

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE

AT JACKSON
APRIL 1996 SESSION

FILED
May 1, 1996
Cecil Crowson, Jr.
Appellate Court Clerk

PAUL BOND,)
) C.C.A. No. 02C01-9507-CC-00207
Appellant,)
) Haywood County
V.)
) Honorable Dick Jerman, Jr., Judge
)
STATE OF TENNESSEE,) (Post-Conviction)
)
Appellee.)

FOR THE APPELLANT:

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OPINION FILED: _____

AFFIRMED

PAUL G. SUMMERS,
Judge

OPINION

The appellant, Paul Bond, was indicted for first degree murder. He entered a negotiated plea to second degree murder. Pursuant to his plea agreement, he was sentenced to thirty-six (36) years confinement. He filed for post-conviction relief alleging that his plea was involuntary, that he received ineffective assistance of counsel, and that his sentence was excessive.¹ The trial court conducted an evidentiary hearing and denied relief. Appellant appeals. We affirm.

The hearing judge found that the appellant lacked credibility and received "more than competent counsel." He also found that the appellant "knowingly and voluntarily waived his right to a trial and voluntarily and knowingly entered a plea of guilty understanding the sentence" The trial judge recalled that both he and the appellant's trial counsel had explained to the appellant that his negotiated sentence was outside the second degree range.² Accordingly, the trial judge overruled the appellant's Petition for Post-Conviction Relief.

We have reviewed the record. The evidence does not preponderate against the trial court's findings. We find no error of law mandating reversal of the trial court's judgment. The trial court's denial of the appellant's Petition for Post-Conviction Relief is affirmed in accordance with Tenn. Ct. Crim. App., Rule 20.

¹We feel compelled to note that the appellant testified, however, that he did not want a new trial. He wished only to have had either the trial court or this Court reduce his sentence.

²The appellant testified that he "copped out for the thirty six years" to avoid the possibility of receiving either a life or death sentence if he was tried on first degree murder.

PAUL G. SUMMERS, Judge

CONCUR:

JOSEPH M. TIPTON, Judge

JERRY L. SMITH, Judge