

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE  
AT NASHVILLE  
NOVEMBER 1999 SESSION

**FILED**

**MAURICE WILSON,**  
Appellant,  
VS.  
**STATE OF TENNESSEE,**  
Appellee.

C.C.A. NO. 01C01-9708-CR-00348  
NO. M1997-00001-CCA-R3-CD  
DAVIDSON COUNTY, Tennessee, Crowson, Jr.  
Appellate Court Clerk  
HON. CHERYL BLACKBURN,  
JUDGE  
(Motion)

FOR THE APPELLANT:

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FOR THE APPELLEE:

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ORDER FILED: \_\_\_\_\_

**AFFIRMED**

**JOHN H. PEAY,**  
Judge

## ORDER

The defendant was convicted of felony murder and armed robbery, which convictions and sentences were affirmed by this Court with permission to appeal denied by the Tennessee Supreme Court on January 5, 1987.

Subsequently, the petitioner filed a petition for writ of habeas corpus attacking his guilty pleas, which he alleged were voidable because they were not entered knowingly and voluntarily and because his attorney was ineffective. That petition was treated as a petition for post-conviction relief and dismissed as being barred by the then three year statute of limitations. This Court again affirmed the trial court and the Tennessee Supreme Court again denied permission to appeal on August 29, 1994.

The petitioner has now filed a "motion" in the trial court stating that a transcript of the guilty plea submission hearing has not been furnished and asked the trial court to order a transcript or grant a new trial. The trial court found that this motion failed to allege matters that would allow a reopening of his prior petition and that all issues regarding the defendant's pleas had been previously determined, waived or barred by the statute of limitations.

In our review of the record we find nothing to indicate that the ruling of the trial court is incorrect. Further, the application to appeal was not timely filed. The denial of the motion to reopen the petition for post-conviction relief must be filed by application with this Court within ten days of the denial. T.C.A. § 40-30-217(c). We have previously held that this Court has "no authority to ignore the statutory limit of ten days for filing an application seeking permission to appeal a denial of a motion to reopen." Denver Joe McMath, Sr., v. State, No. 03C01-9712-CR-00525 (Tenn. Crim. App. filed February 9, 1999, at Knoxville). Accordingly, we affirm the trial court's dismissal of the petition pursuant to Rule 20 of the Rules of the Court of Criminal Appeals of Tennessee.

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JOHN H. PEAY, Judge

CONCUR:

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GARY R. WADE, Judge

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NORMA M. OGLE, Judge