

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE

AT NASHVILLE

OCTOBER 1999 SESSION

FILED

December 28, 1999

Cecil Crowson, Jr.
Appellate Court Clerk

STATE OF TENNESSEE,)
)
 Appellee,)
)
 VS.)
)
 ROBERT P. BAUCOM, SR.,)
)
 Appellant.)

NO.M1998 00457 CCA R3 CD

DAVIDSON COUNTY
No. 97-T-943

HON. FRANK G. CLEMENT, JR.,
JUDGE

(Vehicular Homicide, Aggravated
Assault, and 3 Counts Reckless
Endangerment)

FOR THE APPELLANT:

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FOR THE APPELLEE:

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OPINION FILED: _____

AFFIRMED - RULE 20 ORDER

JOE G. RILEY, JUDGE

ORDER

Defendant, ROBERT P. BAUCOM, SR., pled *nolo contendere* to vehicular homicide and reckless aggravated assault, Class C and D felonies, respectively. Defendant also pled guilty to three counts of felony reckless endangerment, Class E felonies. Pursuant to a plea agreement, defendant received a total effective sentence of eleven years as a Range I standard offender: six years for vehicular homicide; two years for aggravated assault; and one year for each reckless endangerment; all sentences ordered to run consecutively. The sole issue in this appeal is whether the trial court erred in denying defendant alternative sentencing or probation. We **AFFIRM** the judgment of the trial court pursuant to Rule 20, Tennessee Court of Criminal Appeals.

The record shows that defendant fatally injured one person and seriously injured another by recklessly driving his automobile. Then, although unsuccessful, defendant took any and all measures to avoid detection. These measures included driving against traffic on an interstate highway in order to leave the scene, hiding his vehicle, and removing the license tags. While fleeing, defendant recklessly endangered the lives of numerous other drivers. Defendant surrendered to authorities several days after the accident, but only after news reports identified him as the suspect.

The trial court found defendant's testimony at sentencing illogical and contradictory, describing it as "collectively untruthful." It determined that defendant was not candid when he claimed no independent recollection of the accident or leaving the scene. Further, the court found the defendant's expressions of remorse insignificant in light of his actions immediately following the accident.

Although given only "moderate consideration" by the trial court, we note that the defendant has a prior record consisting of three old felony convictions and two recent misdemeanor convictions. We also consider defendant's course of conduct

to be shocking and reprehensible. See State v. Hartley, 818 S.W.2d 370, 374-75 (Tenn. Crim. App. 1991).

The trial court found that the facts and circumstances of this case did not warrant alternative sentencing. We agree. The record overwhelmingly supports the trial court's denial of alternative sentencing. It is, therefore, **ORDERED** that the judgment of the trial court be **AFFIRMED** pursuant to Rule 20, Tennessee Court of Criminal Appeals.

In the event the appellant indicates an intention to file an application for permission to appeal to the Tennessee Supreme Court, he may be admitted to bail in the additional amount of \$20,000, for a total amount of \$120,000, with sufficient sureties to be approved by the clerk of the trial court pending filing and disposition of said application. In default of such bond, he shall be remanded to the custody of the Sheriff of Davidson County.

Costs of appeal are taxed to the appellant, ROBERT P. BAUCOM, SR., for which let execution issue.

So ordered. Enter:

JOE G. RILEY, JUDGE

CONCUR:

THOMAS T. WOODALL, JUDGE

JAMES CURWOOD WITT, JR., JUDGE