

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE
AT NASHVILLE
July 19, 2000 Session

STATE OF TENNESSEE v. JEFFERY LEON MEDLEY

**Direct Appeal from the Circuit Court for Warren County
No. M-6622 Charles Haston, Judge**

No. M1998-00439-CCA-R3-CD - Filed October 27, 2000

The appellant, Jeffrey Leon Medley, appeals his sentence of eleven months and twenty-nine days incarceration imposed by the Warren County Circuit Court pursuant to the appellant's conviction of improper influence of a juror. Following a review of the record and the parties' briefs, we dismiss this appeal.

Tenn. R. App. P. 3 Appeal as of Right; Appeal is Dismissed.

NORMA MCGEE OGLE, J., delivered the opinion of the court, in which DAVID G. HAYES and THOMAS T. WOODALL, J.J., joined.

Clifford K. McGown, Waverly, Tennessee, (on appeal) and Marguerite H. Stewart, McMinnville, (at trial) Tennessee, for the appellant, Jeffrey Leon Medley.

Paul G. Summers, Attorney General and Reporter, Clinton J. Morgan, Assistant Attorney General, Jeff Burks, Assistant District Attorney General, for the appellee, State of Tennessee.

OPINION

On August 17, 1993, a Warren County jury found the appellant, Jeffrey Leon Medley, guilty of improper influence of a juror, a class A misdemeanor. Tenn. Code Ann. § 39-16-509 (1997). The trial court conducted a sentencing hearing on September 17, 1993. At the conclusion of the hearing, the court imposed a sentence of eleven months and twenty-nine days incarceration in the Warren County Jail and denied the appellant probation. Tenn. Code Ann. § 40-35-111(e)(1) (1997); Tenn. Code Ann. § 40-35-302 (1992). The record before this court indicates and the appellant effectively concedes in his brief that he has served his entire sentence. Nevertheless, he now appeals the length of his sentence and the trial court's denial of probation. We note that Appellant's counsel on appeal was not appointed until October, 1999 to represent Appellant, after previous appellate counsel was permitted to withdraw. There was also a substantial delay in the preparation and filing of transcripts after the Notice of Appeal was filed in April 1994, following denial of the motion for new trial in a hearing that same month.

Because the appellant has served his entire sentence, we conclude that the appellant's challenge to his sentence is moot and, moreover, does not fall within any exception to the rule of mootness. See, e.g., McIntyre v. Traughber, 884 S.W.2d 134, 137-138 (Tenn. App. 1994); see also State v. Doe, 813 S.W.2d 150, 152 (Tenn. Crim. App. 1991); State v. Wheeler, No. 01C01-9712-CR-00556, 1998 WL 849358, at *1 (Tenn. Crim. App. at Nashville, December 3, 1998); State v. Reagan, No. 03C01-9508-CC-00213, 1996 WL 377085, at *1 (Tenn. Crim. App. at Knoxville, July 5, 1996). Accordingly, we dismiss the instant appeal.

NORMA McGEE OGLE, JUDGE