

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE

AT NASHVILLE

DECEMBER 1996 SESSION

<p><b>FILED</b></p> <p>January 16, 1997</p> <p>Cecil W. Crowson Appellate Court Clerk</p>
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<p><b>STATE OF TENNESSEE,</b></p> <p>Appellee,</p> <p>V.</p> <p><b>DONALD RAY TURNER,</b></p> <p>Appellant.</p>	<p>)</p> <p>) C.C.A. No. 01C01-9604-CC-00138</p> <p>)</p> <p>) Coffee County</p> <p>)</p> <p>) Honorable Gerald L. Ewell, Sr., Judge</p> <p>)</p> <p>) (Revocation of Probation)</p> <p>)</p> <p>)</p>
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FOR THE APPELLANT:

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FOR THE APPELLEE:

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

**AFFIRMED**

**PAUL G. SUMMERS,**  
Judge

**OPINION**

The appellant, Donald Ray Turner, appeals the trial court's revocation of his probation. We affirm.

The appellant pled guilty to four counts of forgery. He was sentenced to one year incarceration and one year probation. He was granted early probation and released from prison. He was to serve the balance of his two year sentence, 21½ months, on probation.

Approximately sixth months after his release, the appellant was charged with aggravated rape and aggravated sexual battery. His probation officer issued a probation report alleging failure to report whereabouts and failure to comply with terms of probation. The defendant was subsequently convicted of aggravated sexual battery. He was sentenced to eight years. A probation warrant was issued.

The trial judge considered both the nature of the appellant's conviction and his criminal history. Pursuant to Tenn. Code Ann. § 40-35-310, the trial judge ordered the two year sentence consecutive to the eight year sentence that triggered the revocation.

The appellant argues that the trial judge abused his discretion in revoking his probation and ordering his sentences to be served consecutively. We have reviewed the record. We find no error of law mandating reversal. The trial court's order revoking probation and ordering consecutive sentences is affirmed pursuant to Tenn. Ct. Crim. App., Rule 20.

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PAUL G. SUMMERS, Judge

CONCUR:

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WILLIAM M. BARKER, Judge

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JOE G. RILEY, Judge