

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE

AT KNOXVILLE

MAY 1998 SESSION

FILED

June 3, 1998

Cecil Crowson, Jr.
Appellate Court Clerk

RODERICK L. WEDDINGTON,)
)
Appellant,)
)
VS.)
)
STATE OF TENNESSEE,)
)
Appellee.)

NO. 03C01-9607-CR-00258
HAMILTON COUNTY No. 211036
HON. DOUGLAS A. MEYER,
JUDGE
(AFFIRMED - Rule 20)

ORDER

Appellant, Roderick L. Weddington, appeals the Hamilton County Criminal Court's summary dismissal of his petition for post-conviction relief. We affirm the dismissal pursuant to Rule 20, Tennessee Court of Criminal Appeals.

On June 17, 1994, appellant entered a guilty plea to two (2) counts of aggravated robbery. On May 30, 1996, he filed a petition for post-conviction relief alleging ineffective assistance of counsel and an involuntary guilty plea. The trial court dismissed the petition summarily as being outside the one-year statute of limitations. See Tenn. Code Ann. § 40-30-202. It is this dismissal that is the subject of this appeal.

The petition is governed by the Post-Conviction Procedure Act of 1995 since it was filed after May 10, 1995. See Tenn. Code Ann. § 40-30-201 Compiler's Notes. A petition for post-conviction relief must be filed within one (1) year of the date on which the judgment became final. Tenn. Code Ann. § 40-30-202(a). The judgments of conviction became final on June 17, 1994, based upon the guilty plea and waiver of appeal. Nevertheless, appellant had until May 10, 1996, to file a petition for post-conviction relief. Tenn. Code Ann. § 40-30-201 Compiler's Notes. The petition does not allege any exceptions to the statute of limitations as set forth in Tenn. Code Ann. § 40-30-202(b). Since the petition was filed after May 10, 1996, it is barred by the statute of limitations. See Jason L. Jennings v. State, C.C.A. No. 01C01-9703-CR-00106, Davidson County (Tenn. Crim. App. filed April 1, 1998, at

Nashville); Albert Holston v. State, C.C.A. No. 02C01-9609-CR-00298, Shelby County (Tenn. Crim. App. filed July 28, 1997, at Jackson); Teresa King v. State, C.C.A. No. 01C01-9610-CR-00449, Davidson County (Tenn. Crim. App. filed January 16, 1997, at Nashville), *perm. app. denied* (Tenn. May 12, 1997).

For this reason, we are unable to find any error in the proceedings below. Accordingly, it is hereby ORDERED that the judgment of the trial court is affirmed in accordance with Rule 20, Tennessee Court of Criminal Appeals. Since the record reflects that the appellant is indigent, costs of this proceeding shall be assessed to the state.

ENTER:

JOE G. RILEY, JUDGE

JOSEPH M. TIPTON, JUDGE

CURWOOD WITT, JUDGE