

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE

AT NASHVILLE

**FILED**  
January 29, 1997  
Cecil W. Crowson  
Appellate Court Clerk

THOMAS RAY TARPLEY, )  
 )  
Appellant, )  
VS. )  
 )  
STATE OF TENNESSEE, )  
 )  
Appellee. )

C.C.A. NO. 01C01-9512-CC-00405  
WAYNE COUNTY

ORDER

This matter is before the Court upon the appellant's pro se Motion to Vacate Judgment. The appellant claims that he did not receive notice of counsel's intention to withdraw nor did he receive a copy of this Court's opinion, released December 13, 1996, affirming the judgment of the trial court. Accordingly, the appellant requests that this Court vacate its opinion entered on December 13, 1996, and reenter the opinion so that he may file an application for permission to appeal to the Supreme Court pursuant to T.R.A.P. 11.

Although counsel complied with the requirements of Rule 14, Tennessee Supreme Court Rules, in requesting that she be allowed to withdraw as counsel, it appears that the appellant in fact did not receive such notification from counsel. As such, the appellant has until February 11, 1997, in which to file an application for permission to appeal even though he has of yet not seen this Court's opinion. Accordingly, we find that it is in the interest of justice to vacate our opinion in this cause, giving the appellant a full opportunity to file an application.

IT IS, THEREFORE, ORDERED that the appellant's Motion to Vacate is granted. This Court's opinion, entered on December 13, 1996, is hereby vacated and shall be reentered as of the date of this order. The order allowing counsel to withdraw shall remain in force.

ENTER this the 29th day of January, 1997.

PER CURIAM