## IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE

AT JACKSON

## MARCH 1998 SESSION

March 26, 1998

FILED

Cecil Crowson, Jr. Appellate Court Clerk

STATE OF TENNESSEE,

v.

APPELLEE,

APPELLANT.

No. 02-C-01-9707-CR-00247

Shelby County

Honorable W. Fred Axley, Judge

(Sentencing)

FOR THE APPELLANT:

ANGIE M. HARRIS,

Larry E. Fitzgerald Attorney at Law 22 North Second Street, Suite 410 Memphis, TN 38103 FOR THE APPELLEE:

John Knox Walkup Attorney General & Reporter 425 Fifth Avenue, North Nashville, TN 37243-0497

Janis L. Turner Counsel for the State 425 Fifth Avenue, North Nashville, TN 37243-0493

William L. Gibbons District Attorney General 201 Poplar Avenue, Suite 3-01 Memphis, TN 38103

Johnny McFarland Assistant District Attorney General 201 Poplar Avenue, Suite 3-01 Memphis, TN 38103

OPINION FILED:\_\_\_\_\_

AFFIRMED

Joe B. Jones, Presiding Judge

## OPINION

The appellant, Angie M. Harris (defendant), entered pleas of guilty to two counts of forgery, a Class E felony. The trial court, finding the defendant was a standard offender, imposed a Range I sentence consisting of a \$500 fine and confinement for one (1) year in the Shelby County Correctional Center in each count pursuant to a plea agreement. The trial court suspended all but thirty days of the defendant's sentence and placed her on probation for the balance of the sentence. The effective sentence imposed were fines totaling \$1,000 and confinement for one (1) year. In this court, the defendant contends "the Trial Court erred in not granting the Defendant's Petition for Suspended Sentence and in failing to grant the Defendant probation [pursuant] to the Tennessee Criminal Sentencing Reform Act of 1989." After a thorough review of the record, the briefs submitted by the parties, and the law governing the issue presented for review, it is the opinion of this court that the judgment of the trial court should be affirmed.

This court has conducted a <u>de novo</u> review of the record pursuant to Tenn. Code Ann. § 40-35-401(d). When the trial court imposed sentence, the court said it considered the defendant's social history, attitude, nature and circumstances of the offenses, and her candor in her testimony. The court found the defendant was less than candid. This finding alone justified the sentence imposed by the trial court. <u>See State v. Neeley</u>, 678 S.W.2d 48 (Tenn. 1984).

JOE B. JONES, PRESIDING JUDGE

CONCUR:

GARY R. WADE, JUDGE

JERRY L. SMITH, JUDGE