

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE

AT KNOXVILLE

MARCH 1997 SESSION

<p>FILED</p> <p>March 27, 1997</p> <p>Cecil Crowson, Jr. Appellate Court Clerk</p>
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GRANT D. HENDERSON,)
Appellant,) C.C.A. No. 03C01-9604-CR-00160
V.) Hamilton County
) Honorable Stephen M. Bevil, Judge
STATE OF TENNESSEE,) (Post-Conviction)
Appellee.)

FOR THE APPELLANT:

Ardena J. Garth
District Public Defender

Donna Robinson Miller
Assistant District Public Defender

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FOR THE APPELLEE:

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OPINION FILED: _____

AFFIRMED

PAUL G. SUMMERS,
Judge

OPINION

On April 17, 1984 the appellant, Grant D. Henderson, pled guilty to first degree murder and armed robbery. He received a life sentence for first degree murder and thirty-five years for armed robbery. The sentences were ordered to run consecutively. On March 9, 1994 the appellant filed a post-conviction relief petition and alternative habeas corpus petition alleging ineffective assistance of counsel and that his plea was involuntary. His petition was dismissed as untimely.

The appellant had until July 1, 1989 to file his petition for post-conviction relief. His petition was filed on March 9, 1994. There is nothing in the record which shows that the statute of limitations was tolled or that the appellant did not have a reasonable opportunity to timely raise these issues. As well, habeas corpus relief is inapplicable to this case.

We find no error of law mandating reversal. The judgment of the trial court dismissing the petition is affirmed pursuant to Tenn. R. Ct. Crim. App., Rule 20.

PAUL G. SUMMERS, Judge

CONCUR:

JOHN H. PEAY, Judge

CORNELIA A. CLARK, Special Judge