

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE

AT KNOXVILLE

NOVEMBER 1997 SESSION

<p>FILED</p> <p>December 16, 1997</p> <p>Cecil Crowson, Jr. Appellate Court Clerk</p>

GREGG BAILEY,

Appellant,

V.

STATE OF TENNESSEE,

Appellee.

)
) C.C.A. No. 03C01-9701-CR-00026
)
) Sullivan County
)
) Honorable Frank L. Slaughter, Judge
)
)
) (Post-Conviction)
)

FOR THE APPELLANT:

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OPINION FILED: _____

AFFIRMED

PAUL G. SUMMERS,
 Judge

OPINION

In 1981 the appellant, Gregg Bailey, was convicted by a jury of armed robbery and assault with the intent to commit second degree murder. On direct appeal his convictions and sentence were affirmed by this Court. Thereafter, the appellant filed a petition seeking post-conviction relief. This Court affirmed the dismissal of that petition. In 1996 the appellant filed his second petition for post-conviction relief alleging a double jeopardy violation. The trial court dismissed the petition on the ground that it was barred by the statute of limitations.

It is well settled that any petitioner whose judgment became final on or before July 1, 1986, had until July 1, 1989, to file a petition for post-conviction relief. State v. Masucci, 754 S.W.2d 90 (Tenn. Crim. App. 1988). Therefore, having filed his petition seven years after this deadline, the appellant's petition is time barred.

Accordingly, we find no error of law mandating reversal. The trial court's dismissal of the petition is affirmed in accordance with Tenn. R. Ct. Crim. App., Rule 20.

CONCUR:

JOSEPH B. JONES, Presiding Judge

J. CURWOOD WITT, JR., Judge