

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE

AT NASHVILLE

JUNE SESSION, 1997

**FILED**  
September 4, 1997  
Cecil W. Crowson  
Appellate Court Clerk

STATE OF TENNESSEE,

Appellee,

V.

GARY W. TOMLIN,

Appellant.

) C.C.A. NO. 01C01-9604-CR-00152

)

)

) SUMNER COUNTY

)

)

) HON. JANE WHEATCRAFT, JUDGE

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)

) (REVOCAION OF PROBATION)

FOR THE APPELLANT:

**THOMAS T. OVERTON**  
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FOR THE APPELLEE:

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

AFFIRMED

THOMAS T. WOODALL, JUDGE

# ORDER

The Appellant, Gary W. Tomlin, Jr. , appeals the revocation of his probation by the trial court in Sumner County. At the revocation hearing, the State presented evidence of the Appellant's failure to comply with the conditions of his probation. The Appellant testified and gave explanations for his failure to comply with the probation conditions. After hearing all the evidence, the trial court made specific findings of fact set forth in court orders, that Appellant had violated the conditions of his probation.

Appellant, relying upon Gagnon v. Scarpelli, 411 U.S. 778, 93 S.Ct. 1756, 36 L.Ed.2d 656 (1973), argues on appeal that his due process rights were violated because the trial court failed to set forth in writing the evidence relied upon and the reasons for the probation revocation. The trial court's orders of record in this matter do not support Appellant's arguments.

As the evidence does not preponderate against the findings of the trial judge and there is no error of law requiring a reversal of the judgment which is apparent on the record, the judgment of the trial court is affirmed in accordance with Rule 20 of the Court of Criminal Appeals of Tennessee.

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THOMAS T. WOODALL, Judge

CONCUR:

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JOSEPH B. JONES, Presiding Judge

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WILLIAM M. BARKER, Judge