

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE

AT KNOXVILLE

FEBRUARY SESSION, 1997

**FILED**  
December 16, 1997  
Cecil Crowson, Jr.  
Appellate Court Clerk

STATE OF TENNESSEE, )

Appellee, )

VS. )

STEPHEN KOPROWSKI, )

Appellant. )

C.C.A. NO. 03C01-9605-CR-00197

ANDERSON COUNTY

HON. JAMES B. SCOTT, JUDGE

(Post Conviction)

FOR THE APPELLANT:

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FOR THE APPELLEE:

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OPINION FILED \_\_\_\_\_

AFFIRMED PURSUANT TO RULE 20

JERRY L. SMITH, JUDGE

## ORDER

In this appeal of the summary dismissal of his post-conviction petition Appellant, Stephen Koprowski, asks this Court to review the validity of the dismissal of his post conviction petition filed on April 26, 1996. On April 28, 1992, Appellant pleaded guilty to simple possession of marijuana. He was sentenced to 11 months and 29 days. Appellant alleges that he was not fully advised of his rights as set out in Rule 11 of the Tennessee Rules of Criminal Procedure. In addition, Appellant alleges that he was not advised of his rights against self-incrimination, to confront witnesses and to a jury trial. On December 15, 1995, the Appellant's sentence was enhanced in the United States District Court, and Appellant now seeks post-conviction relief as to the alleged constitutionally invalid guilty plea.

Although acknowledging his post-conviction petition was time-barred under the three year statute of limitations in effect when his conviction became final, Appellant argues that the enactment on May 10, 1995, of the new one year statute of limitations for post-conviction petitions creates an additional one year period in which he may file for post-conviction relief. Our State Supreme Court has only recently resolved this issue adversely to Appellant's position. Carter v. State, No. 03-S-01-9612-CR-00117, Monroe County (Tenn., Knoxville, Sept. 8, 1997,). Thus the petition for post-conviction relief was properly dismissed.

Accordingly, the judgment of the trial court is affirmed in all respects pursuant to Rule 20, Rules of the Court of Criminal Appeals.

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JERRY L. SMITH, JUDGE

CONCUR:

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JOSEPH M. TIPTON, JUDGE

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THOMAS T. WOODALL, JUDGE