

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE

AT JACKSON

SEPTEMBER 1997 SESSION

FILED
October 8, 1997
Cecil Crowson, Jr.
Appellate Court Clerk

STATE OF TENNESSEE,)
)
 Appellee,)
)
 VS.)
)
 LESTER LEE DOYLE,)
)
)
 Appellant.)

NO. ~~02C01-9612-CC-00461~~

BENTON COUNTY

HON. JULIAN P. GUINN, JUDGE

(DUI 2nd, DORL)

FOR THE APPELLANT:

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FOR THE APPELLEE:

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OPINION FILED: _____

AFFIRMED PURSUANT TO RULE 20

**JOE G. RILEY,
JUDGE**

OPINION

The defendant, Lester Lee Doyle, was convicted by a Benton County jury of driving under the influence of an intoxicant, second offense, and driving on a revoked license. The sole issue presented on appeal is whether the evidence adduced at trial is sufficient to support the jury's verdict. We affirm the conviction.

On November 14, 1995, at about 11:00 p.m., the arresting officer observed defendant cross the highway center line two times and run off the road once. The officer stopped the defendant. Defendant had a strong odor of alcohol about him and was unable to properly perform the field sobriety tests. Two other officers testified that defendant was drunk. Defendant refused the breathalyser test. The revoked status of his driver's license was stipulated.

Defendant admitted to having three beers, but said that he was not impaired. Defendant testified that his weaving was probably due to a low tire, and he felt he had passed the field sobriety tests. The wrecker driver who towed the car said he had not noticed whether the tire was flat before he towed it, but he noticed the tire was flat the next morning.

After thoroughly reviewing the record, the briefs, and the law governing the issue presented by the defendant, we conclude that the evidence is sufficient to support the finding by the trier of fact of guilt beyond a reasonable doubt and that no error of law requiring a reversal of the judgment is apparent. Accordingly, pursuant to Rule 20 of the Tennessee Court of Criminal Appeals, we affirm the judgment of the trial court.

JOE G. RILEY, JUDGE

CONCUR:

JOE B. JONES, PRESIDING JUDGE

DAVID H. WELLES, JUDGE