

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE

AT NASHVILLE

SEPTEMBER SESSION, 1999 October 13, 1999

<p>FILED</p> <p>Cecil Crowson, Jr. Appellate Court Clerk</p>

TOMMY LEE KELLEY,)	C.C.A. NO. 01C01981-PC-00452
)	
Appellant,)	
)	
VS.)	DAVIDSON COUNTY
)	
STATE OF TENNESSEE,)	HON. J. RANDALL WYATT, JR.,
)	JUDGE
)	
Appellee.)	(Post-Conviction)

**ON APPEAL FROM THE JUDGMENT OF THE
CRIMINAL COURT OF DAVIDSON COUNTY**

FOR THE APPELLANT:

FOR THE APPELLEE:

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ORDER FILED _____

AFFIRMED IN ACCORDANCE WITH RULE 20

DAVID H. WELLES, JUDGE

ORDER

The Defendant appeals as of right pursuant to Rule 3 of the Tennessee Rules of Appellate Procedure from the trial court's denial of his petition for post-conviction relief. In a negotiated plea agreement, the Defendant pleaded guilty to two counts of aggravated burglary. His agreed sentence for each conviction was seven years as a Range II multiple offender, with the sentences to be served concurrently. He subsequently petitioned for post-conviction relief, alleging that his guilty pleas were not knowing and voluntary and that he received ineffective assistance of counsel. After conducting an evidentiary hearing on the post-conviction petition, the trial judge denied the Defendant's claim. We affirm the judgment of the trial court.

The Defendant and his former attorney were the only witnesses who testified at the hearing on the petition for post-conviction relief. In its order denying the Defendant relief, the trial court found that the Defendant was effectively represented by his trial counsel and that the Defendant's guilty pleas were knowingly, voluntarily and intelligently entered. The trial court accredited the testimony of the Defendant's former attorney and found "no credible evidence to support the petitioner's assertion of deficient representation and, obviously, no resulting prejudice to his decision to plead guilty." From our review of this record, the evidence clearly supports the findings of the trial judge. No error of law requiring a reversal of the judgment is apparent on the record. We are satisfied that the result reached by the trial court is correct.

Based upon a thorough reading of the record, the briefs of the parties, and the law governing the issues presented for review, the judgment of the trial court is affirmed in accordance with Rule 20 of the Court of Criminal Appeals of Tennessee.

DAVID H. WELLES, JUDGE

CONCUR:

JOHN H. PEAY, JUDGE

JOHN EVERETT WILLIAMS, JUDGE