

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE

AT JACKSON

SEPTEMBER 1997 SESSION

**FILED**  
**September 16, 1997**  
**Cecil Crowson, Jr.**  
Appellate Court Clerk

LAIRD PAYNE, also known as )  
MICHAEL GREGG, )  
 )  
 APPELLANT, )  
 )  
v. )  
 )  
STATE OF TENNESSEE, )  
 )  
 APPELLEE. )

No. 02-C-01-9611-CR-00394  
Shelby County  
Bernie Weinman, Judge  
(Post-Conviction)

FOR THE APPELLANT:

Laird Payne, Pro Se  
Northwest Correctional Center  
Route 1, Box 660  
Tiptonville, TN 38079

FOR THE APPELLEE:

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

Georgia Blythe Felner  
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

Glen C. Baity  
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, Laird Payne, also known as Michael Gregg, (petitioner), appeals as of right from a judgment of the trial court summarily dismissing his suit for post-conviction relief. The trial court dismissed the proceeding because it was barred by the statute of limitations.

The petition states upon its face that the petitioner was convicted of aggravated rape on February 4, 1987 and sentenced to confinement for sixty (60) years in the Department of Correction. His appeal as of right to this Court resulted in his conviction and sentence being affirmed on December 9, 1987. The Supreme Court denied the petitioner's application for permission to appeal on April 4, 1988. The petitioner did not file the present suit until August 12, 1996, more than eight (8) years after the final action of the Supreme Court.

The petitioner contends the sentence imposed was illegal and he was denied the effective assistance of counsel. The right to litigate these issues is barred by the statute of limitations. There is nothing contained in the petition or attached to the petition which establishes the sentence imposed was illegal.

After a thorough review of the record, the briefs submitted by the parties, and the law governing 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.

---

JOE B. JONES, PRESIDING JUDGE

CONCUR:

---

DAVID H. WELLES, JUDGE

---

JOE G. RILEY, JUDGE