

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE
AT JACKSON

Assigned on Briefs December 3, 2013

STATE OF TENNESSEE v. CORTINO HARRIS

**Direct Appeal from the Circuit Court for Madison County
No. 12-285 Donald H. Allen, Judge**

No. W2012-02736-CCA-R3-CD - Filed March 10, 2014

In Madison County Circuit Court case number 12-285, Defendant was convicted following a jury trial of driving on a suspended license in violation of Tennessee Code Annotated section 55-50-504(a)(1) and of operating a motor vehicle without a valid registration in violation of Tennessee Code Annotated section 55-50-114(d). Defendant was sentenced to serve six months in the county jail for the driving on a suspended license conviction. His punishment for the violation of registration law conviction was a \$25.00 fine. Defendant appeals, challenging the sufficiency of the evidence to support the conviction for driving on a suspended license and the sentence of incarceration imposed by the trial court. Following a thorough review of the record, we affirm the judgments of the trial court pursuant to Rule of the Court of Criminal Appeals 20.

Tenn. R. App. P. 3 Appeal as of Right; Judgment of the Circuit Court Affirmed

THOMAS T. WOODALL, J., delivered the opinion of the court, in which JOHN EVERETT WILLIAMS, and JEFFREY S. BIVINS, JJ., joined.

J. Colin Morris, Jackson, Tennessee, for the appellant, Cortino A. Harris.

Robert E. Cooper, Jr., Attorney General and Reporter; Tracy L. Bradshaw, Assistant Attorney General; Jerry Woodall, District Attorney General; and Shaun A. Brown, Assistant District Attorney General, for the appellee, State of Tennessee.

MEMORANDUM OPINION

When a defendant challenges the sufficiency of the evidence to sustain a conviction, the appellate court must consider the evidence in the light most favorable to the prosecution, *Jackson v. Virginia*, 443 U.S. 307, 319 (1979), and thus give to the State the benefit of the

“strongest legitimate view of the evidence and to all reasonable and legitimate inferences that may be drawn therefrom.” *State v. Smith*, 24 S.W.3d 274, 279 (Tenn. 2000). With this standard in mind, the proof at trial showed the following facts.

On December 16, 2011, Defendant was driving his Infinity vehicle on a public road in Jackson when he was stopped by two officers of the Jackson Police Department. At the time, Defendant’s Tennessee driver’s license had been suspended since 2008 because of failure to pay child support. Also, the registration for Defendant’s vehicle had expired at the end of August 2011. Defendant admitted during his testimony that he had been informed on December 8, 2011, by another officer of the Jackson Police Department that his driver’s license was in suspended status and that the registration on his Infinity had expired at the end of August 2011.

Tennessee Code Annotated section 55-50-504(a)(1) provides in part as follows:

(a)(1) A person who drives a motor vehicle within the entire width between the boundary lines of every way publicly maintained that is open to the use of the public for purposes of vehicular travel, . . . at a time when the person’s privilege to do so is cancelled, suspended, or revoked commits a Class B misdemeanor.

Tennessee Code Annotated section 40-35-111(e) provides in part that:

The authorized terms of imprisonment and fines for misdemeanors [for] . . . [a] Class B misdemeanor, [is] not greater than six (6) months or a fine not to exceed five hundred dollars (\$500), or both,

As to the challenge to the sufficiency of the evidence to support the conviction for driving with a suspended license, Defendant’s sole argument is that he did not know that his driver’s license was in a suspended status when he was driving on December 16, 2011. Defendant’s own testimony at trial directly contradicts this assertion in his appeal.

Defendant’s argument that he should not have to serve the entire six-month sentence by incarceration is that the nature and conduct of the offense did not warrant that sentence. Defendant then asserts “that since these were driving charges the Judge should have imposed alternative sentencing.”

The trial court based its sentencing decision primarily upon Defendant’s prior criminal record: four felony convictions and twenty-five misdemeanor convictions, and upon Defendant’s repeated conduct of committing new offenses while on probation or parole from

prior offenses. The trial court's sentencing in this case is clearly justified by the standards set forth in *State v. Bise*, 380 S.W.3d 682 (Tenn. 2012) and *State v. Caudle*, 388 S.W.3d 273 (Tenn. 2012).

Defendant is entitled to no relief in this appeal. Accordingly, the judgments of the trial court are affirmed by memorandum opinion pursuant to Rule of the Court of Criminal Appeals 20.

THOMAS T. WOODALL, JUDGE