	)	HON. BUDDY PERRY,
	)	JUDGE
WILLIAM RAY PENDLETON,	)	
	)	AFFIRMED AND
Defendant-Appellant.	)	REMANDED

CHARLES W. BURSON, Attorney General and Reporter,
and
JENNIFER HELTON SMALL, Deputy Attorney General, Nashville, for the State of Tennessee.

J. ARNOLD FITZGERALD, Dayton, for Defendant-Appellant.

O P I N I O N

Franks. J.

In 1992 defendant was ordered to pay periodic child support ?to the Clerk of the Court?. In 1995 the District Attorney filed a petition for contempt, alleging that the defendant had ?wilfully failed and refused to comply with the orders? of the court, and alleged that the child support was in arrears. The defendant answered the petition denying that he had wilfully refused and neglected to provide the child support, and further ?neither admits nor denies the allegation with regard to what payments have been made or what should have been made?.

The case was initially heard by a child support referee who determined that the defendant was in arrears in his child support payments, and awarded judgment for arrearages in the amount of $7,554.50. Subsequently, the Trial Judge confirmed the findings of the Master, and in that judgment the Trial Court said:

> This cause came on to be heard on the 24th day of August, 1995, before the Honorable Judge Buddy D. Perry, Circuit Court Judge of Rhea County, Tennessee, upon defendant's request for a *de novo* hearing before the circuit judge, appearance and testimony of the parties, arguments of counsel, and all other evidence presented in this cause, from all of which the Court finds the order of child support . . . should be confirmed as the order of the Court.

Defendant has appealed from that judgment.

Appellant's issue is that support payments equivalent to the arrearage were sent to the minor child, a teenager, at the home of the plaintiff.

We are unable to address the merits of this issue, because no transcript of evidence has been filed with this Court. Without a transcript of evidence we cannot review the evidence *de novo*, and the cases are legion holding that where no transcript of evidence is filed it will be conclusively presumed there was sufficient evidence to support the findings of the Trial Court. *See e.g., Scarbrough v. Scarbrough,* 752 S.W.2d 94 (Tenn. App. 1988); *Leek v. Powell*, 884 S.W.2d 118 (Tenn. App. 1994).

Invoking the presumption, we conclude the evidence heard by the Trial Judge supports his finding, and we affirm the judgment of the Trial Court.

The cause is remanded with the cost of the appeal assessed to the appellant.

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Herschel P. Franks, J.

CONCUR:

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Houston M. Goddard, P.J.

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William H. Inman, Sr.J.