### IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE

## AT JACKSON

#### OCTOBER 1995 SESSION



November 29, 1995

Cecil Crowson, Jr.
Appellate Court Clerk

STATE OF TENNESSEE,	)
APPELLEE,	) ) No. 02-C-01-9503-CC-00089
	) ) Dyer County
V.	) ) Joe G. Riley, Judge
DONNIE RAY MITCHELL,	) (Theft Under \$500) )
APPELLANT.	)

#### FOR THE APPELLANT:

Clarence U. Cochran Assistant Public Defender 208 Mill Avenue, North Dyersburg, TN 38025-0742 (Appeal Only)

Lyman Ingram Assistant Public Defender 208 Mill Avenue, North Dyersburg, TN 38025-0742 (Trial Only)

# OF COUNSEL:

G. Stephen Davis District Public Defender 208 Mill Avenue, North Dyersburg, TN 38025-0742

#### FOR THE APPELLEE:

Charles W. Burson Attorney General & Reporter 450 James Robertson Parkway Nashville, TN 37243-0493

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C. Phillip Bivens
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OPINION FILED:		

AFFIRMED PURSUANT TO RULE 20

Joe B. Jones, Judge

OPINION

The appellant, Donnie Ray Mitchell, was convicted of theft under \$500, a Class A misdemeanor, by a jury of his peers. The trial court sentenced the appellant to

confinement for eleven months in the Dyer County Jail.

One issue is presented for review. The appellant contends that the evidence contained in the record is insufficient, as a matter of law, to support a finding by a rational

trier of fact that he was guilty beyond a reasonable doubt.

This Court has thoroughly reviewed the record, the briefs of the parties, the statute proscribing this offense, and the case law that pertains to the issue presented for review. It is the opinion of this Court that the judgment of the trial court should be affirmed, pursuant to Rule 20, Tennessee Court of Criminal Appeals.

	JOE B. JONES, JUDGE
CONCUR:	
PAUL G. SUMMERS, JUDGE	
WILLIAM M BARKER HIDGE	