

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE

AT JACKSON

JANUARY 1997 SESSION

FILED
March 26, 2008
Cecil Crowson, Jr.
Appellate Court Clerk

STATE OF TENNESSEE,)
)
 APPELLEE,)
)
)
 v.)
)
)
 BILLY JOE HARRIS,)
)
)
 APPELLANT.)

No. 02-C-01-9508-CC-00236
Obion County
William B. Acree, Jr., Judge
(Motion for New Trial)

FOR THE APPELLANT:

Billy Joe Harris, Pro Se
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FOR THE APPELLEE:

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OPINION FILED: _____

AFFIRMED

Joe B. Jones, Presiding Judge

O P I N I O N

The appellant, Billy Joe Harris, appeals as of right from a judgment of the trial court summarily dismissing his motion for a new trial. The appellant claimed he was entitled to a new trial due to newly discovered evidence. The trial court found the motion was not timely filed pursuant to the Tennessee Rules of Criminal Procedure.

The appellant was tried and convicted on April 27, 1989. His motion for a new trial was denied. This Court affirmed his conviction and sentence, and the Supreme Court also affirmed the sentence. He subsequently instituted four suits for post-conviction relief. All four suits were denied at every stage of the proceedings. The present motion was filed June 26, 1995 as a separate action.

After a thorough review of the record, the briefs of the parties, and the law governing the issue presented for review, it is the opinion of this Court the judgment of the trial court should be affirmed.

JOE B. JONES, PRESIDING JUDGE

CONCUR:

PAUL G. SUMMERS, JUDGE

DAVID G. HAYES, JUDGE