IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE

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AT JACK	SON
JANUARY 199	Feb. 18, 1997
BENJAMIN MOSS,	Cecil Crowson, Jr. Appellate Court Clerk
APPELLANT, v.) No. 02-C-01-9602-CR-00064) Shelby County)
STATE OF TENNESSEE, APPELLEE.) Leonard T. Lafferty, Judge) (Post-Conviction Relief)))
FOR THE APPELLANT:	FOR THE APPELLEE:
W. Mark Ward Assistant Public Defender 147 Jefferson Avenue, Suite 900 Memphis, TN 38103 (Appeal Only)	Charles W. Burson Attorney General & Reporter 500 Charlotte Avenue Nashville, TN 38103
Sherry Brooks Assistant Public Defender 201 Poplar Avenue, Suite 2-01 Memphis, TN 38103	Clinton J. Morgan Counsel for the State 450 James Robertson Parkway Nashville, TN 37243-0493
(Trial Only) OF COUNSEL:	John W. Pierotti District Attorney General 201 Poplar Avenue, Third Floor Memphis, TN 38103
A C Wharton, Jr. Shelby County Public Defender 201 Poplar Avenue, Suite 201 Memphis, TN 38103	Karen Cook Assistant District Attorney Genera 201 Poplar Avenue, Third Floor Memphis, TN 38103

OPINION FILED:_____

REVERSED; JUDGMENT VACATED AND REINSTATED

Joe B. Jones, Presiding Judge

The appellant, Benjamin Moss, appeals as of right from the dismissal of his suit for post-conviction relief. He contends counsel terminated his right to file an application in the Supreme Court pursuant to Rule 11, Tennessee Rules of Appellate Procedure. The State of Tennessee confesses error. The state says in its brief: "Appellant is entitled to have the judgment entered on November 2, 1994, vacated and immediately reinstated in order to allow him to file with the Tennessee Supreme Court an application for permission to appeal." The record supports the state's position.

The judgment of this Court entered on November 2, 1994 by this Court is vacated, and the judgment is immediately reinstated. Thus, the appellant will have sixty (60) days from the date this opinion is filed with the Clerk of this Court to file an application for permission to appeal pursuant to Rule 11, Tennessee Rules of Appellate Procedure, with the Supreme Court.

-	JOE B. JONES, PRESIDING JUDGE
CONCUR:	
DALIL O CUMMEDO IUDOS	
PAUL G. SUMMERS, JUDGE	
DAVID G. HAYES, JUDGE	