IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE

AT JACKSON

MERVIN ANDERSON,

Appellant,

v.

STATE OF TENNESSEE,

Appellee.

SHELBY COUNTY C.C.A. NO. W1999-00241-CCA-R3-CD

ORDER



February 10, 2000

Cecil Crowson, Jr.

This case came to be heard on the motion of the State of Tennessee for an affirmance of the judgment of the trial court pursuant to Rule 20 of the Rules of the Court of Criminal Appeals. The Appellant has appealed from the trial court's dismissal of his *pro se* "Motions Under the All Writs Act; Writ of Error Coram Nobis, Pursuant to Title 28 U.S.C. Section 1651, to Vacate his Conviction and Sentence." Through his petition, the Appellant challenged the voluntariness of guilty pleas he entered in 1985 to grand larceny, concealing stolen property, larceny and receiving stolen property. In particular, the Appellant contended both that the trial judge who accepted his guilty pleas failed to advise him of his constitutional rights as well as the consequences of his guilty pleas and that his attorney rendered ineffective assistance of counsel.

Based on our review of the record in this case, we conclude that the Appellant's petition, whether treated as one for a writ of error coram nobis or one for post-conviction relief, is barred by the applicable statute of limitations because it was not filed until January of 1999. See Tenn. Code Ann. §§ 27-7-103, 40-30-202(a); see also State v. Mixon, 983 S.W.2d 661, 668-71 (Tenn. 1999). As a result, the trial court did not err in dismissing the petition.

Accordingly, the judgment of the trial court is AFFIRMED pursuant to Rule

20 of the Rules of the Court of Criminal Appeals. It appearing the appellant is indigent, costs shall be taxed to the state.

JOE G. RILEY, JUDGE

CONCUR:

DAVID G. HAYES, JUDGE

JOHN EVERETT WILLIAMS, JUDGE