

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE

AT JACKSON

NOVEMBER 1997 SESSION

STATE OF TENNESSEE,)	
)	NO. 02C01-9611-CR-00430
Appellee,)	
)	SHELBY COUNTY
VS.)	
)	HON. JAMES C. BEASLEY, JR.,
LARRY E. PERRY,)	JUDGE
)	
Appellant.)	(Habitual Motor Vehicle Offender)

FOR THE APPELLANT:

A. C. WHARTON, JR.
Shelby County Public Defender

WALKER GWINN
Assistant Public Defender
201 Poplar Avenue, Suite 201
Memphis, Tennessee 38103

FOR THE APPELLEE:

JOHN KNOX WALKUP
Attorney General and Reporter

GEORGIA BLYTHE FELNER
Assistant Attorney General
450 James Robertson Parkway
Nashville, TN 37243-0493

WILLIAM L. GIBBONS
District Attorney General

LEE V. COFFEE
Assistant District Attorney
201 Poplar Avenue, Suite 301
Memphis, Tennessee 38103

OPINION FILED: _____

AFFIRMED

JOE G. RILEY,
JUDGE

OPINION

Appellant, Larry E. Perry, contends the Habitual Motor Vehicle Offender Act (HMVO Act) violates double jeopardy principles. On July 1, 1996, appellant was declared an Habitual Motor Vehicle Offender (HMVO) based upon appropriate prior convictions. This appeal followed. We AFFIRM the order of the trial court.

The Tennessee Supreme Court and this Court have previously determined that double jeopardy is not violated by the habitual offender declaration. See State v. Conley, 639 S.W.2d 435, 437 (Tenn. 1982); State v. Watson, C.C.A. No. 02C01-9610-CR-00377 (Tenn. Crim. App. filed September 17, 1997, at Jackson); State v. Rowlett, C.C.A. No. 01C01-9605-CC-00211 (Tenn. Crim. App. filed August 22, 1997, at Nashville); State v. Spears, C.C.A. No. 02C01-9606-CR-00197 (Tenn. Crim. App. filed July 10, 1997, at Jackson). We continue to adhere to these holdings.

CONCLUSION

For the foregoing reasons, we AFFIRM the judgment of the trial court.

JOE G. RILEY, JUDGE

CONCUR:

GARY R. WADE, JUDGE

DAVID G. HAYES, JUDGE