

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE

AT NASHVILLE

APRIL 1996 SESSION

STATE OF TENNESSEE,)

Appellee,)

VS.)

HOWARD GLENN BRANUM,)

Appellant.)

C.C.A. NO. 01C01-9507-CC-00232

WILLIAMSON COUNTY

HON. DONALD P. HARRIS,
JUDGE

(Sentencing)

FILED

June 20, 1996

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Appellate Court Clerk

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OPINION FILED: _____

AFFIRMED - RULE 20 ORDER

JOHN H. PEAY,
Judge

ORDER

The defendant entered guilty pleas to charges of driving under the influence, fifth offense, and to operating a motor vehicle after having been declared a habitual motor vehicle offender. He received a sentence of eleven months and twenty-nine days for the DUI offense with 180 days to be served, and a fine of one thousand (\$1000) dollars was assessed. On the felony conviction for violation of the habitual motor offender law, the defendant was given a consecutive two year sentence which is to be served in Community Corrections. As part of this sentence the defendant was required to attend AA meetings, perform 200 hours of public service work, and undergo mandatory drug screens.

It is from the trial judge's order of consecutive sentences that the defendant appeals, contending that the trial court abused its discretion.

The record reveals that the defendant had three prior convictions for misdemeanor escape charges, a conviction for "stealing" on April 2, 1994, which resulted in a four year probationary period, four prior DUI convictions, and five previous convictions for driving while his license was in revoked status. The trial court found that the defendant had an extensive criminal history and was a dangerous offender. We find that the defendant's prior criminal history justifies consecutive sentences in that they evidence a history of extensive criminal activity and the type of offenses, including the present offense, indicate that the defendant has little or no regard for human life and no hesitation to

commit offenses where the risk to human life is high and is therefore a dangerous offender. The defendant's record supports a finding that an extended sentence is necessary to protect the public against further criminal conduct by the defendant. We also find that the consecutive sentences reasonably relate to the severity of the offenses committed.

We conclude that this is an appropriate case for affirmance under Rule 20 of this Court.

JOHN H. PEAY, Judge

CONCUR:

JOE B. JONES, Presiding Judge

DAVID G. HAYES, Judge