IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE

AT JACKSON

JULY 31, 1998 SESSION

Appellee, VS.)))	NO. 02C01-9803	-9803-CC-00070 DUNTY NO. 7580	
TAMMY MAE ELLIOTT, Appellant.))))	HON. C. CREED JUDGE AFFIRMED - RUI	FILED	
	<u>ORDER</u>		September 11, 1998 Cecil Crowson, Jr. Appellate Court Clerk	

On October 15, 1997, the defendant, Tammy Mae Elliott, pled guilty to child abuse of a child under six (6) years of age, a Class D felony. On December 1, 1997, she was sentenced to two (2) years in the Department of Correction. She had been continuously incarcerated since June 13, 1997, and remained incarcerated after sentencing. Pursuant to Tenn. Code Ann. § 40-35-501, defendant was issued a certificate of probation from the Tennessee Department of Correction effective January 14, 1998.

The sole issue on appeal is whether the trial court erred in denying alternative sentencing. Since the defendant has now been granted probation, the issue is moot. See <u>State v. Samuel D. Perry</u>, C.C.A. No. 02C01-9611-CR-00435, Shelby County (Tenn. Crim. App. filed January 29, 1998, at Jackson); <u>State v. Terry Moore</u>, C.C.A. No. 02C01-9509-CC-00257, Madison County (Tenn. Crim. App. filed August 2, 1996, at Jackson).

It is, therefore, ordered that the judgment of the trial court is affirmed pursuant to Rule 20, Tennessee Court of Criminal Appeals. Costs are taxed to the state as it appears defendant is indigent.

JOE G. RILEY, JUDGE	
PAUL G. SUMMERS, JUDGE	
DAVID G. HAYES, JUDGE	-