

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE

AT JACKSON  
JULY 1996 SESSION

**FILED**  
October 17, 1996  
Cecil Crowson, Jr.  
Appellate Court Clerk

STATE OF TENNESSEE, )  
 )  
 Appellee, )  
 )  
 VS. )  
 )  
 JAMES LEONARD CORDER, )  
 )  
 Appellant. )

C.C.A. NO. 02C01-9507-CC-00203  
BENTON COUNTY  
HON. JULIAN P. GUINN,  
JUDGE  
(Habitual motor vehicle offender -  
3 counts, assault, driving while  
under the influence, and violation  
of the registration law)

FOR THE APPELLANT:

FOR THE APPELLEE:

**GUY WILKINSON**  
Public Defender

**CHARLES W. BURSON**  
Attorney General & Reporter

**LARRY G. BRYANT**  
Asst. Public Defender  
P. O. Box 663  
Camden, TN 38320

**MARY ANNE QUEEN**  
(Pursuant to Rule 7, Art. 10.04  
Rules of the Supreme Court of  
Tennessee)

-and-

**WILLIAM DAVID BRIDGERS**  
Asst. Attorney General  
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**ROBERT "GUS" RADFORD**  
District Attorney General

**TODD A. ROSE**  
Asst. District Attorney General  
P. O. Box 94  
Paris, TN 38242

OPINION FILED: \_\_\_\_\_

**AFFIRMED - RULE 20 ORDER**

JOHN H. PEAY,  
Judge

## ORDER

This is an appeal as of right by the defendant from six convictions resulting from a jury trial held on February 21, 1995. The defendant was charged and convicted of three counts of operating a motor vehicle after having been declared a habitual motor offender, one count of assault, one count of operating a motor vehicle without proper registration, and one count of driving while under the influence of an intoxicant. These offenses occurred over a period of time from April 4, 1994, through August 25, 1994.

In this appeal, the defendant contends that the evidence is insufficient to support his convictions. More specifically, he contends that he struck the victim only to protect his property or remove her from his premises; that the blood sample drawn to test his blood alcohol content was unreliable since the defendant had consumed alcohol after he was observed driving and before being taken into custody; and that one of the three convictions relied upon to support his habitual motor offender status should be reversed. Our review of the record reveals that the assault on the victim was not the result of an effort to remove the victim from the defendant's premises, that the proof of intoxication, exclusive of the blood test, was overwhelming in support of the defendant's intoxicated condition at the time he operated the motor vehicle, that the order finding the defendant to be a habitual motor offender was in effect at the time of his operation of the motor vehicles, and that neither the predicate offenses nor the finding of habitual motor offender status had been set aside at the time of these convictions.

Having found the defendant's issue to be totally without merit, his convictions are affirmed pursuant to Rule 20 of the Court of Criminal Appeals.

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JOHN H. PEAY, Judge

CONCUR:

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DAVID H. WELLES, Judge

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CORNELIA A. CLARK, Special Judge