

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE

AT NASHVILLE

DECEMBER 1997 SESSION

<p>FILED</p> <p>February 26, 1998</p> <p>Cecil W. Crowson Appellate Court Clerk</p>
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GEORGE KILLINGSWORTH,)
)
 APPELLANT,)
)
 v.)
)
 STATE OF TENNESSEE,)
)
 APPELLEE.)

No. 01-C-01-9608-CR-00347

Davidson County

Ann Lacy Johns, Judge

(Post-Conviction Relief)

FOR THE APPELLANT:

Cheryl J. Skidmore
 Attorney at Law
 629 East Main Street
 Hendersonville, TN 37075
 (Appeal Only)

Michael Van Sant
 Attorney at Law
 100 Thompson Lane
 Nashville, TN 37211
 (Trial Only)

FOR THE APPELLEE:

John Knox Walkup
 Attorney General & Reporter
 500 Charlotte Avenue
 Nashville, TN 37243-0497

Daryl J. Brand
 Assistant Attorney General
 450 James Robertson Parkway
 Nashville, TN 37243-0493

Victor S. Johnson, III
 District Attorney General
 Washington Square, Suite 500
 Nashville, TN 37201

Roger D. Moore
 Assistant District Attorney General
 Washington Square, Suite 500
 Nashville, TN 37201

OPINION FILED: _____

AFFIRMED PURSUANT TO RULE 20

Joe B. Jones, Presiding Judge

OPINION

The appellant, George Killingsworth (petitioner), appeals as of right from a judgment of the trial court dismissing his post-conviction action after an evidentiary hearing. The petitioner presents one issue for review: “Whether the trial court erred in dismissing petitioner’s petition for post conviction relief.” 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 that the judgment of the trial court should be affirmed pursuant to Rule 20, Tennessee Court of Criminal Appeals.

The trial court found the petitioner “failed to carry his burden of proving that he received ineffective assistance of counsel in any respect.” Given the irreconcilable testimony contained in the record, the evidence does not preponderate against the judgment of the trial court.

JOE B. JONES, PRESIDING JUDGE

CONCUR:

PAUL G. SUMMERS, JUDGE

WILLIAM M. BARKER, JUDGE