

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE

AT JACKSON

AUGUST 1996 SESSION

FILED
Dec. 19, 1996
Cecil Crowson, Jr.
Appellate Court Clerk

STATE OF TENNESSEE,)	NO. 02C01-9510-CC-00310
)	
Appellee)	CARROLL COUNTY
)	
V.)	HON. JULIAN P. GUINN, JUDGE
)	
JACK WHITFIELD SCOTT)	(Sentencing)
)	
Appellant)	
)	

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FOR THE APPELLEE

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OPINION FILED: _____

AFFIRMED - RULE 20 ORDER

William M. Barker, Judge

Order

The Appellant, Jack W. Scott, appeals as of right his sentences for one count of sale of more than 0.5 grams of cocaine and one count of sale of less than 0.5 grams of cocaine. On two separate occasions, November 12, 1993, and January 8, 1994, the Appellant sold cocaine to undercover police officers. On March 28, 1995, the Appellant plead guilty to both charges. The trial judge sentenced the Appellant to eight years imprisonment for sale of more than 0.5 grams of cocaine and three years imprisonment for sale of less than 0.5 grams of cocaine, both sentences to be served concurrently. The trial judge then ordered split confinement where the Appellant would serve the first year in prison and the remaining seven years on supervised probation.

The Appellant complains that the trial judge failed to sentence him in accordance with the 1989 Sentencing Reform Act and the 1985 Community Corrections Act. It is our opinion that the record contains ample evidence that the trial judge properly considered both the Sentencing Reform Act and the Community Corrections Act. The trial judge, at the sentencing hearing, stated that the Appellant's sentence was motivated by considerations such as the need for punishment and personal deterrence, the interest of justice, and that confinement would be necessary to avoid depreciating the seriousness of the offense. Moreover, the trial judge ordered alternative sentencing in the form of split confinement. When the trial judge ordered split confinement he stated that he had considered other forms of alternative sentencing, but that he found them unsuitable for the Appellant. In the absence of any proof to the contrary, we will presume that the Community Corrections Act was included in those considerations.

It is the opinion of this Court that the judgment of the trial court should be affirmed pursuant to Rule 20 of the Tennessee Court of Criminal Appeals.

WILLIAM M. BARKER, JUDGE

CONCUR:

GARY R. WADE, JUDGE

JERRY L. SMITH, JUDGE