

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE

AT JACKSON

FEBRUARY 1996 SESSION

**FILED**  
**September 30, 1996**  
**Cecil Crowson, Jr.**  
Appellate Court Clerk

STATE OF TENNESSEE, )  
)  
APPELLEE, )  
)  
)  
v. )  
)  
)  
RONNIE WILLIAM (BILLY) TAYLOR, )  
)  
APPELLANT. )

No. 02-C-01-9505-CC-00147  
Gibson County  
Dick Jerman, Jr., Judge  
(Community Corrections Revocation)

FOR THE APPELLANT:

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OPINION FILED: \_\_\_\_\_

AFFIRMED

Joe B. Jones, Presiding Judge

**OPINION**

The appellant, Ronnie William (Billy) Taylor, appeals as of right from a judgment of the trial court revoking his community corrections sentences and ordering that the three sentences previously imposed by the court be served consecutively. The appellant contends that the sentences imposed in two of the three cases had expired prior to the institution of the revocation proceedings. The judgment of the trial court is affirmed.

The appellant entered pleas of guilty on two separate dates. The trial court granted the appellant a community corrections sentence in all of the cases. The sentences were subsequently revoked, the sentences in two of the cases doubled, and the appellant was placed in the Department of Correction. The appellant was released on probation by the Department of Correction after completing the boot camp program. Later, the probation was revoked and the appellant again was granted a community corrections sentence in each case. These sentences were subsequently revoked; the trial court ordered the sentences in the three felony cases to be served consecutively; and the appellant was transferred to the Department of Correction.

An evidentiary hearing was conducted. The state established that the appellant had been arrested and convicted of three misdemeanors. The state presented very few facts in its case in chief. The appellant also testified. He made a passionate plea to the trial court to permit him to remain in society. The appellant subsequently filed a motion for arrest of judgment. The appellant alleged in the motion that the sentences in two of the cases had expired before the revocation proceedings were instituted. An order was subsequently entered denying the motion.

This Court has considered the complex issue presented for review. Every effort has been made to resolve this issue on the merits. However, the record is so scant and incomplete that this Court finds it impossible to resolve the issue. First, a transcript of the hearing on the motion for arrest of judgment is not contained in the record transmitted to this Court. Second, this issue was not litigated at the evidentiary hearing. Consequently, the facts necessary for a determination of this issue were not introduced into evidence. Therefore, this Court must conclusively presume that the judgment of the trial court was correct.

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JOE B. JONES, PRESIDING JUDGE

CONCUR:

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GARY R. WADE, JUDGE

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JERRY L. SMITH, JUDGE