

again claiming he was denied his right to file an application for permission to appeal to the Supreme Court.²

T.C.A. § 40-30-202(c) provides that no more than one petition for post-conviction relief may be filed attacking a single judgment, and mandates that the trial court shall summarily dismiss any second or subsequent petition if a prior petition was filed and resolved on the merits by a court of competent jurisdiction. Since the petitioner previously filed a petition that was resolved on the merits by the trial court and by this Court on appeal, the petitioner's present petition was properly dismissed. Additionally, after reviewing the entire record on appeal, we find that the petitioner's claim does not fall within one of the limited circumstances under which a prior petition may be re-opened. See T.C.A. § 40-30-217. Moreover, as properly found by the post-conviction court, the issues raised in the present petition have either been waived or previously determined. See T.C.A. § 40-30-206.

For the reasons stated above, we conclude that the trial court did not err in dismissing the petitioner's petition for post-conviction relief. Accordingly, it is hereby ORDERED that the judgment of the trial court is affirmed in accordance with Rule 20, Rules of the Court of Criminal Appeals.

² The petitioner also claims that his court appointed counsel did not meet the requirements of Rule 14, Rules of the Supreme Court, following this Court's opinion in February 1997. Contrary to the petitioner's claim, however, this Court, finding that counsel fully complied with the requirements of Rule 14, granted counsel's motion to withdraw from further representation of the petitioner in this matter. This claim is without merit.

Enter, this the ____ day of May, 1998.

PAUL G. SUMMERS, JUDGE

DAVID G. HAYES, JUDGE

JOE G. RILEY, JUDGE