

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE

AT JACKSON

SEPTEMBER 1997 SESSION

FILED
September 17, 1997
Cecil Crowson, Jr.
Appellate Court Clerk

STATE OF TENNESSEE,)
)
 APPELLEE,)
)
 v.)
)
 WILLIE L. COVINGTON,)
)
 APPELLANT.)

No. 02-C-01-9610-GR-00378
Shelby County
Joseph B. Dailey, Judge
(Petition to Declare Defendant
a Habitual Motor Vehicle Offender)

FOR THE APPELLANT:

Brett B. Stein
Attorney at Law
100 North Main Street, Suite 3102
Memphis, TN 38103

FOR THE APPELLEE:

John Knox Walkup
Attorney General & Reporter
500 Charlotte Avenue
Nashville, TN 37243-0497

Deborah A. Tullis
Assistant Attorney General
450 James Robertson Parkway
Nashville, TN 37243-0493

William L. Gibbons
District Attorney General
201 Poplar Avenue, Suite 3-01
Memphis, TN 38103

David Henry
Assistant District Attorney General
201 Poplar Avenue, Suite 3-01
Memphis, TN 38103

OPINION FILED: _____

AFFIRMED PURSUANT TO RULE 20

Joe B. Jones, Presiding Judge

OPINION

The appellant, Willie L. Covington (defendant), appeals as of right from a judgment of the trial court declaring him to be a habitual motor vehicle offender and barring him from operating a motor vehicle in the State of Tennessee. In this Court, the defendant does not challenge the validity or sufficiency of the prior convictions alleged in the petition and used by the trial court to support the entry of its judgment. However, the defendant contends the use of the prior convictions to bar him from operating a motor vehicle constitutes an additional civil penalty violative of the Double Jeopardy Clause of the Fifth Amendment.

After a thorough review of the record, the briefs submitted by the parties, and the law governing the issue presented for review, it is the opinion of this Court that the judgment of the trial court should be affirmed pursuant to Rule 20, Tenn. Ct. Crim. App. See State v. Conley, 639 S.W.2d 435 (Tenn. 1982) (holding revocation of driving privileges does not subject habitual offenders to double jeopardy).

JOE B. JONES, PRESIDING JUDGE

CONCUR:

DAVID H. WELLES, JUDGE

JOE G. RILEY, JUDGE