

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE

AT NASHVILLE

JULY 1998 SESSION

<p>FILED</p> <p>July 23, 1998</p> <p>Cecil W. Crowson Appellate Court Clerk</p>
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<p>CARL LONDON, Appellant, V. STATE OF TENNESSEE, Appellee.</p>	<p>)) C.C.A. No. 01C01-9710-CR-00458)) Davidson County)) Honorable J. Randall Wyatt, Jr., Judge)) (Post-Conviction))))</p>
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FOR THE APPELLANT:

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OPINION FILED: _____

AFFIRMED—RULE 20

PAUL G. SUMMERS,
Judge

OPINION

The appellant, Carl London, appeals the denial of post-conviction relief. In January 1992, the appellant pled guilty to one count of aggravated rape and received a twenty-three-year sentence in the Tennessee Department of Correction. On January 17, 1997, the appellant filed a pro se petition for post-conviction relief, and on February 5, 1997, the trial court dismissed the petition. The court held that the petition was filed outside the statute of limitations, and the appellant's challenge to his sentence calculation was not a cognizable claim for post-conviction relief.

The appellant's primary issue for review then is whether the trial court properly denied his petition for post-conviction relief. We affirm.

The appellant contends that the post-conviction court erred by dismissing his petition for post-conviction relief. He argues that his guilty plea was involuntarily entered, that his attorney provided ineffective assistance, and that the state breached its plea agreement with him regarding his sentence.

The state argues that the post-conviction court properly dismissed the appellant's petition. The state contends that because the appellant's conviction became final in January 1992, his filing of a post-conviction petition on January 17, 1997, which was almost five years after his conviction, was time barred. Also, the state asserts that the appellant's challenge to his sentence calculation is not a cognizable claim for post-conviction relief.

We agree with the court's determination that the appellant's petition was time barred and did not state a cognizable claim for relief. Therefore, we affirm the denial of the petition pursuant to Rule 20 of the Rules of the Court of Criminal Appeals.

CONCUR:

DAVID G. HAYES, Judge

JERRY L. SMITH, Judge