

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE

AT KNOXVILLE

NOVEMBER 1996 SESSION

FILED
February 27, 1997
Cecil Crowson, Jr.
Appellate Court Clerk

LATASHA M. WHITTINGTON-BARRETT,)
)
 APPELLANT.)
)
)
 v.)
)
)
)
 STATE OF TENNESSEE,)
)
 APPELLEE.)

No. 03-C-01-9512-CC-00408

Sullivan County

W. Fred Axley
Sitting by Designation

(Post-Conviction Relief)

FOR THE APPELLANT:

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OPINION FILED: _____

AFFIRMED

Joe B. Jones, Presiding Judge

OPINION

The appellant, Latasha M. Whittington-Barrett,¹ appeals as of right from a judgment of the trial court dismissing his suit for post-conviction relief. He contends the trial court "erred in denying [his] petition for post-conviction relief"² because the evidence adduced at the hearing established (a) he was denied his constitutional right to the effective assistance of counsel, and (b) his pleas of guilty are constitutionally infirm because the pleas were not voluntarily, intelligently and understandingly entered. After a thorough review of the record, the briefs submitted by the parties, and the law governing the issue presented for review, it is the opinion of this Court the judgment of the trial court should be affirmed.

The evidence introduced at the evidentiary hearing conflicts, and the conflicts cannot be reconciled. The trial court accredited the testimony introduced by the State of Tennessee. The transcript of the submission hearing and the evidence presented by the state support the findings of fact made by the trial court. In summary, the evidence contained in the record does not preponderate against the findings of fact made by the trial court.

JOE B. JONES, PRESIDING JUDGE

¹This Court uses the name of the petitioner as used in the initial pleading. The record establishes the appellant was prosecuted in the case of "State of Tennessee v. Kenny Latasha Whittington." The person prosecuted under the aforesaid name and the person who initiated this proceeding are one and the same person.

²The issue presented for review does not comport with Tenn. R. App. P. 27(a)(4).

CONCUR:

PAUL G. SUMMERS, JUDGE

JOHN K. BYERS, SENIOR JUDGE