

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE

AT KNOXVILLE

NOVEMBER 1996 SESSION

<p><b>FILED</b></p> <p>November 27, 1996</p> <p><b>Cecil Crowson, Jr.</b> Appellate Court Clerk</p>
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<p><b>STATE OF TENNESSEE,</b></p> <p style="padding-left: 40px;">Appellee,</p> <p>V.</p> <p><b>CHRISTOPHER LIGHT,</b></p> <p style="padding-left: 40px;">Appellant.</p>	<p>)</p> <p>) C.C.A. No. 03C01-9512-CC-00398</p> <p>)</p> <p>) Sullivan County</p> <p>)</p> <p>) Honorable Frank L. Slaughter, Judge</p> <p>)</p> <p>) (Aggravated Burglary-3 cts.; Theft of</p> <p>) Property-5 cts.; Vandalism-1 ct.;</p> <p>) Auto Burglary-1 ct.)</p>
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FOR THE APPELLANT:

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

**AFFIRMED**

**PAUL G. SUMMERS,**  
Judge

## OPINION

The appellant, Christopher Light, pled guilty to three counts of aggravated burglary, five counts of theft of property, one count of vandalism, and one count of auto burglary. He was sentenced as a Range II offender to an effective sentence of thirty four years incarceration.<sup>1</sup> On appeal, he argues that the trial court erred in ordering counts one through four consecutively and that his sentence was excessive.

The trial court applied three enhancement factors: (1) previous history of criminal convictions in addition to those necessary to establish range;<sup>2</sup> (2) history of unwillingness to comply with conditions of release; and (3) he was a leader in a "series of burglaries" involving two or more criminal actors. The trial court also found that the appellant was a drug addict and that stealing was his way of life. The court found one mitigating factor, the appellant's age.

The trial court determined that the appellant was "incorrigible" as a youth and was a poor candidate for rehabilitation. The appellant had previously been

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<sup>1</sup> The appellant was sentenced as follows:

1. Ten years for count one, aggravated burglary,
2. Ten years for count two, aggravated burglary,
3. Ten years for count three, aggravated burglary,
4. Four years for count four, auto burglary,
5. Ten years for count five, theft over \$10,000.00,
6. Eleven months and twenty-nine days for count six, vandalism under \$500.00,
7. Four years count seven, theft over \$500.00,
8. Eleven months twenty-nine days for count eight, theft under \$500.00,
9. Eight years for count nine, theft over \$1,000.00, and
10. Eleven months twenty-nine days for count ten, theft under \$500.00.

Counts one through four were ordered to be served consecutively. The remaining counts were ordered to be served concurrently with counts one through four.

<sup>2</sup> Although the appellant was only twenty-three years old, he had ten prior adult criminal convictions and an extensive juvenile record. His previous convictions included escape from prison, assault, two aggravated burglaries, and a variety of theft offenses.

detained in youth detention centers until he reached 18, incarcerated as an adult, detained in a halfway house, and placed on a "variety of suspended sentence[s] about nine (9) or (10) times. . . ." <sup>3</sup> The trial judge found the appellant to be a "menace to society" and ordered counts one through four to run consecutively.

Upon review, we question the trial court's finding that the appellant's age is a mitigating factor. We find no error of law mandating reversal. Moreover, upon viewing the appellant's demeanor while testifying, the trial judge was in a better position to assess the appellant's potential for rehabilitation. The appellant is a professional criminal. Society demands protection from individuals possessing such a flagrant disregard for the law. The trial court's sentence is, therefore, affirmed in accordance with Tenn. R. Ct. Crim. App., Rule 20.

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PAUL G. SUMMERS, Judge

CONCUR:

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<sup>3</sup> The trial judge concluded that "[a]pparently the lessons that previous Judges have tried to impose on him didn't take. . . ."

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JOE B. JONES, Presiding Judge

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JOHN K. BYERS, Senior Judge