

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE
AT JACKSON
Assigned on Briefs July 7, 2015

STATE OF TENNESSEE v. KENYALE PIRTLE

Appeal from the Circuit Court for Haywood County
No. 4841, 4940, 4996, 5168, 5277 Clayburn Peeples, Judge

No. W2014-02150-CCA-R3-CO - Filed January 11, 2016

Defendant, Kenyale Pirtle, appeals from the trial court's summary dismissal of his two motions filed pursuant to Tennessee Rule of Criminal Procedure 36.1. One motion pertained to case numbers 5168 and 5277. Although appellant listed these case numbers in his notice of appeal, he has made no argument concerning the trial court's summary dismissal of this motion. The other motion pertains to case numbers 4841, 4940, and 4996. Defendant argues that the trial court erred by summarily dismissing this motion. All challenged sentences have expired. In light of *State v Brown*, ___ S.W.3d ___, No. E2014-00673-SC-R11-CD, (Tenn., filed Dec. 2, 2015) we affirm the judgments of the trial court pursuant to Rule 20 of the Rules of the Court of Criminal Appeals of Tennessee.

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

THOMAS T. WOODALL, P.J., delivered the opinion of the Court, in which JOHN EVERETT WILLIAMS and D. KELLY THOMAS, JR., JJ., joined.

Kenyale Pirtle, Memphis, Tennessee, *Pro Se*.

Herbert H. Slatery III, Attorney General and Reporter; Lacy Wilber, Senior Counsel; Garry G. Brown, District Attorney General; and Jerald M. Campbell, Assistant District Attorney General, for the Appellee, State of Tennessee.

MEMORANDUM OPINION

The record shows that on April 25, 2003, Defendant pled guilty to the offenses charged in case numbers 4841, 4940, and 4996 and received concurrent sentencing for an effective sentence of two years. On June 3, 2004, Defendant pled guilty to offenses charged in case numbers 5168 and 5277 and received concurrent sentencing for an

effective sentence of two years, to be served consecutively to the effective two-year sentence in case numbers 4841, 4890, and 4996.

In the orders dismissing the motions, the trial court found that Defendant's challenged sentences had expired. Defendant does not contest this fact on appeal.

In *State v Brown*, ____ S.W.3d ____, No. E2014-00673-SC-R11-CD, 2015 WL 7748275 (Tenn., Dec. 2, 2015), "a Rule 36.1 motion may be summarily dismissed for failure to state a colorable claim if the alleged illegal sentence has expired." 2015 WL 7748275 at *8. Accordingly, the trial court's judgments must be affirmed, and we do so pursuant to Rule 20 of the Rules of the Court of Criminal Appeals of Tennessee.

THOMAS T. WOODALL, PRESIDING JUDGE