

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE

AT KNOXVILLE

FEBRUARY 1997 SESSION

FILED
October 30, 1997
Cecil Crowson, Jr.
Appellate Court Clerk

JEFFERY DEWAYNE ROACH,)
)
Appellant,)
)
v.)
)
STATE OF TENNESSEE,)
)
Appellee.)

No. 03C01-9604-CC-00155
Hamblen County
Honorable James E. Beckner, Judge
(Post-Conviction)

For the Appellant:

Jeffery Dewayne Roach, Pro Se
#12043-074 E-3
P.O. Box 1000
United States Penitentiary
Lewisburg, Pennsylvania 17837-1000

For the Appellee:

Charles W. Burson
Attorney General of Tennessee
and
Elizabeth T. Ryan
Assistant Attorney General of Tennessee
450 James Robertson Parkway
Nashville, TN 37243-0493

C. Berkeley Bell, Jr.
District Attorney General
113J W. Church Street
Greeneville, TN 37743

OPINION FILED: _____

AFFIRMED

Joseph M. Tipton
Judge

OPINION

The petitioner, Jeffery Dewayne Roach, appeals as of right from the Hamblen County Criminal Court's summary dismissal of his petition for post-conviction relief.¹ The trial court dismissed the petition, concluding that it was barred by the statute of limitations. We affirm the judgment of the trial court.

The petitioner pled guilty to three counts of felony drug possession in 1981. On July 17, 1995, he filed the present petition collaterally attacking the three convictions. We agree with the trial court's determination that the petition is barred by the applicable statute of limitations. See Arnold Carter v. State, No. 03-S-01-9612-CR-00117, Monroe County (Tenn. Sept. 8, 1997) (for publication). Accordingly, the judgment of the trial court is affirmed.

Joseph M. Tipton, Judge

CONCUR:

Jerry L. Smith, Judge

Thomas T. Woodall, Judge

¹ The petition is titled a "MOTION TO VACATE, SET ASIDE AND EXPUNGE RESTRICTIONS OF RIGHTS AND CONSTITUTIONAL LAW -- EQUAL PROTECTION -- CRIMINAL DISFRANCHISEMENT LAW AND INFAMOUS LAW OF THE STATE OF TENNESSEE AND EX POST FACTO CLAUSE TO APPLY IN THIS CASE AND OPINIONS OF THE ATTORNEY GENERAL OF THE STATE OF TENNESSEE. T.C.A. (1994), VOLUME 7; T.C.A. 39-17-1307 OF STATE LAW." The trial court properly treated the petition as one for post-conviction relief.