

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE

AT KNOXVILLE

APRIL SESSION, 1998

**FILED**  
December 1, 1998  
Cecil Crowson, Jr.  
Appellate Court Clerk

STATE OF TENNESSEE, )

Appellee, )

VS. )

KENNETH PAUL GODWIN, )

Appellant. )

C.C.A. NO. 03C01-9710-CC-00479

BLOUNT COUNTY

HON. D. KELLY THOMAS, JR.  
JUDGE

(Direct Appeal-Sentence Credits)

FOR THE APPELLANT:

SHAWN G. GRAHAM  
Assistant Public Defender  
419 High Street  
Maryville, TN 37804

FOR THE APPELLEE:

JOHN KNOX WALKUP  
Attorney General and Reporter

ELLEN H. POLLACK  
Assistant Attorney General  
425 Fifth Avenue North  
Nashville, TN 37243

MIKE FLYNN  
District Attorney General

EDWARD P. BAILEY, JR.  
Assistant District Attorney  
363 Court Street  
Maryville, TN 37804

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

AFFIRMED

JERRY L. SMITH, JUDGE

## **OPINION**

On August 1, 1989 Appellant, Kenneth Paul Godwin, pleaded guilty in the Blount County Circuit Court to robbery. As a Range I standard offender he was sentenced to nine years probation to begin immediately. In 1990, Appellant moved to Knox County and his probation was transferred to the Knox County Office of the Tennessee Department of Correction for purposes of supervision. In 1991, Appellant was convicted, in Knox County of: one count of armed robbery, two counts of aggravated kidnapping, one count of grand larceny, and one count of larceny by trick. For these offenses in Knox County, Appellant was placed into the Community Corrections Program in Knox County. In 1992 supervision of the Appellant's probation for the Blount County conviction was transferred from the Tennessee Department of Correction to the Community Corrections Program in Knox County. On November 4, 1996, following issuance of a probation violation warrant, Appellant stipulated that he had in fact violated his probation. On November 5, 1996, an order was entered in the Blount County Circuit Court revoking appellant's probation. Appellant was ordered to serve the balance of his Blount County sentence.

In this appeal, Appellant claims he should receive jail time credit on his Blount County sentence for the time his probation on that sentence was supervised by the Knox County Community Correction Program, and that the trial court erred in refusing to grant him such credit. He claims his Blount County probation was converted to a community corrections sentence and that he is entitled to sentence credits off the balance of his penitentiary time for the time he

was supervised by the Knox County Community Corrections Program. See, Tenn. Code Ann. Sec. 40-36-106 (e)(4).

The Blount County Criminal Court order dated March 13, 1992, transferring probation supervision of the Appellant from the Tennessee Department of Correction to the Community Correction Program in Knox County stated: “That the defendant’s *supervision* shall be transferred to the Community Corrections Program in Knox County, Tennessee.” (Emphasis added). The language of the order is clear. The order transferred the Appellant’s Blount County probation supervision. It did not convert his Blount County probation to a community corrections sentence. The Appellant may not receive jail credit, beyond that which he already has, for his Blount County conviction. Although supervised by the Knox County program he remained on probation for his Blount County sentence. He is not entitled to sentence credits for time spent on probation. Young v. State, 539 S.W.2d 850 (Tenn. Crim. App. 1976).

Accordingly, we affirm the judgment pursuant of the trial court.

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JERRY L. SMITH, JUDGE

CONCUR:

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PAUL G. SUMMERS, JUDGE

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CURWOOD WITT, JR., JUDGE