

The appellant, Nathaniel Williams, entered a plea of guilty to the offense of selling cocaine under one-half gram, a Class C felony. The trial court found that the appellant was a persistent offender and imposed a Range III sentence consisting of a \$2,000 fine and confinement for twelve (12) years in the Department of Correction. Two issues are presented for review. The appellant challenges the range used to determine the length of his sentence and the length of the sentence. After a thorough review of the record, the briefs of the parties, and the authorities which control the issues raised, it is the opinion of this Court that the judgment of the trial court should be affirmed.

The appellant complains that the trial court did not set forth on the record sufficient information to permit this Court to conduct the requisite de novo review. Tenn. Code Ann. § 40-35-401(d). While the findings of the trial court are lacking in many respects, this does not mean that the case must be remanded to the trial court for a new sentencing hearing. This Court simply reviews the judgment of the trial court without a presumption of correctness.

The trial court properly sentenced the appellant as a persistent offender. The offense in question is a Class C felony. The State of Tennessee established that the appellant had been convicted of five felonies: three Class D felonies and two Class E felonies.

During the sentencing hearing, the appellant testified that he committed two of the offenses, burglaries, within a period of twenty-four hours. He argues that two burglary convictions should only be considered as one conviction. The state established that one burglary occurred on December 8, 1990 and the second burglary occurred on December 10, 1990. The trial court obviously did not believe the appellant's testimony. Moreover, the state established that these two offenses did not occur within a twenty-four hour period.

The appellant has a history of prior convictions other than the convictions used to enhance his sentence. Tenn. Code Ann. § 40-35-114(1). He has been convicted of twenty-nine (29) misdemeanor offenses. Also, he has never completed an alternative sentence, namely, probation and a community corrections sentence. He has also failed to complete his parole. Tenn. Code Ann. § 40-35-114(8).

The appellant has been given every opportunity to rehabilitate himself. He has consistently refused to change his criminal activities. The crimes he committed span three counties and sixteen years. Given the aggravating circumstances and these additional factors, the sentence imposed was reasonable and fitting for the offense committed by the appellant.

JOE B. JONES, PRESIDING JUDGE

CONCUR:

JOHN H. PEAY, JUDGE

DAVID G. HAYES, JUDGE