

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE

AT NASHVILLE

NOVEMBER 1997 SESSION

FILED

December 17, 1997

Cecil W. Crowson
Appellate Court Clerk

STATE OF TENNESSEE,

Appellee,

VS.

JEFFERY SCOTT SCHMIDT,

Appellant.

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C.C.A. NO. 01C01-9701-CC-00027

MONTGOMERY COUNTY

HON. JOHN H. GASAWAY, III,
JUDGE

(Revocation of Community Corrections)

FOR THE APPELLANT:

FOR THE APPELLEE:

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OPINION FILED:_____

AFFIRMED - RULE 20 ORDER

JOHN H. PEAY,
Judge

OPINION

The defendant was convicted, on a guilty plea, in March 1993 on a charge of theft. A four year sentence was imposed with all but ninety days being suspended. The defendant's probation was revoked on two previous occasions for violations. He was placed back on probation at the first revocation and placed in Community Corrections after the second revocation.

On July 6, 1995, a warrant was issued for the defendant to revoke his Community Corrections sentence relying on arrests and convictions in the General Sessions Court and on his failure to abide by his curfew requirements. The trial court, finding that the factual allegations were true and that alternative sentencing had not been successful, revoked the defendant's Community Corrections sentence and ordered him to serve the balance of his sentence with the Department of Correction.

We have reviewed the record in this case and conclude that this is an appropriate case for affirmance under Rule 20 of the Court of Criminal Appeals.

It appearing that the appellant is indigent, costs of the appeal will be paid by the State, for which let execution issue. This matter is remanded to the trial court for collection of costs accrued below.

JOHN H. PEAY, Judge

CONCUR:

JOSEPH M. TIPTON, Judge

DAVID H. WELLES, Judge