

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE  
AT JACKSON  
JANUARY 1997 SESSION

ROGER DAY,	)	
	)	
APPELLANT,	)	
	)	No. 02-C-01-9603-CC-00089
	)	
v.	)	Madison County
	)	
	)	J. Franklin Murchison, Judge
	)	
	)	(Post-Conviction Relief)
STATE OF TENNESSEE,	)	
	)	
APPELLEE.	)	

FOR THE APPELLANT:

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

AFFIRMED

Joe B. Jones, Presiding Judge

**O P I N I O N**

The appellant, Roger Day, appeals as of right from a judgment of the trial court dismissing his suit for post-conviction relief. He contends he was denied his constitutional right to the effective assistance of counsel, and his guilty plea was neither voluntarily nor intelligently entered.

The evidence offered by the appellant during the hearing is relatively weak. Where the testimony of the appellant and trial counsel, who testified for the state, conflicted, the trial court resolved the conflicts in favor of the state. In short, the evidence in this case does not preponderate against the facts found by the trial court.

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JOE B. JONES, PRESIDING JUDGE

CONCUR:

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DAVID G. HAYES, JUDGE

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THOMAS T. WOODALL, JUDGE