

OPINION

The petitioner, Victor Dale Thomas, appeals as of right the trial court's dismissal of his pro se petition for post-conviction relief. The trial court found the petition was filed outside the statute of limitations. We affirm the trial court.

On August 17, 1992, the petitioner pled guilty to possession of marijuana and drug paraphernalia. On May 15, 1996, the petitioner filed a petition for post-conviction relief contending that his trial counsel was ineffective and that his guilty pleas were not knowingly and voluntarily made. The trial court dismissed the petition without an evidentiary hearing.

At the time the petitioner's convictions became final, the statute of limitations for post-conviction relief proceedings was three years. T.C.A. §40-30-102 (Repealed 1995). In 1995, the legislature reduced the statute of limitations to one year. T.C.A. §40-30-202 (a). The 1995 Post-Conviction Act became effective on May 10, 1995, and applies to all petitions filed after that date. When the new act took effect, the petitioner's right to file a petition for post-conviction relief had not expired. Consequently, the petitioner had one year from the effective date of the new act to file. See Carter v. State, 952 S.W.2d 417, 419 (Tenn. 1997). The petitioner's right to file a petition ended on May 10, 1996. He filed his petition on May 15, 1996. Clearly, the petition is barred by the one year statute of limitations.

It is the opinion of this Court that the judgment of the trial court should be affirmed pursuant to Rule 20, Tennessee Rules of Criminal Appeals.

WILLIAM B. ACREE, JR., SPECIAL JUDGE

CONCUR:

JERRY L. SMITH, JUDGE

THOMAS T. WOODALL, JUDGE