

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE
AT NASHVILLE
APRIL 1996 SESSION

FILED
August 22, 1996
Cecil W. Crowson
Appellate Court Clerk

STATE OF TENNESSEE,)
)
 APPELLEE,)
) No. 01-C-01-9508-CC-00248
)
) Hickman County
v.) Cornelia A. Clark, Judge
)) (Probation Revocation)
)
JAMES TERRY WHITE,)
)
 APPELLANT.)

FOR THE APPELLANT:

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OPINION FILED: _____

AFFIRMED

Joe B. Jones, Presiding Judge

The appellant, James Terry White, appeals as of right from a judgment of the trial court revoking his probation and requiring him to serve the sentence previously imposed by the court. Two issues are presented for review. The appellant contends that (a) the trial court abused its discretion by failing to either reinstate full probation, intense probation, or sentence him to a community corrections sentence, and (b) the trial court failed to state on the record sufficient reasons for revoking his probation. After a thorough review of the briefs submitted by the parties, the record, and the authorities governing the issues presented for review, this Court is of the opinion the judgment of the trial court should be affirmed.

The probation officer testified that the appellant admitted using marijuana in violation of the probation order every week for the past ten years, including the time he was on probation. The appellant denied making this statement, but did admit that he had smoked marijuana prior to being tested by the officer. Moreover, a short time before the test, the probation officer warned the appellant not to appear again under the influence of a drug. The record further reveals that the appellant was behind in paying the fine and court costs, a special condition of probation.

It is obvious that the trial court did not believe the appellant. He refused to reveal the source of the marijuana. The trial court concluded after hearing the appellant testify that he was not serious about rehabilitating himself; and the only reason he quit smoking marijuana after being served with the revocation warrant was fear of having his probation revoked.

The trial court explained in detail the reasons why the appellant's probation was being revoked, as well as why the court would not reinstate the probation or resentence the appellant to another form of alternative sentencing. The reasons given by the trial court are supported by the record.

JOE B. JONES, PRESIDING JUDGE

CONCUR:

JOHN H. PEAY, JUDGE

DAVID G. HAYES, JUDGE