

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE
AT KNOXVILLE
JUNE 1996 SESSION

FILED
August 26, 1996
Cecil Crowson, Jr.
Appellate Court Clerk

AARON D. HARRIS,)
)
 APPELLANT,)
) No. 03-C-01-9509-CR-00273
)
 v.) Hamilton County
)
) Douglas A. Meyer, Judge
)
) (Post-Conviction Relief)
 STATE OF TENNESSEE,)
)
)
 APPELLEE.)

FOR THE APPELLANT:

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OPINION FILED: _____

AFFIRMED PURSUANT TO RULE 20

Joe B. Jones, Presiding Judge

OPINION

The appellant, Aaron D. Harris, appeals as of right from a judgment of the trial court dismissing his suit for post-conviction relief following an evidentiary hearing. The trial court found that the appellant's guilty plea passed constitutional muster and that he received effective assistance of counsel. In this Court, the appellant contends that the trial court should have granted his request for post-conviction relief on both grounds. After a thorough review of the briefs submitted by the parties, the record, and the authorities which control the issues presented for review, it is the opinion of this Court that the judgment of the trial court should be affirmed pursuant to Rule 20, Tennessee Court of Criminal Appeals.

The appellant, the attorney who represented the appellant, and the investigator who investigated the facts surrounding the circumstances of the offenses alleged in the indictment testified at the evidentiary hearing. The testimony of the appellant and the testimony of the other witnesses conflicted regarding certain essential elements that the appellant was required to establish to support the relief sought in his petition. The trial court accredited the testimony of counsel and the investigator. The evidence contained in the record does not preponderate against this finding.

This Court has decided the issues based on the facts contained in the record without regard to the evidence that could have been adduced if a trial had ensued. Therefore, the remaining issue is rendered moot.

JOE B. JONES, PRESIDING JUDGE

CONCUR:

GARY R. WADE, JUDGE

PAUL G. SUMMERS, JUDGE