

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE

AT NASHVILLE

MARCH 1999 SESSION

**FILED**

April 8, 1999

Cecil W. Crowson  
Appellate Court Clerk

STATE OF TENNESSEE, )  
 )  
 Appellee, )  
 )  
 VS. )  
 )  
 JOSEPH FRANK LYLES, )  
 )  
 Appellant. )

NO. 01C01-9807-CR-00312  
SUMNER COUNTY No. 5311-D  
HON. JANE WHEATCRAFT,  
JUDGE  
(Violation of Probation)  
AFFIRMED - RULE 20

**ORDER**

Appellant, Joseph Frank Lyles, was charged with committing an aggravated assault on November 5, 1997, while on probation from an earlier felony conviction. A probation violation warrant was filed on December 7, 1997. The trial court conducted a full hearing and found appellant in violation. As a result, appellant's probation was extended an additional six months. Appellant challenges that extension of his probation.

The trial court found that the appellant intentionally intimidated and frightened the employees of Cumberland Electric by his use of threatening language while displaying a baseball bat. The trial court rejected appellant's innocent explanation of the event. The evidence does not preponderate against the trial court's ruling. The trial court did not abuse its discretion by extending appellant's probation. Tenn. Code Ann. § 40-35-308(c).

The judgment of the trial court is affirmed pursuant to Rule 20, Tennessee Court of Criminal Appeals. It appearing that the appellant is indigent, costs shall be taxed to the state.

So ordered. Enter:

---

**JOE G. RILEY, JUDGE**

**CONCUR:**

---

**DAVID H. WELLES, JUDGE**

---

**JOHN EVERETT WILLIAMS, JUDGE**