IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE

AT NASHVILLE

DECEMBER 1996 SESSION

FILED

February 12, 1997

Cecil W. Crowson Appellate Court Clerk

ERIC C. PENDLETON,	No. 01C01-9604-CR-00158
,	
A non all and	
Appellant)	
	DAVIDSON COUNTY
V.	
v .	LIONI ANNI LAOVI IOLINIO
)	HON. ANN LACY JOHNS,
STATE OF TENNESSEE,	JUDGE
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A	(I labaca Camara)
Appellee.	(Habeas Corpus)
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CONCURRING OPINION

I concurred with the majority in <u>Arnold Carter v. State</u>, No. 03C01-9509-CC-00270 (Tenn. Crim. App. at Knoxville, July 11, 1996), holding that the petition was filed within the statute of limitations. Upon further reflection, I am of the opinion that the dissenting opinion by Judge David Welles in that case is the correct view of the statute when this Court is confronted with a petition such as the one in appellant's case. Therefore, I concur with the majority opinion in this case for the reasons stated here and for those I expressed in <u>Stephen Koprowski v. State</u>, No. 03C01-9511-CC-00365 (Tenn. Crim. App. at Knoxville, January 28, 1997).

William M. Barker, Judge