

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE

AT KNOXVILLE

MARCH 1996 SESSION

FILED

June 3, 1996

Cecil Crowson, Jr.
Appellate Court Clerk

SHARON ANN CONNER,)
)
Appellant,)
)
v.)
)
STATE OF TENNESSEE,)
)
Appellee.)

No. 03C01-9509-CC-00279

Greene County

Hon. Ben K. Wexler, Judge

(Post-Conviction)

For the Appellant:
William H. Bell
114 South Main Street
Greeneville, TN 37743

For the Appellee:
Charles W. Burson
Attorney General of Tennessee
and
Eugene J. Honea
Assistant Attorney General of Tennessee
450 James Robertson Parkway
Nashville, TN 37243-0493

C. Berkeley Bell, Jr.
District Attorney General
and
Cecil Mills, Jr.
Assistant District Attorney General
113-J W. Church St.
Greeneville, TN 37743

OPINION FILED: _____

AFFIRMED PURSUANT TO RULE 20

Joseph M. Tipton
Judge

OPINION

The petitioner, Sharon Ann Conner, appeals as of right from the Greene County Criminal Court's dismissal of her petition for post-conviction relief because it was untimely filed. The petitioner was convicted of driving while under the influence of an intoxicant (DUI) on February 8, 1988. She did not appeal her conviction and has served the sentence she received.

The petitioner filed the petition for post-conviction relief on October 12, 1994, alleging that the court that accepted her guilty plea failed to advise her properly under Rule 11, Tenn. R. Crim. P., and Mackey v. State, 553 S.W.2d 337 (Tenn. 1977).¹ At a purported post-conviction hearing, the defendant further alleged that her conviction was void because of a general sessions court order that limited her ability to subpoena witnesses. At the hearing, the trial court ruled that the petition was filed untimely and that the petitioner failed to show that she was prejudiced by the general sessions court order. Pursuant to T.C.A. § 40-30-102, in effect for this case, the petitioner had three years from the date of the final action of the state appellate courts to file her post-conviction petition. Because the defendant did not appeal her conviction, the final action occurred when the judgment of conviction was entered, i.e., February 8, 1988. The petitioner failed to file her petition within three years of that date and presents no just cause for the tolling of the statute of limitations.

After full consideration of the record, the briefs, and the law governing the issues presented, we are of the opinion that the record is sufficient to support the trial court's determinations, that no error of law exists that would require a reversal, and that no precedential value would be derived from the rendering of an opinion. Therefore, we conclude that the judgment of the trial court should be affirmed pursuant to Rule 20,

¹In her post-conviction petition, the petitioner challenged the DUI conviction entered on February 8, 1988 and another DUI conviction that was entered on February 6, 1989. However, in her brief, the petitioner states that her challenge to the February 6th conviction is not properly before this court.

Tenn. Ct. Crim. App. R.

Joseph M. Tipton, Judge

CONCUR:

Paul G. Summers, Judge

Charles Lee, Special Judge