

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE

AT NASHVILLE

JANUARY SESSION, 1999

FILED
March 3, 1999
Cecil W. Crowson
Appellate Court Clerk

GREGORY JORDAN,)
)
Appellant,)
)
VS.)
)
STATE OF TENNESSEE,)
)
Appellee.)

C.C.A. NO. 01C01-9807-CC-00283

WILLIAMSON COUNTY

HON. TIMOTHY EASTER
JUDGE

(Post-Conviction)

ON APPEAL FROM THE JUDGMENT OF THE
CRIMINAL COURT OF WILLIAMSON COUNTY

FOR THE APPELLANT:

GREGORY JORDAN, Pro Se
P.O. Box 279
Clifton, TN 38425-0279

FOR THE APPELLEE:

JOHN KNOX WALKUP
Attorney General and Reporter

CLINTON J. MORGAN
Assistant Attorney General
425 Fifth Avenue North
Nashville, TN 37243-0493

JOSEPH BAUGH
District Attorney General
P.O. Box 937
Franklin, TN 37065-0937

OPINION FILED _____

AFFIRMED IN ACCORDANCE WITH RULE 20

DAVID H. WELLES, JUDGE

ORDER

The Defendant, Gregory Jordan, is an inmate in the Tennessee Department of Correction. On June 2, 1998, in the Circuit Court of Williamson County, he filed a "Petition For Relief From Conviction Or Sentence." His petition alleged that on May 29, 1997, his probation was revoked without a hearing and in violation of his right to counsel at a hearing. On June 5, 1998, the trial court entered an order summarily dismissing the petition. The order stated that the Defendant did receive a probation revocation hearing on May 29, 1997, during which he was represented by counsel. The order also stated that the Defendant was incarcerated in another county and that the court did not have jurisdiction to grant relief. It is from the order of the trial court denying the Defendant any relief that the Defendant appeals.

The record on appeal includes the following judgments and orders of the Williamson County Circuit Court: (1) judgment reflecting that on February 27, 1995, the Defendant pleaded guilty to and was convicted of aggravated assault, for which he received a sentence of five years in the Department of Correction, to be served on probation; (2) judgment reflecting that on May 29, 1997, the Defendant pleaded guilty to and was convicted of selling a Schedule II controlled substance, for which he was sentenced to three years in the Department of Correction, to be served on probation, consecutive to his five-year sentence of February 27, 1995; (3) judgment reflecting that on May 29, 1997, the Defendant pleaded guilty to and was convicted of possession of a controlled substance with intent to sell or deliver, for which he received a sentence of eight years in the

Department of Correction, to be served on probation, consecutive to the five-year sentence he received on February 27, 1995; (4) order of the court entered on June 10, 1997, reflecting that on May 29, 1997, the State moved to “violate Defendant’s probation based on conviction for new charges.” This order states that “upon a plea of true by the defendant,” the court found the Defendant had violated his probation on his five-year sentence and ordered his probation revoked and the remainder of his sentence served in custody.

From this record, it clearly appears that on May 29, 1997, the Defendant was convicted, upon his pleas of guilty, of one Class C felony drug offense and one Class B felony drug offense. At the time of these convictions, his probation for his prior conviction was revoked. The Order of Revocation reflects that the Defendant conceded he had violated the terms of his probation, which was quite evident in view of his new convictions. The Order of Revocation reflects that the Defendant was represented at the revocation proceeding by an assistant public defender. No appeal was taken from the order of the trial court which revoked his probation.

In the order denying the Defendant relief from his conviction or sentence, the trial court found that the Defendant did receive a probation revocation hearing at which time he was represented by counsel. This finding is supported by the record. 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 in accordance with Rule 20 of the Court of Criminal Appeals of Tennessee.

DAVID H. WELLES, JUDGE

CONCUR:

JOHN H. PEAY, JUDGE

JERRY L. SMITH, JUDGE