

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE

AT KNOXVILLE

NOVEMBER 1997 SESSION

<p><b>FILED</b></p> <p>December 10, 1997</p> <p><b>Cecil Crowson, Jr.</b> Appellate Court Clerk</p>
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**CHARLES SPRINKLE,**

Appellant,

V.

**STATE OF TENNESSEE,**

Appellee.

) C.C.A. No. 03C01-9612-CR-00474

)

) Hawkins County

)

) Honorable James E. Beckner, Judge

)

)

) (Post-Conviction)

)

FOR THE APPELLANT:

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FOR THE APPELLEE:

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OPINION FILED: \_\_\_\_\_

**AFFIRMED**

**PAUL G. SUMMERS,**  
Judge

## OPINION

In 1985 the appellant, Charles Sprinkle, was convicted of aggravated rape and incest. He received an effective sentence of fifty-three years incarceration in the Tennessee Department of Correction. In 1996 he filed a petition for post-conviction relief alleging that the indictment against him was insufficient for failing to allege a mens rea. The trial court dismissed the petition as time barred. He appeals this dismissal. Upon review, we affirm.

The appellant's convictions became final over eleven years ago. At that time the law allowed three years to file a petition for post-conviction relief. Tenn. Code Ann. § 40-30-102 (repealed 1995). The appellant's time period for filing his petition has expired. Therefore, his petition is time barred.

Accordingly, we find no error of law mandating reversal. The trial court's dismissal of the petition is affirmed in accordance with Tenn. R. Ct. Crim. App., Rule 20.

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PAUL G. SUMMERS, Judge

CONCUR:

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JOSEPH B. JONES, Presiding Judge

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J. CURWOOD WITT, JR., Judge