

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE
AT JACKSON

Assigned on Briefs September 10, 2002

STATE OF TENNESSEE v. MARK D. NUNNALLY

**Direct Appeal from the Criminal Court for Shelby County
Nos. 90-12798, 91-07581, and 91-08150 Carolyn Wade Blackett, Judge**

No. W1999-01305-CCA-R3-CD - Filed October 8, 2002

The defendant seeks appellate review of his motion to clarify the prior judgments of the trial court. We dismiss the appeal because the record does not reflect any order of the trial court concerning the motion.

Tenn. R. App. P. 3 Appeal as of Right; Appeal Dismissed

JOE G. RILEY, J., delivered the opinion of the court, in which JOSEPH M. TIPTON and DAVID G. HAYES, JJ., joined.

M.C. Jermann, Memphis, Tennessee, for the appellant, Mark D. Nunnally.

Paul G. Summers, Attorney General and Reporter; P. Robin Dixon, Jr., Assistant Attorney General; and William L. Gibbons, District Attorney General, for the appellee, State of Tennessee.

OPINION

On September 26, 2001, the defendant filed a motion styled "Motion for Clarification of Prior Offenses" with the trial court in which he sought a declaration that his three prior sentences were ordered to be served concurrently. We note the judgments in the technical record in docket numbers 90-12798, 91-07581, and 91-08150 speak for themselves; each specifically indicates the sentences imposed were to be served concurrently. However, our quandary with this matter is more fundamental. The record before this court does not contain an order from the trial court either granting or denying the defendant's motion. Therefore, this court is without jurisdiction to determine the merits of the motion. *See* Tenn. R. App. P. 3(b). The appeal is dismissed.

JOE G. RILEY, JUDGE