

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE

AT NASHVILLE

MARCH 1997 SESSION

FILED
May 16, 1997
Cecil W. Crowson
Appellate Court Clerk

JAMES T. FITE)
)
Appellant,)
)
VS.)
)
STATE OF TENNESSEE,)
)
Appellee.)

C.C.A. NO. 01C01-9606-CC-00257

DEKALB COUNTY

HON. LEON BURNS, JR.
JUDGE

(Motion for Corrected Judgment)

FOR THE APPELLANT:

JAMES T. FITE
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Clifton, Tennessee 38425-0279

FOR THE APPELLEE:

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OPINION FILED: _____

AFFIRMED; RULE 20 ORDER

JOE G. RILEY,
JUDGE

ORDER

Pro se petitioner, James T. Fite, appeals the denial of his “motion to correct the judgment before the court to an illegal sentence.” In 1988, Fite pled guilty to vehicular homicide, aggravated assault, and felony bail jumping. He was sentenced to serve eleven, three, and three years, respectively. The sentences were to run consecutively. Apparently, Fite challenges the legality of the consecutive sentences and requests additional pre-trial jail credits. The reviewing trial court overruled his motion. The judgment of the trial court is AFFIRMED pursuant to Rule 20 of this Court.

I.

Fite argues that the trial court improperly imposed consecutive sentencing. He initially appealed his sentence claiming that it was excessive and improperly imposed. State v. Fite, 1990 LEXIS 327, C.C.A. No. 89-218-III (Tenn. Crim. App. filed April 25, 1990, at Nashville). Finding his argument to be without merit, this Court determined that petitioner’s sentences were properly ordered to be served consecutively. Id. Accordingly, this argument has been previously determined on direct appeal and is without merit.

II.

Fite further requests additional pre-trial jail credit. We should note that the record on appeal is woefully inadequate to address the issues presented within petitioner’s brief.¹ When an accused seeks appellate review of an issue in this Court, it is the duty of the accused to prepare a record which conveys a fair, accurate and complete account of what transpired with respect to the issue. Tenn. R. App. P.

¹The record consists only of the petitioner’s *pro se* motion to correct the judgment, the state’s motion to dismiss, the order overruling the petition, and the notice of appeal. Although the judgments were not included in the technical record, we assume pre-trial jail credit was established in the judgments.

24(b); State v. Bunch, 646 S.W.2d 158, 160 (Tenn. 1983); State v. Matthews, 805 S.W.2d 776, 784 (Tenn. Crim. App. 1990). Where the record is inadequate to conduct a review, the decision of the trial court is presumed to be correct. State v. Coolidge, 915 S.W.2d 820, 827 (Tenn. Crim. App. 1995). Fite did not contest the amount of pre-trial jail credit in his initial appeal. The reviewing trial court found that “petitioner [had] received all the jail credit to which he is entitled.” Accordingly, this issue is without merit.

Based upon a thorough reading of the record, the briefs of the parties, and the law governing the issues presented for review, the judgment of the trial court is AFFIRMED pursuant to Rule 20, Rules of the Tennessee Court of Criminal Appeals.

JOE G. RILEY, JUDGE

CONCUR:

JOSEPH M. TIPTON, JUDGE

THOMAS T. WOODALL, JUDGE