IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE

AT KNOXVILLE

OCTOBER 1995 SESSION

FILED

April 26, 1996

Cecil Crowson, Jr.
Appellate Court Clerk

STATE OF TENNESSEE,	)	
	)	
Appellee,	)	No. 03C01-9410-CR-00391
	)	
	)	Hamilton County
v.	)	
	)	Hon. Douglas A. Meyer, Judge
	)	
RONALD LEBRON MADDEN,	)	(Attempt to Sell or Deliver Cocaine,
	)	Conspiracy to Sell Cocaine and Robbery)
	)	
Appellant.	)	

For the Appellant:

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For the Appellee:

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OPINION FILED:_____

AFFIRMED

Joseph M. Tipton
Judge

O P I N I O N

The defendant, Ronald Lebron Madden, was convicted in two separate jury trials in the Criminal Court of Hamilton County for conspiracy to sell cocaine, attempt to sell or deliver cocaine, felonious possession of counterfeit controlled substances, evading arrest, and robbery. For the conspiracy to sell cocaine and the attempt to sell or deliver cocaine, Class C offenses, the defendant received respective sentences of ten years as a Range III, persistent offender. For the evading arrest, a Class A misdemeanor, he received a sentence of 11 months, 29 days and for the felonious possession of counterfeit controlled substances, a Class E felony, he received a sentence of six years. All of the foregoing sentences are to be served concurrently to each other. For the robbery conviction, the defendant received a consecutive sentence of fifteen years as a Range III, persistent offender, for a total, effective sentence of twenty-five years in the Department of Correction. In this appeal as of right, the defendant contends that the evidence is insufficient to support his convictions for conspiracy to sell cocaine, attempt to sell or deliver cocaine, and robbery.

The defendant argues that the evidence is insufficient to support his convictions for attempt to sell or deliver cocaine and conspiracy to sell cocaine, given the fact that the evidence showed that he was guilty of, and he was convicted of, feloniously possessing counterfeit controlled substances. However, as the state points out, the defendant has failed to include in the record on appeal any transcript of the trial proceedings relating to these convictions. It is the duty of the defendant to prepare a fair, accurate and complete record on appeal to enable meaningful appellate review. T.R.A.P. 24. In the absence of such a record, any issues relating to these convictions are waived. State v. Oody, 823 S.W.2d 554, 559 (Tenn. Crim. App. 1991).

The defendant also argues that the evidence is insufficient to support his conviction for robbery. Our standard of review when the sufficiency of the evidence is

questioned on appeal is "whether, after viewing the evidence in the light most favorable to the prosecution, any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt." Jackson v. Virginia, 443 U.S. 307, 319, 99 S. Ct. 2781, 2789 (1979). This means that we may not reweigh the evidence, but must presume that the jury has resolved all conflicts in the testimony and drawn all reasonable inferences from the evidence in favor of the state. See State v. Sheffield, 676 S.W.2d 542, 547 (Tenn. 1984); State v. Cabbage, 571 S.W.2d 832, 835 (Tenn. 1978).

Pursuant to T.C.A. § 39-13-401(a), robbery "is the intentional or knowing theft of property from the person of another by violence or putting the person in fear." In the light most favorable to the state, the record reflects that the victim, Marcus McCauley, was walking home from his grandmother's house between ten and twelve o'clock at night when the defendant and another individual approached him. The defendant asked Mr. McCauley if he had any drugs and when Mr. McCauley told the defendant that he did not have any drugs, both men announced that they were police officers and ordered Mr. McCauley against the wall. The defendant pulled a gun on Mr. McCauley as he told him to get against the wall. The defendant and the other individual took Mr. McCauley's leather jacket and wallet and drove away. We conclude that the evidence supports a conviction for robbery.

In consideration of the foregoing and the record as a whole, the judgments of conviction are affirmed.

_____
Joseph M. Tipton, Judge

CONCUR:

_____
John H. Peay, Judge

_____
David G. Hayes, Judge