

The appellant, Jennifer Ann King, entered pleas of guilty to the offenses of vehicular homicide by intoxication, a Class C felony, and contributing to the delinquency of a minor, a Class A misdemeanor. The trial court imposed a Range I sentence consisting of a \$1,000 fine and confinement for six (6) years in the Department of Correction. The appellant was sentenced to pay a fine of \$250 and serve eleven months and twenty-nine days for the offense of contributing to the delinquency of a minor. The trial court ordered that the appellant would be required to serve eleven months and twenty-nine days in the Madison County Jail or Workhouse with the balance of the sentence for vehicular homicide suspended. In this Court, the appellant contends that the trial court improperly sentenced her and refused to suspend the entire sentence. This Court is of the opinion that the judgment of the trial court should be affirmed.

The record transmitted to this Court consists of what was previously known as the “technical record,” a transcript of the sentencing hearing, the presentence report, and exhibits introduced during the sentencing hearing. The record does not contain a transcript of the submission hearing when the appellant entered her pleas of guilty.

In this case, the circumstances of the two offenses are valid considerations in conducting a *de novo* review pursuant to Tenn. Code Ann. § 40-35-401(d). As a general rule, the parties stipulate the facts that would be established if the case in question went to trial. The stipulated facts would constitute the circumstances of the two offenses in this case. In the absence of a transcript of the submission hearing, this Court must conclusively presume that the judgment of the trial court is correct. State v. Ollie G. Garrett, Shelby County No. 02-C-01-9404-CR-00057 (Tenn. Crim. App., Jackson, October 19, 1994).

Based upon a *de novo* review of the record before this Court, the sentences imposed by the trial court were appropriate. Contrary to the contention of the appellant, the trial court did in fact impose an alternative sentence.

CONCUR:

PAUL G. SUMMERS, JUDGE

DAVID G. HAYES, JUDGE